

RESOLUTION NO. 2387

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AUTHORIZING THE TOWN MANAGER AND THE TOWN ATTORNEY TO SEEK A WAIVER OF DEED RESTRICTIONS FROM THE UNITED STATES FOREST SERVICE ON THE TAYLOR POOL SITE.

WHEREAS, on April 9, 1987, the United States of America, acting by and through the Forest Service, on behalf of the Secretary of Agriculture, executed and delivered a quit claim deed to certain real property in Rumsey Park in the Town of Payson (Exhibit "A"); and

WHEREAS, such quit claim deed contains the following restrictions:

Title to any real property acquired by the Town of Payson pursuant to this Act shall revert to the United States if the Town attempts to convey or otherwise transfer ownership of any portion of such property to any other party or attempts to encumber such title, or if the Town permits the use of any such portion of such property for any purpose incompatible with the purposes specified in section 3 of this Act.

Sec. 3. Real property conveyed to the Town of Payson pursuant to this Act be used for public open space, park and recreational purposes. (sic) ;and

WHEREAS, the Town of Payson and the Valley of the Sun YMCA are in negotiations for a possible lease to the YMCA of a portion of real property within the area deeded to the Town of Payson on April 9, 1987; and

WHEREAS, the Town wishes to clarify, through the United States Forest Service, Department of Agriculture, that real property within the original grant from the United States may be leased under the aforesaid deed restriction without objection from the Forest Service,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY RESOLVE AS FOLLOWS:

Section 1. That Debra A. Galbraith, Town Manager, and Samuel I. Streichman, Town Attorney, and their designees, be and are hereby authorized to seek a waiver or extinguishment of the restrictions in the April 9, 1987 deed referred to above.

**Prepared by Town of Payson Legal Department**

SIS:drs June 12, 2008 (3:55PM)

C:\MyFiles\Resolutions\2387 Seek Removal of Taylor Pool Deed Restrictions.wpd

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Section 2. That the Town Manager and the Town Attorney are hereby authorized to take such other and further actions as are necessary or appropriate to carrying out the intent of this Resolution Number 2387.

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA**, this \_\_\_\_ day of \_\_\_\_\_, 2008, by the following vote:

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSTENTIONS \_\_\_\_\_ ABSENT \_\_\_\_\_

\_\_\_\_\_  
Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

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

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

QUITCLAIM DEED  
**EXHIBIT "A"**

to Resolution No. 2387

SECRET 104 PAGE 904

THIS QUITCLAIM DEED, dated this 9<sup>th</sup> day of April, 1987,  
from the UNITED STATES OF AMERICA, acting by and through the Forest Service on  
behalf of the Secretary of Agriculture, hereinafter called Grantor, to the TOWN  
OF PAYSON, ARIZONA, a municipal corporation, hereinafter called Grantee,

WITNESSETH: The Grantor is authorized to transfer, without consideration  
except for administrative costs associated with the preparation of title and  
legal description, certain National Forest lands by the Act of November 7, 1986  
(Public Law 99-632).

NOW THEREFORE, in consideration of Two Thousand Dollars (\$2,000), covering  
administrative costs associated with the preparation of title and legal  
description, the receipt whereof is hereby duly acknowledged, the Grantor does  
hereby remise, release, and quitclaim unto the Grantee all right, title and  
interest, and claim in and to that certain parcel of land, known as North  
Rumsey Park, in the Town of Payson, County of Gila, State of Arizona, described  
as follows:

GILA AND SALT RIVER MERIDIAN  
T. 11 N., R. 10 E.  
sec. 33 - Lot 15

Containing 30.96 acres, more or less.

SUBJECT TO the provisions of Sections 2 and 3 of the said Act of November 7,  
1986, which sections are quoted in their entirety as follows:

"Sec. 2. Title to any real property acquired by the Town of Payson pursuant  
to this Act shall revert to the United States if the town attempts to convey  
or otherwise transfer ownership of any portion of such property to any other  
party or attempts to encumber such title, or if the town permits the use of  
any portion of such property for any purpose incompatible with the purposes  
specified in section 3 of this Act.

A

DOC. NO. 413

4/10/87

Sec. 3. Real property conveyed to the Town of Fayson pursuant to this Act be used for public open space, park and recreational purposes."

IN WITNESS WHEREOF, the Grantor, by its duly authorized representative, has executed this deed pursuant to the delegation of authority promulgated in Title 7 CFR 2.60 and 44 F.R. 75690, December 21, 1979.

UNITED STATES OF AMERICA

*Rodney F. Young*  
Acting Director of Lands  
RODNEY F. YOUNG  
Acting Director of Lands  
Forest Service  
United States Department of Agriculture

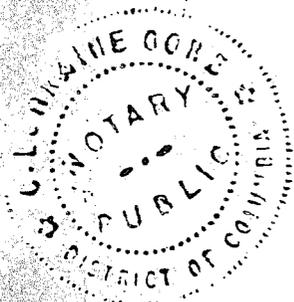
ACKNOWLEDGMENT

UNITED STATES OF AMERICA )  
DISTRICT OF COLUMBIA ) ss.

Before me, the undersigned C. Lorraine Gore, on this day personally appeared Rodney F. Young, Acting Director of Lands, Forest Service, United States Department of Agriculture, known to me to be the person whose name is subscribed to and who executed the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein expressed as the act and deed of the United States of America. Given under my hand and seal of this 9<sup>th</sup> day of April, 1987.

C. Lorraine Gore  
Notary Public  
Washington, D.C.

My commission expires:  
C. LORRAINE GORE NOTARY PUBLIC  
MY COMMISSION EXPIRES: MAY 14, 1990



83.10  
2:50 Cash

549112

STATE OF ARIZONA, County of Gila, ss:  
I do hereby certify that the within instrument was filed and recorded at request of U. S. Forest Service

Date May 27, 1987 Time 2:50 P. M. Docket 704

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WITNESS my hand and official seal the day and year first above written.

U.S. Forest Service  
Route 1, Box 33  
Globe, AZ 85501

MARY V. DE PAOLI, County Recorder

By *Mary Snyder* Deputy.

PA: 425-7189 (Wayne Brasher)

704 s. 964-966, Quitclaim Deed.  
June 1st 87

*Mary V. De Paoli*, XXXX  
County Recorder

