

SUMMARY OF AGENDA ITEM

DATE: April 6, 2007

SUBMITTED BY: Buzz Walker

RESOLUTION/ORDINANCE # ? 2273
TITLE: ?

PURPOSE:

The owners of the Doll Baby Ranch wish to create a residential development called Canyon River Ranch on the property eight miles west of Payson. In order to provide for the wastewater and public water supply needs of the project, the developers propose to create a domestic water improvement district to own and operate these utilities. Pursuant to statute the Town of Payson must agree to the formation of any such district that is within six miles of our town limits.

SUMMARY OF CHANGES TO ACCOMPLISH THIS PURPOSE:

Approve Resolution No. _____ to consent to the formation of the domestic improvement district for Canyon River Ranch.

RECOMMENDED COUNCIL ACTION:

Adopt Resolution. There are no negative consequences to the Town as we are physically remote from the proposed system, which would require a separate operation. The proposed district is completely surrounded by National Forest.

BACKGROUND:

APR 19 2007 G.9

Payson Water Department issued a letter on August 18, 2006 that the Town of Payson would not provide public water service to the project. This is standard practice for projects that are not physically connected to the Payson public water system.

RESOLUTION NO. 2273

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, CONSENTING TO THE FORMATION OF THE CANYON RIVER RANCH DOMESTIC WATER IMPROVEMENT DISTRICT.

WHEREAS, certain individuals are interested in forming the Canyon River Ranch Domestic Water Improvement District (the "District"), which is located less than six miles outside of the Town limits of the Town of Payson, Arizona; and

WHEREAS, pursuant to A.R.S. § 48-902, if such a district is to be formed within six miles of an incorporated city or Town, the consent of such city or Town must be obtained; and

WHEREAS, prior to the proposal for the formation of the District, the property owners sought to obtain water service from the Town of Payson, which request was declined (Exhibit "A"); and

WHEREAS, the Canyon River Ranch Domestic Water Improvement District has requested the Town of Payson to consent to the formation of the District (Exhibit "B"),

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 consent to the formation of the Canyon River Ranch Water Improvement District as the same is described in Exhibits "C" and "D", attached hereto and incorporated herein by this reference.

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

AYES ____ NOES ____ ABSTENTIONS ____ ABSENT ____

F. Robert Edwards, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Samuel I. Streichman, Town Attorney

EXHIBIT "A"

to Resolution No. 2273



Water Department

303 N. Beeline Highway
Payson, AZ 85541
Phone (928) 474-5242
Fax (928) 474-7052

August 18, 2006

Mr. Justin Roylance
Simonton Flats L.L.C.
3549 E. Camino Circle
Mesa, Arizona 85213

Doll Baby Ranch

Dear Mr. Roylance,

This letter will serve as notice that the Town of Payson will not provide public water service to a development to be constructed on the Doll Baby Ranch west of Payson, Arizona.

Sincerely,

A handwritten signature in black ink that reads "Buzz Walker". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Buzz Walker
Public Works Director

EXHIBIT "B"

to Resolution No. 2273

Gliege Law Offices, PLLC

John G. Gliege ••• Stephanie J. Gliege

February 22, 2007

Mr. Buzz Walker
Payson Town Hall
303 N. Beeline Hwy
Payson, AZ 85541

Re: Canyon River Ranch Domestic Water Improvement District

Dear Mr. Walker:

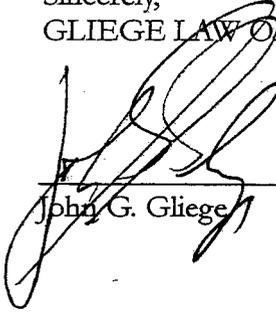
Enclosed please find the petition for the formation of the Canyon River Ranch Domestic Water Improvement District. You may recall, as shown by the attached letter that the Town of Payson has refused to provide water service to this development, thus the development is resorting to the formation of a domestic water improvement District to provide water services.

Arizona Revised Statutes § 48-902 provides that if a district is to be located within six miles of an incorporated city or town the City or Town must consent to the formation of the District.

Enclosed please find a copy of the petition for formation of the District and a proposed resolution to be adopted by the Town of Payson consenting to the formation of the District. Please have the same adopted by the Town and return an executed copy to this office.

Should you have any questions, please contact me.

Sincerely,
GLIEGE LAW OFFICES PLLC



John G. Gliege

123 S. San Francisco Suite 9 Flagstaff, AZ 86001
Mailing: P.O. Box 1388 Flagstaff, AZ 86002
Phone: 928-226-8333; Cell: 928-380-0159; Fax: 928-226-0339
E-mail: jgliege@gliege.com; E-mail: sgliege@gliege.com

EXHIBIT “C”

to Resolution No. 2273

LEGAL DESCRIPTION

CANYON RIVER RANCH DOMESTIC WATER IMPROVEMENT DISTRICT



EXH1 Gila County, AZ

WD

PARCEL NO. 1:

HOMESTEAD ENTRY SURVEY NO. 613, EMBRACING A PORTION OF APPROXIMATELY SECTIONS 8 AND 17, TOWNSHIP 10 NORTH, RANGE 9 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, GILA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT CORNER NO. 1, FROM WHICH U.S. LOCATION MONUMENT NO. 131 BEARS NORTH 86 DEGREES 58 MINUTES WEST, A DISTANCE OF 151.39 CHAINS;

THENCE SOUTH 79 DEGREES 20 MINUTES EAST, A DISTANCE OF 26.10 CHAINS TO CORNER NO. 2;

THENCE SOUTH 42 DEGREES 38 MINUTES EAST, A DISTANCE OF 11.55 CHAINS TO CORNER NO. 3;

~~THENCE SOUTH 24 MINUTES EAST, A DISTANCE OF 40.40 CHAINS TO CORNER NO. 4;~~

THENCE NORTH 75 DEGREES 14 MINUTES WEST, A DISTANCE OF 38.50 CHAINS TO CORNER NO. 5;

THENCE NORTH 04 DEGREES 32 MINUTES EAST, A DISTANCE OF 44.05 CHAINS TO CORNER NO. 1, THE POINT OF BEGINNING, ACCORDING TO BOOK 37 OF REAL ESTATE DEEDS, PAGE 377, RECORDS OF GILA COUNTY, ARIZONA.

EXCEPT THE FOLLOWING DESCRIBED PROPERTY:

THAT PORTION OF HOMESTEAD ENTRY SURVEY NO. 613, GILA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT CORNER NO. 1 OF SAID HOMESTEAD ENTRY SURVEY NO. 613;

THENCE SOUTH 79 DEGREES 20 MINUTES 00 SECONDS EAST, ALONG THE LINE BETWEEN CORNERS NO. 1 AND NO. 2 OF SAID HOMESTEAD ENTRY SURVEY NO. 613, A DISTANCE OF 1153.98 FEET;

THENCE SOUTH 11 DEGREES 16 MINUTES 41 SECONDS WEST, A DISTANCE OF 190.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 11 DEGREES 16 MINUTES 41 SECONDS WEST, A DISTANCE OF 250.00 FEET;

THENCE NORTH 79 DEGREES 20 MINUTES 00 SECONDS WEST, A DISTANCE OF 697.00 FEET;

THENCE NORTH 11 DEGREES 16 MINUTES 41 SECONDS EAST, A DISTANCE OF 250.00 FEET;

THENCE SOUTH 79 DEGREES 20 MINUTES 00 SECONDS EAST, A DISTANCE OF 697.00 FEET TO THE POINT OF BEGINNING; AND

EXCEPT THE FOLLOWING DESCRIBED PROPERTY:

THAT PORTION OF HOMESTEAD ENTRY SURVEY NO. 613, GILA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT CORNER NO. 4 OF SAID HOMESTEAD ENTRY SURVEY NO. 613;

THENCE NORTH 75 DEGREES 01 MINUTES 29 SECONDS WEST, ALONG THE LINE BETWEEN CORNERS NO. 4 AND 5 OF SAID HOMESTEAD ENTRY SURVEY NO. 613, A DISTANCE OF 2538.84 FEET TO SAID CORNER NO. 5;

THENCE NORTH 04 DEGREES 44 MINUTES 09 SECONDS EAST ALONG THE LINE BETWEEN CORNERS NO. 5 AND NO. 1 OF SAID HOMESTEAD ENTRY SURVEY NO. 613, A DISTANCE OF 600.00 FEET;

THENCE SOUTH 74 DEGREES 45 MINUTES 47 SECONDS EAST, A DISTANCE OF 2488.49 FEET TO A POINT ON THE LINE BETWEEN CORNERS NO. 3 AND NO. 4 OF SAID HOMESTEAD ENTRY SURVEY NO. 613;

THENCE SOUTH 00 DEGREES 11 MINUTES 48 SECONDS EAST, ALONG SAID LINE, A DISTANCE OF 600.00 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 2:

THAT PORTION OF HOMESTEAD ENTRY SURVEY NO. 613, EMBRACING A PORTION OF APPROXIMATELY SECTIONS 8 AND 17, TOWNSHIP 10 NORTH, RANGE 9 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, GILA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT CORNER NO. 4 OF SAID HOMESTEAD ENTRY SURVEY NO. 613;

THENCE NORTH 75 DEGREES 01 MINUTES 29 SECONDS WEST, ALONG THE LINE BETWEEN CORNERS NO. 4 AND 5 OF SAID HOMESTEAD ENTRY SURVEY NO. 613, A DISTANCE OF 2538.84 FEET TO SAID CORNER NO. 5;

THENCE NORTH 04 DEGREES 44 MINUTES 09 SECONDS EAST ALONG THE LINE BETWEEN CORNERS NO. 5 AND NO. 1 OF SAID HOMESTEAD ENTRY SURVEY NO. 613, A DISTANCE OF 600.00 FEET;

THENCE SOUTH 74 DEGREES 45 MINUTES 47 SECONDS EAST, A DISTANCE OF 2488.49 FEET TO A POINT ON THE LINE BETWEEN CORNERS NO. 3 AND NO. 4 OF SAID HOMESTEAD ENTRY SURVEY NO. 613;

THENCE SOUTH 00 DEGREES 11 MINUTES 48 SECONDS EAST, ALONG SAID LINE, A DISTANCE OF 600.00 FEET TO THE POINT OF BEGINNING.



2006-009868

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06/09/2006 02:04P

Gila County, AZ

MD

18.00

Exhibit 'A'

HOMESTEAD ENTRY SURVEY NO. 140, EMBRACING A PORTION OF SECTIONS 7, 8 AND 18, TOWNSHIP 10 NORTH, RANGE 9 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, GILA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT CORNER NO. 1 FROM WHICH U.S. LOCATION MONUMENT NO. 131 BEARS NORTH 81 DEGREES 05 MINUTES WEST, A DISTANCE OF 78.45 CHAINS;

THENCE NORTH 40 DEGREES 25 MINUTES EAST, A DISTANCE OF 46.28 CHAINS TO CORNER NO. 2;

THENCE NORTH 79 DEGREES 52 MINUTES EAST, A DISTANCE OF 50.77 CHAINS TO CORNER NO. 3;

THENCE SOUTH 00 DEGREES 38 MINUTES WEST, A DISTANCE OF 17.20 CHAINS TO CORNER NO. 4;

THENCE SOUTH 65 DEGREES 57 MINUTES WEST, A DISTANCE OF 29.54 CHAINS TO CORNER NO. 5;

THENCE SOUTH 85 DEGREES 50 MINUTES WEST, A DISTANCE OF 24.18 CHAINS TO CORNER NO. 6;

THENCE SOUTH 55 DEGREES 59 MINUTES WEST, A DISTANCE OF 30.53 CHAINS TO CORNER NO. 7;

THENCE NORTH 41 DEGREES 12 MINUTES WEST, A DISTANCE OF 5.13 CHAINS TO CORNER NO. 1, THE POINT OF BEGINNING ACCORDING TO BOOK 30 OF REAL ESTATE DEEDS, PAGE 631, RECORDS OF GILA COUNTY, ARIZONA.



Gila County, AZ

CMD

2006-016581

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09/26/2006 04:23P

14.00

EXHIBIT “D”

to Resolution No. 2273

MAP

CANYON RIVER RANCH DOMESTIC WATER IMPROVEMENT DISTRICT

