SUMMARY OF AGENDA ITEM

DATE: December 3, 2007 **SUBMITTED BY: LaRon Garrett**

RESOLUTION/ORDINANCE # 2349

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.

DEC 13 2007 G.H.

RESOLUTION NO. 2349

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, certain real property 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 the Arizona Conference Corporation of the Seventh Day Adventists, An Arizona Corporation; and

WHEREAS, said real property 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 property 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 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:

APPROVED AS TO FORM:

_____
Silvia Smith, Town Clerk

_____
Samuel I. Streichman, Town Attorney

DEC 1 3 2007 GA*

EXHIBIT "1"

to Resolution No 2349

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 FIVE HUNDRED AND NO/100 DOLLARS, and other valuable considerations, I or we ARIZONA CONFERENCE CORPORATION OF THE SEVENTH DAY ADVENTISTS, an Arizona Corporation, 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 10-25-07

Dianne McKey D. Kent Sharpe

STATE OF Arizona)
County of Maricopa)

On 10-25-07, before me, undersigned Notary Public, personally appeared Dianne McKey & D. Kent Sharpe, 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.

Corene V. Knopp
Notary Public

My Commission Expires:
3-31-09

OFFICIAL SEAL
CORENE V. KNOPP
Notary Public - State of Arizona
MARICOPA COUNTY
My comm. expires Mar 31, 2009

EXHIBIT "A"

That part of Lot 22 of the Mogollon Rim Addition Plat Five in Payson on Plat Map No. 224 in the Office of the Recorder of Gila County, Arizona more particularly described as follows:

Beginning at the Southeast corner of Lot 22;
Thence North 00°47'30" West a distance of 20.00 feet along the east line of Lot 22;
Thence South 44°16'10" West a distance of 28.25 feet to the south line of Lot 29;
Thence North 89°19'50" East a distance of 20.00 feet along the south line of Lot 22 to the Point of Beginning.

The describe area is 200 square feet.

Reference: Seventhlegal2

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37758
CURTIS A.
WARD
Date Signed 10/12/07
ARIZONA U.S.A.