

RESOLUTION NO. 2896

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ABANDONING A PORTION OF THE EXISTING RIGHT OF WAY FOR CHAPARRAL PINES DRIVE, AND APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A QUIT CLAIM DEED TO THE GOLF CLUB AT CHAPARRAL PINES, LLC.

WHEREAS, A.R.S. § 28-7202 provides that a Town of Payson may abandon a public roadway or a portion thereof that it determines is not necessary for use as a roadway; and

WHEREAS, A.R.S. § 28-7208 requires that the Town receive consideration for the abandoned property in an amount deemed by the governing body to be commensurate with the value of the abandoned roadway or portion thereof; and

WHEREAS, The Golf Club at Chaparral Pines, LLC filed a request for the abandonment of approximately 9,444 square feet of the Chaparral Pines Drive Right of Way; and

WHEREAS, notification of the requested abandonment was sent to all local utility providers, Town department heads, and all property owners within 300 feet of the property; and

WHEREAS, Town staff compiled the results of the responses received from the utility providers, Town department heads, and property owners and presented that information to the Planning and Zoning Commission; and

WHEREAS, on January 4, 2016, the Planning and Zoning Commission held a public hearing on Application A15-006 and following said public hearing voted unanimously to recommend approval of such Application; and

WHEREAS, the Mayor and Common Council have determined that the Right of Way is unnecessary for public use as a roadway; and

WHEREAS, the Mayor and Common Council deem the amount of \$1.00 per square foot to be commensurate with the value of the Right of Way; and

WHEREAS, the Town desires to abandon the Right of Way, but to retain a public utility easement over the abandoned portion of the Right of Way,

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

Section 1. That the Mayor and Common Council approves abandonment of the Right of way as requested in Application A15-006.

Section 2. That upon receipt of consideration of \$1.00 per square foot, the Mayor of the Town of Payson is hereby authorized to execute the quit claim deed attached hereto marked Exhibit 1 in substantially the form attached conveying the Right of Way to The Golf Club at Chaparral Pines, LLC.

JAN 07 2016 D.S

Section 3. That the Town of Payson is authorized to take such other actions as are necessary to carrying out the purposes of this Resolution.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this _____ day of January, 2016, 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 "1"
to Resolution No. 2896

WHEN RECORDED, RETURN TO:
Silvia Smith, Town Clerk
Town of Payson
303 N. Beeline Highway
Payson, AZ 85541

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS:

For valuable consideration of \$9,444.00, the undersigned, Town of Payson, an Arizona Municipal Corporation ("Grantor"), hereby quit-claims to The Golf Club at Chaparral Pines, LLC ("Grantee"), whose address is 13845 N. Northsight Blvd, #200, Scottsdale, AZ 85260, fee title of Grantor, but reserving unto Grantor a Public Utility Easement over the property Areas B, C, D, and G situated in Gila County, Arizona, which are described as follows:

- Exhibit A – Legal Description Area B
- Exhibit B – Legal Description Area C
- Exhibit C – Legal Description Area D
- Exhibit D – Legal Description Area G
- Exhibit E – Map

DATED: _____

Town of Payson,
an Arizona Municipal Corporation (Grantor)

By: _____
Kenny J. Evans, Mayor

STATE OF ARIZONA)
)§
County of Gila)

The foregoing quit-claim deed was signed before me on _____, 2016 by Kenny J. Evans, Mayor of the Town of Payson, on behalf of the Town.

Notary Public

My commission expires:

EXEMPT PER A.R.S. § 11-1134(A)(3)

EXHIBIT A

LEGAL DESCRIPTION For RIGHT-OF-WAY ABANDONMENT CHAPARRAL PINES DRIVE AREA "B"

That portion of Section 36, Township 11 North, Range 10 East of the Gila and Salt River Meridian, Town of Payson, Gila County, Arizona, more particularly described as follows:

BEGINNING at the SE corner of Tract "A1" as shown on the Final Plat of Chaparral Pines, Phase One, Plat Map No. 668 thru 668JJ, Gila County Records and being a point on the Westerly Right-of-Way line of "Chaparral Pines Drive Map of Dedication", Map No. 1121-1121B, Gila County Records:

Thence: N 14° 48' 10" E, along the said Westerly Right-of-Way line, 20.53 feet to a P.C. of a curve to the left, concave to the West, having a central angle of 14° 39' 27" and a radius of 460.00 feet;

Thence: Northeasterly along the arc of said curve and said Westerly Right-of-Way line, 117.68 feet;

Thence: N 00° 08' 43" E, along said Westerly Right-of-Way line, 130.14 feet;

Thence: S 53° 36' 47" E, leaving said Westerly Right-of-Way line, 12.21 feet to a 1/2" Rebar with brass tag R.L.S. 24516;

Thence: S 00° 59' 01" W, 129.78 feet to a P.C. of a curve to the right, concave to the West, having a central angle of 13° 49' 09" and a radius of 468.00 feet;

Thence: Southwesterly along the arc of said curve, 112.88 feet to a 1/2" Rebar with brass tag R.L.S. 24516;

Thence: S 14° 48' 10" W, 49.07 feet;

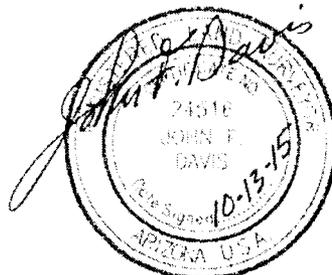
Thence: S 72° 22' 15" W, 9.48 feet to a point on said Westerly Right-of-Way line;

Thence: N 14° 48' 10" E, along said Westerly Right-of-Way line, 33.63 feet to the **POINT OF BEGINNING**.

Encloses 2,498. SQ. FT. / 0.06 Acres.

NORTSTAR SURVEYING, INC.

Project No. 15-098



EXPIRES 09-30-2017

EXHIBIT B

LEGAL DESCRIPTION For RIGHT-OF-WAY ABANDONMENT CHAPARRAL PINES DRIVE AREA "C"

That portion of Section 36, Township 11 North, Range 10 East of the Gila and Salt River Meridian, Town of Payson, Gila County, Arizona, more particularly described as follows:

Commencing at the SE corner of Tract "A1" as shown on the Final Plat of Chaparral Pines, Phase One, Plat Map No. 668 thru 668JJ, Gila County Records and being a point on the Westerly Right-of-Way line of "Chaparral Pines Drive Map of Dedication", Map No. 1121-1121B, Gila County Records:

Thence: N 14° 48' 10" E, along the said Westerly Right-of-Way line, 20.53 feet to a P.C. of a curve to the left, concave to the West, having a central angle of 14° 39' 27" and a radius of 460.00 feet;

Thence: Northeasterly along the arc of said curve and said Westerly Right-of-Way line, 117.68 feet;

Thence: N 00° 08' 43" E, along said Westerly Right-of-Way line, 130.13 feet to a P.C. of a curve to the right, concave to the East, having a central angle of 07° 53' 22" and a radius of 540.00 feet;

Thence: Northeasterly along the arc of said curve and said Westerly Right-of-Way line, 74.36 feet to the **POINT OF BEGINNING**, being a 1/2" Rebar with brass tag R.L.S. 24516 and a P.O.C. of a curve to the right, concave to the East, having a central angle of 03° 17' 21" and a radius of 540.00 feet;

Thence: Northeasterly along the arc of said curve and said Westerly Right-of-Way line, 31.00 feet;

Thence: N 11° 19' 27" E, along the said Westerly Right-of-Way line, 91.68 feet to a P.C. of a curve to the left, concave to the West, having a central angle of 18° 15' 12" and a radius of 260.00 feet;

Thence: Northeasterly along the arc of said curve and said Westerly Right-of-Way line, 82.83 feet to a 1/2" Iron pipe with brass tag R.L.S. 16520;

Thence: S 69° 47' 16" E, leaving said Westerly Right-of-Way line, 15.63 feet to a 1/2" Rebar with brass tag R.L.S. 24516 and a P.C. of a non-tangent curve to the right, concave to the West, having a central angle of 16° 45' 44", a radius of 274.00 feet and a radial bearing into the P.C. of N 84° 33' 43" E;

Thence: Southwesterly along the arc of said curve, 80.16 feet to a 1/2" Rebar with brass tag R.L.S. 24516;

Thence: S 11° 19' 27" W, 91.68 feet to a P.C. of a curve to the left, concave to the East, having a central angle of 02° 43' 23" and a radius of 526.00 feet;

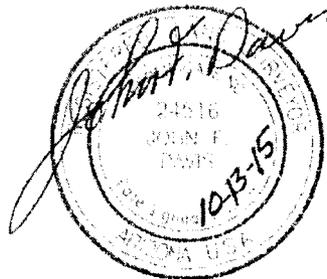
Thence: Southwesterly along the arc of said curve, 25.00 feet to a 1/2" Rebar with brass tag R.L.S. 24516;

Thence: S 77° 42' 20" W, 14.96 feet to the **POINT OF BEGINNING.**

Encloses 2,816. SQ. FT. / 0.06. Acres.

NORTSTAR SURVEYING, INC.

Project No. 15-098



EXPIRES 09-30-2017

EXHIBIT C

LEGAL DESCRIPTION For RIGHT-OF-WAY ABANDONMENT CHAPARRAL PINES DRIVE AREA "D"

That portion of Section 36, Township 11 North, Range 10 East of the Gila and Salt River Meridian, Town of Payson, Gila County, Arizona, more particularly described as follows:

Commencing at the SE corner of Tract "A1" as shown on the Final Plat of Chaparral Pines, Phase One, Plat Map No. 668 thru 668JJ, Gila County Records and being a point on the Westerly Right-of-Way line of "Chaparral Pines Drive Map of Dedication", Map No. 1121-1121B, Gila County Records;

Thence: N 14° 48' 10" E, along the said Westerly Right-of-Way line, 20.53 feet to a P.C. of a curve to the left, concave to the West, having a central angle of 14° 39' 27" and a radius of 460.00 feet;

Thence: Northeasterly along the arc of said curve and said Westerly Right-of-Way line, 117.68 feet;

Thence: N 00° 08' 43" E, along said Westerly Right-of-Way line, 130.13 feet to a P.C. of a curve to the right, concave to the East, having a central angle of 11° 10' 44" and a radius of 540.00 feet;

Thence: Northeasterly along the arc of said curve and said Westerly Right-of-Way line, 105.36 feet;

Thence: N 11° 19' 27" E, along said Westerly Right-of-Way line, 91.68 feet to a P.C. of a curve to the left, concave to the West, having a central angle of 18° 15' 12" and a radius of 260.00 feet;

Thence: Northerly along the arc of said curve and Westerly Right-of-Way line, 82.83 feet to the **POINT OF BEGINNING**, being a 1/2" Iron Pipe with brass tag R.L.S. 16520;

Thence: N 06° 55' 45" W, along said Westerly Right-of-Way line, 40.31 feet;

Thence: N 38° 04' 15" E, along said Westerly Right-of-Way line, 14.14 feet;

Thence: N 06° 55' 45" W, along said Westerly Right-of-Way line, 99.46 feet;

Thence: N 51° 55' 45" E, along said Westerly Right-of-Way line, 14.14 feet to a P.C. of a non-tangent curve to the right, concave to the East, having a central angle of 46° 03' 48" and a radius of 365.00 feet;

Thence: Northeasterly along the arc of said curve and said Westerly Right-of-Way line, 293.44 feet to a 1/2" Rebar with brass tag R.L.S. 24516;

Thence: N 39° 08' 03" E, along said Westerly Right-of-Way line, 20.50 feet;

Thence: S 18° 42' 17" E, leaving said Westerly Right-of-Way line, 9.45 feet;

Thence: S 39° 08' 03" W, 22.90 feet to a P.C. of a curve to the left, concave to the East, having a central angle of 36° 20' 46" and a radius of 320.00 feet;

Thence: Southwesterly along the arc of said curve, 202.99 feet to a 1/2" Rebar with brass tag R.L.S. 24516;

Thence: S 02° 47' 17" W, 15.59 feet to a 1/2" Rebar with brass tag R.L.S. 24516;

Thence: S 29° 54' 32" W, 5.87 feet to a 1/2" Rebar with brass tag R.L.S. 24516;

Thence: S 01° 11' 13" W, 21.81 feet to a P.C. of a non-tangent curve to the right, concave to the SW, having a central angle of 31° 25' 44", a radius of 25.00 feet and a radial bearing into the P.C. of N 51° 38' 31" E;

Thence: Southerly along the arc of said curve, 13.71 feet to a 1/2" Rebar with brass tag R.L.S. 24516;

Thence: S 06° 55' 45" E, 140.73 feet to a P.C. of a curve to the right, concave to the West, having a central angle of 27° 08' 29" and a radius of 60.00 feet;

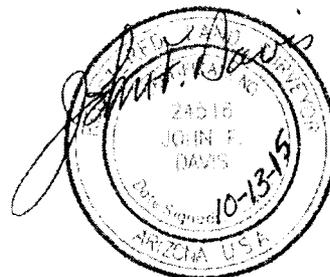
Thence: Southwesterly along the arc of said curve, 28.42 feet to a 1/2" Rebar with brass tag R.L.S. 24516;

Thence: S 20° 12' 44" W, 14.01 feet to the **POINT OF BEGINNING**.

Encloses 3,464. SQ. FT. / 0.08 Acres.

NORTHSTAR SURVEYING, INC.

Project No. 15-098



EXPIRES 09-30-2017

EXHIBIT D

LEGAL DESCRIPTION RIGHT-OF-WAY ABANDONMENT CHAPARRAL PINES DRIVE AREA "G"

That portion of the NE 1/4 of Section 36 and the SE 1/4 of Section 25, Township 11 North, Range 10 East of the Gila and Salt River Meridian, Town of Payson, Gila County, Arizona, more particularly described as follows:

BEGINNING at the NE corner of Lot 26 and a point on the Westerly Right-of-Way line of Chaparral Pines Drive as shown on the Final Plat of Chaparral Pines, Phase One, Plat Map No. 668 thru 668JJ, Gila County Records, being a 1/2" Iron Pipe R.L.S. 16520;

Thence: N 85° 53' 24" E, leaving said Westerly Right-of-Way line, 2.00 feet to a 1/2" Rebar with brass tag R.L.S. 24516, being a P.C. of a non-tangent curve to the left, concave to the East, having a central angle of 23° 01' 22", a radius of 328.00 feet and a radial bearing into the P.C. of S 85° 53' 24" W;

Thence: Southeasterly along the arc of said curve, 131.80 feet to a 1/2" Rebar with brass tag R.L.S. 24516;

Thence: S 27° 07' 58" E, 137.25 feet to a P.C. of a curve to the right, concave to the SW, having a central angle of 07° 44' 22" and a radius of 472.00 feet;

Thence: Southeasterly along the arc of said curve, 63.76 feet to a 1/2" Rebar with brass tag R.L.S. 24516;

Thence: S 70° 36' 24" W, 2.00 feet to a point on said Westerly Right-of-Way line, being a P.C. of a non-tangent curve to the left, concave to the SW, having a central angle of 07° 44' 22", a radius of 470.00 feet and a radial bearing into the P.C. of N 70° 36' 24" E;

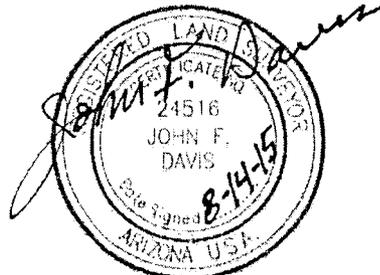
Thence: Northwesterly along the arc of said curve and Westerly Right-of-Way line, 63.49 feet;

Thence: N 27° 07' 58" W, along said Westerly Right-of-Way line, 137.25 feet to a P.C. of a curve to the right, concave to the East, having a central angle of 23° 01' 22" and a radius of 330.00 feet;

Thence: Northwesterly along the arc of said curve and Westerly Right-of-Way line, 132.61 feet to the **POINT OF BEGINNING**.

Encloses 666. SQ. FT. / 0.02 Acres.

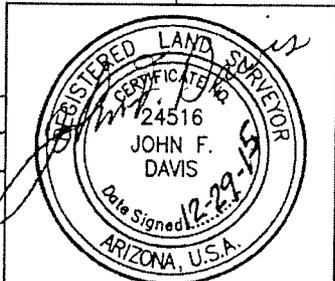
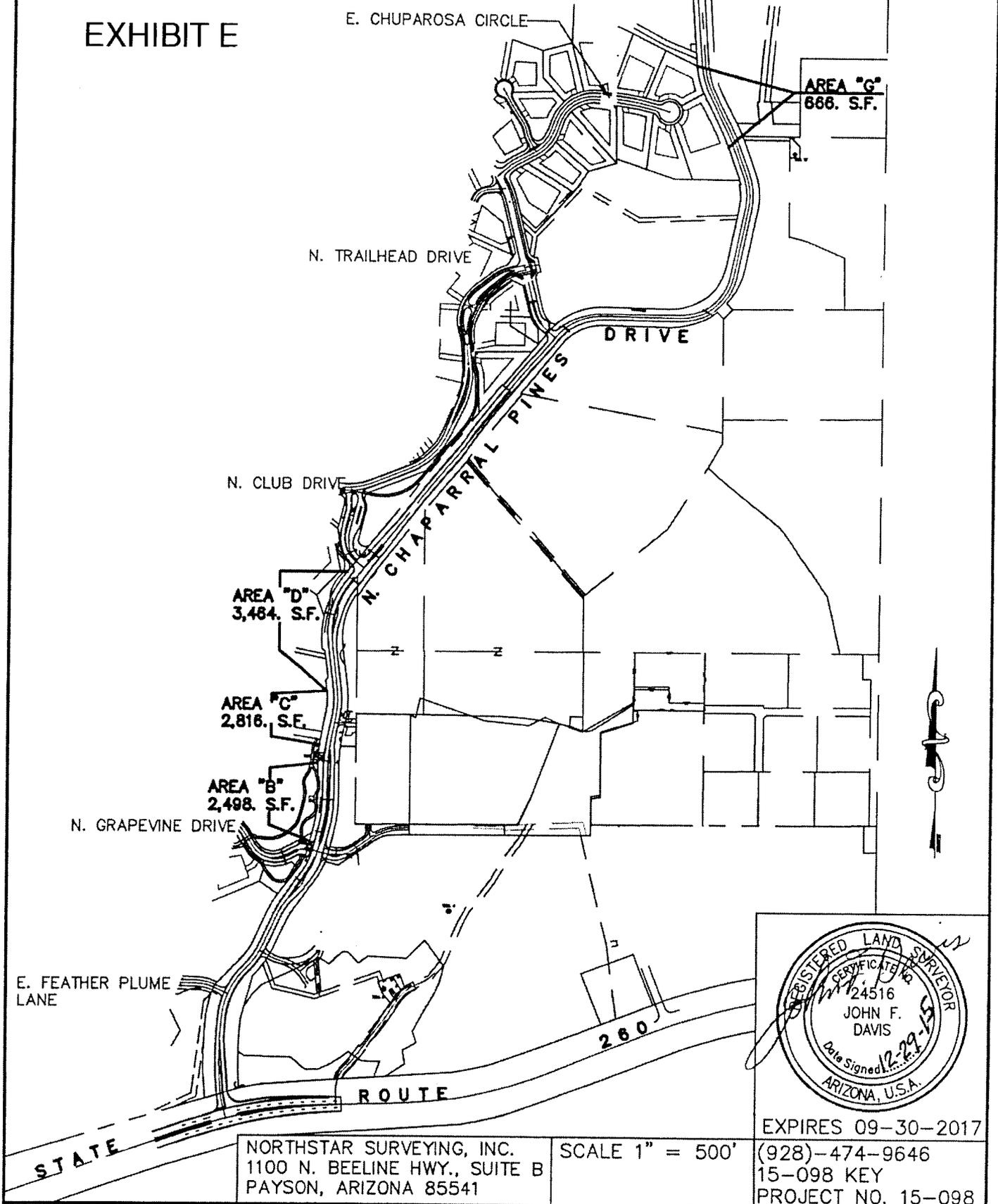
Project No. 15-098



EXPIRES 09-30-2017

KEY MAP - RIGHT-OF-WAY ABANDONMENT OF
A PORTION OF N. CHAPARRAL PINES DRIVE

EXHIBIT E



EXPIRES 09-30-2017

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

SCALE 1" = 500'

(928)-474-9646
15-098 KEY
PROJECT NO. 15-098