

RESOLUTION NO. 2736

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ABANDONING PORTIONS OF AN INGRESS, EGRESS, AND PUBLIC UTILITY AND DRAINAGE EASEMENT BETWEEN LOTS 3&4 (1704 AND 1705 WEST DILLON WAY) OF CEDAR RIDGE PHASE 3.

WHEREAS, A.R.S. § 28-7214 provides that a Town may abandon/extinguish an easement or a portion thereof that it determines is not necessary for public use; and

WHEREAS, section 15-09-016 of the Unified Development Code sets forth the Town's procedures for the abandonment of an easement or portion thereof; and

WHEREAS, when the Cedar Ridge Phase 3 subdivision was platted, a 50 foot wide ingress, egress and public utility and drainage easement was platted between lots 3 and 4 ("the Easement"); and

WHEREAS, the property owners of lots 3 and 4 filed a request (Application A12-003) for the reduction of Easement to 30 feet, i.e., reducing the width of the Easement by 10 feet on each of the lots. See maps attached as Exhibit A; and

WHEREAS, notification of the requested abandonment was sent to all local utility providers, Town department heads, and all property owners within 300 feet of the property; and

WHEREAS, no negative responses or comments were received in response to the notification; and

WHEREAS, on August 12, 2013, the Planning and Zoning Commission held a public hearing on Application A12-003 and following said public hearing voted to recommend approval of such Application; and

WHEREAS, the Mayor and Common Council have determined that the easement may be reduced by 10 feet on each side; and

WHEREAS, the Town desires to abandon/extinguish the outer 10 feet of the Easement on each side, retaining a 30 foot wide ingress, egress, and public utility and drainage easement,

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 approve abandonment/extinguishment of the outer 10 feet on each side of the Easement as requested in Application A12-003. A legal description of the abandoned areas of the Easement is attached as Exhibit B.

Section 2. That the Town of Payson is authorized to take such actions as are necessary 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 September, 2013, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

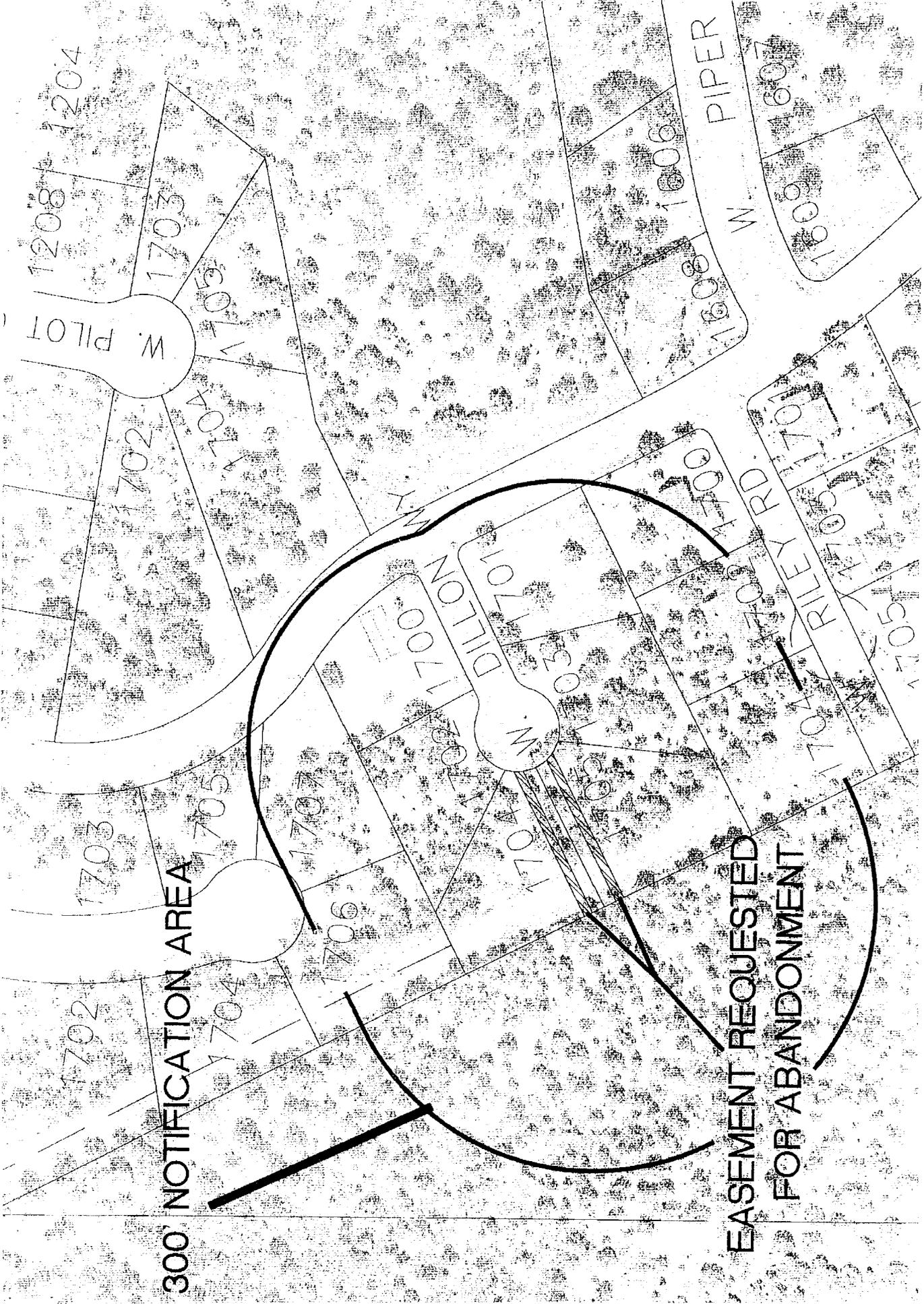


Timothy M. Wright, Town Attorney

Exhibit A

to

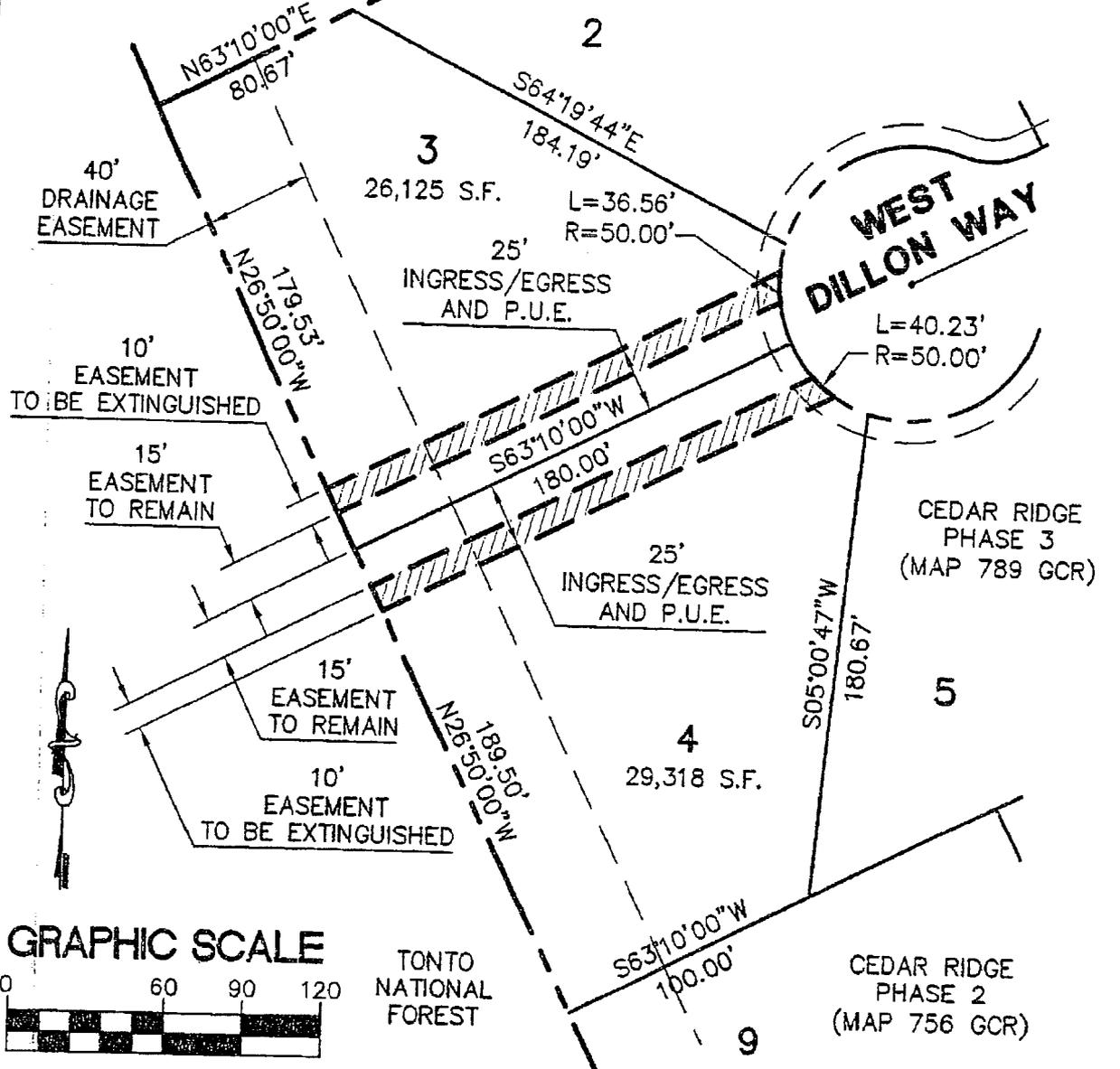
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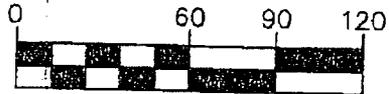
300' NOTIFICATION AREA

EASEMENT REQUESTED
FOR ABANDONMENT

M.M.A.P.
UNIT 4 PHASE 4
(MAP 780 GCR)



GRAPHIC SCALE

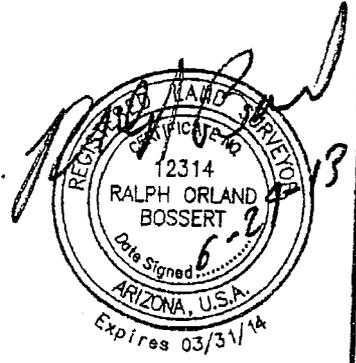


(IN FEET)
1 inch = 60 ft.

**LOTS 3 AND 4
CEDAR RIDGE PHASE 3**

**Verde
Engineering
Group
PLLC**

1109 North McLane Road
Payson, Arizona 85541
Ralph Bossert P.E. R.L.S.
(928) 978-4345
Dan Fitzpatrick P.E.
(928) 595-2816
JOB No. 11-17



SCALE: 1"=60'

Exhibit B
to
Resolution 2738

LEGAL DESCRIPTION
PUBLIC EASEMENT TO BE ABANDONED
APN 302-93-003 and 004

A portion of an Ingress, Egress, and Public Utility Easement located on Lots 3 and 4 of Cedar Ridge Phase 3, as shown on Map 789, Gila County Records, located in the Northwest ¼ of Section 32, T11N, R10E, G&SRM, Gila County, Arizona. The said Public Utility Easement to be abandoned is more particularly described as follows:

The North 10.00 feet of the South 25.00 feet of Lot 3;
Also, the South 10.00 feet of the North 25.00 feet of Lot 4.

Said Public Utility Easement to be abandoned is shown on attached Exhibit "B".

Project 11-17
June 21, 2013

