RESOLUTION NO. 2985

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING AND APPROVING: (1) TEMPORARY CONSTRUCTION EASEMENT FOR THE EAST BONITA STREET IMPROVEMENTS PROJECT PHASE II RELATED TO 508 E. BONITA STREET ---APN 304-04-158A ("SUBJECT PROPERTY").

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 Town Council shall also have power to exercise exclusive control over the streets, alley, easement, avenue, park, public place or sidewalk and to vacate, abandon, accept or abolish same within the town limits; and

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; and

WHEREAS, the Town of Payson has planned, designed and is ready to implement the East Bonita Street Improvements Project Phase II to be managed by ADOT to include, but not be limited to, road surface replacement, bike lanes, storm drain upgrades and separate utility upgrades or replacement in conjunction with this project; and

WHEREAS, it is the desire of the Town of Payson to accept and approve a Temporary Construction Easement for the SUBJECT PROPERTY; and

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

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

Section1: That the Town of Payson does hereby approve the consideration paid and accepts said Temporary Construction Easement described and depicted under Exhibit "I" and individually identified as 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 Resolution No. 2985 to approve the Town's Offer for the property rights in substantially the form attached hereto and marked under Exhibit I.

Section 3: That the Town of Payson and Town Officials be and are hereby authorized to take such other and further actions as may be necessary or appropriate in perfecting the

use and control thereof, including, but not limited to, the maintenance thereof, and the official recordation of the documents attached hereto under Exhibit "I ".

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON this 17th day of November, 2016 by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT_____

_____
Kenny J. Evans, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Hector M. Figueroa, Town Attorney

Prepared by Town of Payson Legal Department
HMF:dkk 11/7/2016 3:05 PM
O:\Civil\Resolutions\2900s\2985 BONITA PHASEII 508 E BONITA ST.doc

EXHIBIT "I"

to Resolution No. 2985

(Bonita Phase II 508 E. BONITA STREET)

TEMPORARY CONSTRUCTION EASEMENT

The undersigned Grantor, for the consideration of ONE DOLLAR AND OTHER VALUABLE CONSIDERATION, does hereby grant to the **Town of Payson**, by and through its **Department of Transportation**, hereinafter termed Grantee, an exclusive temporary construction easement ("TCE") for use by its agents and contractors under Grantee's direction, to reconstruct and improve East Bonita Street from SR 87 to Bentley Street to accommodate two (2) travel lanes and a 4-foot bike lane on each side along with associated improvements in connection with the construction of Project No. SZ068 of the East Bonita Street Improvements Phase II (the "Project") across that certain real property situated in Gila County, Arizona, described as:

That portion of Lot 10, SUNDAL ADDITION, according to Map No. 184, records of Gila County, Arizona;

Except that part of Lot 10 of the Sundal Addition in Payson on Plat Map No. 184 in the Office of the Recorder of Gila County, Arizona, conveyed to The Town of Payson, an Arizona municipal corporation, in Document No. 2007-017717, records of Gila County, Arizona, more particularly described as follows:

BEGINNING at the Southwest corner of Lot 10; thence South 89°53' East, a distance of 175 feet along the South line of Lot 10 to the Southeast corner of Lot 10, thence North 0°01' West, as distance of 100 feet along the East line of Lot 10 to the Northeast corner of Lot 10; thence North 89°53' West a distance of 15.00 feet along the North line of Lot 10; thence South 0°01' East, a distance of 52.91 feet to a tangent curve; thence along the tangent curve to the Southwest, with a radius of 40.00 feet, a distance of 62.92 feet; thence North 89°53' West, a distance of about 119.91 feet to the West of Lot 10; thence South 0°01' East, a distance of 7.00 feet along the West line of Lot 10 to the Southwest corner of Lot 10, the POINT OF BEGINNING;

as shown in **red** on the plat(s) attached hereto and made a part hereof (the "Property").

To the extent practicable, Grantee shall leave the Property in the same condition as existing immediately prior to Grantee's entry.

It is further understood and agreed that this TCE is to expire and terminate thirty (30) days after the completion of the Project.

IN WITNESS WHEREOF, this instrument is executed this 1 day of Sept, 2016.

GRANTORS: JEFFREY D. METCALF and CARRIE L. METCALF, husband and wife as community property with right of survivorship

Jeffrey D. Metcalf

Carrie L. Metcalf

ACKNOWLEDGEMENT

STATE OF ARIZONA)
) ss.
County of Maricopa)

On this 1st day of September, 2016, before me, the undersigned Notary Public, personally appeared Jeffery D. Metcalf who executed and acknowledged the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires: 10/27/2017

AUDREY M HAMMOND
Notary Public - Arizona
Maricopa County
My Comm. Expires Oct 27, 2017

STATE OF ARIZONA)
) ss.
County of Maricopa)

On this 1st day of September, 2016, before me, the undersigned Notary Public, personally appeared Carrie L. Metcalf who executed and acknowledged the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires: 10/27/2017

AUDREY M HAMMOND
Notary Public - Arizona
Maricopa County
My Comm. Expires Oct 27, 2017

Accepted: Town of Payson

Signature: _____

Date: _____

LEGAL DESCRIPTION FOR
TOWN OF PAYSON – EAST BONITA STREET (SZ068)
ASSESSOR PARCEL 304-04-158A

An irregular shaped land tract situated in Lot 10, Sundal Addition Plat 1A as recorded on Map 184 of Gila County Recorder records within the south half of Section 3, Township 10 North, Range 10 East of the Gila and Salt River Base and Meridian, (S½, Sec 3, T10N, R10E, G&SRB&M) Gila County, Arizona more particularly described below:

A basis for bearings is South 88° 44' 19" East as measured along the north line of the south half of the south half of the northwest quarter of the southeast quarter of said Section 3 having a distance of 2,645.33 feet between arbitrary points on said line determined from found monuments representing the Center ¼ corner of Section 3 (0.5" rebar), thence South 00° 54' 27" West, 983.42 feet to the point on the line and the East ¼ corner of Section 3 (brass cap in handhole), thence South 01° 13' 20" West, 973.07 feet to the point on the line.

For Temporary Construction Easement

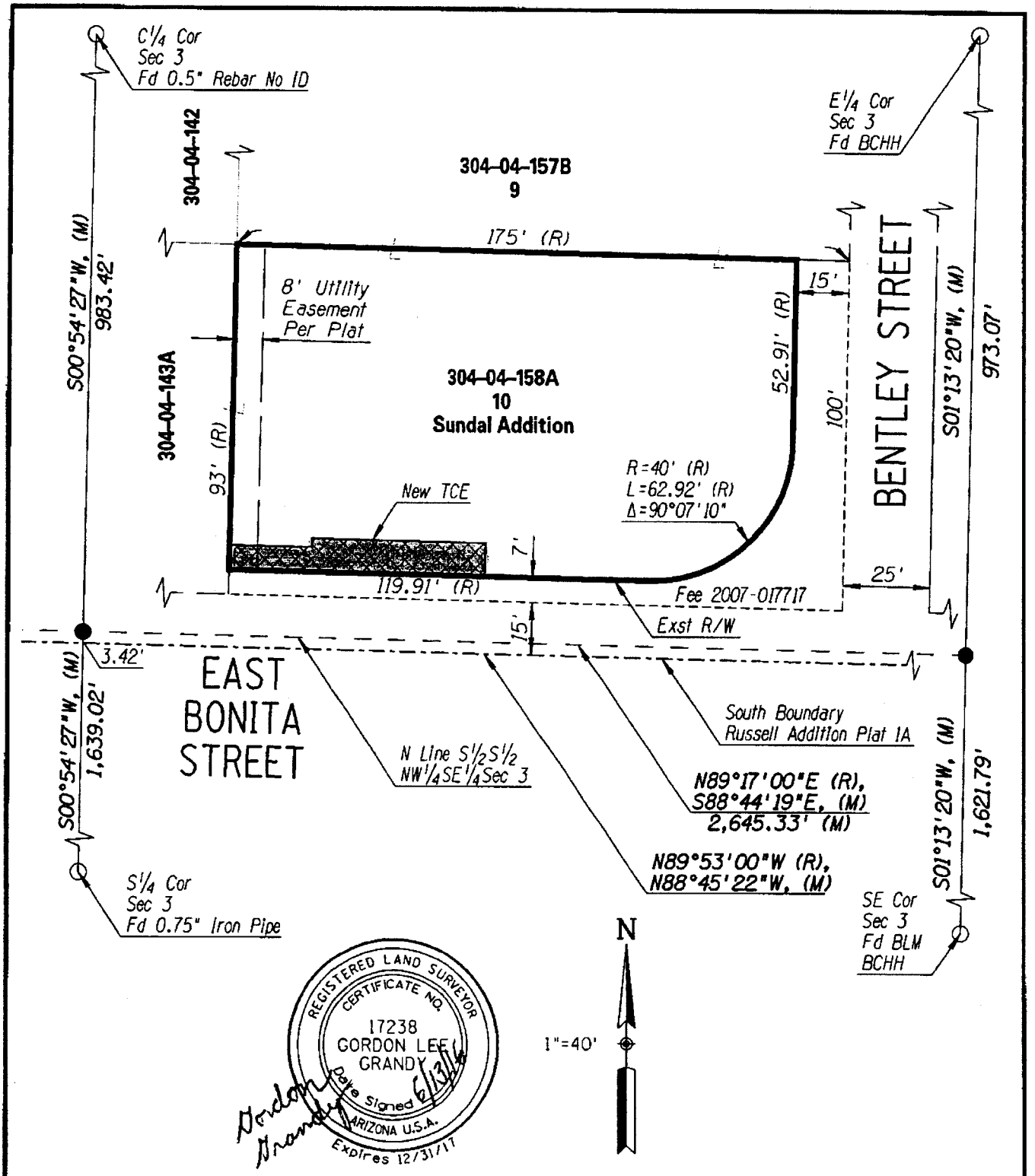
The south 7.00 feet of the west 74.00 feet together with the north 2.50 feet of the south 9.50 feet of the east 50.00 feet of the west 74.00 feet of said Lot 10 after excepting out the following:

> Beginning at the southwest corner of Lot 10; thence along the south line of said Lot 10, South 88° 45' 22" East, 175.00 feet to the southeast corner of said Lot 10; thence along the east line of said Lot 10, North 01° 07' 27" East, 100.00 feet to the northeast corner of said Lot 10; thence along the north line of said Lot 10, North 88° 45' 22" West, 15.00 feet; thence South 01° 07' 27" West, 52.91 feet to a point of curvature on a curve concave to the northwest having radius of 40.00 feet and a central angle of 90° 07' 10"; thence along the arc of said curve, 62.92 feet to a point of tangency on a line parallel to and 7.00 north of the south line for said Lot 10; thence along said parallel line, North 88° 45' 22" West, 119.91 feet to a point on the west line of said Lot 10; thence along the west line of said Lot 10, South 01° 07' 27" West, 7.00 feet returning to the Point of Beginning.

Containing 643 square feet (0.0148 acres) more or less.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
17238
GORDON LEE
GRANDY
Date Signed 6/13/16
ARIZONA, U.S.A.
Expires 12/31/17

Gordon Grandy

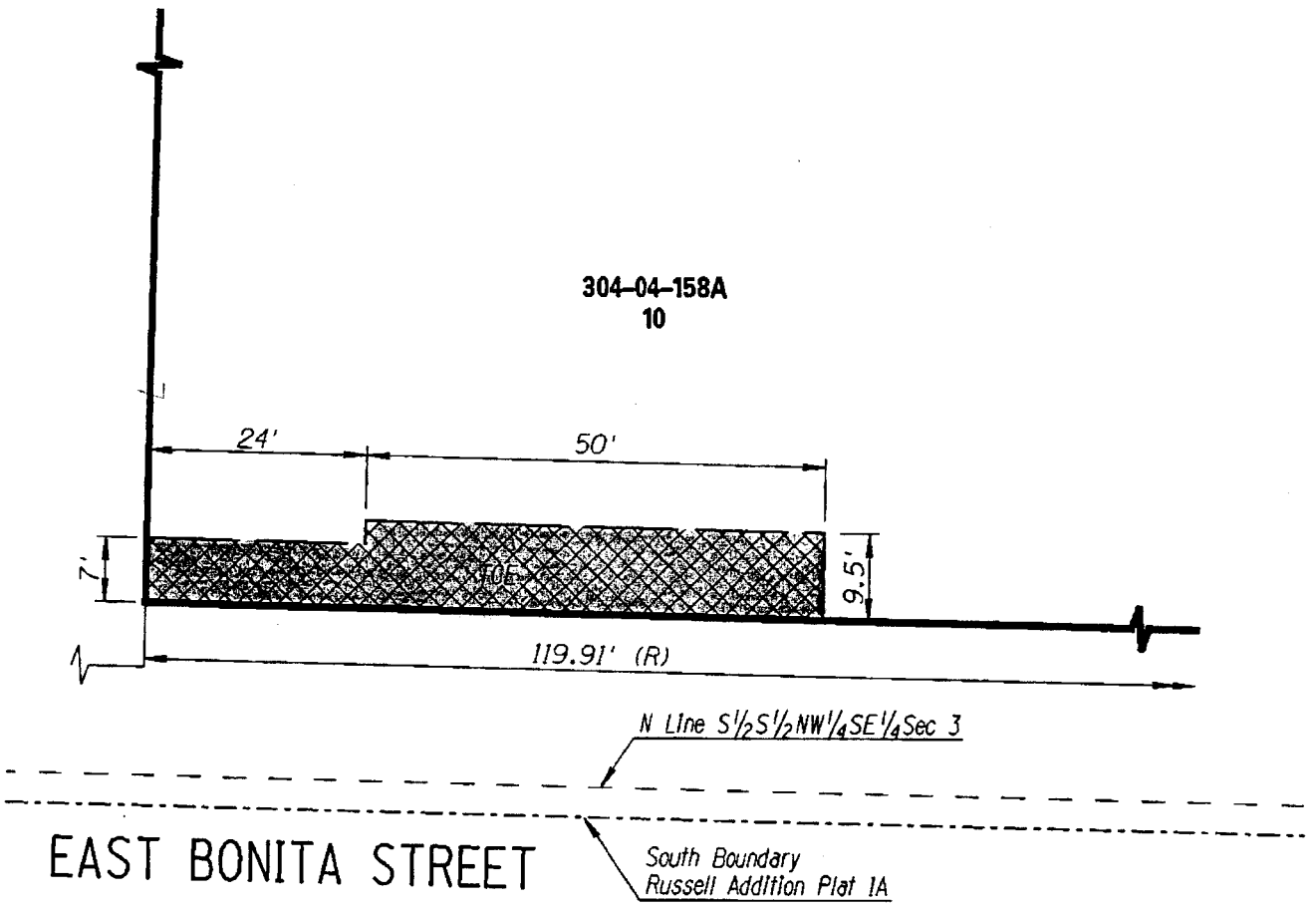


NFra Inc.
a transportation engineering firm
77 East Thomas Road, Suite 200
Phoenix, Arizona 85012

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION
FOR TEMPORARY CONSTRUCTION EASEMENT
ASSESSOR PARCEL 304-04-158A

ADOT

DATE: 6/16	PROJECT NUMBER
DSN: KRT	0000 GI PAY SZ068 01C
DRN: KRT	
CHK: GLG	SHEET 1 OF 2



	Parcel Area	Sq Ft	Acres
Before	Gross/Net	14,535	0.3337
After	Net	14,535	0.3337
	New TCE	643	0.0148

N

1"=20'

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PROJECT NUMBER
0000 GI PAY SZ068 01C

SHEET 2 OF 2

number (TIN), request certain certifications and claims for exemption, as well as the State of Arizona requirements for vendor establishment.

Instructions: Complete form if
1. You are a U.S. person (including a resident alien);
2. You are a vendor that provides goods or services to an Arizona state agency; **AND**
3. You will receive payment from the State of Arizona.

ype of Request (Must select at least ONE)

- [x] New Request
- [ ] New Location (Additional Address ID)
- [ ] Change (Select the type(s) of change from the following:
  - [ ] Tax ID
  - [ ] Legal Name
  - [ ] Entity Type
  - [ ] Minority Business Indicator
  - [ ] Main Address
  - [ ] Remittance Address
  - [ ] Contact Information

axpayer Identification Number (TIN) (Provide ONE Only)

ocial Security Number (SSN): 039-48-6260 OR Federal Employer Identification Number (FEIN):

ntity Name (* Must Provide Legal Name. Must match SSN or FEIN given. If individual or Sole Proprietorship enter First, Middle, Last Name.)

Legal Name* Jeffrey D Metcalf

DBA Name

ntity Type (Must Select One of the Following)

- [x] Individual/Sole Proprietor or single-member LLC (6I)
- [ ] Corporation (5A)
- [ ] Partnership (5C)
- [ ] Limited liability company (LLC) including Corporations & Partnerships (5A)
- [ ] An international organization or any of its agencies/instrumentalities (5U)
- [ ] The US or any of its political subdivisions or instrumentalities (2G)
- [ ] A state, a possession of the US, or any of their political subdivisions or instrumentalities (4G)
- [ ] Other: Tax Reportable Entity (5P)
- [ ] Other: Tax Exempt Entity (5H)

Description

linority Business Indicator (Must select one of the following)

- [ ] Small Business (01)
- [ ] Small Business- African American (23)
- [ ] Small Business- Asian (24)
- [ ] Small Business - Hispanic (25)
- [ ] Small Business- Native American (27)
- [ ] Small Business- Other Minority (05)
- [ ] Small, Woman Owned Business (06)
- [ ] Small, Woman Owned Business- African American (29)
- [ ] Small, Woman Owned Business- Asian (30)
- [ ] Small, Woman Owned Business- Hispanic (31)
- [ ] Small, Woman Owned Business- Native American (33)
- [ ] Small, Woman Owned Business- Other Minority (11)
- [ ] Woman Owned Business (03)
- [ ] Woman Owned Business- African American (17)
- [ ] Woman Owned Business- Asian (18)
- [ ] Woman Owned Business- Hispanic (19)
- [ ] Woman Owned Business- Native American (21)
- [ ] Woman Owned Business- Other Minority (08)
- [ ] Minority Owned Business- African American (04)
- [ ] Minority Owned Business- Asian (32)
- [ ] Minority Owned Business- Hispanic (74)
- [ ] Minority Owned Business- Native American (15)
- [ ] Minority Owned Business- Other Minority (02)
- [ ] Non-Profit, IRC §501(c) (88)
- [ ] Non-Small, Non-Minority or Non-Woman Owned Business (00)
- [x] Individual, Non-Business (00)

'eteran Owned Business? [ ] YES [ ] NO

lain Address (Where tax information and general correspondence is to be mailed)

ddress: 1565 N Sinova

ity: Mesa State: AZ Zip code: 85205

Remittance Address (Where payment is to be mailed) [x] Same as Main

Address Line 1:

Address Line 2:

City: State: Zip code:

'endor Contact Information

lame: Title:

hone #: Ext.: Fax: Email:

ertification [ ] Exempt from backup withholding

nder Penalties of perjury, I certify that:

The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me) AND

I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a sult of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding AND

I am a U.S. person (including U.S. resident alien).

ertification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and vidends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an dividual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN.

he Internal Revenue Service does not require your consent to any provision of this document other than the certification required to avoid backup withholding.

ignature Jeffrey D Metcalf **Title** **Date** 9-4-16

Return completed form to the state agency with whom you do business, for review and authorization.

STATE OF ARIZONA **AGENCY** USE ONLY - AGENCY AUTHORIZATION — **VENDOR**: DO NOT WRITE BELOW THIS LINE

tate HRIS EIN: Print Name: Signature:

GY: Title: Phone #: Email: Date:

TATE OF ARIZONA **GAO** USE ONLY — **VENDOR & STATE AGENCY:** DO NOT WRITE BELOW THIS LINE

[ ] IRS TIN Matching [ ] HRIS [ ] Other Vendor Number: Processed by: Date Processed:

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State HRIS EIN: Print Name: Signature:

GY: Title: Phone #: Email: Date:

STATE OF ARIZONA **GAO** USE ONLY — **VENDOR & STATE AGENCY:** DO NOT WRITE BELOW THIS LINE

[ ] IRS TIN Matching [ ] HRIS [ ] Other Vendor Number: Processed by: Date Processed: