

RESOLUTION 2742

A RESOLUTION OF THE PAYSON TOWN COUNCIL APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT FOR PROCESS SERVING SERVICES BETWEEN THE TOWN OF PAYSON AND GILA COUNTY.

WHEREAS, in 2005, the Town of Payson and Gila County entered into an Agreement for Process Serving Services (the "Agreement"); and

WHEREAS, the Agreement provided for a termination date of June 30, 2005, but allowed for automatic annual extensions for up to 9 additional years. The last of these 9 extensions will expire on June 30, 2014; and

WHEREAS, the Agreement provided that either Party could choose to not renew the Agreement annually and/or either Party could terminate the Agreement upon 30 days written notice; and

WHEREAS, the Parties desire to (1) extend the term of the Agreement to June 30, 2020, and (2) retain each Party's ability to terminate the Agreement upon 30 days written notice; and

WHEREAS, for such purpose, an amendment to the Agreement has been prepared,

NOW, THEREFORE, THE MAYOR AND COUNCIL DO RESOLVE AS FOLLOWS:

- Section 1. The First Amendment to the Agreement for Process Serving Services Between the Town of Payson and Gila County, attached as Exhibit A, is approved in substantially the form attached.
- Section 2. Kenny J. Evans, Mayor of the Town of Payson, is authorized to execute said First Amendment in substantially the form attached.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, this ____ day of _____, 2013, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

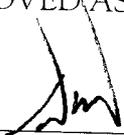
Kenny J. Evans, Mayor

OCT 17 2013 *D. Z**

ATTEST:

Silvia Smith, Town Clerk

APPROVED AS TO FORM:



Timothy M. Wright, Town Attorney

Exhibit A
to
Resolution 2742

**FIRST AMENDMENT TO THE
AGREEMENT FOR PROCESS SERVING SERVICES
BETWEEN THE
TOWN OF PAYSON AND GILA COUNTY**

This First Amendment to the Agreement for Process Serving Services (the "Amendment") is entered into by the Town of Payson, a municipal corporation of the State of Arizona (the "Town"), and Gila County, a political subdivision of the State of Arizona (the "County") (Collectively the "Parties").

RECITALS

WHEREAS, in 2005, the Town of Payson and Gila County entered into an Agreement for Process Serving Services (the "Agreement"); and

WHEREAS, the Agreement provided for a termination date of June 30, 2005, but allowed for automatic annual extensions for up to 9 additional years. The last of these 9 extensions will expire on June 30, 2014; and

WHEREAS, additionally, the Agreement provided that either Party could choose to not renew the Agreement annually and/or either Party could terminate the Agreement upon 30 days written notice; and

WHEREAS, the Parties desire to (1) extend the term of the Agreement to June 30, 2020, and (2) retain each Party's ability to terminate the Agreement upon 30 days written notice.

AMENDMENT

Based upon the foregoing, the Parties desire to amend the Agreement as follows:

A. Paragraph 5 of the Agreement is hereby amended, and as amended shall read as follows:

5. The term of this Agreement shall begin on the date last signed and shall terminate on June 30, 2020. This Agreement may be terminated by either party for any reason upon the giving of thirty (30) days advance notice in writing of intent to so terminate this Agreement. All notices of intent to terminate shall be either hand delivered or shall be mailed by First Class, United States Mail to the business addresses of the respective parties and shall be effective as of their date of delivery or, in the case of mailing, upon their date of receipt.

B. Except as amended in Paragraph A above, all other terms of the Agreement shall remain in full force and effect.

COUNTY OF GILA:

TOWN OF PAYSON:

By _____
Supervisor dated

By _____
Kenny J. Evans, Mayor dated

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Bradley Beauchamp, Gila County Attorney

Timothy M. Wright, Town Attorney

ATTEST:

ATTEST:

Clerk of the Board of Supervisors

Silvia Smith, Town Clerk