

RESOLUTION NO. 2777

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 C E Residential #4 LLC; 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

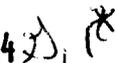
Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Timothy Wright, Town Attorney

MAY 01 2014 

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

EXHIBIT "1"
to Resolution No. 2777

DRAINAGE EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

In consideration of one dollar (\$1.00) and other valuable considerations paid to C E Residential #4 LLC, (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 easement with the right to install and/or 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 GRANTOR, 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 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 GRANTEE, their successor and assigns.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 15th day of April, 2014.

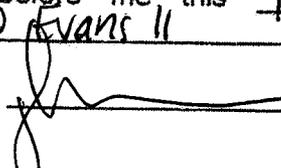


GRANTOR

STATE OF ARIZONA)
) ss.
County of Gila Maricopa)

The drainage easement was acknowledged before me this 15th day of April, 2014, by Charles O. Evans II

My commission expires: 09 28, 2014



Notary Public

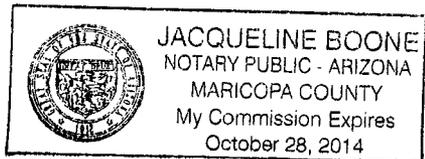


EXHIBIT "A"
LEGAL DESCRIPTION
NEW DRAINAGE EASEMENT
MAZATZAL MOUNTAIN AIR PARK UNIT 4, LOT 90

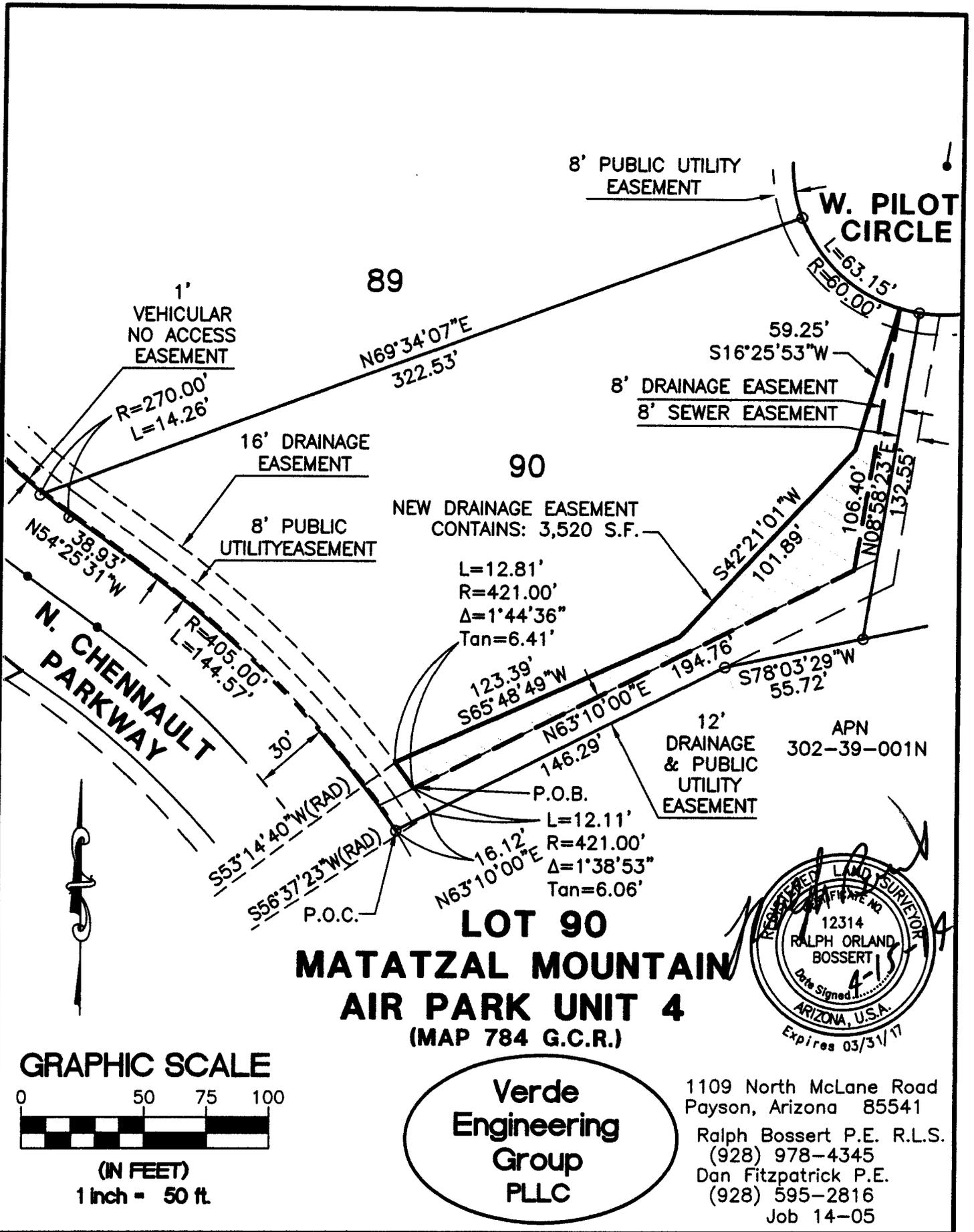
A New Drainage Easement located on Lot 90 of the Amended Final Plat for Mazatzal Mountain Air Park Unit 4 as shown on Map 784, Gila County Records, located in Sections 31 and 32, T11N, R10E, G&SRM, Town of Payson, Gila County, Arizona. The said New Drainage Easement is more particularly described as follows:

Commencing at the southwesterly corner of said Lot 90;
Thence N 63° 10' 00" E along the southeasterly line of Lot 90, 16.12 feet to a point on the east line of a 16 foot wide Drainage Easement;
Thence along the east line of the said easement, along a non-tangent curve to the left, whose center bears S 56° 37' 23" W, having a radius of 421.00 feet, and a central angle of 1° 38' 53", for an arc length of 12.11 feet to the north line of a 12 foot wide Drainage and Public Utility Easement, said point being the Point of Beginning;
Thence N 63° 10' 00" E along the north line of said easement, 194.76 feet to the west line of an 8 foot wide Drainage Easement;
Thence N 8° 58' 23" E along the west line of said easement, 106.40 feet to a point on the northeasterly line of Lot 90;
Thence S 16° 25' 53" W, 59.25 feet;
Thence S 42° 21' 01" W, 101.89 feet;
Thence S 65° 48' 49" W, 123.39 feet to a point on the east line of a 16 foot wide Drainage Easement;
Thence along the east line of said easement, along a non-tangent curve to the right, whose center bears S 53° 14' 40" W, having a radius of 421.00 feet, and a central angle of 1° 44' 36", for an arc length of 12.81 feet to the Point of Beginning.

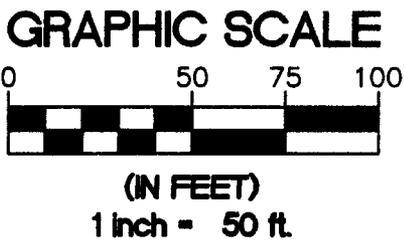
Said Drainage Easement contains 3,520 square feet, more or less, as shown on attached Exhibit "B".

Project 14-05
April 14, 2014





LOT 90
MATATZAL MOUNTAIN
AIR PARK UNIT 4
 (MAP 784 G.C.R.)



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 14-05

EXHIBIT B