

RESOLUTION NO. 2669

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING A PUBLIC WATER LINE EASEMENT FROM ROCK OF AGES EVANGELICAL LUTHERAN CHURCH 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, Rock of Ages Evangelical Lutheran Church has granted to the Town of Payson a Public Water Line Easement described on Exhibit' I' hereto; and

WHEREAS, it is the desire of the Town of Payson to accept said Public Water Line 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 water line easement attached hereto as Exhibit' I' 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 water line 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.3

EXHIBIT "1"
to Resolution No. 2669

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

PUBLIC WATER LINE UTILITY EASEMENT

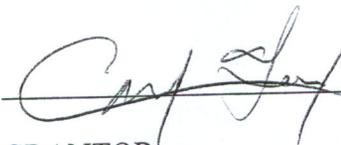
KNOW ALL MEN BY THESE PRESENTS:

In consideration of one thousand and thirty one dollars and nine cents (\$1,031.09) and other good and valuable consideration paid to Rock of Ages Evangelical Lutheran Church (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 public water line utility easement with the right to construct and install water 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 herein above recited shall constitute payment in full for the value of the interest granted herein. The 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 16 day of may, 2012.



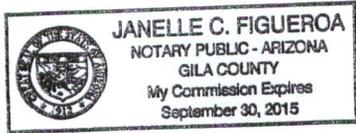
GRANTOR
ROCK OF AGES EVANGELICAL
LUTHERAN CHURCH
Carl Fox

STATE OF ARIZONA)

)ss.

County of Gila)

The foregoing easement deed was acknowledged before me this 16th day of May, 2012, by Carl Fox, who acknowledged himself to be the President of Rock of Ages Evangelical Lutheran Church, and that as such officer, being duly authorized so to do, signed his/her name as such officer.



Janelle C. Figueroa
Notary Public

My commission expires:

Sept. 30, 2015

EXHIBIT "A"
LEGAL DESCRIPTION

Public Utility Easement
Portion of HES No. 446
Docket 764, Page 898

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

Commencing at the Southeast Corner of that parcel described in instrument recorded in Docket 764, Page 898, Gila County Records;

Thence: North 10°08'32" East, along the Easterly line of said parcel 40.20 feet to the Northeast Corner of that "Right-of-Way Parcel No. 3" recorded as Fee #2000-15395 in the Office of the Gila County Recorder, said Northeast Corner also being the TRUE POINT OF BEGINNING;

Thence: North 83°48'43" West, 71.94 feet along the northerly line of said "Right-of-Way Parcel No. 3";

Thence: North 51°11'17" East, 28.28 feet at a 45° angle from said northerly right-of-way line to a point in a line parallel with and 20.00 feet northerly, measured at right angles, from said northerly right-of-way line;

Thence: South 83°48'43" East, 53.32 feet along said parallel line to its intersection with the easterly line of said parcel described in Docket 764, Page 898;

Thence: South 10°08'32" West, 20.04 feet along said easterly line to the True Point of Beginning.

This above description encloses 0.0288 Acres (1,252 Square Feet) more or less.

Approximately 870 Square Feet of this area is already encumbered by Drainage Easement No. 3 (Fee #2000-15393) and sidewalk Easement No. 1 (Fee #2000-15394).

Parcel 2

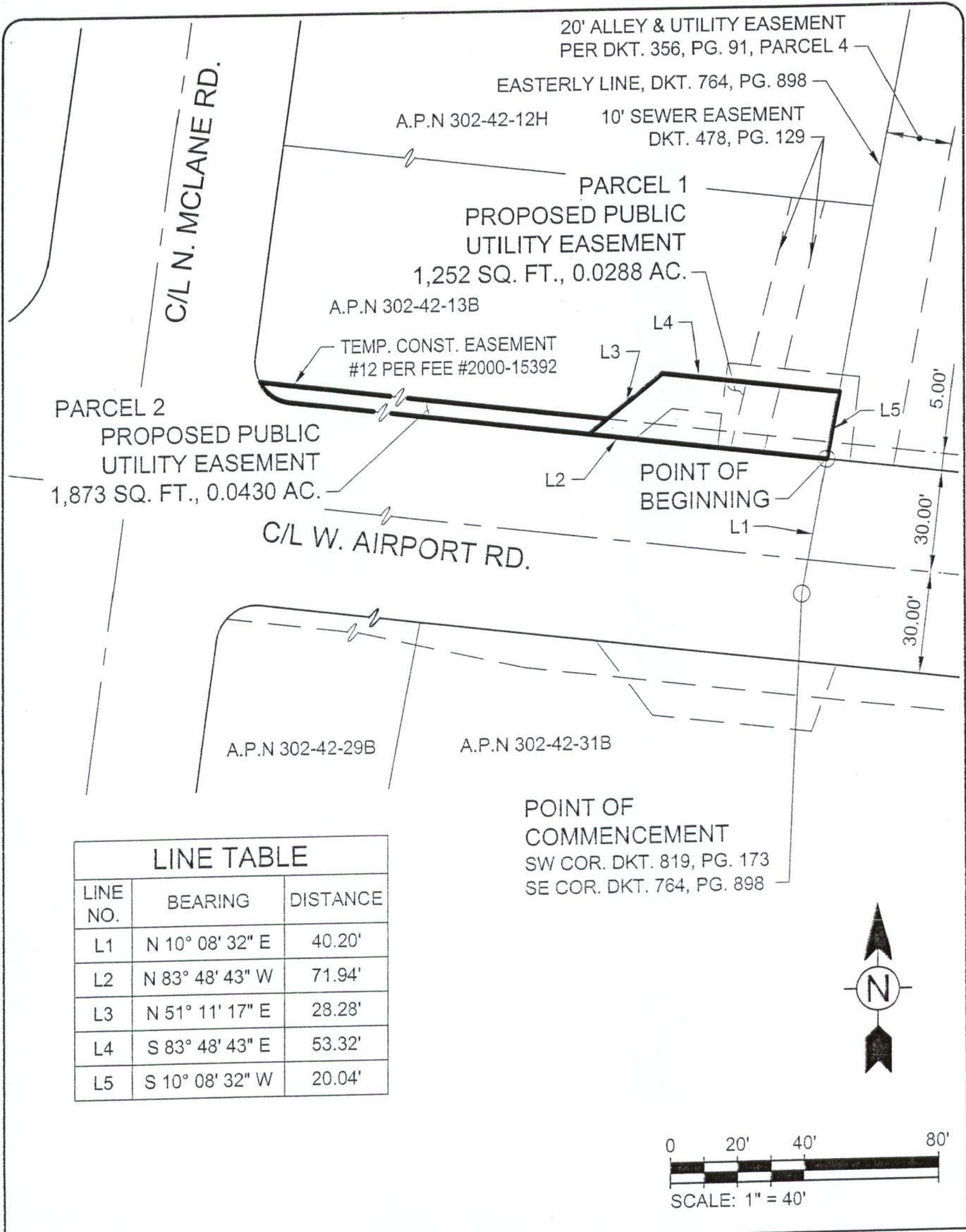
That same property described as "Temporary Construction Easement No. 12" in Fee #2000-15392.

Excepting therefrom, those portions lying within Parcel 1 described above.

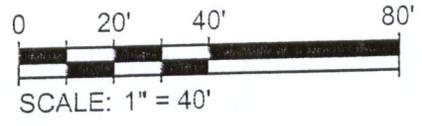
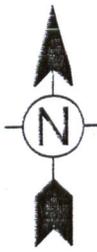
This above description encloses 1872.5 Square Feet, more or less.

TETRA TECH, INC.
Project 133-16910-11008

3/7/2012 1:25:46 PM - P:\16910\134-16910-10001\CAD\SHEETFILES\V-710.DWG - LOWER, DAVID



LINE TABLE		
LINE NO.	BEARING	DISTANCE
L1	N 10° 08' 32" E	40.20'
L2	N 83° 48' 43" W	71.94'
L3	N 51° 11' 17" E	28.28'
L4	S 83° 48' 43" E	53.32'
L5	S 10° 08' 32" W	20.04'



 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" PORTION OF HES No. 446 DOCKET 764, PG. 898	Project No.: 16910.10001 Date: 2012-02-07 Designed By: FLS Supplemental V-710
	Bar Measures 1 inch	

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