RESOLUTION NO. 2982

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 503 E. BONITA STREET ---APN 304-04-036 ("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. 2982 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 3:51 PM
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EXHIBIT "I"

to Resolution No. 2982

(Bonita Phase II 503 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 35, MOGOLLON RIM ADDITION PLAT TWO, according to Map No. 150, records of Gila County, Arizona, 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 10 day of 10, 2016.

GRANTORS: RAUL A. REYES APODACA, an unmarried man

Raul Reyes A.

Raul A. Reyes Apodaca

ACKNOWLEDGEMENT

STATE OF ARIZONA)
) ss.
County of Gila)

On this 11 day of October, 2016, before me, the undersigned Notary Public, personally appeared Raul A. Reyes Apodaca who executed and acknowledged the foregoing instrument for the purposes therein contained.

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

ANTONETTE GAY
Notary Public - Arizona
Gila County
My Comm. Expires Jan 11, 2019

Antonette Gay

Notary Public

My Commission Expires:
JAN 11, 2019

STATE OF ARIZONA)
) ss.
County of Gila)

On this 11 day of October, 20 16, before me, the undersigned Notary Public, personally appeared Raul A. Reyes Apodaca who executed and acknowledged the foregoing instrument for the purposes therein contained.

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

Antonette Day
Notary Public

My Commission Expires:
JAN. 11, 2019

ANTONETTE GAY
Notary Public - Arizona
Gila County
My Comm. Expires Jan 11, 2019

Accepted: Town of Payson

Signature: _____

Date: _____

LEGAL DESCRIPTION FOR
TOWN OF PAYSON – EAST BONITA STREET (SZ068)
ASSESSOR PARCEL 304-04-036

A rectangular shaped land tract situated in Lot 35, Mogollon Rim Addition Plat Two as recorded on Map 150 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:

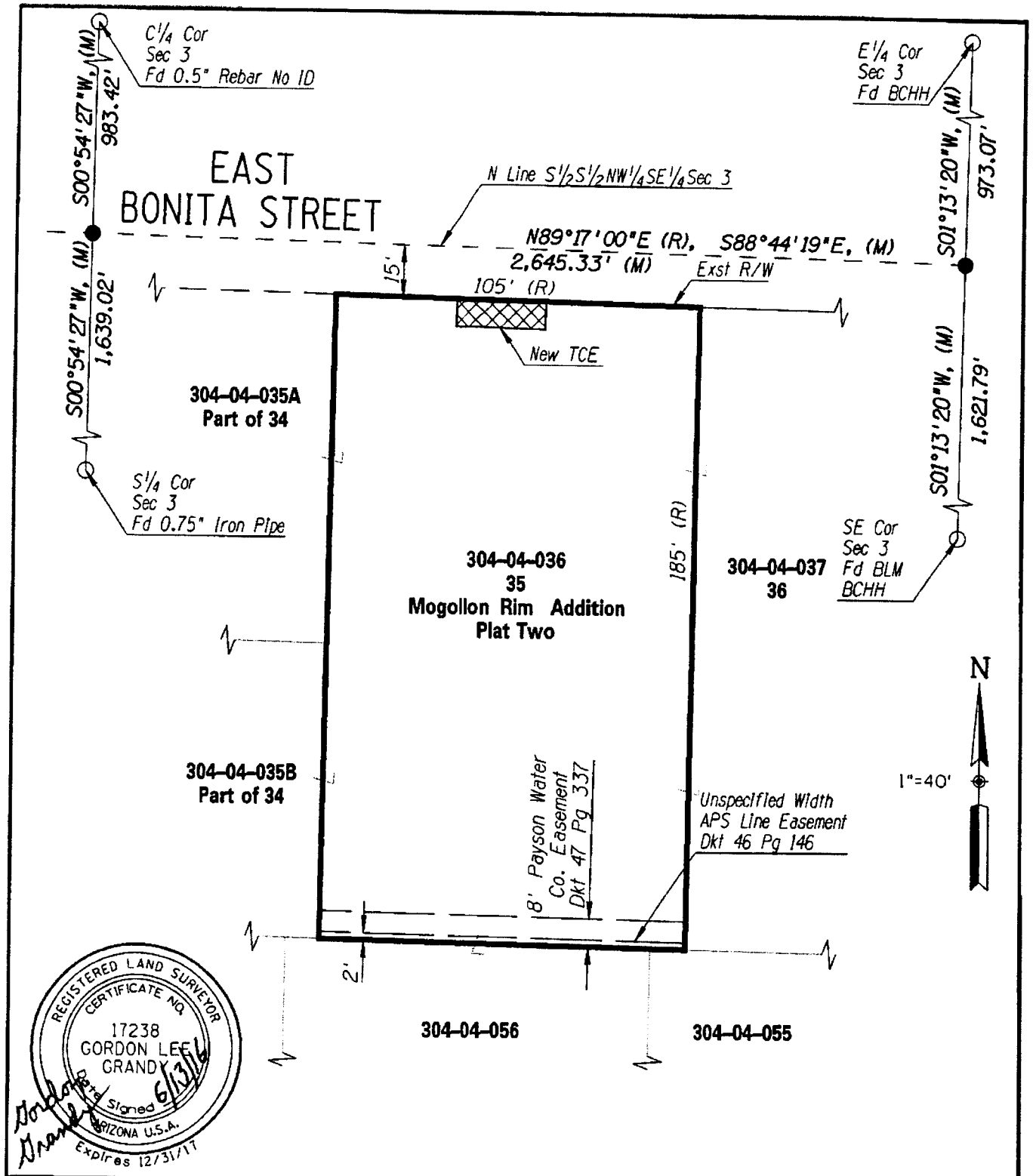
A basis for bearings is South 88° 44' 19" East as measured along the north line of the south half of the south half of the northwest quarter of the southeast quarter of said Section 3 having a distance of 2,645.33 feet between arbitrary points on said line determined from found monuments representing 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.

<u>For Temporary Construction Easement</u>
The north 8.00 feet of the east 26.00 feet of the west 61.00 feet of said Lot 35.

Containing 208 square feet (0.0048 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

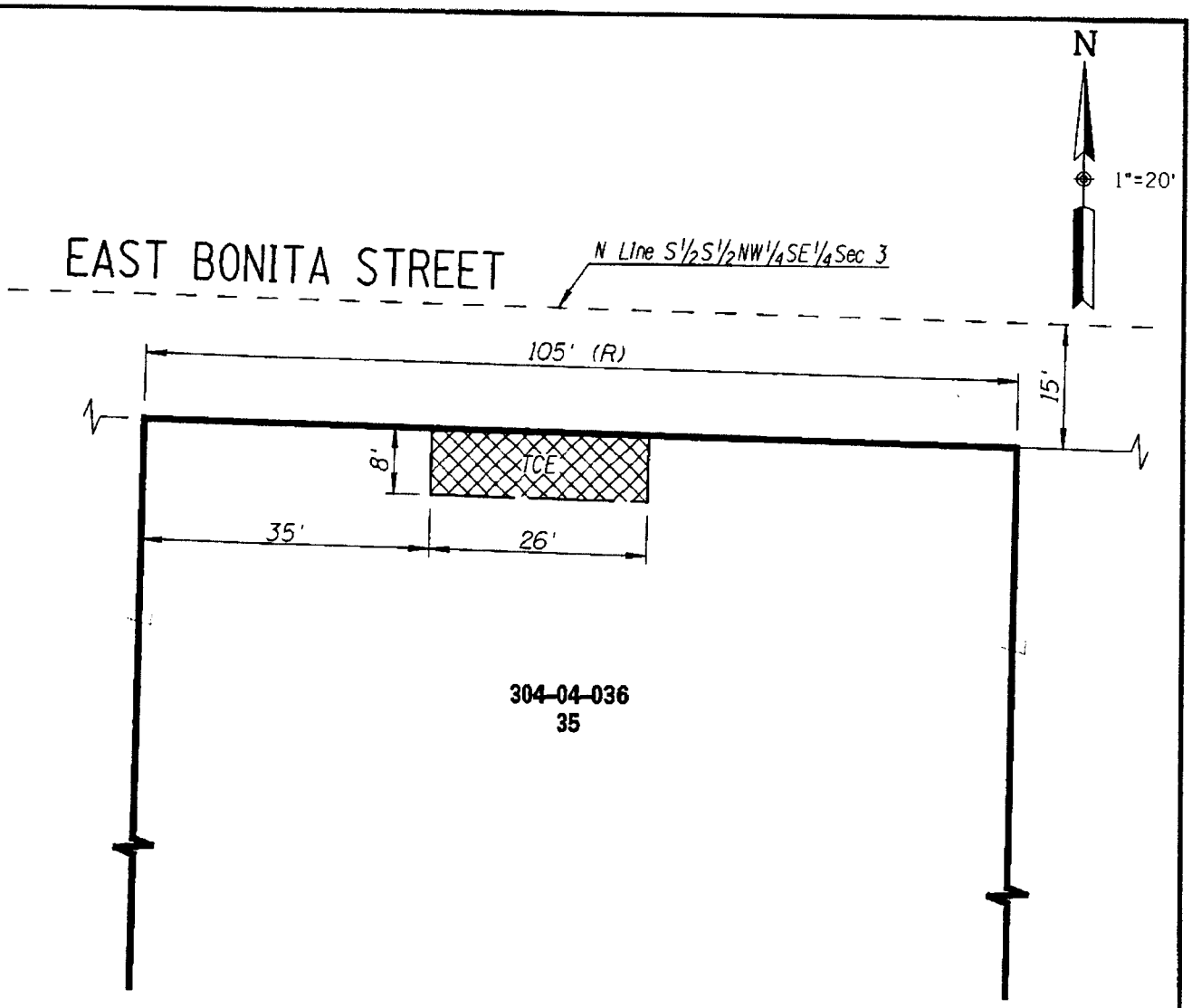


NFra Inc.
a transportation engineering firm
77 East Thomas Road, Suite 200
Phoenix, Arizona 85012

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION
FOR TEMPORARY CONSTRUCTION EASEMENT
ASSESSOR PARCEL 304-04-036

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	19,425	0.4459
After	Net	19,425	0.4459
	New TCE	208	0.0048

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
17238
GORDON LEE GRANDY
Date Signed 6/3/16
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 304-04-036

ADOT

DATE: 6/16
DSN: KRT
DRN: KRT
CHK: GLG

PROJECT NUMBER
0000 GI PAY SZ068 01C

SHEET 2 OF 2

State of Arizona Substitute W-9 & Vendor Authorization Form

Purpose: Establish or update a vendor account with the State of Arizona. This form meets the Federal requirements to request a taxpayer identification 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.

Type of Request (Must select at least ONE)

- (●) 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

Taxpayer Identification Number (TIN) (Provide ONE Only) 981-70-7752

Social Security Number (SSN) _____ **OR** Federal Employer Identification Number (FEIN) _____

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

Legal Name* Raul A. Reyes Apodaca

DBA Name _____

Entity Type (Must Select One of the Following)

- (●) 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 _____

Minority 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)
- (●) Individual, Non-Business (00)

Veteran Owned Business? [ ] YES [ ] NO

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

Address: 503 E. Bonita Street

City: Payson State: AZ Zip code: 85541

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

Address Line 1 _____

Address Line 2 _____

City _____ State _____ Zip code _____

Vendor Contact Information

Name: Raúl Reyes Apodaca Title _____

Phone #: 928 951 4977 Ext. _____ Fax _____ Email _____

Certification [ ] Exempt from backup withholding

Under Penalties of perjury, I certify that:

1. 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
2. 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 result 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
3. I am a U.S. person (including U.S. resident alien).

Certification 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 dividends 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 individual 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.

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

Signature Raúl Reyes A. **Title** _____ **Date** 10-10-2016

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

State HRIS EIN _____ Print Name _____ Signature _____

AGY _____ 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 _____