

**RESOLUTION NO. 2915**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA (“TOWN”), APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND A QUIT-CLAIM DEED FOR TRANSFER OF TITLE TO CERTAIN PROPERTY LOCATED IN GREEN VALLEY PARK TO THE NORTHERN GILA COUNTY HISTORICAL SOCIETY, INC. (“NGCHS” OR “SOCIETY”), FOR THE PURPOSE OF CONSTRUCTING A MONUMENT HONORING THE VICTIMS OF THE 1970 LABOR DAY FLOOD.**

**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(A), the municipal corporation may convey property, real and personal, necessary or proper to carry out the purposes of the corporation, within or without its limits; and

**WHEREAS**, pursuant to A.R.S. § 9-241(B), conveyances by the corporation shall be executed by the Mayor with the advice and consent of the Council, at a regular meeting thereof; and

**WHEREAS**, pursuant to A.R.S. § 9-254, upon filing a map or plat, the fee of the parks and other parcels of grounds reserved therein to the use of the public vests in the town, in trust, for the uses therein expressed; and

**WHEREAS**, on or about March 4, 1997, the Town of Payson (“Town”) and the Northern Gila County Historical Society, Inc. (“NGCHS” or “Society”) entered into an Agreement providing for transfer to the Town of the Society’s interest and a portion of its real property located at the Museum of the Forest, predecessor of the Rim Country Museum, adjacent to Green Valley Park; and

**WHEREAS**, such Agreement provides (in Paragraph 5 thereof) that the Society has an option to reacquire all or any portion of the real property transferred to the Town for the purpose of expanding the physical operations of the Society and/or Museum of the Forest and it’s successors. Said Agreement further provides that the Town shall quit-claim at cost to the Society the portion of the real property previously conveyed to the Town which is requested, for uses which will provide for expansion of the activities of the Society; and

**WHEREAS**, the NGCHS has notified the Town that it desires, pursuant to Paragraph 5, to reacquire a portion of property on the property for which title was previously transferred to the Town to construct a monument honoring the victims of the 1970 Labor Day Flood; and

***Prepared by Town of Payson Legal Department***

*HMF:dkk May 2, 2016 (4:16PM)*

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**WHEREAS,** The Town desires to return title to such portion of the property to the NGCHS for the purpose of constructing a monument honoring the victims of the 1970 Labor Day Flood; and

**WHEREAS,** a quit-claim deed has been prepared and is hereby presented to Mayor and Council for their advice, consent and formal approval.

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

**Section 1:** That the quit-claim deed, a copy of which is attached hereto as Exhibit "A", is made a part hereof by reference, as though set forth in full herein, be and is hereby approved.

**Section 2:** That Kenny J. Evans, Mayor of the Town of Payson, be and is hereby authorized to execute Resolution No. 2915 and said quit-claim deed in substantially the form attached.

**Section 3:** That the Town of Payson be and is hereby authorized to take and perform such other and further actions as are necessary or appropriate to carrying out the intent of this Resolution No. 2915.

If any section, subsection, sentence, clause, phrase, or portion of this Resolution Number 2915 or of the quit-claim deed attached hereto and incorporated herein as Exhibit "A" is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of either this Resolution or said quit-claim deed.

**PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, this 10<sup>th</sup> day of May, 2016, by the following vote:**

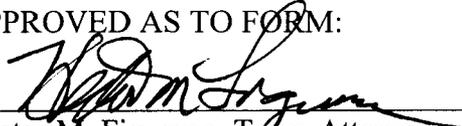
AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSTENTIONS \_\_\_\_\_ ABSENT \_\_\_\_\_

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

ATTEST:

APPROVED AS TO FORM:

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

  
\_\_\_\_\_  
Hector M. Figueroa, Town Attorney

**Prepared by Town of Payson Legal Department**

HMI:dkk May 2, 2016 (4:16PM)

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**EXHIBIT A  
TO  
RESOLUTION 2915  
(NGCHS MONUMENT DEED)**

**EXHIBIT "A"**

When Recorded, Return To:  
Silvia Smith  
Town Clerk  
Town of Payson  
303 N. Beeline Highway  
Payson, AZ 85541

**QUIT CLAIM DEED**

KNOW ALL MEN BY THESE PRESENTS:

For Valuable consideration, the undersigned, Town of Payson, an Arizona municipal corporation (hereinafter "Grantor"), hereby quit-claims to Northern Gila County Historical Society, Inc., an Arizona corporation (hereinafter "Grantee"), all right, title or interest of Grantor in and to the real property situated in Gila County, Arizona, which is described on Exhibit "A" attached hereto.

Dated this \_\_\_\_\_ day of May, 2016.

Town of Payson  
An Arizona Municipal Corporation

By:

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

STATE OF ARIZONA)  
                                          ) §  
County of Gila                  )

The foregoing quit-claim deed was signed before me on \_\_\_\_\_, 2016,  
by Kenny J. Evans, Mayor of the Town of Payson, on behalf of the Town.

Notary Public

My commission expires: \_\_\_\_\_

**EXEMPT PER A.R.S. §11-1134(A)(3)**

LEGAL DESCRIPTION  
FOR  
Property Transfer from the Town of Payson  
To  
The Northern Gila County Historical Society  
For

Property to be used to Locate a Monument to the 1970 Labor Day Flood Victims

A Parcel of Property being a portion of the SE  $\frac{1}{4}$  of Section 5, Township 10 North, Range 10 East of the Gila and Salt River meridian, Town of Payson, Gila County, Arizona, being more particularly described as follows:

Commencing at the SE corner of said Section 5;

Thence; N65°34'06"W, 406.56 feet to the TRUE POINT OF BEGINNING;

Thence; N76°21'44"W, 10.00 feet;

Thence; N13°38'16"E, 8.00 feet;

Thence; S76°21'44"E, 10.00 feet;

Thence; S13°38'16"W, 8.00 feet to the TRUE POINT OF BEGINNING.

The above described parcel containing 80.00 square feet, more or less