

RESOLUTION NO. 2825

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING A PUBLIC UTILITY EASEMENT FROM ANTON PLAZA II, LLC PERTAINING TO THE C.C. CRAGIN IN-TOWN WATER LINE 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, Anton Plaza II, LLC has granted to the Town of Payson a Public Utility Easement described on Exhibit "1" hereto; and

WHEREAS, it is the desire of the Town of Payson to accept said Public Utility Easement; 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 December, 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

EXHIBIT "1"
to Resolution No. 2825

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

PUBLIC UTILITY EASEMENT

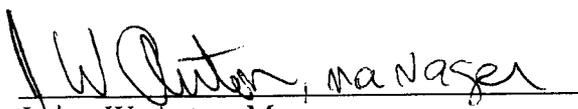
KNOW ALL MEN BY THESE PRESENTS:

In consideration of one dollar (\$1.00) and other good and valuable consideration consisting of (1) re-grading the bottom and south side of the drainage channel to a 2:1 slope; (2) installing a 3' wide x 5' deep x 50' long rock gabion cut-off wall; and (3) installing a 1.5' thick wire tied rock mattress along the bottom and south side of the wash to Anton Plaza II, LLC (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 public 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" and depicted on Exhibits "B" and "B1" attached hereto and made a part hereof. All construction items shall be in accordance with the C.C. Cragin Treated Water Line In-Town Corridor improvement plans Sheets C-360 and C-508.

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 and operation of the utilities referred to herein. The GRANTEE covenants to maintain the easement in good repair and to restore any damages to the property caused by maintenance of the utilities to their previous condition 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 3rd day of Dec, 2014.


James W. Anton, Manager
Anton Plaza II, LLC

RECEIVED
DEC 05 2014
TOWN CLERK
TOWN OF PAYSON

STATE OF AZ)
) §
County of Maricopa)

The foregoing easement deed was acknowledged before me this 3rd day of DEC, 2014, by James W. Anton, who acknowledged himself to be the Manager of Anton Plaza II, LLC, and that as such officer, being duly authorized so to do, signed his/her name as such officer.

Marianne Mathews
Notary Public

My commission expires:
6/29/2015

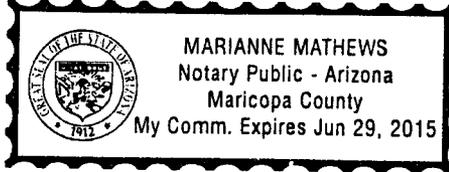


EXHIBIT "A"
LEGAL DESCRIPTION

Public Utility Easement
Portion of Tract "B" Rancho Del Tonto Amended
Docket 196, Page 577

Portions of Tract "B" Rancho Del Tonto Amended recorded as Map 134, Gila County Records, lying within a portion of the Northwest Quarter of Section 34, Township 11 North, Range 10 East, of the Gila and Salt River Meridian, Town of Payson, Gila County, Arizona, described as follows:

Parcel 1: Beginning at the Northeast Corner of that property described in Docket 196, Page 577, Gila County Records;

 Thence: South 1°36'00" West, 25.00 feet along the east line of said property to a line parallel with and lying 25.00 feet southerly (measured at right angles) from the north line of said property;

 Thence: North 88°21'00" West, 105.00 feet along said parallel line to its point of intersection with the Easterly Line of that Arizona Department of Transportation Drainage Easement recorded as Docket 798, Page 873;

 Thence: North 1°36'00" East, 25.00 feet along the easterly line of said Drainage Easement and its northerly projection to a point in the north line of said property;

 Thence: South 88°21'00" East, 105.00 feet along the north line of said property to the POINT OF BEGINNING.

Existing Encumbered Area:	1,199.82 Square Feet
Proposed P.U.E. Area:	2,625.00 Square Feet
Net Increase:	1,425.18 Square Feet More or Less

Parcel 2: That same property described as an Arizona Department of Transportation Drainage Easement recorded as Docket 798, Page 873, Gila County Records.

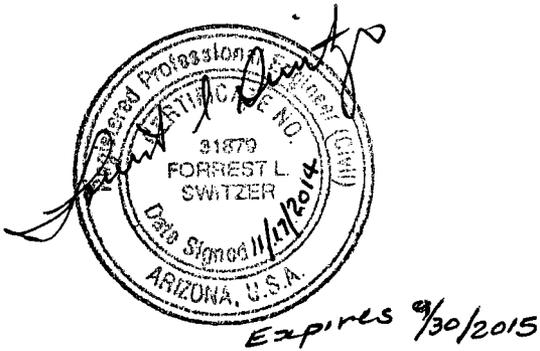
Existing Easement Area: 3,257.46 Square Feet More or Less

Parcel 3: That same property described as "for 1/2 an alley over the East 10 feet" described in Docket 196, Page 577, and also recorded as an easement for "Street, Roadway and Alley Purposes" in Docket 356, Page 757, both of Gila County Records.

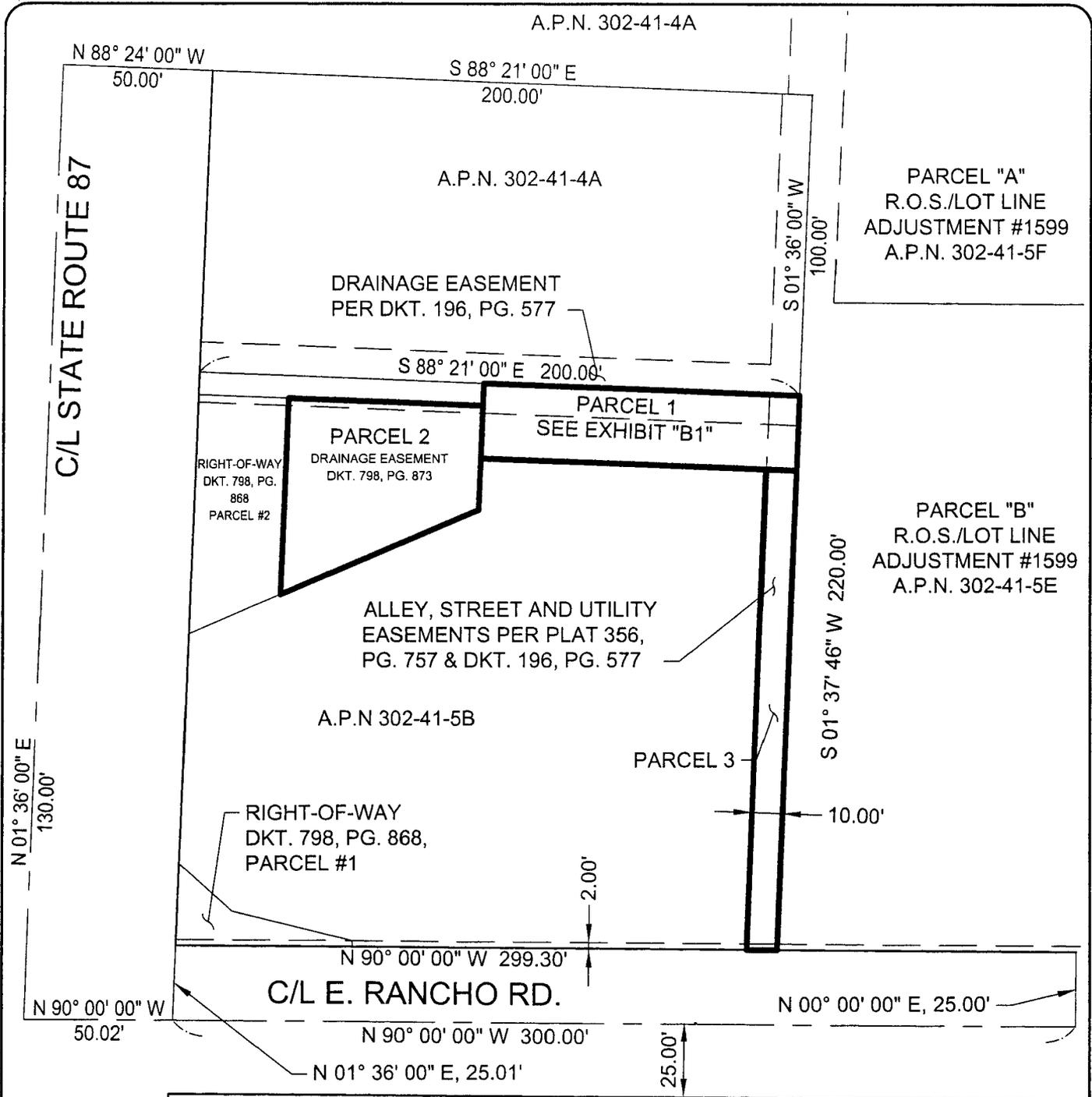
Existing Easement Area: 1852.23 Square Feet More or Less

Net increase in Encumbered area for Parcel 1 through Parcel 3 = 1,425.18 Square Feet More or Less.

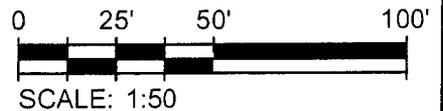
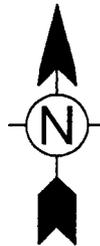
TETRA TECH, INC.
Project 133-16910-11008



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Expires 9/30/2015



TETRA TECH

www.tetratech.com
 405B West Main Street
 Payson, AZ 85541
 PH: (928) 474-4636 FX: (928) 474-4867

Town of Payson

C.C. Cragin Treated Waterline
 In-Town Corridor

EXHIBIT "B"

Project No.: 16910.10001

Date: 2014-11-06

Designed By: FLS

Supplemental
V-705

Copyright: Tetra Tech

Bar Measures 1 inch

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A.P.N. 302-41-4A

POINT OF BEGINNING

PARCEL 2

N 66° 15' 14" E
20.53'

34.72'

7.44'

N 01° 36' 00" E
25.00'

PARCEL 1
PROPOSED P.U.E.
2,625 SQ. FT., 0.0603 AC.

S 88° 21' 00" E 105.00'

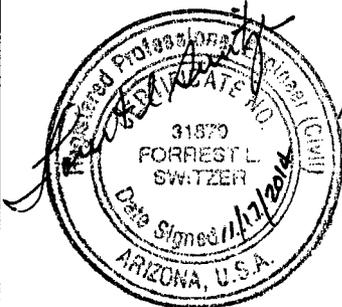
N 88° 21' 00" W 105.00'

S 01° 36' 00" W
25.00'

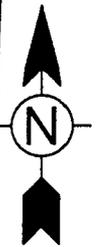
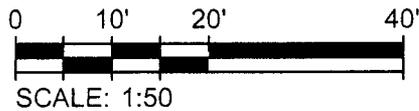
PARCEL 3

ALLEY, STREET AND UTILITY
EASEMENTS PER PLAT 356,
PG. 757 & DKT. 196, PG. 577

A.P.N 302-41-5B



Expires 9/30/2015



TETRA TECH

www.tetrattech.com
405B West Main Street
Payson, AZ 85541
PH: (928) 474-4636 FX: (928) 474-4867

Town of Payson
C.C. Cragin Treated Waterline
In-Town Corridor
EXHIBIT "B1"

Project No.: 16910.10001
Date: 2014-11-06
Designed By: FLS
Supplemental
V-705

Copyright: Tetra Tech

Bar Measures 1 inch