

RESOLUTION NO. 2691

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ABANDONING THE EXISTING RIGHT OF WAY FOR A PORTION OF HILL STREET EXTENDING APPROXIMATELY 100 FEET SOUTH OF CHERRY STREET, AND APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE QUIT CLAIM DEEDS TO THE ADJACENT PROPERTY OWNERS.

WHEREAS, A.R.S. § 28-7202 provides that a Town may abandon a public roadway or a portion thereof that it determines is not necessary for public use as a roadway; and

WHEREAS, A.R.S. § 28-7205 provides that title to such abandoned roadway or portion thereof shall be vested in the owners of the abutting land; and

WHEREAS, A.R.S. § 28-7208 requires that the Town receive consideration from the owner of the abutting property in an amount deemed by the governing body to be commensurate with the value of the abandoned roadway or portion thereof; and

WHEREAS, the property owners at 811 West Cherry filed a request (Application A12-001) for the abandonment of approximately 100 feet of South Hill Street adjacent to their property as depicted in Exhibit A, attached hereto ("the Right of Way"); and

WHEREAS, the property owners at 811 West Cherry and 809 West Cherry have indicated that if the Right of Way is abandoned, each is willing to purchase one half of the Right of Way.

WHEREAS, on October 8, 2012, the Planning and Zoning Commission held a public hearing on Application A12-001 and following said public hearing voted to recommend approval of such Application; and

WHEREAS, the Mayor and Common Council have determined that the Right of Way is unnecessary for public use as a roadway; and

WHEREAS, the Mayor and Common Council deem the amount of \$1.00 per square foot to be commensurate with the value of the Right of Way; and

WHEREAS, the Town desires to abandon the Right of Way, but to retain a public utility easement the Right of Way,

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

Section 1. That the Mayor and Common Council approves abandonment of the Right of Way

as requested in Application A12-001.

- Section 2. That upon receipt of consideration of \$1.00 per square foot, the Mayor of the Town of Payson is hereby authorized to execute the quit claim deeds attached hereto marked Exhibits B and C in substantially the form as attached conveying the Right of Way to the adjacent property owners.
- Section 3. That the Town of Payson be and is hereby authorized to take and perform such other and further actions as are necessary or appropriate to carrying out the purposes of this Resolution.

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

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

Kenny J. Evans, Mayor

ATTEST:

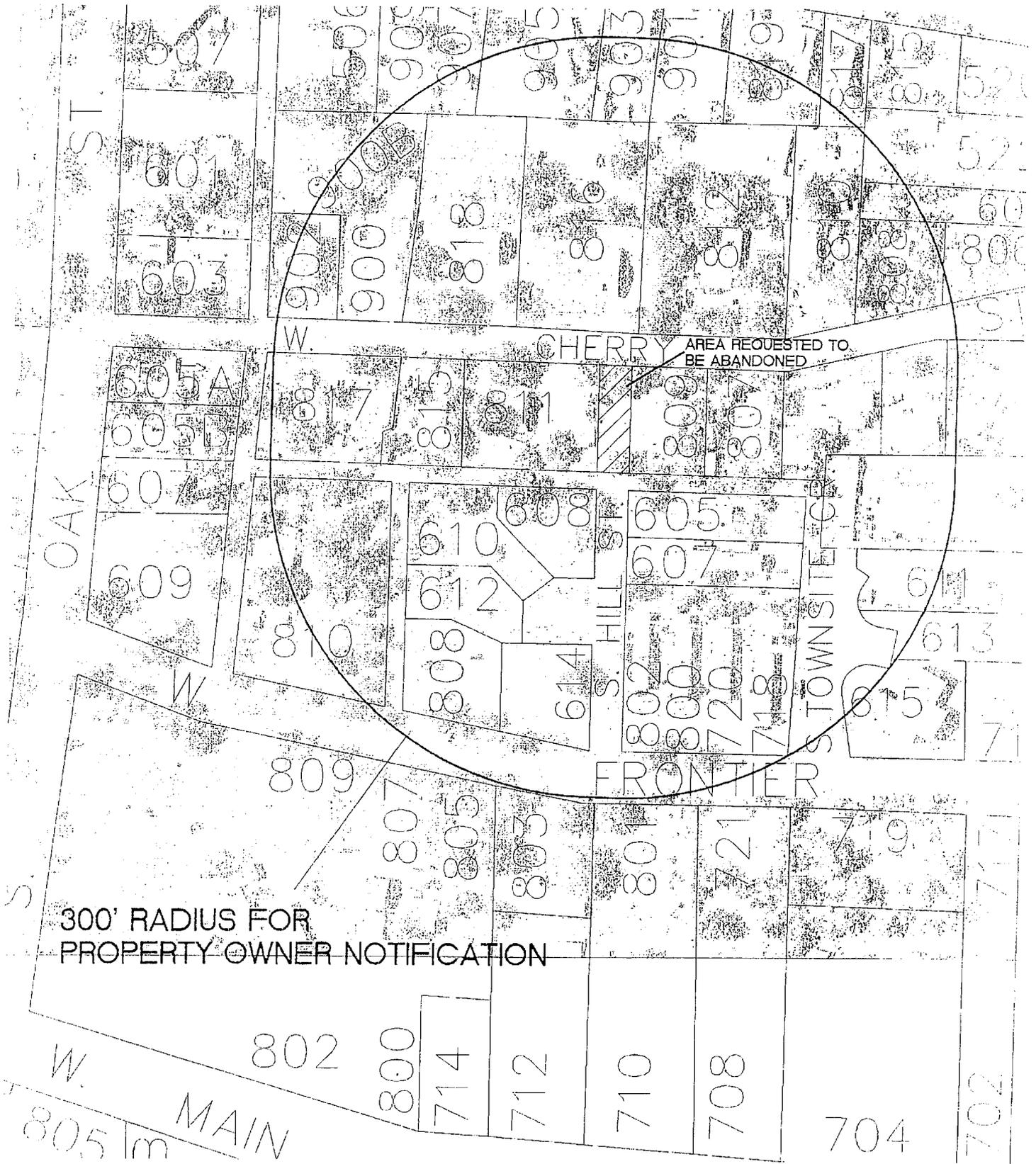
APPROVED AS TO FORM:

Silvia Smith, Town Clerk



Timothy M. Wright, Town Attorney

Exhibit A
to
Resolution 2691



AREA REQUESTED TO BE ABANDONED

300' RADIUS FOR PROPERTY OWNER NOTIFICATION

Exhibit B
to
Resolution 2691

WHEN RECORDED, RETURN TO:
Silvia Smith, Town Clerk
Town of Payson
303 N. Beeline Highway
Payson, AZ 85541

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS:

For valuable consideration of \$1,500.43, the undersigned, Town of Payson, an Arizona Municipal Corporation (“Grantor”), hereby quit-claims to Jose Jr. and Sandra Ramirez (“Grantee”), whose address is P.O. Box 684, Artesia, CA 90702, fee title of Grantor, but reserving unto Grantor a Public Utility Easement over and across the entire real property in and to, the real property situated in Gila County, Arizona, which is described as follows:

See Attached Legal Description on Page 2

DATED: _____

Town of Payson,
an Arizona Municipal Corporation (Grantor)

By: _____
Kenny J. Evans, Mayor

STATE OF ARIZONA)
)§
County of Gila)

The foregoing quit-claim deed was signed before me on _____, 2012 by Kenny J. Evans, Mayor of the Town of Payson, on behalf of the Town.

Notary Public

My commission expires:

EXEMPT PER A.R.S. § 11-1134(A)(3)

LEGAL DESCRIPTION
OF
THE EAST ONE-HALF OF
THE ABANDONED PORTION OF
SOUTH HILL STREET

A Parcel of property located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 4, Township 10 North, Range 10 E, Gila County, Arizona, Gila and Salt River Meridian, located in Gila County, Arizona, more particularly described as follows:

The East One-Half of the following described property:

Beginning at the northeast corner of Lot 5, Block 11 of Payson Townsite, Subdivision Map No. 64 as recorded in the Gila County Recorder's Office, Gila County, Arizona;

THENCE S88°45'30"E parallel to the centerline of Cherry Street (Originally Second Street) a distance of 30.0 feet to the northwest corner of Lot 1, Block 12 of Payson Townsite, Map No. 64 as recorded in the Gila County Recorder's Office, Gila County, Arizona;

THENCE S00°22'30"W along the west line of said Lot 4 a distance of 100.04 feet;

THENCE N88°45'30"W to the southeast corner of Lot 5, Block 11 of Payson Townsite, Map No. 64 as recorded in the Gila County Recorder's Office, Gila County, Arizona;

THENCE N00°22'30"E along the east line of said Lot 5 a distance of 100.04 feet to the Point of Beginning.

The above described parcel containing 1,500.43 square feet, more or less.

Exhibit C
to
Resolution 2691

WHEN RECORDED, RETURN TO:
Silvia Smith, Town Clerk
Town of Payson
303 N. Beeline Highway
Payson, AZ 85541

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS:

For valuable consideration of \$1,500.43, the undersigned, Town of Payson, an Arizona Municipal Corporation ("Grantor"), hereby quit-claims to Linda S. Deming an undivided one-half interest and Stephen L. and Patricia A. Deming an undivided on-half interest ("Grantees"), whose address is 14811 S. 25th Street, Phoenix, AZ 85048, fee title of Grantor, but reserving unto Grantor a Public Utility Easement over and across the entire real property in and to, the real property situated in Gila County, Arizona, which is described as follows:

See Attached Legal Description on Page 2

DATED: _____

Town of Payson,
an Arizona Municipal Corporation (Grantor)

By: _____
Kenny J. Evans, Mayor

STATE OF ARIZONA)
)§
County of Gila)

The foregoing quit-claim deed was signed before me on _____, 2012 by Kenny J. Evans, Mayor of the Town of Payson, on behalf of the Town.

Notary Public

My commission expires:

EXEMPT PER A.R.S. § 11-1134(A)(3)

LEGAL DESCRIPTION
OF
THE WEST ONE-HALF OF
THE ABANDONED PORTION OF
SOUTH HILL STREET

A Parcel of property located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 4, Township 10 North, Range 10 E, Gila County, Arizona, Gila and Salt River Meridian, located in Gila County, Arizona, more particularly described as follows:

The West One-Half of the following described property:

Beginning at the northeast corner of Lot 5, Block 11 of Payson Townsite, Subdivision Map No. 64 as recorded in the Gila County Recorder's Office, Gila County, Arizona;

THENCE S88°45'30"E parallel to the centerline of Cherry Street (Originally Second Street) a distance of 30.0 feet to the northwest corner of Lot 1, Block 12 of Payson Townsite, Map No. 64 as recorded in the Gila County Recorder's Office, Gila County, Arizona;

THENCE S00°22'30"W along the west line of said Lot 4 a distance of 100.04 feet;

THENCE N88°45'30"W to the southeast corner of Lot 5, Block 11 of Payson Townsite, Map No. 64 as recorded in the Gila County Recorder's Office, Gila County, Arizona;

THENCE N00°22'30"E along the east line of said Lot 5 a distance of 100.04 feet to the Point of Beginning.

The above described parcel containing 1,500.43 square feet, more or less.