

RESOLUTION NO. 2826

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT FROM ANTON PLAZA II, LLC PERTAINING TO THE C.C. CRAGIN IN-TOWN WATER LINE CONSTRUCTION PROJECT.

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, Anton Plaza II, LLC has granted to the Town of Payson a Temporary Construction Easement described on Exhibit "1" hereto; and

WHEREAS, it is the desire of the Town of Payson to accept said Temporary Construction Easement; 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 temporary construction easement attached hereto as Exhibit "1" be and is hereby accepted and received by the Town of Payson for the purposes therein set forth.

Section 2. That the Town of Payson be and is hereby authorized to take such other and further actions as may be necessary or appropriate to perfecting the aforesaid temporary construction easement and to the use and control thereof, including, but not limited to, the maintenance thereof until the expiration of said temporary construction at the end of the construction of C.C. Cragin Line A or December 31, 2015, whichever occurs first, and the recordation of the easement document attached hereto as Exhibit "1 ".

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

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

Kenny J. Evans, Mayor

ATTEST:

APPROVED A S TO FORM:

Silvia Smith, Town Clerk



Timothy M. Wright, Town Attorney

DEC 18 2014 9.4*

EXHIBIT "1"
to Resolution No. 2826

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

TEMPORARY CONSTRUCTION EASEMENT

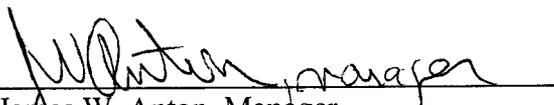
KNOW ALL MEN BY THESE PRESENTS:

In consideration of one dollar (\$1.00) and other good and valuable consideration paid to Anton Plaza II, LLC (hereinafter referred to as GRANTORS) by the Town of Payson, an Arizona municipal corporation, the receipt of which is hereby acknowledged, GRANTORS do hereby grant, bargain, and convey unto the Town of Payson, an Arizona municipal corporation (hereinafter referred to as GRANTEE), its successors and assigns, a temporary construction easement with the right to use GRANTORS property situate in Gila County, State of Arizona, to aid in constructing and installing water line improvements. Said land being described on Exhibit "A" and Exhibit "B" attached hereto and made a part hereof.

The consideration hereinabove 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 and operation the water line or improvements referred to herein. The GRANTEE covenants to maintain the easement in good repair and to restore any damages to the property caused by the construction to their previous condition so that no unreasonable damage will result from its use to the GRANTOR, their successors and assigns.

This easement shall be automatically abandoned upon completion of the CC Cragin Line A Water Line construction, or December 31, 2015, whichever occurs first, and cease to exist, whereupon the rights to this easement shall become void.

IN WITNESS WHEREOF, the GRANTORS have executed this instrument this 3rd day of DEC, 2014.



James W. Anton, Manager
Anton Plaza II, LLC

RECEIVED
DEC 05 2014
TOWN CLERK
TOWN OF PAYSON

STATE OF AZ)
) §
County of Maricopa)

The foregoing easement deed was acknowledged before me this 3rd day of DEC, 2014, by James W. Anton, who acknowledged himself to be the Manager of Anton Plaza II, LLC, and that as such officer, being duly authorized so to do, signed his/her name as such officer.

Marianne Mathews
Notary Public

My commission expires:
6/29/2015



EXHIBIT "A"
LEGAL DESCRIPTION

Temporary Construction Easement
Portion of Tract "B" Rancho Del Tonto Amended
Docket 196, Page 577

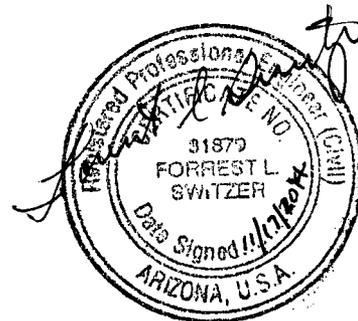
A Portion of Tract "B" Rancho Del Tonto Amended recorded as Map 134, Gila County Records, lying within a portion of the Northwest Quarter of Section 34, Township 11 North, Range 10 East, of the Gila and Salt River Meridian, Town of Payson, Gila County, Arizona, described as follows:

Beginning at the Southwest Corner of that property described in Parcel 2 of Arizona Department of Transportation Warranty Deed recorded as Docket 798, Page 868, Gila County Records;

- Thence: South 88°24'00" East, 50.00 feet along a line at right angles from the centerline of State Route 87;
- Thence: North 46°36'00" East, 56.10 feet;
- Thence: South 88°21'00" East, 54.70 feet parallel with the North Line of that property described in Docket 196, Page 577, Gila County Records;
- Thence: North 51°28'32" East, 34.88 feet to a point in a line parallel with and lying 25.00 feet southerly (measured at right angles) from the North Line of said property;
- Thence: North 88°21'00" West, 76.04 feet along said parallel line to its point of intersection with the Easterly Line of that Arizona Department of Transportation Drainage Easement recorded as Docket 798, Page 873;
- Thence: South 1°36'00" West, 17.16 feet along said Easterly Line to the Southeast Corner of said Drainage Easement;
- Thence: South 66°15'14" West, 105.12 feet along the southerly line of said Drainage Easement and said Warranty Deed Parcel 2 to the POINT OF BEGINNING.

The area enclosed by the above description is 2,550.75 Square Feet More or Less.

TETRA TECH, INC.
Project 133-16910-11008



Expires 9/30/2015

1/17/2014 10:44:26 AM - P:\16910\134-16910-10001\CAD\SHSHEETFILES\V-711.DWG - LOWER, DAVID

C/L STATE ROUTE 87

A.P.N. 302-41-4A

S 01° 36' 00" W 17.16'

RIGHT-OF-WAY
DKT. 798, PG.
868
PARCEL #2

DRAINAGE EASEMENT
DKT. 798, PG. 873

PUBLIC UTILITY EASEMENT

N 88° 21' 00" W 76.04'

S 66° 15' 14" W 105.12'

N 46° 36' 00" E
56.10'

S 88° 21' 00" E
54.70'

N 51° 28' 32" E
34.88'

S 88° 24' 00" E
50.00'

TEMPORARY
CONSTRUCTION
EASEMENT

A.P.N. 302-41-5B

POINT OF BEGINNING

PARCEL 3
ALLEY, STREET AND UTILITY
EASEMENTS PER PLAT 356,
PG. 757 & DKT. 196, PG. 577

RIGHT-OF-WAY
DKT. 798, PG. 868,
PARCEL #1

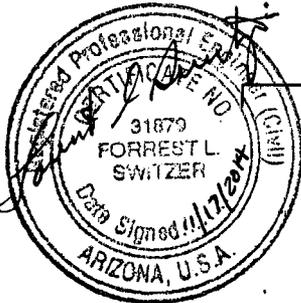
2.00'

10.00'

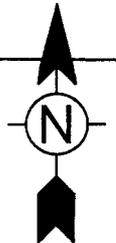
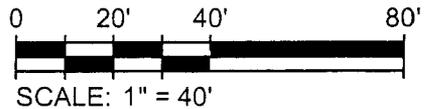
C/L E. RANCHO RD.

25.00'

25.00'



Expires 9/30/2015



TETRA TECH

www.tetrattech.com

405B West Main Street
Payson, AZ 85541

PH: (928) 474-4636 FX: (928) 474-4867

Town of Payson

C.C. Cragin Treated Waterline
In-Town Corridor

EXHIBIT 'B'

Project No.: 16910.10001

Date: 2014-11-06

Designed By: FLS

Supplemental

V-711

Copyright: Tetra Tech

Bar Measures 1 inch