

**RESOLUTION NO. 2668**

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING A PUBLIC UTILITY EASEMENT FROM ELKS LODGE 2154 BPOE, PAYSON, PERTAINING TO THE C.C. CRAGIN IN-TOWN WATER LINE CONSTRUCTION PROJECT.**

**WHEREAS**, A.R.S. 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**, Elks Lodge 2154 BPOE, Payson has granted to the Town of Payson a Public Utility Easement described on Exhibit' l' hereto; and

**WHEREAS**, it is the desire of the Town of Payson to accept said Public Utility Easement; and

**WHEREAS**, said real property is located within the corporate limits of the Town of Payson,

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

Section 1. That the public utility easement attached hereto as Exhibit' l' be and is hereby accepted and received by the Town of Payson for the purposes therein set forth.

Section 2. That the Town of Payson be and is hereby authorized to take such other and further actions as may be necessary or appropriate to perfecting the aforesaid public utility easement and to the use and control thereof, including, but not limited to, the maintenance thereof, and the recordation of the easement document attached hereto as Exhibit" 1 ".

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON** this \_\_\_\_ day of June, 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

JUN 05 2012 G.2

**EXHIBIT "1"**  
**to Resolution No. 2668**

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

**PUBLIC UTILITY EASEMENT**

KNOW ALL MEN BY THESE PRESENTS:

In consideration of nine thousand nine hundred eighty three dollars (\$9,983.00) and other good and valuable consideration paid to Elks Lodge 2154 BPOE Payson (hereinafter referred to as GRANTOR) by the Town of Payson, an Arizona municipal corporation, the receipt of which is hereby acknowledged, GRANTORS do hereby grant, bargain, sell, transfer and convey unto the Town of Payson, an Arizona municipal corporation (hereinafter referred to as GRANTEE), its successors and assigns, a perpetual utility easement with the right to construct and install utility lines, lay and thereafter use, operate, inspect, repair, maintain, replace and remove facilities as necessary, together with the rights of ingress, egress and access over, across and through the land of GRANTOR situate in Gila County, State of Arizona, for such purposes, said land being described on Exhibit "A" attached hereto and made a part hereof.

The consideration hereinabove recited shall constitute payment in full for the value of the interest granted herein and for any damages to the land of GRANTOR, their successors and assigns, by reason of the installation, operation and maintenance of the structures or improvements referred to herein. Each GRANTEE covenants to maintain the easement in good repair so that no unreasonable damage will result from its use to the adjacent land of GRANTOR, their successors and assigns.

The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of GRANTEES, their successor and assigns.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 23 day of May, 2012.



GRANTOR

Adrienne Troutman, Chairman of the Trustees  
Elks Lodge 2154 BPOE Payson

STATE OF ARIZONA )

County of GILA )

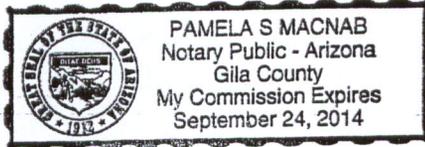
) ss.

The foregoing easement deed was acknowledged before me this 23 day of MAY, 2012, by Adrienne Troutman, who acknowledged himself to be the Chairman of Trustees of BPOE 2154, and that as such officer, being duly authorized so to do, signed his/her name as such officer.

Pamela S. Macnab  
Notary Public

My commission expires:

9/24/14



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Public Utility Easement**  
**Portion of HES No. 446**  
**Docket 359, Page 542**

Portions of Homestead Entry Survey No. 446 lying within a portion of the Northwest Quarter of Section 34, Township 11 North, Range 10 East, of the Gila and Salt River Meridian, Town of Payson, Gila County, Arizona, described as follows:

**Parcel 1**

Beginning at the Southwest Corner of that property described in Docket 359, Page 542 filed in the Office of the County Recorder, said County;

- Thence: North 1°39'00" East, 40.68 feet along the westerly line of said property;
- Thence: North 60°50'40" East, 536.55 feet;
- Thence: North 74°16'39" East, 65.14 feet to a point in that line described in that Arizona Public Service (APS) "Utility Easement" filed as Fee #703939 in the Office of the County Recorder, said County;
- Thence: North 61°25'32" East, 60.13 feet along said APS described line to its intersection with the northerly line of that 20 foot wide "Easement for Street, Roadway & Alley Purposes", "Parcel 3" filed as Docket 356, Page 761 in the Office of the County Recorder, said County;
- Thence: North 46°24'00" East, 31.08 feet to the intersection of said northerly line with the easterly line of said property described in Docket 359, Page 542;
- Thence: South 1°39'00" West, 28.41 feet along said easterly line, also being the westerly line of State Route 87, to the Southeast Corner of said property;
- Thence: South 46°24'00" West, 100.00 feet along the southerly line of said property;
- Thence: South 62°59'00" West, 600.00 feet continuing along the southerly line of said property to its Southwest Corner and the Point of Beginning.

This above description enclosed 0.6927 acres (30,174 square feet) more or less.

**Parcel 2**

Beginning at the North Corner of "Parcel 5" of that "Easement for Street, Roadway & Alley Purposes" described in Parcel 1 above (Docket 356, Page 761);

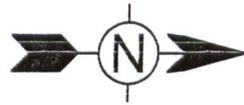
Thence: North 1°39'00" East, 30.00 feet along the easterly line of Parcel 2 of said "Easement for Street, Roadway & Alley Purposes" to a point of cusp;

Thence: South 7°13'21" East, 33.46 feet to a point on the northeasterly line of said Parcel 5;

Thence: North 57°41'00" West, 6.00 feet along said northeasterly line to the Point of Beginning.

This above description enclosed 0.0018 acres (77 square feet) more or less.

**TETRA TECH, INC.**  
**Project 133-16910-11008**



NOTE:  
FOR LINE LABEL INFORMATION  
REFER TO EXHIBIT "B" SHEET 2

A.P.N 302-42-31B

A.P.N 302-42-15R

POINT OF  
BEGINNING

A.P.N 302-42-14B

20' ESMT. PER  
DKT. 356, PG. 761  
PCL 2

L1

A.P.N 302-42-11L

EASEMENT PER  
DKT. 356, PG. 761  
PCL 5

PARCEL 2  
SEE DETAIL ON  
EXHIBIT "B" SHEET 2

A.P.N 302-42-18

8' A.P.S. ESMT.  
PER FEE 703939

A.P.N 302-42-19B

S 62° 59' 00" W 600.00'  
N 60° 50' 40" E 536.55'

A.P.N 302-42-20E  
FEE #2009-010304

C/L W. AIRPORT RD.

A.P.N 302-42-11C

PARCEL 1

A.P.N 302-42-19A

20' ROADWAY EASEMENT  
PER DKT. 356, PG. 761  
PCL 3

PROPOSED PUBLIC  
UTILITY EASEMENT  
30,174 SQ. FT., 0.6927 AC.

A.P.N 302-42-21C

L2

L3

C/L S.R. 87

L6

50.00'

L4

70.00'

L5

0 50' 100' 200'

SCALE: 1:100

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**TETRA TECH**

www.tetrattech.com

431 S. Beeline Hwy.  
Payson, AZ 85541

PH: (928) 474-4636 FX: (928) 474-4867

Town of Payson

C.C. Cragin Treated Waterline  
In-Town Corridor

EXHIBIT "B"

A PORTION OF HES No. 446 DOCKET 359, PG. 542  
SHEET 1

Project No.: 16910.10001

Date: 2012-02-07

Designed By: FLS

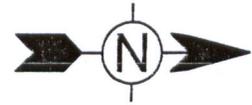
Supplemental

V-706

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Bar Measures 1 inch

A.P.N 302-42-31B



20' ESMT. PER  
DKT. 356, PG. 761  
PCL 2

A.P.N  
302-42-17C

EASEMENT PER  
DKT. 356, PG. 761  
PCL 5

A.P.N 302-42-18

ROADWAY EASEMENT  
PER DKT. 356, PG. 761  
PCL 3

POINT OF  
BEGINNING

L3

L1

20.00'

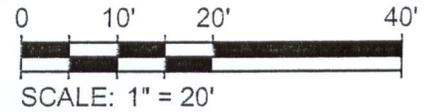
L2

PARCEL 2

PROPOSED PUBLIC  
UTILITY EASEMENT  
77 SQ. FT., 0.0018 AC.

8' A.P.S. ESMT.  
PER FEE 703939

20.00'



PARCEL 1 LINE TABLE

LINE NO.	BEARING	DISTANCE
L1	N 01° 39' 00" E	40.68'
L2	N 74° 16' 39" E	65.14'
L3	N 61° 25' 32" E	60.13'
L4	N 46° 24' 00" E	31.08'
L5	S 01° 39' 00" W	28.41'
L6	S 46° 24' 00" W	100.00'

PARCEL 2 LINE TABLE

LINE NO.	BEARING	DISTANCE
L1	N 01° 39' 00" E	30.00'
L2	S 07° 13' 21" E	33.46'
L3	N 57° 41' 00" W	6.00'

Town of Payson

C.C. Cragin Treated Waterline  
In-Town Corridor

EXHIBIT "B"

A PORTION OF HES No. 446 DOCKET 359, PG. 542  
SHEET 2

Project No.: 16910.10001

Date: 2012-02-07

Designed By: FLS

Supplemental

V-706

Bar Measures 1 inch



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