RESOLUTION NO. 2663

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING FEE TITLE IN AND TO CERTAIN REAL PROPERTY, ALL DESCRIBED ON EXHIBIT "1" ATTACHED HERETO COMPRISING RIGHT-OF-WAY ACQUISITION FOR THE BONITA STREET PHASE 2 ROAD CONSTRUCTION PROJECT.

WHEREAS, A.R.S. § 9-241 provides that the Town of Payson may receive real property necessary or proper to carry out the purposes of the municipal corporation, within or without its limits: and

WHEREAS, certain real property adjacent to the Bonita Street Phase 2 road project and described on Exhibit "1" attached hereto has been offered to the Town of Payson by Brian L. Daniels and Linda Daniels, Trustees of the Brian L. Daniels and Linda Daniels Trust Dated May 9, 2006; and

WHEREAS, said real property is necessary for completion of the Bonita Street Phase 2 Road project and is all located within the corporate limits of the Town of Payson; and

WHEREAS, the Mayor and Common Council find that the acceptance of said interests in said property and the Bonita Street Phase 2 Road project to which they appertain are beneficial to the public health, safety and welfare,

NOW, THEREFORE , THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY RESOLVE AS FOLLOWS:

Section 1. That the Town of Payson does hereby accept and receive those interests in the real property set forth in Exhibit "1" attached hereto and incorporated herein as though set forth in full at this point.

Section 2. That the Town of Payson shall perform any and all other acts necessary or appropriate to accept said interests in real property and to the use and control thereof.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this _____ day of _____ , 2012, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT

_____
Kenny J, Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

_____
Silvia Smith, Town Clerk

_____
Timothy M. Wright, Town Attorney

APR 0 5 2012 D.4*

EXHIBIT "1"
to Resolution No. 2447

Recording Requested By: Town of Payson

When recorded, return to:
Silvia Smith, Town Clerk
Town of Payson
303 North Beeline Highway
Payson, Arizona 85541

WARRANTY DEED

For the consideration of TWO THOUSAND AND TWO HUNDRED AND NINETY-SEVEN AND 50/100 DOLLARS, and other valuable considerations, I or we BRIAN L. DANIELS and LINDA DANIELS, TRUSTEES OF THE BRIAN L. DANIELS AND LINDA DANIELS TRUST, dated May 9, 2006, the GRANTOR, do hereby convey to THE TOWN OF PAYSON, AN ARIZONA MUNICIPAL CORPORATION the GRANTEE, the following described real property situate in Gila County, Arizona:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

This Deed is exempt from an Affidavit of Value pursuant to ARS #11-1134 A 3

SUBJECT TO: Existing taxes, assessments, covenants, conditions, restrictions, rights of way and easements of record.

And the GRANTOR binds itself and its successors to warrant the title against its acts and none other, subject to the matters above set forth.

Dated October 1, 2008

STATE OF)
)
County of Yavapai)

On 10/01/2008, before me, undersigned Notary Public, personally appeared BRIAN L. DANIELS & LINDA DANIELS, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to be that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signatures(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

My Commission Expires: Nov. 14, 2011

Notary Public

See Resolution 2447

OFFICIAL SEAL
STEVEN R. ANNIBALE
NOTARY PUBLIC - State of Arizona
YAVAPAI COUNTY
My Comm. Expires Nov. 14, 2011

EXHIBIT "A"

THAT PARTICULAR PORTION OF THE PARCEL OF LAND DESCRIBED AS LOT K, OF EARL RUSSELL ADDITION PLAT 1A, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF GILA COUNTY, ARIZONA, RECORDED IN MAP NO. 114. DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT; THENCE EASTERLY ALONG SAID SOUTH LINE, TO THE SOUTHEAST CORNER OF SAID LOT; THENCE NORTHERLY ALONG SAID EAST LINE A DISTANCE OF 12 FEET; THENCE SOUTHWESTERLY TO A POINT LOCATED 5 FEET WEST OF SAID EAST LINE AND 7 FEET NORTH OF SAID SOUTH LINE; THENCE WESTERLY AND PARALELL TO SAID SOUTH LINE TO A POINT LOCATED 32.54 FEET WEST OF SAID EAST LINE AND 7 FEET NORTH OF SAID SOUTH LINE; THENCE NORTHWESTERLY TO A POINT LOCATED 12 FEET NORTH OF SAID SOUTH LINE AND 14.95 FEET EAST OF SAID WEST LINE; THENCE WESTERLY AND PARALLEL TO SAID SOUTH LINE TO A POINT ON SAID WEST LINE; THENCE SOUTHERLY TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED AREA CONTAINS 919 SQUARE FEET, MORE OR LESS.

Reference: Danielslegal