

RESOLUTION NO. 2760

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE DRAINAGE EASEMENT DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1".

WHEREAS, A.R.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, certain easement described on Exhibit "1" attached hereto has been offered to the Town of Payson by Eduardo Mendoza, an unmarried man; 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 Town of Payson does hereby accept the drainage easement described in Exhibit "1" attached hereto and incorporated herein as though set forth in full at this point.

Section 2. That the Town of Payson shall perform any and all other acts necessary or appropriate to accept said drainage easement and to the use and control thereof, including, but not limited to, the maintenance thereof.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this _____ day of _____, 2014, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk



Timothy Wright, Town Attorney

FEB 20 2014 2.4*

EXHIBIT "1"
to Resolution No. 2760

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

DRAINAGE EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

In consideration of one dollar (\$1.00) and other valuable considerations paid to Eduardo Mendoza (hereinafter referred to as GRANTOR) by the Town of Payson, an Arizona municipal corporation, the receipt of which is hereby acknowledged, GRANTOR does 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 drainage easement with the right to install and maintain drainage improvements, together thereafter with a right to use, operate, inspect, repair, maintain, alter or remove trees and shrubs to the extent necessary, replace and remove facilities as necessary, together with the rights of ingress, egress and access over, across and through the land of the GRANTOR described on Exhibit "A" attached hereto and made a part hereof.

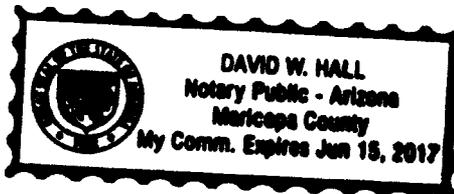
The consideration herein above recited shall constitute payment in full for the value of the interest granted herein and for any damages to the land of GRANTORS, their successors and assigns, by reason of the installation, operation and maintenance of the structures or improvements referred to herein. GRANTEE covenants to maintain the easement in good repair so that no unreasonable damage will result from its use to the adjacent land of GRANTORS, their successors and assigns.

The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of GRANTEE, their successor and assigns.

IN WITNESS WHEREOF, the GRANTORS have executed this instrument this 30 day of January, 2014.

Eduardo Mendoza
GRANTOR

STATE OF ARIZONA)
) ss.
County of Gila)



The foregoing drainage easement was acknowledged before me this 30th day of January, 2014, by Eduardo mendoza.

[Signature]

Notary Public

My commission expires: June 15 2014

Legal Description

A part of Lot 90 of the Payson Ranchos Unit Three Subdivision in Payson on Plat Map No. 349 in the Office of the Recorder of Gila County, Arizona more particularly described as follows:

Beginning at the East corner of Lot 90; thence Southwesterly along the southeast line of Lot 90 a distance of 8.0 feet; thence Northwesterly parallel to the Northeast line of Lot 90 a distance of 8.0 feet; thence Northeasterly parallel to the Southeast line of Lot 90 a distance of 8.0 feet to the Northeast line of lot 90; thence Southeasterly along the Northeast line of Lot 90 a distance of 8.0 feet to the Point of Beginning.

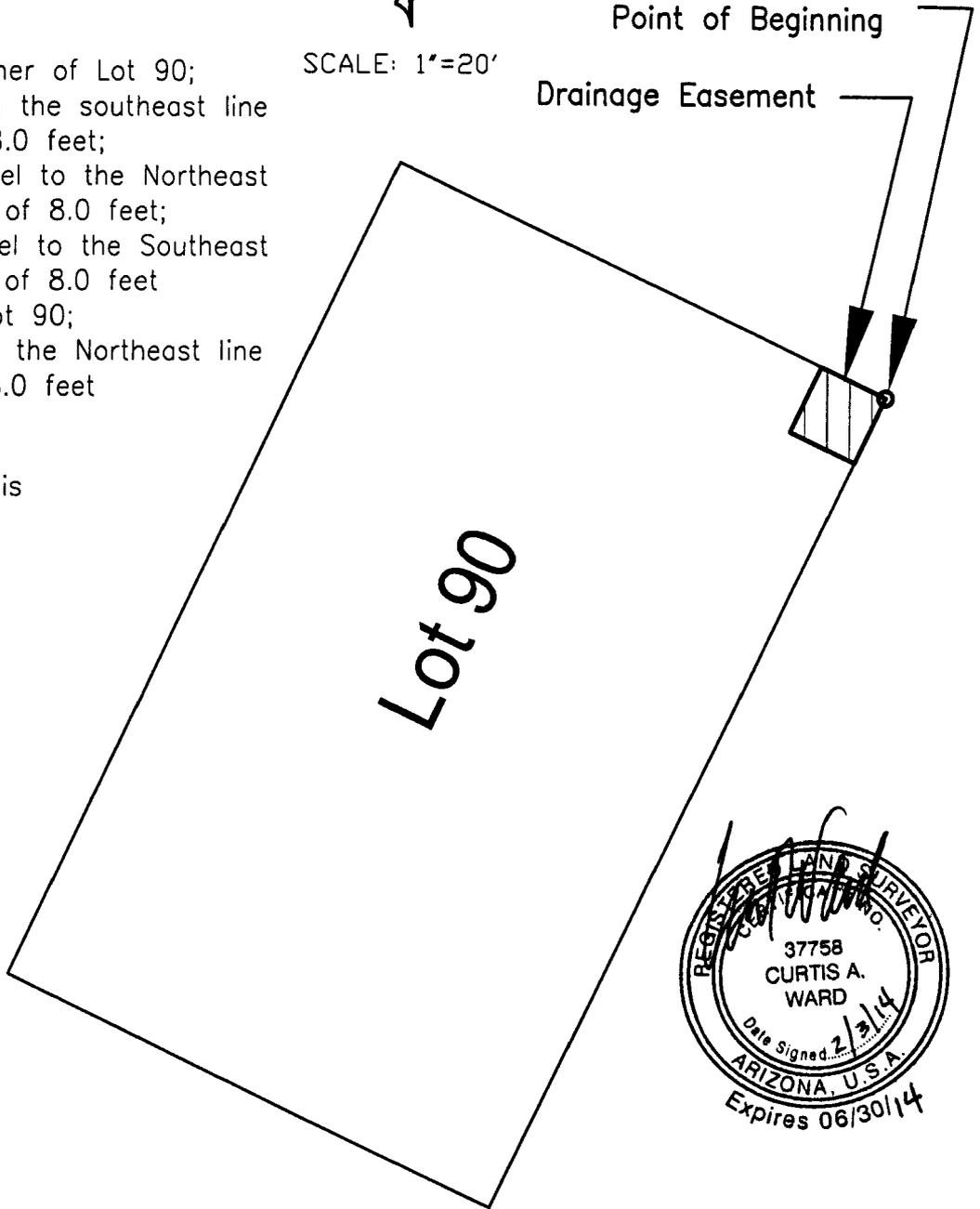
Area of drainage easement is 64 square feet.



SCALE: 1"=20'

East Corner of Lot 90
Point of Beginning

Drainage Easement



TOWN OF PAYSON, ARIZONA

PLAT OF PARCEL OF CONCERN
IN THE ATTACHED DOCUMENT

HES No. 123, SE 1/4 OF SEC 28

T 11 N, R 10 E

EXHIBIT "A"

Approved By:

C. Ward
TOWN ENGINEER

SCALE: 1"=20'

DRAWN BY: C. WARD

CHECKED BY: _____

DATE: 1/24/14