

RESOLUTION NO. 10-2006

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BENSON, DECLARING THE PUBLIC WATER UTILITY EASEMENT GRANTED BY LELAND AND DOROTHEA SHUPE TO THE CITY OF BENSON IN THAT CERTAIN DEED OF EASEMENT RECORDED AT DOCKET NO. 1307, PAGE 527, ON THE 15TH DAY OF FEBRUARY, 1979, AS SHOWN ON FINAL PLAT OF HOUSE RIDGE ESTATES TO BE UNNECESSARY AND ABANDONING THE SAME.

WHEREAS the Mayor and City Council have received a request from Kerryn J. House, President of Dackse Management Services, Inc., an Arizona Corporation as General Partner of House Ridge Limited Partnership, an Arizona limited partnership, for the abandonment of a Public Water Utility Easement as shown on the final plat of House Ridge Estates; and,

WHEREAS the Mayor and City Council have determined that the Public Water Utility Easement requested to be abandoned is no longer necessary for public use because the property reflecting said easement has been platted for subdivision and the location of the existing easement is no longer necessary to provide water utility service to the property.

THEREFORE, BE IT NOW HEREBY RESOLVED that the following described area shall be abandoned in accordance with Arizona law and the title to said lands shall, upon recording of this Resolution, vest in the owner of the abutting property, House Ridge Limited Partnership. The lands affected by this Resolution are more specifically described as follows:

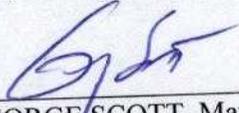
That portion of Section 10, Township 17 South, Range 20 East of the Gila and Salt River Base and Meridian, Cochise County, Arizona, described as follows:

The easterly five feet of the following described parcel:

Commencing at the Northwest corner of Lot 35, Unit No. 2, Terrace Mobile Estates, as recorded in Book 6 of Maps and Plats, at Page 4-6 thereof; thence West 133.37 feet; thence South 281.42 feet to the TRUE POINT OF BEGINNING, said point being in the westerly right-of-way of Tawni Drive;

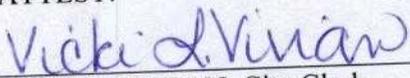
Thence South 27° 36' 16" West along the westerly right-of-way of Tawni Drive, 230.00 feet; thence North 62° 23' 44" West, 50.00 feet; thence North 20° 41' 42" East, 217.00 feet; thence South 73° 11' 20" East, 77.48 feet to the Point of Beginning.

Resolved and adopted this 27th day of March, 2006 by the Mayor and City Council of Benson, Arizona.



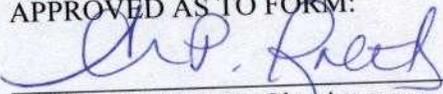
GEORGE SCOTT, Mayor

ATTEST:



VICKI L. VIVIAN, City Clerk

APPROVED AS TO FORM:



ANN P. ROBERTS, City Attorney

STATE OF ARIZONA)
COUNTY OF COCHISE) ss



I hereby certify that the within instrument was filed for record in the County of Cochise, State of Arizona

Witness my hand and Official Seal.

CHRISTINE RHODES
County Recorder
By [Signature]
Deputy

Indexed Paged Blotted

No. 3413
Book 1307 Page 527

FEB 15 '79 - 11 30 AM

Date: Leland Shupe
Request of: Ret 608
\$3.00 Fee Benson, Ariz.
(85602)

E A S E M E N T

THIS INDENTURE made between George Leland Shupe and Dortha M. Shupe, Husband and
Wife

Grantor(s), and Town of Benson, A Municipal Corporation, Grantee, hereinafter
called the Town

W I T N E S S E T H:

THAT the undersigned, for and in consideration of One (\$1.00) Dollar, and other valuable consideration to the undersigned in hand paid by the Town the receipt whereof is hereby acknowledged, do(es) hereby convey unto Town of Benson a body politic, its successors and assigns, a perpetual right of way, privilege and easement for water utility; said easement being in, on through, over, across and under the following described parcel of land, situate in the County of Cochise, State of Arizona, to-wit:

That portion of Section 10, Township 17 South, Range 20 East, Gila and Salt River Base and Meridian, Cochise County, Arizona described as follows:

The easterly 5 feet of the following described parcel:

Commencing at the northwest corner of Lot 35, Unit No. 2, Terrace Mobile Estates, as recorded in Book 6, of Maps and Plats, at Page 4-6 thereof; thence West 133.37 feet; thence South 281.42 feet to the TRUE POINT OF BEGINNING, said point being in the westerly right-of-way of Tawni Drive;

Thence South 27° 36' 16" West along the westerly right-of-way of Tawni Drive, 230.00 feet; thence North 62° 23' 44" West 50.00 feet; thence North 20° 41' 42" East, 217.07 feet; thence South 73° 11' 20" East, 77.48 feet to the point of beginning.

TO HAVE AND TO HOLD the same unto the City, and to its successors and assigns forever
DATED February 15 day of February, 1979.



Leland Shupe
Dortha Shupe

This instrument was acknowledged before me this 15 day of February, 1979.

by
My Commission Expires:
My Commission Expires June 30, 1981

Luanne Wendland
Notary Public

Approved: [Signature]
Town of Benson
Public Works Director