

RESOLUTION NO. 2835

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE PUBLIC UTILITY 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;

WHEREAS, certain easement described on Exhibit "1" attached hereto and pertaining to the property described in Exhibit A and diagramed in Exhibit B to that Exhibit "1" has been offered to the Town of Payson for consideration set forth in Exhibit "1" by Mark D. Mason and Cynthia A. Mason, Trustees of the Mason Living Trust, who has legal authority to grant the easement;

WHEREAS, said real property is located outside the corporate limits of the Town of Payson; and

WHEREAS, said easement is required for the construction of the C. C. Cragin Raw Water Penstock.

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 approve the consideration paid and accepts the public utility easement both 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 _____, 2015, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

Kenny J. Evans, Mayor

MAR 05 2015 G.3

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Patricia E. Ronan, Town Attorney

EXHIBIT "1"
to Resolution No. 2835

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

PUBLIC UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

In consideration of eighteen hundred and seventy five dollars (\$1,875.00) to Mark D. and Cynthia A. Mason (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 public utility easement for all utilities with the right to construct and install utility lines, lay and thereafter use, operate, inspect, repair, maintain, replace and remove facilities as necessary, together with the rights of ingress, egress and access over, across and through the land of GRANTOR situate in Gila County, State of Arizona, for such purposes, said land being described on Exhibit "A" and depicted on 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 GRANTOR, their successors and assigns, by reason of the installation and operation of the utilities referred to herein. The GRANTEE covenants to maintain the easement in good repair and to restore any damages to the property caused by maintenance of the utilities to their previous condition 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 GRANTEES, their successor and assigns.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 9th day of February, 2015.



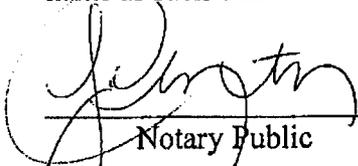
Mark D. Mason



Cynthia A. Mason
Trustees of the Mason Living Trust

STATE OF Colorado)
County of Douglas) §

The foregoing easement deed was acknowledged before me this 9th day of Feb, 2015, by Mark D, Mason and Cynthia A. Mason, who acknowledged themselves to be Trustees of the Mason Living Trust and that as such officers, being duly authorized so to do, signed his/her name as such officer.


Notary Public

My commission expires:
01-23-2019

**JEANETTE A. CLANTON
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19994001745
MY COMMISSION EXPIRES 01/23/2019**

Exhibit "A"

LEGAL DESCRIPTION (PORTION OF APN 302-04-059)

An easement for waterlines being a portion of that parcel described in the instrument recorded in Fee No. 2004-009335 Gila County Records. Located in the NE 1/4 of Section 23, Township 12 North, Range 10 East of the Gila and Salt River Meridian, Gila County, Arizona, more particularly described as follows:

BEGINNING at the C-N-N 1/64 Corner of Section 23 said corner being a 3/4" I.P. and the NW corner of said parcel.

Thence: N 89° 51' 00" E along the North line of said parcel, 21.41 feet;

Thence: S 20° 40' 43" W, leaving said North line, 24.06 feet to a point on the Westerly line of said parcel;

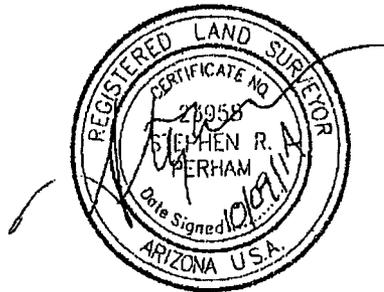
Thence: N 29° 54' 09" W Calculated (N 30° 21' 00" W Record), along said Westerly line, 25.90 feet to the **POINT OF BEGINNING**.

Encloses 240.70 SQ. FT., 0.01 Acres More or Less.

All as shown on attached Exhibit "A" made a part hereof by this reference

NORTHSTAR SURVEYING
INCORPORATED

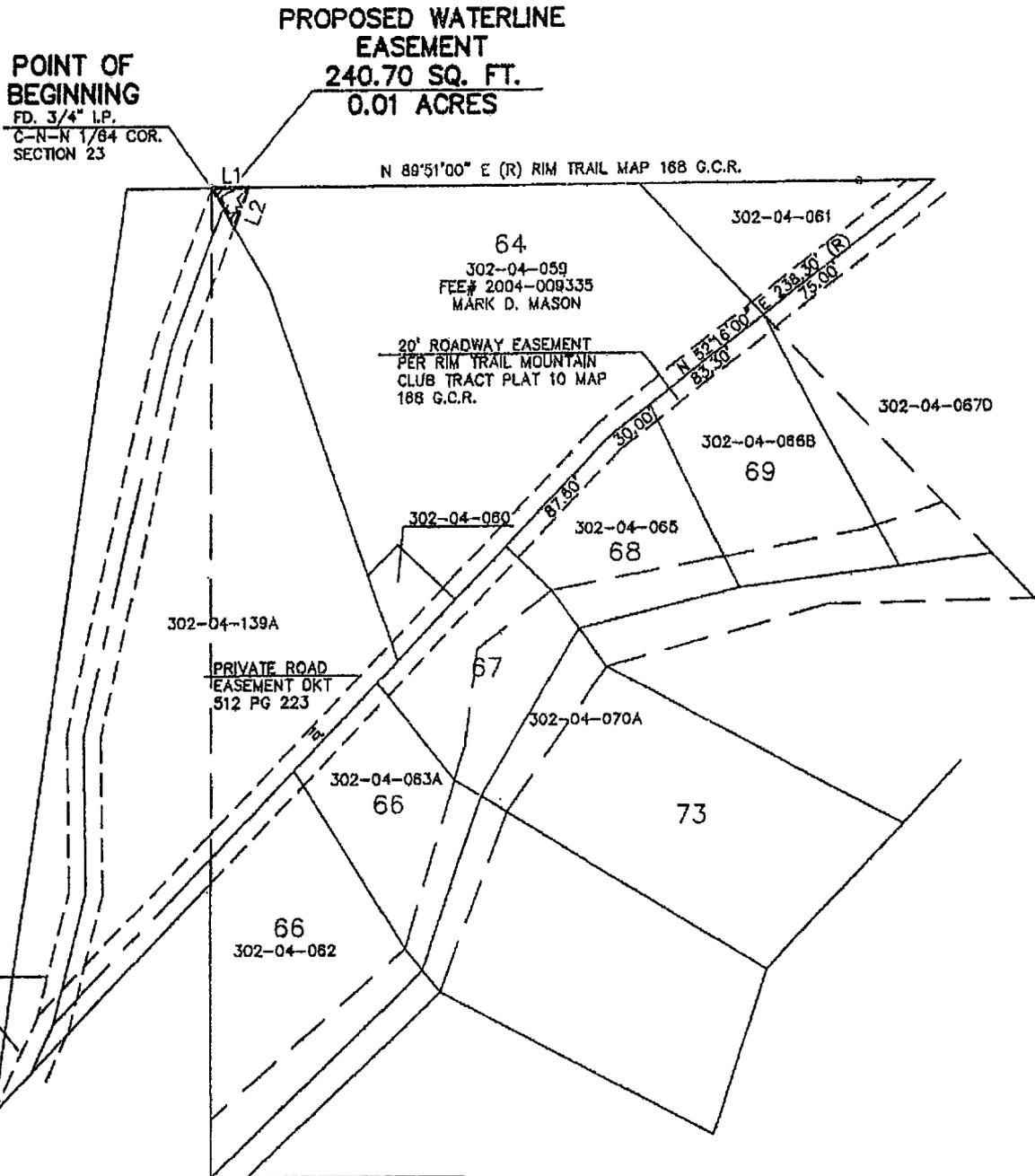
Project No. 14-125B



EXPIRES 12/31/2015

Exhibit "B"

A WATERLINE EASEMENT BEING A PORTION OF THAT PARCEL DESCRIBED IN THE INSTRUMENT RECORDED IN FEE NO 2004-009335, GILA COUNTY RECORDS. LOCATED IN THE NE 1/4 OF SECTION 23, TOWNSHIP 12 NORTH, RANGE 10 EAST OF THE GILA & SALT RIVER MERIDIAN, GILA COUNTY, ARIZONA.



LINE TABLE		
LINE	LENGTH	BEARING
L1	21.41	N89°51'00"E
L2	24.06	S20°40'43"W
L3	25.90	N29°54'09"W



NORTHSTAR SURVEYING, INC. SCALE 1" = 100 (928)-474-9646
 1100 N. BEELINE HWY., SUITE B
 PAYSON, ARIZONA 85541
 PROJECT NO. 14-125B

EXPIRES 12-31-2015