SUMMARY OF AGENDA ITEM

DATE: August 2, 2007 **SUBMITTED BY: LaRon Garrett**

RESOLUTION/ORDINANCE # 2305

TITLE: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING FEE TITLE IN AND TO CERTAIN REAL PROPERTY, ALL DESCRIBED ON EXHIBIT "1" ATTACHED HERETO COMPRISING RIGHT-OF-WAY ACQUISITION FOR THE SOUTH MUD SPRINGS ROAD CONSTRUCTION PROJECT.

PURPOSE:

To accept a piece of right of way for the Mud Springs Road Phase 1 roadway construction project.

SUMMARY OF CHANGES TO ACCOMPLISH THIS PURPOSE:

Acquire right of way for the Mud Springs Road Phase 1 Roadway construction project.

RECOMMENDED COUNCIL ACTION:

Approval of this resolution.

BACKGROUND:

Additional right of way is needed to construct phase 1 of the Mud Springs Road construction project. This provides the additional right of way needed at the south end of the project.

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RESOLUTION NO. 2305

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING FEE TITLE IN AND TO CERTAIN REAL PROPERTY, ALL DESCRIBED ON EXHIBIT "1" ATTACHED HERETO COMPRISING RIGHT-OF-WAY ACQUISITION FOR THE SOUTH MUD SPRINGS ROAD CONSTRUCTION PROJECT.

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 adjacent to the South Mud Springs Road project and described on Exhibit "1" attached hereto has been offered to the Town of Payson by Edward John Ryder III; and

WHEREAS, said real property is necessary for completion of the South Mud Springs Road project and is all located within the corporate limits of the Town of Payson; and

WHEREAS, the Mayor and Common Council find that the acceptance of said interests in real property and the South Mud Springs Road project to which they appertain are beneficial to the public health, safety and welfare,

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 and receive those interests in real property 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 accept said interests in real property and to the use and control thereof.

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

AUG 1 6 2007 G.2*

EXHIBIT "1"

to Resolution No. 2305

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 Thousand and Nine hundred and thirty-five and 00/100 DOLLARS ($1935.00), and other valuable considerations, I or we EDWARD JOHN RYDER, III, a single man, 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 7/19/07

Edward John Ryder III

STATE OF Arizona)
)
County of Gila)

On July 19 2007, before me, undersigned Notary Public, personally appeared Edward John Ryder III, 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:

Notary Public

OFFICIAL SEAL
TRACIE K. BA[illegible]Y
NOTARY PUBLIC - State [illegible]ona
GILA COUNT[illegible]
My Comm. Expires Oc[illegible] 2008

That part of Lot 16 of the Russell Subdivision on Map No. 73 within Section 3, Township 10 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 South 1/16th Corner common to Section 3 and Section 2;

Thence N0°03'E, a distance of 120.01', along the section line and basis of bearing;

Thence S3°55'03"W, a distance of 41.04';

Thence S9°08'18"W, a distance of 79.91',

Thence S89°20'28"E, a distance of 15.39' to the Point of Beginning.

Described area 774 square feet.