

RESOLUTION NO. 2836

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 Exhibits "B" and "B1" to that Exhibit "1" has been offered to the Town of Payson for consideration set forth in Exhibit "1" by Susan O. Patterson, an unmarried woman, 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 public utility 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:

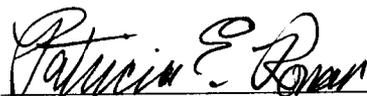
AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk



Patricia E. Ronan, Town Attorney

MAR 19 2015 5, 2*

EXHIBIT "1"
to Resolution No. 2836

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 five thousand dollars (\$5,000.00) and other good and valuable consideration consisting of (1) grading the existing driveway within this easement and installing 2 inches of aggregate material selected by Susan O. Patterson to Susan O. Patterson; (2) maintain the easement surface with the same material as selected by Susan O. Patterson (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 Exhibits "B" and "B1" attached hereto and made a part hereof. All construction items shall be in accordance with the C.C. Cragin Treated Water Line In-Town Corridor improvement plans Sheets C-360 and C-508.

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 10 day of

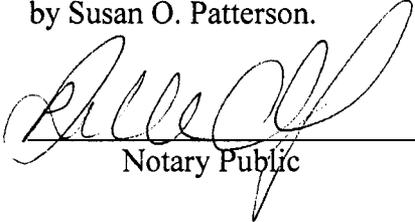
February, 2015.



Susan O. Patterson

STATE OF Arizona)
County of Maricopa)§

The foregoing easement deed was acknowledged before me this 10th day of February 2015,
by Susan O. Patterson.



Notary Public

My commission expires:
10/12/2017

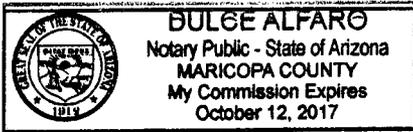


EXHIBIT "A"

LEGAL DESCRIPTION (PORTION OF APN 302-04-139A)

A 20.00 foot easement for waterlines, 10 feet right of, and 10.00 feet left of, parallel and adjacent to the following described centerline being a portion of Small Tracts Act Survey AZ 12-58 and that parcel described in the instrument recorded in Fee No. 2013-010191 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:

Commencing at AP2 of said Small Tracts Act Survey AZ 12-58:

Thence: N 44° 15' 05" E along the Southeasterly line of said Small Tracts Act Survey AZ 12-58, 31.28 feet to the **BEGINNING** of said centerline.

Thence: N 25° 36' 17" E, 31.28 feet;

Thence: N 14° 28' 15" E, 78.12 feet;

Thence: N 00° 43' 20" W, 91.04 feet;

Thence: N 12° 47' 15" E, 229.39 feet;

Thence: N 20° 40' 43" E, 85.98 feet to a point on the Northeasterly line of that parcel described in the instrument recorded in Fee No. 2013-010191, Gila County Records, said point being the **END** of said centerline

The sidelines of said 20.00 foot easement shall commence and terminate at the adjoiners

Encloses 10,316.26 SQ. FT., 0.24 Acres More or Less.

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

NORTHSTAR SURVEYING
INCORPORATED

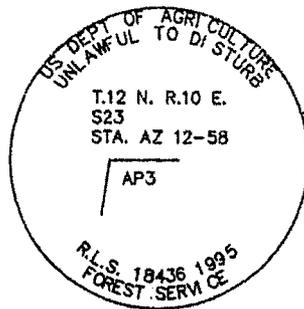
Project No. 14-125A



EXPIRES 12/31/2015

EXHIBIT "B"

A TWENTY FOOT (20') WATERLINE EASEMENT BEING A PORTION OF SMALL TRACTS ACT SURVEY AZ 12-58 AND THAT PARCEL DESCRIBED IN THE INSTRUMENT RECORDED IN FEE NO 2013-010191, 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.



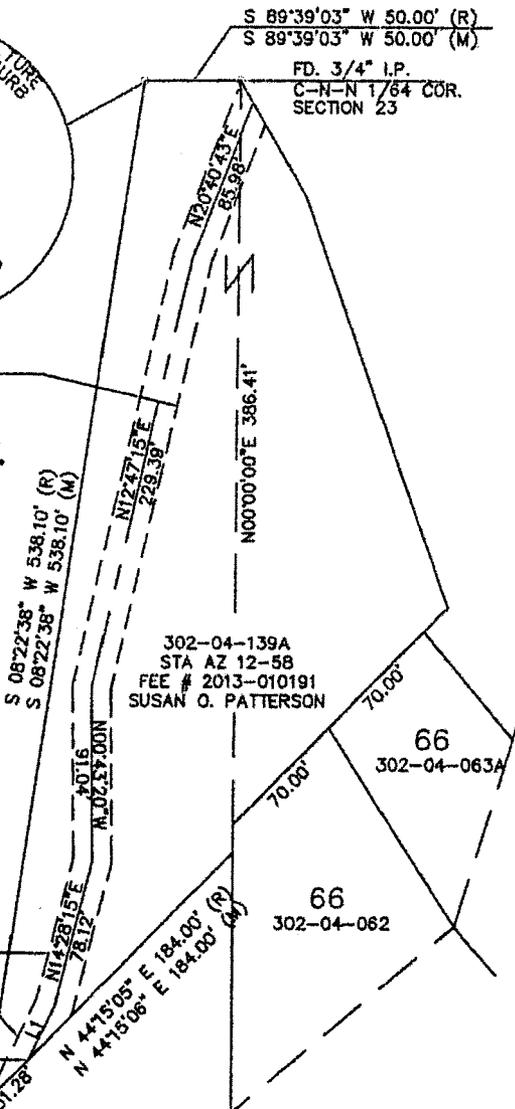
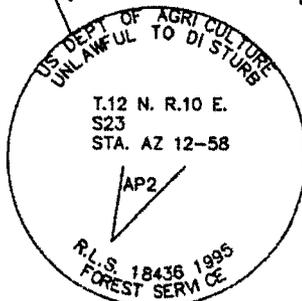
**PROPOSED 20'
WATERLINE
EASEMENT
10,316.26 SQ. FT.
0.24 ACRES**

| LINE TABLE | | |
|------------|--------|-------------|
| LINE | LENGTH | BEARING |
| L1 | 31.28 | N25°36'17"E |



20' U.S.D.A. ROAD EASEMENT
STA NO. 12-0058

POINT OF
BEGINNING



EXPIRES 12-31-2015

NORTHSTAR SURVEYING, INC.
1100 N. BEELINE HWY., SUITE B
PAYSON, ARIZONA 85541

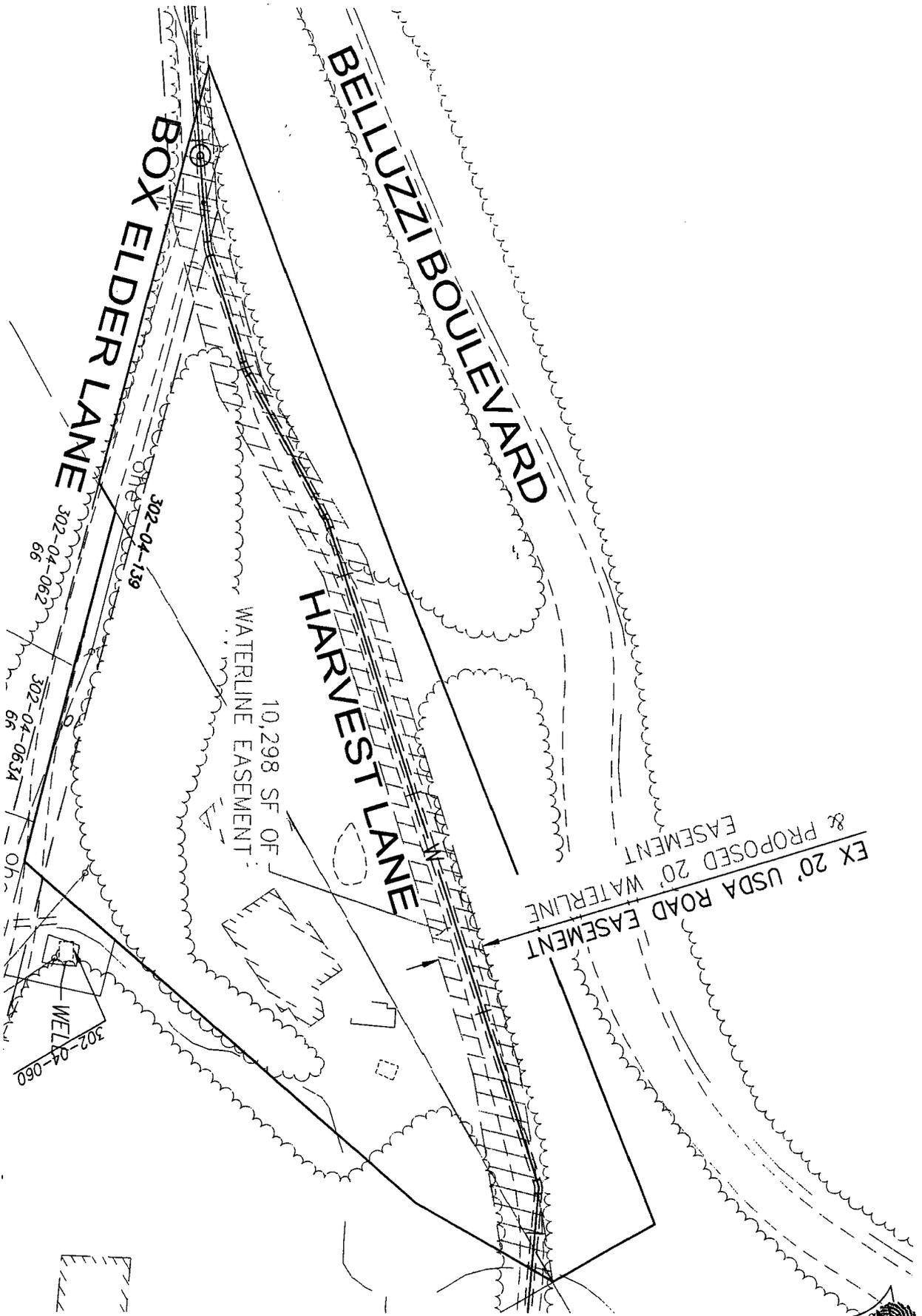
SCALE 1" = 100 (928)-474-9646

PROJECT NO. 14-125A

EXHIBIT "B1"

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04, 2014 3:18pm stuller



HORIZ: 1" = 60'



414 S BEEHIVE HWY., SUITE 1
PAYSON, ARIZONA 85541
TEL 928.474.4404
WWW.SUNRISE-ENG.COM