

# SUMMARY OF AGENDA ITEM

DATE: October 4, 2007

SUBMITTED BY: LaRon Garrett

RESOLUTION/ORDINANCE # 2328

**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 ST. PHILIPS ST. AND BONITA ST. ROAD CONSTRUCTION PROJECT.**

---

**PURPOSE:**

To accept a piece of right of way for St. Philips St. and Bonita St. roadway re-construction project.

**SUMMARY OF CHANGES TO ACCOMPLISH THIS PURPOSE:**

Acquire right of way for the St. Philips St. and Bonita St. roadway re-construction project.

**RECOMMENDED COUNCIL ACTION:**

Approval of this resolution.

**BACKGROUND:**

Additional right of way is needed to construct the St. Philips St. and Bonita St. roadway re-construction project. This provides a portion of the additional right of way needed for this project.

OCT 04 2007 G.3\*

**RESOLUTION NO. 2328**

**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 ST. PHILIPS ST. AND BONITA ST. 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**, a Temporary Construction Easement adjacent to the St. Philips St. and Bonita Street road project and described on Exhibit "1" attached hereto has been offered to the Town of Payson by Cedar Grove Mobile Home Park, LLC; and

**WHEREAS**, said Temporary Construction Easement is necessary for completion of the St. Philips St. and Bonita Street 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 said easement and the St. Philips St. and Bonita Street 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 the Temporary Construction Easement 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:

APPROVED AS TO FORM:

\_\_\_\_\_  
Silvia Smith, Town Clerk

\_\_\_\_\_  
Samuel I. Streichman, Town Attorney

Addendum to: OCT 04 2007 G 3\*

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 Eight thousand and Three hundred and Forty and 00/100 DOLLARS, and other valuable considerations, I or we CEDAR GROVE MOBILE HOME PARK, L.L.C. 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 SEPTEMBER 21, 2007

[Signature]

\_\_\_\_\_

STATE OF ARIZONA )  
County of MARICOPA )

On SEPTEMBER 21, 2007, before me, undersigned Notary Public, personally appeared MELVIN B. COMSTOCK, 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: 12-28-10

[Signature]  
Notary Public



**EXHIBIT "A"**

That part of the Northwest quarter of the Northeast quarter of Section 10 of Township 10 North, Range 10 East, of the Gila and Salt River Meridian in Payson, Gila County, Arizona more particularly described as follows:

Beginning at the East 1/16<sup>th</sup> Corner common to Section 10 and Section 3;  
Thence North 89°46' West along the section line and basis-of-bearing a distance of 160.00 feet;  
Thence South 0°03'38" East a distance of 15.00 feet;  
Thence South 89°46' East a distance of 105.21 feet to a tangent curve;  
Thence along a curve to the Southeast with radius 40.00 feet a distance of 62.63 feet;  
Thence nontangent South 89°46' East a distance of 15.00 feet;  
Thence North 0°3'38" West a distance of 54.80 feet to the Point of Beginning.

Described area is 3336 square feet.

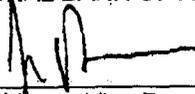
Reference: Cedargrove

When recorded, mail to:  
National Bank of Arizona  
7375 E. Doubletree Ranch Road  
Scottsdale, AZ 85258  
Attn: Susan Seavers AZ 0500 6178

**PARTIAL RELEASE & RECONVEYANCE**

WHEREAS, the indebtedness secured by the **DEED OF TRUST AND FIXTURE FILING** executed by **CEDAR GROVE MOBILE HOME PARK, L.L.C.**, an Arizona limited liability company, as Trustor, to **NATIONAL BANK OF ARIZONA**, a National Banking Association, as Beneficiary, dated **April 20, 2007** and recorded **April 24, 2007**, in the Official Records of the Gila County Recorder, State of Arizona, in Instrument No. 2007-006896 is being partially released as it relates specifically to attached Exhibit A.

NATIONAL BANK OF ARIZONA



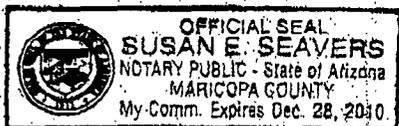
Jason Mayer, Vice President

STATE OF ARIZONA            )  
  ) ss  
COUNTY OF MARICOPA    )

This instrument was acknowledged before me this 5th day of September, 2007 by Jason Mayer as Vice President of National Bank of Arizona, a National Banking Association, on behalf of the Association.

  
Notary Public

Notary Expires: 12-28-2010



**EXHIBIT "A"**

That part of the Northwest quarter of the Northeast quarter of Section 10 of Township 10 North, Range 10 East of the Gila and Salt River Base and Meridian in Payson, Gila County, Arizona, more particularly described as follows:

BEGINNING at the East 1/16<sup>th</sup> Corner common to Section 10 and Section 3; thence North 89°46' West along the section line and basis-of-bearing a distance of 160.00 feet;

Thence South 0° 03' 38" East a distance of 15.00 feet;

Thence South 89° 46' East a distance of 105.21 feet to a tangent curve;

Thence along a curve to the Southeast with radius 40.00 feet a distance of 62.63 feet;

Thence nontangent South 89°46' East a distance of 15.00 feet;

Thence North 0° 3' 38" West a distance of 54.80 feet to the POINT OF BEGINNING