

RESOLUTION NO. 2843

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING THE ABANDONMENT OF A EMERGENCY INGRESS-EGRESS EASEMENT, DRAINAGE EASEMENT, AND A PORTION OF PUBLIC UTILITY EASEMENT ON LOTS 21 AND 33 OF THE MOGOLLON VILLAGE SUBDIVISION

WHEREAS, A.R.S. § 9-402(E) provides that the Town may abandon an easement;

WHEREAS, the owner of Lot 21 of the Mogollon Village Subdivision has requested that the Town abandon the Emergency Ingress-Egress Easement, Drainage Easement and a portion of the Public Utility Easement along the south side of Lots 21 and 33 of said subdivision;

WHEREAS, on April 6, 2015 the Planning and Zoning Commission held a public hearing on the abandonment request and unanimously recommended approval of such request;

WHEREAS, the Town desires to abandon an Emergency Ingress-Egress Easement, a Drainage Easement and a portion of a Public Utility Easement along the south side of Lots 21 and 33 of the Mogollon Village Subdivision as recorded on Map Number 761, Gila County Records Office.

NOW, THEREFORE , THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY RESOLVE AS FOLLOWS:

Section 1. The Town of Payson abandons its interest in the Emergency Ingress-Egress Easement, the Drainage Easement and a portion of the Public Utility Easement described on Exhibit A and depicted on Exhibit B attached hereto and incorporated herein as though set forth in full at this point.

Section 2. The abandonment described in Section 1 above shall become effective upon the recordation of this Resolution and its exhibits.

Section 3. The Town is authorized to take all other actions necessary to carry out the purposes of this resolution.

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

Hector M. Figueroa, Town Attorney

APR 16 2015 *11, 2*

EXHIBIT A TO RESOLUTION 2843

**LEGAL DESCRIPTION
OF
EMERGENCY INGRESS-EGRESS EASEMENT TO BE ABANDONED**

Beginning at the southwest corner of Lot 21 of Mogollon Village Subdivision as recorded on Map No. 761, Gila County Recorder's Office, Gila County, Arizona:

Thence N 00°15'02"E along the west line of said Lot 21 a distance of 20.00 feet;

Thence S 89°44'58"E along a line 20 feet north of and parallel to the south line of said Lot 21 a distance of 157.48 feet;

Thence N 80°41'22"E, 25.22 feet to a point on the east line of Lot 33 of said Mogollon Village Subdivision, said point also being on the west right of way line of McLane Road;

Thence S 05°24'35"W along the east line of said Lots 21 and 33 and the west right of way line of McLane Road 24.36 feet to the southeast corner of said Lot 21;

Thence N 89°44'58"W along the south line of said Lot 21 a distance of 180.62 feet to the Point of Beginning.

**LEGAL DESCRIPTION
OF
DRAINAGE EASEMENT TO BE ABANDONED**

Beginning at the southwest corner of Lot 21 of Mogollon Village Subdivision as recorded on Map No. 761, Gila County Recorder's Office, Gila County, Arizona:

Thence N 00°15'02"E along the west line of said Lot 21 a distance of 20.00 feet;

Thence S 89°44'58"E along a line 20 feet north of and parallel to the south line of said Lot 21 a distance of 157.48 feet;

Thence N 80°41'22"E, 25.22 feet to a point on the east line of Lot 33 of said Mogollon Village Subdivision, said point also being on the west right of way line of McLane Road;

Thence S 05°24'35"W along the east line of said Lots 21 and 33 and the west right of way line of McLane Road 24.36 feet to the southeast corner of said Lot 21;

Thence N 89°44'58"W along the south line of said Lot 21 a distance of 180.62 feet to the Point of Beginning.

Except the following described area

Commencing at the southwest corner of Lot 21 of Mogollon Village Subdivision as recorded on Map No. 761, Gila County Recorder's Office, Gila County, Arizona:

Thence S 89°44'58"E along the south line of said Lot 21 a distance of 21.67 feet to the TRUE POINT OF BEGINNING;

Thence N 30°15'15"W, 23.21 feet;

Thence S 89°44'58"E along a line 20 feet north of and parallel to the south line of said Lot 21 a distance of 11.61 feet;

Thence S 30°15'15"E, 23.21 feet to a point on the South line of said Lot 21;

Thence N 89°44'58"W along the south line of said Lot 21 a distance of 11.61 feet to the TRUE POINT OF BEGINNING.

**LEGAL DESCRIPTION
OF
PUBLIC UTILITY EASEMENT TO BE ABANDONED**

Commencing at the southwest corner of Lot 21 of Mogollon Village Subdivision as recorded on Map No. 761, Gila County Recorder's Office, Gila County, Arizona:

Thence N 00°15'02"E along the west line of said Lot 21 a distance of 14.00 feet to the TRUE POINT OF BEGINNING;

Thence continuing N 00°15'02"E along the west line of said Lot 21 a distance of 6.00 feet;

Thence S 89°44'58"E along a line 20 feet north of and parallel to the south line of said Lot 21 a distance of 157.48 feet;

Thence N 80°41'22"E, 25.22 feet to a point on the east line of Lot 33 of said Mogollon Village Subdivision, said point also being on the west right of way line of McLane Road;

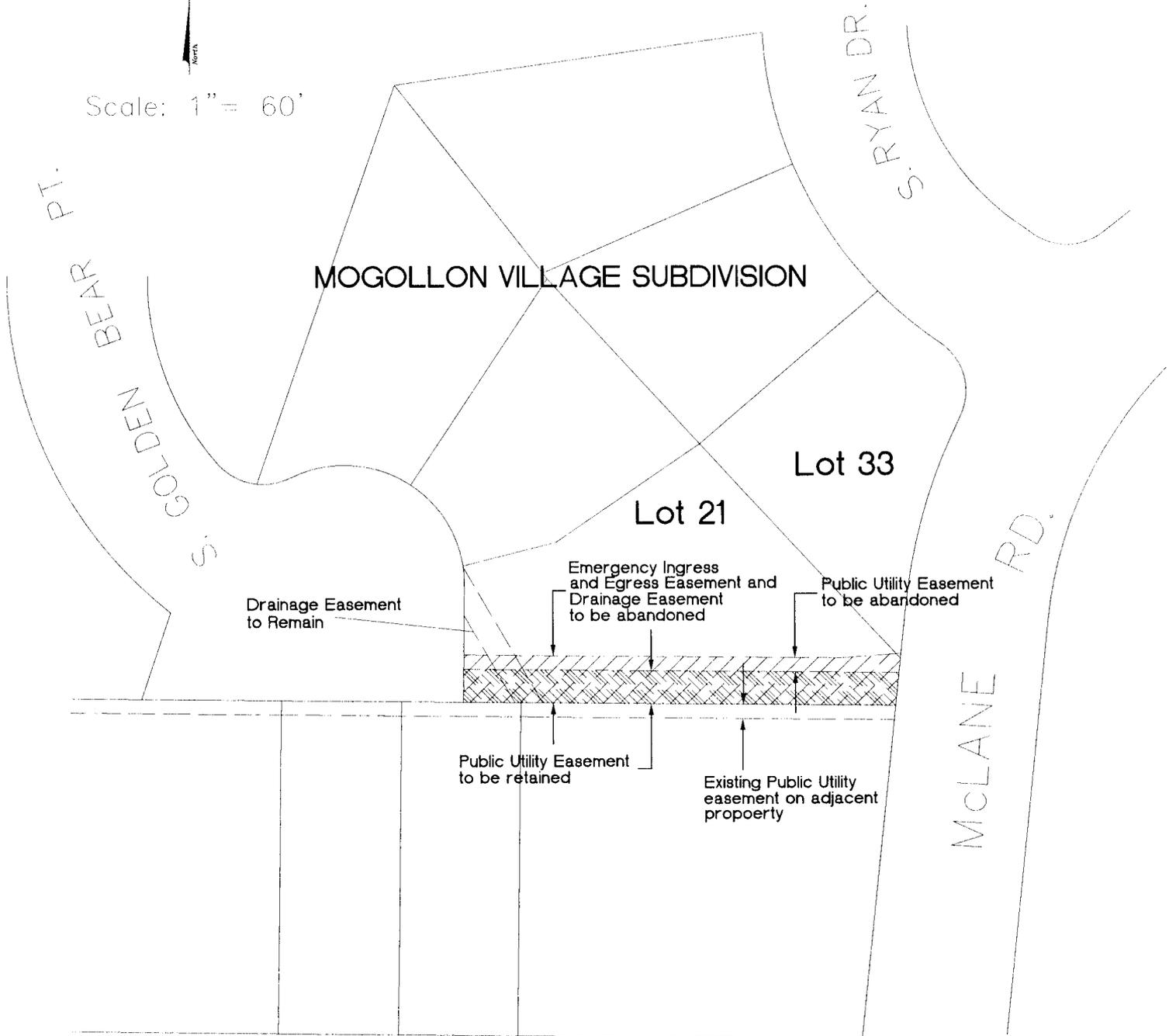
Thence S 05°24'35"W along the east line of said Lots 21 and 33 and the west right of way line of McLane Road 10.31 feet;

Thence N 89°44'58"W along a line 14 feet north of and parallel to the south line of said Lot 21 a distance of 181.88 feet to the TRUE POINT OF BEGINNING.

EXHIBIT B TO RESOLUTION NO. 2843



Scale: 1" = 60'



EASEMENT ABANDONMENT RECOMMENDATION LOTS 21 AND 33, MOGOLLON VILLAGE SUBDIVISION