

RESOLUTION NO. 2873

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING THE ABANDONMENT OF THE DRAINAGE AND PUBLIC UTILITY EASEMENT ON LOT 71 CHAPARRAL PINES 1004 N SCENIC DRIVE AND DESCRIBED IN THE DOCUMENTS ATTACHED HERETO AS EXHIBITS "A" AND "B".

WHEREAS, the Town of Payson, a municipal corporation and a political subdivision of the State of Arizona, is located entirely in Gila County and incorporated and organized under A.R.S. §§ 9-101 and 9-231; and

WHEREAS, pursuant to A.R.S. § 9-240 (B)(3), the Common Council shall also have power to exercise exclusive control over the streets, alley, avenue, park, public place or sidewalk and to vacate, abandon or abolish same within the town limits; and

WHEREAS, certain drainage and public utility easement on Lot 71 of Chaparral Pines located at 1004 N. Scenic Drive described and attached hereto with Legal Description described in Exhibit "A" and diagrammed in Exhibit "B" was requested to be abandoned by Dan Jaeger through Verde Engineering Group PLLC, who has the legal authority to present the request to the Town of Payson Planning & Zoning Commission ("Commission"); and

WHEREAS, the Abandonment Request was presented and heard before the Commission on August 3rd, 2015 and upon duly made motion and vote was approved to be presented to Mayor and Council; and

WHEREAS, said real drainage and utility easement is located within the corporate limits of the Town of Payson; and

WHEREAS, it is the desire of the Town of Payson to abandon said Drainage and Public Utility Easement as presented to and approved by the Commission.

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 abandonment of said drainage and public utility easement described and depicted in Exhibits "A" and "B" attached hereto and incorporated by reference as though set forth in full herein. .

Section 2: That Kenny J. Evans, Mayor of the Town of Payson, is authorized to execute this Resolution pursuant to A.R.S. § 9-241.

Section 3: That the Town of Payson is authorized to take such other and further actions as may be necessary or appropriate to carry out the intent of this Resolution and to officially abandon said drainage and public easement.

PASSED AND ADOPTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PAYSON, ARIZONA, this 13th day of August, 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

EXHIBIT "A"
LEGAL DESCRIPTION
DRAINAGE AND PUBLIC UTILITY EASEMENT TO BE EXTINGUISHED
CHAPARRAL PINES PHASE 1 LOT 71

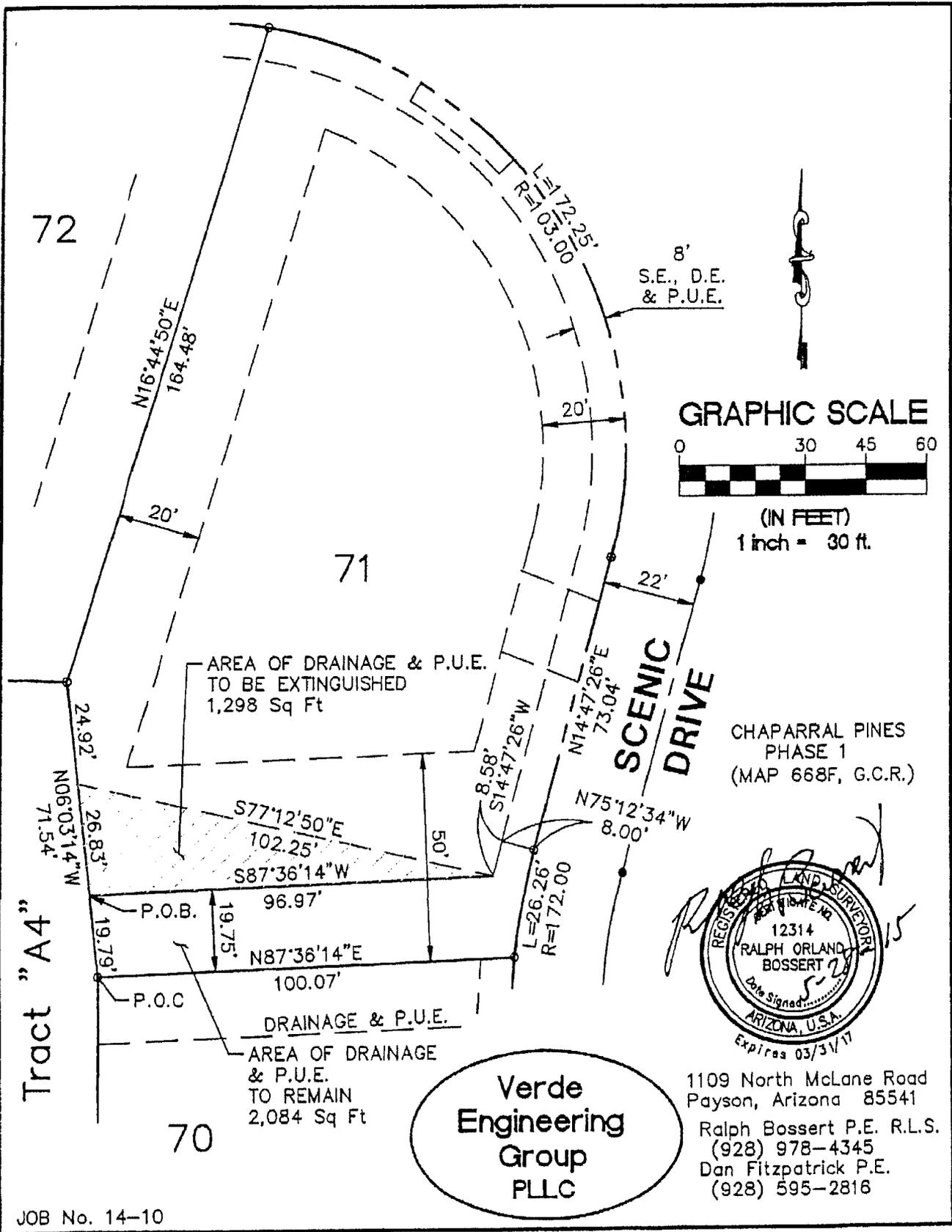
A portion of a Drainage and Public Utility Easement located on Lot 71 of Chaparral Pines Phase 1, as shown on Map 668, Gila County Records, located in the Southwest ¼ of Section 25, T11N, R10E, G&SRM, Town of Payson, Gila County, Arizona. The said Public Utility Easement to be extinguished is more particularly described as follows:

Commencing at the southwest corner of Lot 71;
Thence N 06° 03' 14" W along the west line of Lot 71, 19.79 feet to the Point of Beginning;
Thence continuing N 06° 03' 14" W along said Lot line, 26.83 feet to the northwest corner of the said easement to be extinguished;
Thence S 77° 12' 50" E along the said easement line, 102.25 feet;
Thence S 87° 36' 14" W, along a line 19.75' normally distant north of the south line of Lot 71, 96.97 feet to the Point of Beginning;

Said Drainage and Public Utility Easement to be extinguished contains 1,298 square feet, more or less, as shown on attached Exhibit "B".

Project 14-10
May 28, 2015





1004 N Scenic Dr EXHIBIT B