

RESOLUTION NO. 2683

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING A PUBLIC UTILITY EASEMENT FROM SY HARRISON LODGE #70 F&AM, 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, Sy Harrison Lodge #70 F&AM, 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 September, 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

SEP 06 2012 *D. 2**

EXHIBIT "1"
to Resolution No. 2683

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 five thousand eighty three dollars and sixty five cents (\$5,083.65) and other good and valuable consideration paid to Sy Harrison Lodge #70 F&AM (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 1st day of
 August , 2012.

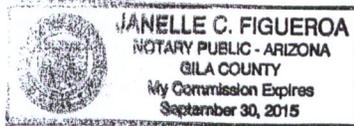

GRANTOR

STATE OF ARIZONA)

) ss.

County of Gila)

The foregoing easement deed was acknowledged before me this 1st day of August, 2012, by DAN A MCEUEN, who acknowledged himself to be the TRUSTEE CHAIRMAN of Sy Harrison Lodge # 70, 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:

9-30-2015

EXHIBIT "A"
LEGAL DESCRIPTION

Public Utility Easement
Parcel "A", Record of Survey 1599

A portion of Parcel "A" of Record of Survey / Lot Line Adjustment 1599 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 North most Corner of said Parcel "A", said point also being on the southwesterly line of North Woodland Drive;

Thence: South 36°21'00" East, 42.84 feet along said Southwesterly line of North Woodland Drive to a point of curvature in said southwesterly line, with a curve concave to the northeast having a radius of 50.00 feet;

Thence: Southeasterly along said curve and said southwesterly line of North Woodland Drive through a central angle of 20°37'35", an arc distance of 18.00 feet;

Thence: South 53°28'56" West, 7.00 feet parallel with the northwesterly line of said Parcel "A";

Thence: North 67°20'35" West, 41.18 feet to a point in a line parallel with and lying 25.00 feet (measured at right angles) southwesterly from said southwesterly line of North Woodland Drive, said point hereinafter in Parcel 2 referred to as Point "A";

Thence: North 36°21'00" West, 25.10 feet along said parallel line to its intersection with the northwesterly line of said Parcel "A";

Thence: North 53°28'56" East, 25.00 feet along said northwesterly line to the POINT OF BEGINNING.

This above Parcel 1 description encloses 0.0265 Acres (1,155 Square Feet) more or less.

Parcel 2:

A strip of land 16.00 feet wide, the centerline of which is described as follows:

Beginning at Point "A" (described in Parcel 1 hereinbefore);

Thence: South 22°08'20" West, 18.20 feet;

Thence: South 28°53'28" West, 229.32 feet to a point in the southerly line of said Parcel "A", said point lying 26.41 feet easterly from the Southwest Corner of said Parcel "A" as measured along the southerly line thereof.

This above Parcel 2 description encloses 0.0914 Acres (3,980 Square Feet) more or less.

The total encumbered area of combined Parcel 1 and Parcel 2 is 0.1179 Acres (5,135 Square Feet).

TETRA TECH, INC.
Project 133-16910-11008