

**RESOLUTION NO. 2605**

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING A PUBLIC UTILITY EASEMENT FROM MESSINGER PAYSON FUNERAL, INC. PERTAINING TO UTILITY CONSTRUCTION FOR THE NEW MESSINGER PAYSON FUNERAL HOME.**

**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**, Messinger Payson Funeral Home, Inc. has granted to the Town of Payson a public utility easement described on Exhibit "1" hereto; and

**WHEREAS**, said real property is located within the corporate limits of the Town of Payson,

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

Section 1. That the public utility easement attached hereto as Exhibit "1" be and is hereby accepted and received by the Town of Payson for the purposes therein set forth.

Section 2. That the Town of Payson be and is hereby authorized to take such other and further actions as may be necessary or appropriate to perfecting the aforesaid public utility easement and to the use and control thereof, including, but not limited to, the maintenance thereof, and the recordation of the easement document attached hereto as Exhibit "1".

**PASSED AND ADOPTED-BY THE MAYOR, AND COMMON COUNCIL OF THE TOWN OF PAYSON** this, \_\_\_\_ day of July, 2011 by the following vote:

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

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

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Timothy M. Wright, Town Attorney

JUL 07 2011 G.2\*

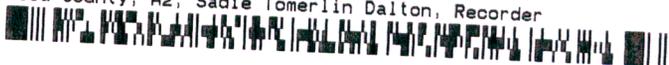


EXHIBIT 'A'  
to Resolution 2605

When recorded, return to:  
Silvia Smith, Town Clerk  
Town of Payson  
303 North Beeline Highway  
Payson, Arizona 85541



### PUBLIC UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

In consideration of one dollar (\$1.00) and other good and valuable consideration paid to Messinger Payson Funeral Home, Inc., an Arizona Corporation (hereinafter referred to as GRANTOR) by the Town of Payson, an Arizona municipal corporation, the receipt of which is hereby acknowledged, GRANTOR does hereby grant, bargain, sell, transfer and convey unto the Town of Payson, an Arizona municipal corporation (hereinafter referred to as GRANTEE), its successors and assigns, a perpetual utility easement for all utilities with the right to construct and install utility lines, lay and thereafter use, operate, inspect, repair, maintain, replace and remove facilities as necessary, together with the rights of ingress, egress and access over, across and through the land of GRANTOR situate in Gila County, State of Arizona, for such purposes, said land being described on Exhibit "A" attached hereto and made a part hereof.

#### Exhibit "A" Legal Description

#### Exhibit "B" Exhibit

The consideration hereinabove recited shall constitute payment in full for the value of the interest granted herein and for any damages to the land of GRANTOR, their successors and assigns, by reason of the installation, operation and maintenance of the structures or improvements referred to herein. Each GRANTEE covenants to maintain the easement in good repair so that no unreasonable damage will result from its use to the adjacent land of GRANTOR, their successors and assigns.

The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of GRANTEES, their successor and assigns.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 27 day of April, 2011.

GRANTOR:

Joseph A. Leaser



STATE OF Arizona )  
County of Gila ) ) ss.

The foregoing easement deed was acknowledged before me this 27 day of April, 2011, by Joseph Lesser, who acknowledged himself to be the Treasurer of Messinger Payer Funeral Home, and that as such officer, being duly authorized so to do, signed his/her name as such officer.

My commission expires:  
7-5-2011



*Exhibit "A"*

**LEGAL DESCRIPTION**

An easement for public utilities, 10.00 feet in width over a portion of the N. E. ¼ of the N. W. ¼ and the N. W. ¼ of the N. E. ¼ of section 9, T-10-N, R-10-E of the G. & S.R.M., Town of Payson, Gila County, Arizona, more particularly described as follows:

An easement 10.00 feet in width, lying 10.00 feet westerly and parallel to the following described line:

Beginning at the S. E. corner of assessor's parcel 304-16-007 as depicted on R.O.S. 3517 G.C.R., being the intersection of the N. line of West Aero Drive and the west line of Westerly Drive; Thence N. 0° 18' 37" W. along the west line of said Westerly Drive a distance of 129.97 feet to a point of curve; Said point also being the N. E. corner of said parcel 304-16-007 and the S.E. corner of parcel 304-16-222D.

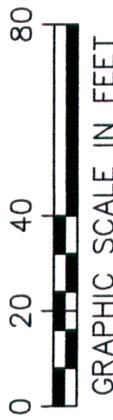
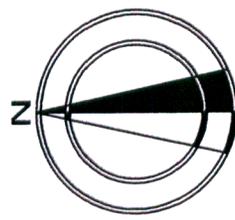
Thence continuing along said west line of Westerly Drive, along a curve to the right, having a radius of 175.00 feet, thru 33° 11' 33" of central angle, a distance of 101.38 feet to a point of tangent;

Thence continuing along said west line, N. 32° 52' 56" E. a distance of 47.00 feet to a point, said point being the terminus of this easement.



Exp. 06/30/12  
*Raymond Lee Jones*





**EXHIBIT B**

OF AN EASEMENT FOR PUBLIC UTILITIES, LOCATED IN A PORTION OF THE N.E. 1/4 OF THE N.W.1/4 AND THE N.W.1/4 OF SECTION 9, T-10-N, R-10-E OF THE G.S.R.M., TOWN OF PAYSON, GILA COUNTY, ARIZONA

NEW 10.00' EASEMENT FOR PUBLIC UTILITIES

304-16-222B

L= 101.38'  
 R= 175.00'  
 Δ= 33°11'33"

**LEGEND**

- CALCULATED INFORMATION (C)
- - - RECORD INFORMATION (R)
- MEASURED INFORMATION (M)
- FOUND 1/2" REBAR W/OUT TAG (UNLESS OTHERWISE NOTED)

NEW 10.00' EASEMENT FOR PUBLIC UTILITIES

304-16-007

W. AERO DR.

FND. MAG NAIL  
 W/ TAG L.S. 12314

WESTERLY DRIVE

304-16-222E

304-16-009

THIS SURVEY WAS PERFORMED UNDER MY SUPERVISION DURING THE MONTH OF APRIL, 2011.



RAYMOND LEE JONES, U.S. L.S. #5713  
 LICENSE EXPIRES: 07/30/12  
*Raymond Lee Jones*

**RJS** RAY JONES SURVEYING

1118 North Karen Way  
 Payson, AZ 85541  
 Phone: (928) 474-4004  
 JOB #KJ11-012E | DATE: 04/11/2011  
 SCALE: 1" = 40' | SHEET: 1 OF 1