

RESOLUTION NO. 2846

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, hold, lease, and convey property, real or personal, 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 Nick Brotcke and Maureen E. Brotcke, Trustees of the N. and M.E. Brotcke Family Trust, who has legal authority to grant the easement and which Exhibits are incorporated herein as though set forth in full;

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

WHEREAS, said easement is required for the construction of the C. C. Cragin Treated Water Line.

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

Hector M. Figueroa, Town Attorney

MAY 07 2015 2:1*

EXHIBIT "1"
to Resolution No. 2846

**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 two thousand dollars and 00 cents (\$2,000.00) and other good and valuable consideration consisting of (1) protecting in-place an existing elevated "Pioneer Village" business sign and underground electric supply line located at the northwest corner of the property; (2) installing a temporary 6' chain link fence with a 24- foot wide gate at parking lot entrance, if necessary, to allow business access to main store building of Pioneer Village from Beeline Highway plus public parking for business as necessary for any and all weekends during pipeline construction from start to finish and to remove any impediments caused by construction activities so that full use of the parking area at 1117 N. Beeline Highway is possible for any and all weekends during pipeline construction and (3) keeping property secured 24-hours per day during construction on this site pursuant to owners wishes; (4) refraining from any on-site construction on Saturdays and Sundays and (5) crack sealing and preservative surface sealing the existing asphalt parking lot to N. and M.E. Brotcke Family Trust (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. 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. If the GRANTEE'S contractor performs any work on the GRANTOR's property on a Saturday and/or Sunday then the Town of Payson will reimburse the GRANTOR at a rate of \$2,000.00 per day for each Saturday and/or Sunday the GRANTEE'S contractor is on the property. Should the aforementioned sign be damaged beyond what GRANTOR believes is repairable then GRANTEE shall replace the sign in-kind.

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 10th day of April, 2015.

Nicholas Brotcke

Nick Brotcke

Maureen E. Brotcke

Maureen E. Brotcke

N. and M.E. Brotcke Family Trust

STATE OF ARIZONA)
) §
County of Gila)

The foregoing easement deed was acknowledged before me this 10th day of April, 2015, by Nick and Maureen E. Brotcke, who acknowledged themselves to be the Trustees of N. and M.E. Brotcke Family Trust, and that as such officers, being duly authorized so to do, signed his/her name as such officer.

Megan McCarthy
Notary Public



My commission expires:
4-3-19

EXHIBIT "A"
LEGAL DESCRIPTION

Public Utility Easement
Tract "A" Rancho Del Tonto Amended

A portion of Tract "A" of Ranchos Del Tonto Amended according to the official plat recorded in Map No. 134, 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:

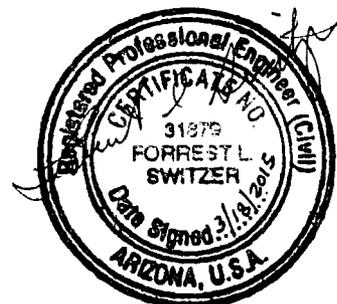
Commencing at the Northwest Corner of said Tract "A"; Thence following the description in the Arizona Department of Transportation Warranty Deed filed in Gila County office of the County Recorder as Docket 804, Page 240:

- Thence: *"along the west line of said Tract "A" (coincident with the existing East right-of-way line of State Route 87, PAYSON-WINSLOW HIGHWAY), South 2°17'49" West, 45.85 feet" TO THE TRUE POINT OF BEGINNING;*
- Thence: *"North 56°32'35" East, 37.15 feet to a point on the existing southerly right-of-way line of East Rancho Road", said point monumented with an ADOT Brass Cap;*
- Thence: *"South 89°21'11" East along said existing southerly right-of-way line, a distance of 26.24 feet", to a point monumented with an ADOT Brass Cap;*
- Thence: (Leaving the Warranty Deed description) South 0°38'49" West, 7.00 feet at right angles from said southerly right-of-way line;
- Thence: South 45°38'49" West, 60.57 feet at an angle of 45° with said southerly right-of-way line to a point in a line parallel with and 15.00 feet easterly (measured at right angles) from said East right-of-way line of State Route 87;
- Thence: South 2°17'49" West, 164.72 feet, more or less, along said 15.00 foot parallel line to its point of intersection with the southerly line of said Tract "A";
- Thence: South 64°17'00" West, 16.99 feet along said southerly line of Tract "A" to the Southwest Corner thereof;
- Thence: North 2°17'49" East, 201.28 feet, more or less, along said East right-of-way line of State Route 87 to the TRUE POINT OF BEGINNING.

The bearings used in the above description are taken from the Arizona Department of transportation Right-of-Way map.

This above description enclosed 0.0951 acres (4142 square feet) more or less.

TETRA TECH, INC.
Project 133-16910-11008



A.P.N
302-41-5B

A.P.N
302-41-5E

NW COR. TRACT "A"
POINT OF COMMENCEMENT

C/L E. RANCHO RD.

DEED TO AZ DEPT. OF
TRANSPORTATION
PER DKT. 804, PG. 240

25.00'
25.00'

C/L S.R. 87

TRUE POINT
OF BEGINNING

N 02° 17' 49" E 201.28'

S 02° 17' 49" W 164.72'

PROPOSED PUBLIC
UTILITY EASEMENT
4,142 SQ. FT., 0.0951 AC.

TRACT "A"
A.P.N 302-41-1A

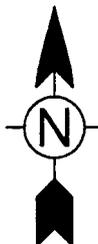
THE SOUTH LINE
OF TRACT "A"

50.00'
C/L TO R.O.W. 15.00'

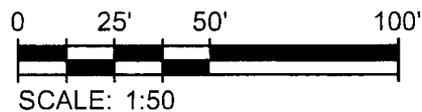
S 64° 17' 00" W
16.99'

100.00'
C/L TO R.O.W.

A.P.N
302-68-302A



LINE TABLE		
LINE NO.	BEARING	DISTANCE
L1	S 02° 17' 49" W	45.85
L2	N 56° 32' 35" E	37.15'
L3	S 00° 38' 49" W	7.00'
L4	S 45° 38' 49" W	60.57'



3/18/2015 12:49:38 PM - P:\16910\134-16910-1000\CAD\SHEETFILES\704.DWG - LOWER, DAVID



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"
TRACT "A" RANCHO DEL TONTO AMENDED

Project No.: 16910.10001
Date: 2015-03-18
Designed By: FLS
Supplemental
V-704

Bar Measures 1 inch

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