

RESOLUTION NO. 2870

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE PUBLIC UTILITY EASEMENT FROM MARTIN G. LAMB AND DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "I".

WHEREAS, the Town of Payson, a municipal corporation and a political subdivision of the State of Arizona, is located entirely in Gila County and incorporated and organized under A.R.S. §§ 9-101 and 9-231; and

WHEREAS, pursuant to A.R.S. § 9-241 *et seq.*, the Town of Payson may receive real property necessary to carry out the purposes of the municipal corporation, within and without its limits; and

WHEREAS, certain public utility easement deed described on Exhibit "I" attached hereto and pertaining to public water line construction on the property with Legal Description described in Exhibit "A" and diagrammed in Exhibit "B" to that Exhibit "I" has been offered to the Town of Payson for consideration set forth in Exhibit "I" by Martin G. Lamb, who has the legal authority to grant the easement and execute the documents for recording; and

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

WHEREAS, said easement is required for public water line construction; and

WHEREAS, it is the desire of the Town of Payson to accept said Public Utility Easement upon the consideration offered and accepted thereto; and

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 approve the consideration paid and accepts said public utility easement described and depicted in Exhibits "I"; "A" and "B" attached hereto and incorporated by reference as though set forth in full herein. .

Section 2: That Kenny J. Evans, Mayor of the Town of Payson, is authorized to execute this Resolution pursuant to A.R.S. § 9-241 *et seq.*.

Page 1

Prepared by Town of Payson Legal Department

HMF:drs August 4, 2015 (3:14PM)

80315.RESO.PAYSON.LAMB.EASEMENT

AUG 13 2015 3:3*

Section 3: That the Town of Payson is authorized to take such other and further actions as may be necessary or appropriate to carry out the intent of this Resolution; to use and control easement including, but not limited to, the maintenance thereof and to perfect the aforesaid public utility easement by the recordation of the easement documents.

PASSED AND ADOPTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PAYSON, ARIZONA, this 13th day of August, 2015, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Hector M. Figueroa, Town Attorney

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

EXHIBIT "I"

PUBLIC UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

In consideration of one dollar (\$1.00) paid to Martin G. Lamb (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 Exhibit "B" attached hereto and made a part hereof.

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 August, 2015.

Martin G. Lamb
GRANTOR

STATE OF Arizona)
County of Gila) §

The foregoing easement deed was acknowledged before me this 3rd day of August, 2015, by Martin G. Lamb, who acknowledged himself to be the owner, and that as such, being duly authorized so to do, signed his/her name.

Tracie K. Bailey
Notary Public

My commission expires:
10-19-16

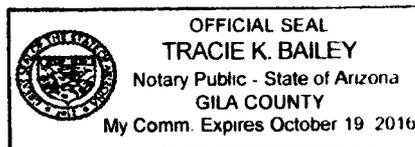


EXHIBIT "A"
LEGAL DESCRIPTION
PUBLIC UTILITY EASEMENT

A 10.00 foot easement for waterlines, 5.00 feet right of, and 5.00 feet left of, parallel and adjacent to the following described centerline located in a portion of Parcel 19-B of Record of Survey Minor Land Division 4073 Gila County Records. Located in Homestead Entry Survey 611, Embraced by Section 32, Township 11 North, Range 10 East of the Gila and Salt River Meridian, Town of Payson, Gila County, Arizona, more particularly described as follows:

Commencing at the Northwesterly Corner of said Parcel 19-B.

Thence: N 82° 46' 47" E, 33.00 feet to the BEGINNING of said centerline.

Thence: S 07° 20' 34" E, 170.38 feet to a point on the Northerly line of a Public Utility Easement recorded in Docket 798, Pages 211-215 Gila County Records, said point being the END of said centerline;

The sidelines of said 10.00 foot easement shall commence and terminate at the adjoiners

NORTHSTAR SURVEYING
INCORPORATED

Project No. 15-071



EXPIRES: 12/31/2015

BRAVO TAXIWAY

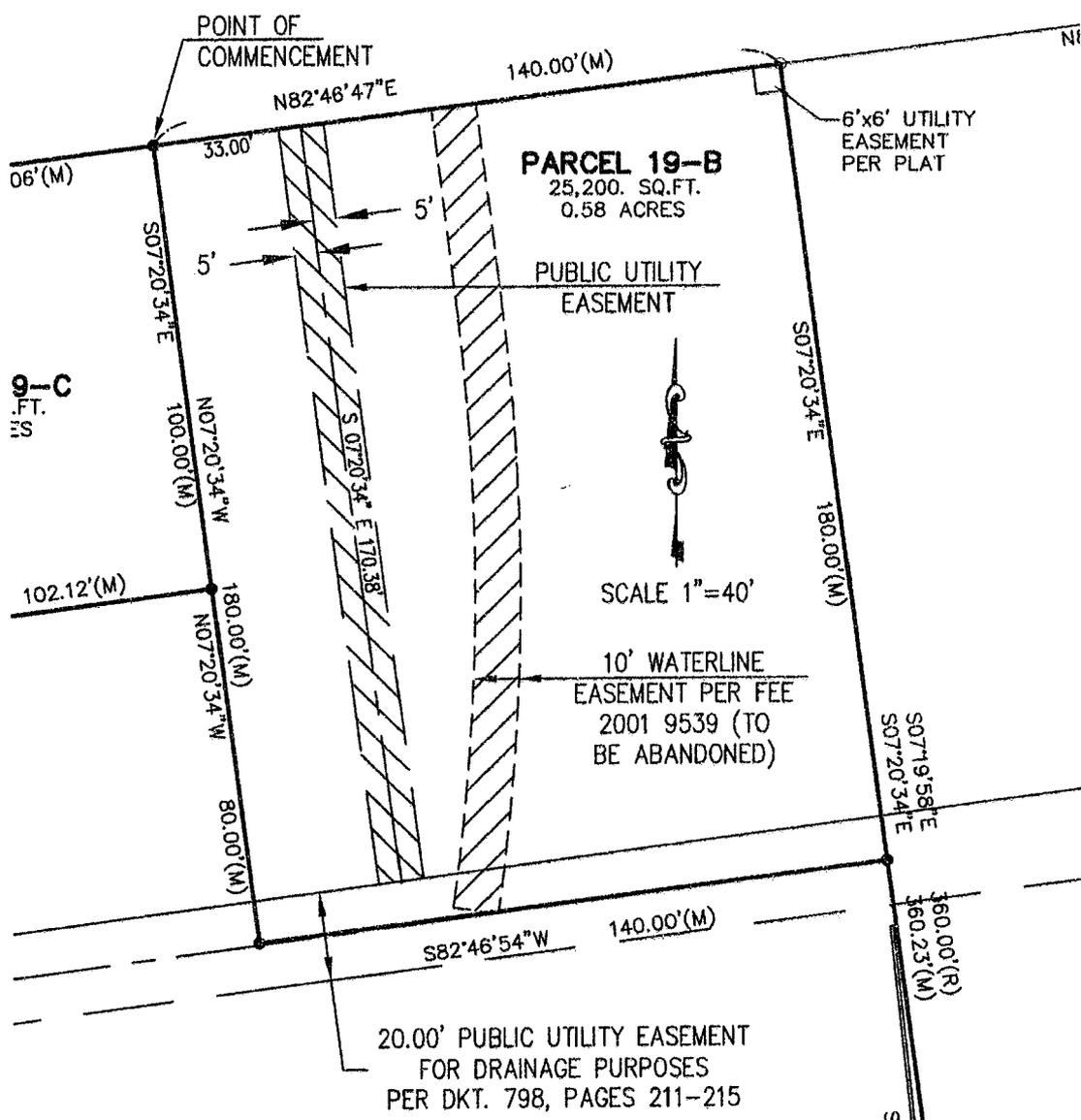


EXHIBIT "B"

PUBLIC UTILITY EASEMENT
PARCEL 19-B OF RECORD OF
SURVEY - MINOR LAND DIVISION
4073 GILA COUNTY RECORDS