

**RESOLUTION NO. 2890**

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE ROADWAY AND PUBLIC UTILITY EASEMENT DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1".**

**WHEREAS**, A.R.S. § 9-241 provides that the Town of Payson may receive, hold, lease, and convey property, real or personal, necessary or proper to carry out the purposes of the municipal corporation, within or without its limits;

**WHEREAS**, certain easement described on Exhibit "1" attached hereto and pertaining to the property described in Exhibit "A" and Exhibit "B" and diagramed in Exhibit "C" to that Exhibit "1" has been offered to the Town of Payson for consideration set forth in Exhibit "1" by The Rim Country Educational Alliance, who has legal authority to grant the easement and which Exhibits are incorporated herein as though set forth in full;

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

**WHEREAS**, said easement is required for the maintenance of Mud Springs Road and Granite Dells Road.

**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 the roadway public utility easement both described in Exhibit "1" attached hereto and incorporated herein as though set forth in full at this point.

Section 2. That the Town of Payson shall perform any and all other acts necessary or appropriate to accept said roadway and public utility easement and to the use and control thereof, including, but not limited to, the maintenance thereof.

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON** this \_\_\_\_\_ day of \_\_\_\_\_, 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

DEC 10 2015 *D. 2*

**EXHIBIT "1"**  
to Resolution No. 2890

2015-011087 E Page: 1 of 7  
11/10/2015 04:50:23 PM Receipt #: 15-8279  
Rec Fee: \$12.00 Pioneer Title Agency Recordings 2  
Gila County, Az, Sadie Jo Bingham, Recorder



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

**ROADWAY  
AND  
PUBLIC UTILITY EASEMENT**

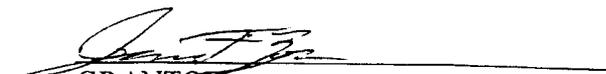
KNOW ALL MEN BY THESE PRESENTS:

In consideration of one dollar (\$1.00) and other good and valuable consideration paid to the Rim Country Educational Alliance (hereinafter referred to as GRANTOR) by the Town of Payson, an Arizona municipal corporation, the receipt of which is hereby acknowledged, GRANTORS do 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 roadway and utility easement for a roadway and all utilities with the right to construct and install and maintain a roadway, utility lines, and thereafter use, operate, inspect, repair, maintain, replace and remove facilities and improvements 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 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, 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.

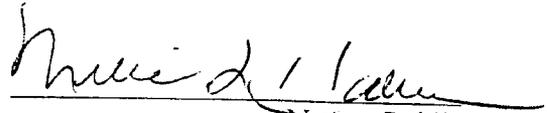
The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of GRANTEES, their successor and assigns.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 10<sup>th</sup> day of November, 2015.

  
GRANTOR

STATE OF Arizona )  
County of Gila ) §

The foregoing easement deed was acknowledged before me this 10<sup>th</sup> day of November, 2015, by James F. Lyon, who acknowledged himself to be the Chairman of the Rim Country Educational Alliance, and that as such officer, being duly authorized so to do, signed his/her name as such officer.

  
\_\_\_\_\_  
Notary Public

My commission expires:  
3-5-16



EXHIBIT 'A'  
LEGAL DESCRIPTION  
OF  
GRANITE DELLS ROAD  
ROADWAY AND PUBLIC UTILITY EASEMENT  
MUDSPRINGS ROAD TO THE GRANITE DELLS ESTATE SUBDIVISION

A parcel of property intended to be used for a public roadway and public utilities located in the SW¼ of Section 2, T10 N, R10 E, G&SRM, Gila County, Arizona more particularly described as follows:

COMMENCING at the W¼ Corner of Said Section 2;

THENCE S89°24'07"E along the east-west mid-section line of said Section 2 a distance of 25.55 feet to the TRUE POINT OF BEGINNING;

THENCE continuing S89°24'07"E along said east-west mid-section line 233.35 feet;

THENCE S48°39'03"E 74.27 feet;

THENCE S68°49'39"E 151.62 feet to a Point of Curvature of a circular curve concave southwesterly with a radius of 455.00 feet;

THENCE southeasterly along the arc of said curve 251.55 feet a Point of Tangency;

THENCE S37°09'05"E 199.27 feet to a Point of Curvature of a circular curve concave northeasterly with a radius of 545.00 feet;

THENCE southeasterly along the arc of said curve 165.26 feet a Point of Tangency;

THENCE S54°31'30"E 137.25 feet to a Point of Curvature of a circular curve concave southwesterly with a radius of 380.00 feet;

THENCE southeasterly along the arc of said curve 172.08 feet to a Point of Tangency;

THENCE S28°34'47"E 120.56 feet to a Point of Curvature of a circular curve concave northeasterly with a radius of 720.00 feet;

THENCE southeasterly along the arc of said curve 469.25 feet to a Point of Tangency;

THENCE S65°55'18"E 406.36 feet to a point on the north line of the S½ of the SW¼ of said Section 2, said point also being on the north line of the Granite Dells Estates Subdivision as recorded as Map No. 546, Gila County Recorder's Office, Gila County, Arizona;



THENCE N89°07'11"W along said north line of the S½ of the SW¼ of said Section 2 and said north line of the Granite Dells Estates Subdivision 152.32 feet;

THENCE N65°55'18"W 406.36 feet to a Point of Curvature of a circular curve concave northeasterly with a radius of 780.00 feet;

THENCE northwesterly along the arc of said curve 508.36 feet to a Point of Tangency;

THENCE N28°34'47"W 120.56 feet to a Point of Curvature of a circular curve concave northeasterly with a radius of 320.00 feet;

THENCE northwesterly along the arc of said curve 144.91 feet to a Point of Tangency;

THENCE N54°31'30"W 137.25 feet to a Point of Curvature of a circular curve concave northeasterly with a radius of 605.00 feet;

THENCE northwesterly along the arc of said curve 183.45 feet to a Point of Tangency;

THENCE N37°09'05"W 199.27 feet to a Point of Curvature of a circular curve concave southwesterly with a radius of 395.00 feet;

THENCE northwesterly along the arc of said curve 218.38 feet to a Point of Tangency;

THENCE N68°49'39"W 157.62 feet;

THENCE N59°55'23"W 190.82 feet;

THENCE N88°47'46"W 36.89 feet;

THENCE S01°12'14"W 684.39 feet to a Point of Curvature of a circular curve concave northwesterly with a radius of 530.00 feet;

THENCE southwesterly along the arc of said curve 98.40 feet to a point of reverse curvature of a circular curve concave southeasterly with a radius of 470 feet;

THENCE southwesterly along the arc of said curve 91.73 feet to a Point of Tangency;

THENCE S00°39'31"W 415.41 feet to a point on the south line of the NW¼ of the SW¼ of said Section 2;

THENCE N89°20'58"E along the south line of said NW¼ of the SW¼ of said Section 2 a distance of 60.00 feet to the southwest corner of said NW¼ of the SW¼ of said Section 2, said point being on the west line of said Section 2;

THENCE N00°39'31"E along the west line of said Section 2 a distance of 657.00 feet to the southwest corner of the NW¼ of the NW¼ of the SW¼ of said Section 2, said point also being



the southwest corner of that property described in the Small Tracts Act Survey No. 017, Map No. 215 & 215A, Gila County Recorders Office, Gila County, Arizona;

THENCE S88°21'22"E along the south line of said NW¼ of the NW¼ of the SW¼ of said Section 2, and along the south line of said Small Tracts Act Survey No. 017 a distance of 19.46 feet to the southeast corner of said Small Tracts Act Survey No. 017;

THENCE N01°12'14"E 640.26 feet to the northeast corner of said Small Tracts Act Survey No. 017, said point being the TRUE POINT OF BEGINNING.

The above easement containing 4.84 acres, more or less.



EXHIBIT 'B'  
LEGAL DESCRIPTION  
OF  
GRANITE DELLS ROAD  
ROADWAY AND PUBLIC UTILITY EASEMENT  
LOCATED IN THE 1500 BLOCK OF EAST GRANITE DELLS ROAD

A parcel of property intended to be used for a public roadway and public utilities located in the SE $\frac{1}{4}$  of Section 2, T10 N, R10 E, G&SRM, Gila County, Arizona more particularly described as follows:

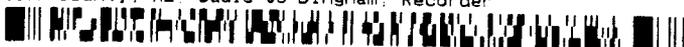
BEGINNING at the SE Corner of the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Said Section 2;

THENCE N89°03'11"W along the south line of said NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Said Section 2 a distance of 240.28 feet;

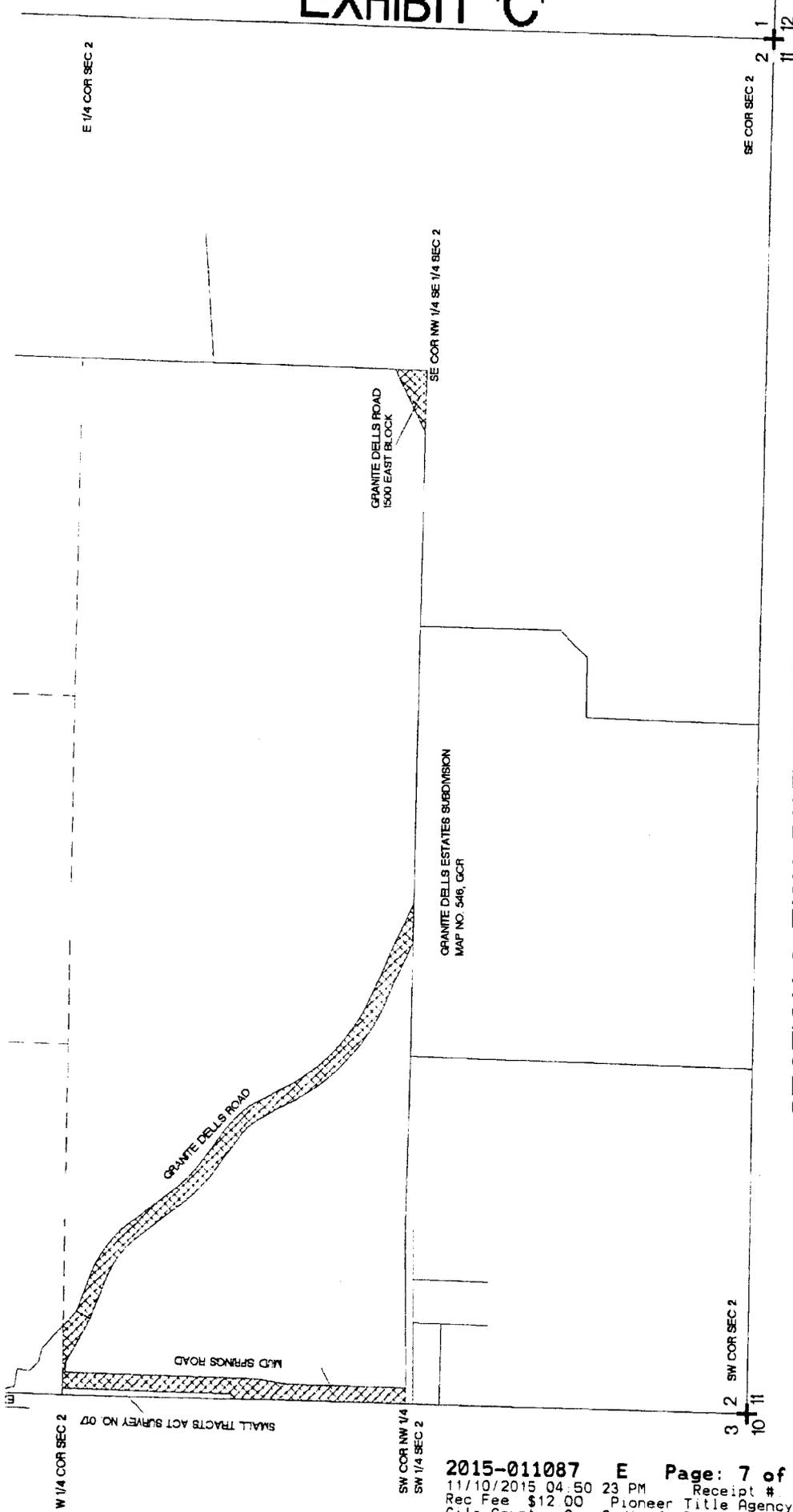
THENCE N64°31'15"E 268.57 feet to a point on the east line of said NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Said Section 2;

THENCE S01°03'15"W along the east line of said NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Said Section 2 a distance of 119.53 feet the POINT OF BEGINNING.

The above parcel containing 0.33 acres, more or less.



# EXHIBIT 'C'



SECTION 2, T10N, R10E, G+SRM

