

RESOLUTION 2816

A RESOLUTION OF THE PAYSON TOWN COUNCIL, AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY TO CLARIFY THE CHAIN OF TITLE AND TO CLARIFY THE TOWN OF PAYSON'S OWNERSHIP OF TRACT R OF THE RIM CLUB AND THE WELL LOCATED ON TRACT R.

WHEREAS, in 2001, the Developer of Chaparral Pines, Phase 3 ("the Developer") constructed a well on a parcel of land in the Rim Club designed as Tract R, located in the 2100 block of East Rim Club Parkway; and

WHEREAS, the Developer caused a Record of Survey showing Tract R to be drafted; and

WHEREAS, the Record of Survey was signed by the Town and recorded by the Developer; and

WHEREAS, unbeknownst to the Town, the Record of Survey was not signed by the Developer prior to recording; and

WHEREAS, it was the intent of the both the Town and the Developer that Tract R and the well and other water infrastructure on Tract R was dedicated to the Town by the recording of the Record of Survey and other relevant documents; and

WHEREAS, in 2014, the Town discovered that the position of the Gila County Assessor's Office was that Tract R was owned by the adjacent property owner and that the well on Tract R was owned by the developer and not the Town; and

WHEREAS, the Town desires to clarify (1) its ownership of Tract R and the well on Tract R and (2) the chain of title for Tract R; and

WHEREAS, pursuant to such desire, the Town, the owner of the parcel adjacent to Tract R, the Developer, and the County Assessor have been working together through Pioneer Title to draft all documents necessary to accomplish these goals,

NOW, THEREFORE, THE MAYOR AND PAYSON TOWN COUNCIL RESOLVE AS FOLLOWS:

Kenny J. Evans, Mayor of the Town of Payson, is authorized all documents necessary to (1) clarify the Town of Payson's ownership of Tract R and the well located on Tract R and (2) clarify the chain of title on Tract R including, but not limited to Bill(s) of Sale require no monetary contribution from the Town, Deeds, and instructions to Pioneer Title.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE

TOWN OF PAYSON this _____ day of _____, 2014, 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