SUMMARY OF AGENDA ITEM

DATE: 04-19-07 **SUBMITTED BY: LaRon Garrett**

RESOLUTION/ORDINANCE # 2271

TITLE: ARESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA ACCEPTING TITLE TO CERTAIN REAL PROPERTY DESCRIBED IN THE WARRANTY DEED ATTACHED HERETO AS EXHIBIT "1", PERTAINING TO THE PAYSON ROAD IMPROVEMENT PROJECT (MEADOW STREET BETWEEN MAIN AND FRONTIER)

PURPOSE:

To accept a portion of the Meadow Street right of way as public property and make it a publicly owned and maintained street.

SUMMARY OF CHANGES TO ACCOMPLISH THIS PURPOSE:

Transfer ownership of Meadow Street from private parties to the Town of Payson.

RECOMMENDED COUNCIL ACTION:

Approval of this Resolution

BACKGROUND:

In 2002 the Town Council directed staff to discontinue maintenance of private roads within Payson. They also implemented a program where the private roads could become public roads and be part of the Town's maintenance program. This program requires the property owner to dedicate the right of way to the Town and to pay to the Town a dollar amount equal to one-half the cost of a double-chip roadway surface. The property owners along Meadow Street between Main Street and Frontier Street have met these requirements and acceptance of this group of Resolutions (No. 2267-2231) will facilitate making this a public roadway. After acceptance the Town will modify the water line, coordinate with APS for the removal of some overhead electrical lines, and then pave the roadway. We anticipate the project to be complete by the end of May.

APR 19 2007 G.8*

RESOLUTION NO. 2271

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING TITLE TO CERTAIN REAL PROPERTY DESCRIBED IN THE WARRANTY DEED ATTACHED HERETO AS EXHIBIT "1", PERTAINING TO THE PAYSON ROAD IMPROVEMENT PROJECT.

WHEREAS, A.R.S. § 9-240 authorizes the Town to improve the streets within it; 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, certain real property described on Exhibit "1" attached hereto has been offered to the Town of Payson by **John J. Essaff and Kimerly M. Essaff, husband and wife**; and

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

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 accept ownership of and receive those certain real property interests set forth 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 the taking of title to the said real property and to the use and control thereof, including, but not limited to, the maintenance thereof and the recordation of the warranty deed attached hereto as Exhibit "1".

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this _____ day of _____ , 2007, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

_____
F. Robert Edwards, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Samuel I. Streichman, Town Attorney

APR 1 9 2007 G.B.

EXHIBIT "1"
to Resolution No. 2271

Recording Requested By: Town of Payson

When recorded, return to:
Silvia Smith, Town Clerk
Town of Payson
303 North Beeline Highway
Payson, Arizona 85541

WARRANTY DEED

For the consideration of ONE AND NO/100 DOLLARS, and other valuable considerations, I or we, JOHN J. ESSAFF AND KIMERLY M. ESSAFF, Husband and Wife, the GRANTOR, do hereby convey to
THE TOWN OF PAYSON, AN ARIZONA MUNICIPAL CORPORATION the GRANTEE, the following described real property situate in Gila County, Arizona:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

This Deed is exempt from an Affidavit of Value pursuant to ARS #11-1134 A 3

SUBJECT TO: Existing taxes, assessments, covenants, conditions, restrictions, rights of way and easements of record.

And the GRANTOR binds itself and its successors to warrant the title against its acts and none other, subject to the matters above set forth.

Dated 3-27-07

STATE OF ARIZONA)
)
County of Gila)

On March 27, 2007 before me, undersigned Notary Public, personally appeared John + Kimberly Essaff, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to be that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signatures(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

My Commission Expires:
Oct. 9, 2009

OFFICIAL SEAL
R CHRISTINE FLOYD
Notary Public - State of Arizona
GILA COUNTY
My Comm. Expires Oct. 9, 2009

R Christine Floyd
Notary Public

EXHIBIT "1"
to Resolution No. 2271

EXHIBIT "A"

The East 17 feet of the following Parcel No. 1 and Parcel No. 3.

Parcel No. 1

That portion of the Northeast quarter of the Northeast quarter of Section 9, Township 10 North, Range 10 East, Gila and Salt River Base and Meridian, Gila County, Arizona, described as follows:

Commencing at a point 500 feet West of the Southwest corner of that certain parcel conveyed to Gila County Board of Supervisors, a body politic, by that certain Deed recorded Map 18, 1978 in Docket 448, Page 574;
THENCE North 310 feet;
THENCE West 288 feet to the True Point of Beginning;
THENCE South 75 feet;
THENCE East 112 feet;
THENCE North 75 feet;
THENCE West 112 feet to the True Point of Beginning.

Parcel No. 3

That portion of the Northeast quarter of the Northeast quarter of Section 9, Township 10 North, Range 10 East, Gila and Salt River Base and Meridian, Gila County, Arizona, described as follows:

Commencing at a point 500 feet West of the Southwest corner of that certain parcel conveyed to Gila County Board of Supervisors, a body politic, by that certain Deed recorded Map 18, 1978 in Docket 448, Page 574;
THENCE North 310 feet;
THENCE West 288 feet;
THENCE South 85 feet to the True Point of Beginning;
THENCE East 132 feet;
THENCE North 10 feet;
THENCE West 132 feet;
THENCE South 10 feet to the True Point of Beginning.
THENCE East 132 feet;
THENCE North 10 feet;
THENCE West 132 feet;
THENCE South 10 feet to the True Point of Beginning.