

**RESOLUTION NO. 2941**

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE SLOPE EASEMENT DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1" IN CONJUNCTION WITH THE BONITA STREET PHASE 2 PROJECT.**

**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**, the certain easement described on Exhibit "1" attached hereto and diagramed in Exhibit "A" to that Exhibit "1" has been offered to the Town of Payson for consideration set forth in Exhibit "1" by Mary Suzanne Malinski, a single woman, 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 construction of the Bonita Street Phase 2 roadway improvements.

**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 slope easement 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 slope 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 \_\_\_\_\_, 2016, by the following vote:

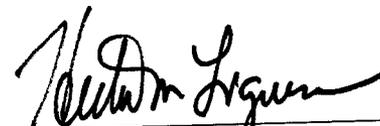
AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSTENTIONS \_\_\_\_\_ ABSENT \_\_\_\_\_

ATTEST:

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

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

APPROVED AS TO FORM:

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

JUL 07 2016 G.13\*

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

**EXHIBIT "1"**  
to Resolution No. 2941  
**SLOPE EASEMENT**

KNOW ALL MEN BY THESE PRESENTS:

In consideration of one and no/100 dollars and other good and valuable consideration paid to

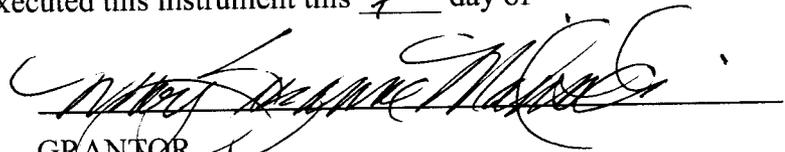
Mary Suzanne Malinski, a single women (hereinafter referred to as GRANTOR) by the Town of Payson, an Arizona municipal corporation, the receipt of which is hereby acknowledged, GRANTOR do hereby grant, bargain, sell, transfer and convey unto the Town of Payson, an Arizona municipal corporation (hereinafter referred to as GRANTEE), its successors and assigns, a perpetual easement with the right to construct and install slope improvements, 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" 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.

Should the use of this easement by the GRANTEE cease to exist, then the rights to this easement shall become void.

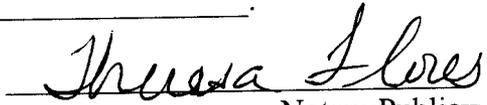
The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of GRANTEE, their successor and assigns.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 4 day of June, 2016.

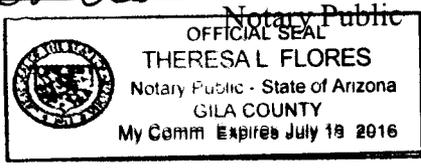
  
GRANTOR

STATE OF ARIZONA )  
                                  ) ss.  
County of Gila        )

The foregoing slope easement was acknowledged before me this 7 day of June, 2016, by



My commission expires: July 14, 2016

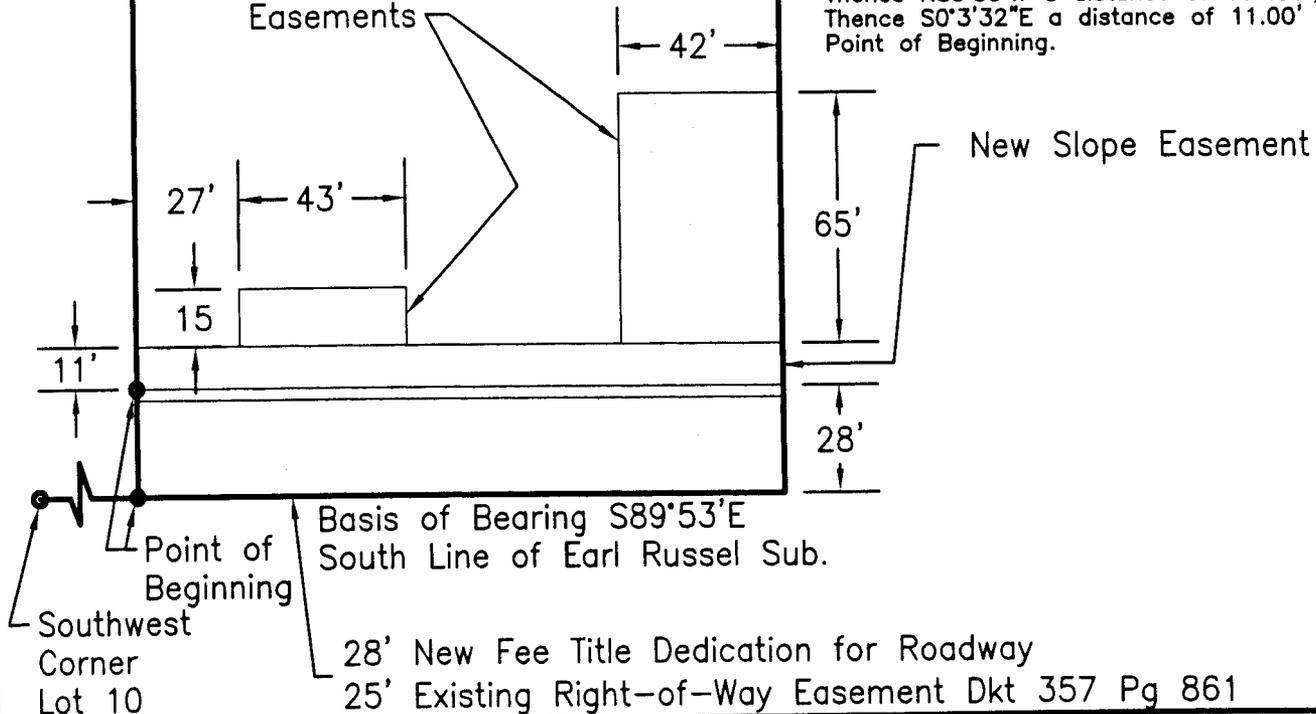


Mary Suzanne Malinski  
208 E Bonita St



SCALE: 1"=50'

New Temporary  
Construction  
Easements



Fee Title Legal Description:  
That Part of Lot 10 of the Earl Russell Subdivision  
Map No. 73 Gila County Records, Payson, AZ more  
particularly described as follows:

Commencing at the Southwest Corner of Lot 10,  
thence S89°53'E a distance of 226.67' along  
the south line of the Earl Russell Subdivision to  
the Point of Beginning,  
Thence S89°53'E a distance of 167.80' along  
southline;  
Thence N0°3'32"W a distance of 28.00';  
Thence N89°53'W a distance of 167.80';  
Thence S0°3'32"E a distance of 28.00' to the  
Point of Beginning.

Slope Easement Legal Description:  
That Part of Lot 10 of the Earl Russell Subdivision  
Map No. 73 Gila County Records, Payson, AZ more  
particularly described as follows:

Commencing at the Southwest Corner of Lot 10,  
Thence S89°53'E a distance of 226.67' along  
the south line of the Earl Russell Subdivision;  
Thence N0°3'32"W a distance of 28.00' to  
the Point of Beginning,  
Thence S89°53'E a distance of 167.80' parallel  
to south line;  
Thence N0°3'32"W a distance of 11.00';  
Thence N89°53'W a distance of 167.80';  
Thence S0°3'32"E a distance of 11.00' to the  
Point of Beginning.

TOWN OF PAYSON, ARIZONA

PLAT OF PARCEL OF CONCERN  
IN ATTACHED DOCUMENT

PART OF LOT 10 RUSSELL SUBDIVISION

MAP No. 73 GILA COUNTY RECORDS

EXHIBIT "A"

SCALE: 1"=50'

DRAWN BY: C. WARD

CHECKED BY: \_\_\_\_\_

DATE: 6/4/16