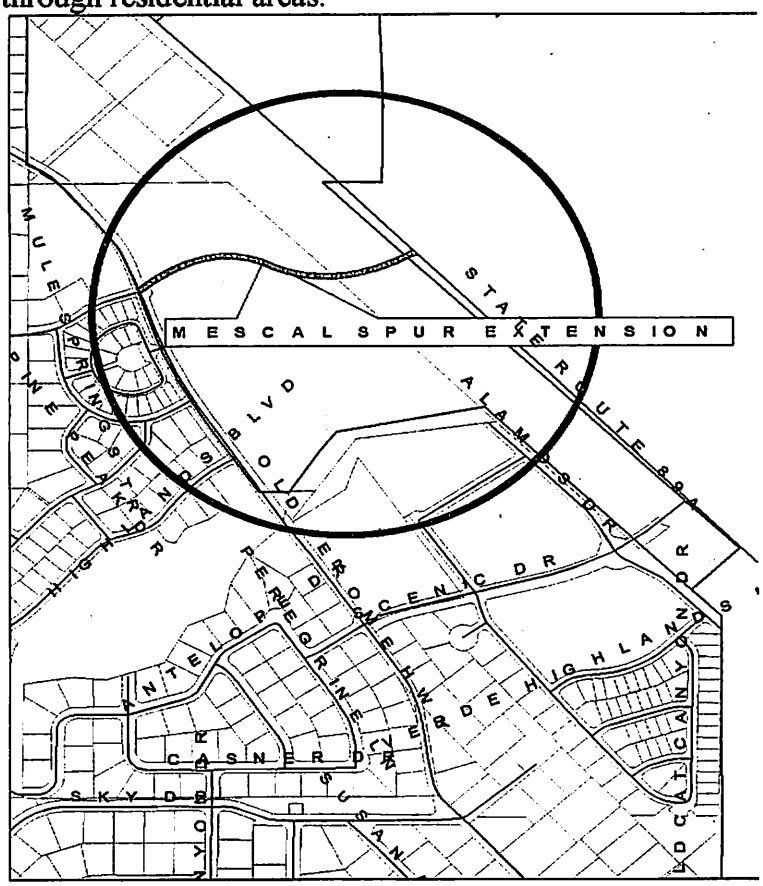
Staff Report

Agenda Item: **Resolution Accepting a Gift Deed of Dedication of Mescal Spur Road Extension** – Approval of a Resolution # _____ accepting the Gift Deed of Dedication of Mescal Spur Road Extension from Old Jerome Highway to Highway 89A as a proposed public right-of-way from Selna and Mongini Investments.

Meeting Date: April 8, 2008

Prepared By: Steve Burroughs, Public Works Director

Background: Mescal Spur Road Extension will connect the new alignment of the current Mescal Spur Road at Old Jerome Highway to a point approximately 1500' North, West of Scenic Drive allowing direct access through to Highway 89A thus relieving a portion of traffic volume currently traveling through residential areas.



Recommendation: Approval of Resolution # _____ accepting the Gift Deed of Dedication of Mescal Spur Road Extension from Old Jerome to Highway 89A as a proposed public right-of-way from Selna and Mongini Investments.

After Recording Return To:
Town of Clarkdale
Town Clerk
PO Box 308
Clarkdale, AZ 86324

RESOLUTION # _____

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CLARKDALE, YAVAPAI COUNTY, ARIZONA, ACCEPTING AS A GIFT DEED OF DEDICATION OF MESCAL SPUR ROAD EXTENSION FROM OLD JEROME HIGHWAY TO HIGHWAY 89A AS A PROPOSED PUBLIC RIGHT-OF-WAY AND DESCRIBED ON EXHIBIT A.

WHEREAS, the subject property, more particularly described on EXHIBIT A, was offered to the Town of Clarkdale for a proposed public right-of-way purposes by the owners of said property; and

WHEREAS, a Gift Deed of Dedication transferring title to said property to the Town of Clarkdale has been executed by the property owner, Selna and Mongini Investments, and submitted to the Town of Clarkdale for recording purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CLARKDALE, YAVAPAI COUNTY, ARIZONA, THAT:

SECTION 1: The Town of Clarkdale hereby accepts for the Gift Deed for the purpose as a public right-of-way

Passed adopted this 8th Day of April, 2008, by the Mayor and Common Council of the Town of Clarkdale, Yavapai County, Arizona.

APPROVED:

_____

Doug Von Gausig, Mayor

ATTEST:

_____

Kathy Bainbridge, Town Clerk

EXHIBIT A

SOUTHWESTERN
ENVIRONMENTAL
CONSULTANTS, INC.

E-mail: info@sec-landmgt.com
www.sec-landmgt.com

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
43478
RONALD K.
BAUGHMAN
Date Signed 8/07/07
ARIZONA U.S.A.

Clarkdale
07-0301CS

LEGAL DESCRIPTION

Ingress, Egress and Public Utilities Easement
40.00 Feet in Width

A tract of land being an Ingress, Egress and Public Utilities Easement 40.00 feet in width under, over, and upon a portion of the SE 1/4 Section 29, Township 16 North, Range 3 East, of the Gila and Salt River Meridian, Yavapai County, Arizona, the centerline of which is more particularly described as follows:

Commencing at a point accepted as being on the north-south mid-section line of said Section 29 monumented by a found 1/2 inch diameter smooth bar with brass tag stamped "SEC RLS 13015" from which the S 1/4 corner of said Section 29, monumented by a found 3 inch diameter brass cap inside a 4 inch diameter concrete filled steel pipe stamped "DR.MORGAN JOHNSON 1/4 29/32 PE 4603 1967" lies South 00°15'32" West a measured distance of 1344.04 feet as recorded in Book 144 of Land Surveys at Pages 15-19 of the Official Records of Yavapai County, Arizona, and used as **Basis of Bearings;**

Thence, North 89°34'12" East a measured distance of 79.40 feet to a point on the westerly right-of-way of Old Jerome Highway as recorded in Book 3558 at Page 976 of the Official Records of Yavapai County, Arizona monumented by a found 1/2 inch diameter rebar with plastic cap stamped "LS 19853";

Thence, southeasterly along said right-of-way following a curve concave to the southwest having a chord bearing of South 44°51'42" East, a chord distance of 108.18 feet and a radius of 375.00 feet through a central angle of 16°35'12" for a distance of 108.56 feet to a point monumented by a found 5/8 inch diameter rebar with plastic cap stamped "SEC INC RLS 40829";

Thence, South 37°29'24" East continuing southeasterly along said right-of-way a measured distance of 232.46 feet to a point monumented by a found 5/8 inch diameter rebar with plastic cap stamped "SEC INC RLS 40829";

REGISTERED LAND SURVEYOR
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Thence, continuing southeasterly along said right-of-way following a curve concave to the southwest having a chord bearing of South 28°05'16" East, a chord distance of 138.86 feet and a radius of 425.00 feet through a central angle of 18°48'16" for a distance of 139.49 feet to a point monumented by a found 5/8 inch diameter rebar with plastic cap stamped "SEC INC RLS 40829";

Thence, South 18°41'07" East continuing southeasterly along said right-of-way a measured distance of 92.91 feet to a point monumented by a found 5/8 inch diameter rebar with plastic cap stamped "SEC INC RLS 40829";

Thence, continue South 18°41'17" East along said right-of-way a measured distance of 25.66 feet to a point being the intersection of said southwesterly right-of-way line and the centerline of New Mescal Spur;

Thence, North 71°18'53" East a measured distance of 50.00 feet to a point on the northeasterly right-of-way of said Old Jerome Highway and being the **True Point of Beginning;**

Thence, North 71°49'51" East a measured distance of 63.04 feet to a point;

Thence, North 74°40'08" East a measured distance of 164.63 feet to a point;

Thence, following a curve concave to the south having a chord bearing of North 78°26'03" East, a chord distance of 188.49 feet and a radius of 2079.74 feet through a central angle of 05°11'40" for a distance of 188.55 to a point;

Thence, North 82°01'16" East a measured distance of 241.13 feet to a point;

Thence, North 83°00'34" East a measured distance of 53.14 feet to a point;

Thence, following a curve concave to the north having a chord bearing of North 69°54'18" East, a chord distance of 165.78 feet and a radius of 387.32 feet through a central angle of 24°42'52" for a distance of 167.07 feet to a point;

Thence, North 58°02'03" East a measured distance of 61.07 feet to a point on the southwesterly right-of-way of Arizona State Highway 89A and the **Terminus** of said centerline which lies North 44°40'26" West a measured distance of 489.62 feet from a found 5/8 inch diameter rebar with aluminum tag stamped "P.O.T. 68X50.00". Sidelines of said described easement being parallel to and 20 feet distant from said centerline and being lengthened or shortened as required to meet the northeasterly right-of-way of Old Jerome Highway and the southwesterly right-of-way line of Arizona State Highway 89A.

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The description hereon was prepared by SEC Inc. on August 7, 2007, at the request of Steve Burroughs for the Town of Clarkdale for the purpose of describing an Ingress, Egress and Public Utilities Easement over, under and upon a tract of private land in the Town of Clarkdale, Yavapai County, Arizona. The authorized user of this description is the Town of Clarkdale, Arizona.

Unauthorized use is strictly prohibited.

SEC Inc. will not be responsible for errors committed by others if this description is not reproduced exactly as written above.

The author of this description is Ronald K. Baughman RLS Arizona No. 43478.

When recorded, Please return to:

TOWN OF CLARKDALE
Attn: Town Clerk
P.O. Box 308
Clarkdale, AZ 86324

IRREVOCABLE OFFER OF DEDICATION
MESCAL SPUR STREET EXTENSION

THIS IRREVOCABLE OFFER OF DEDICATION, is made and entered into this 27TH day of February, 2008, by and between SELNA AND MONGINI INVESTMENTS, an Arizona limited partnership, hereafter called "Offerors", and the TOWN OF CLARKDALE, Arizona, a political subdivision of the State of Arizona, hereinafter referred to as "Offeree".

WITNESSETH

FOR VALUABLE CONSIDERATION, a receipt of which is hereby acknowledged, that the Offerors, do by these presents dedicate unto the Offeree and to its assigns forever, all right, title and interest of Offerors in subject property more particularly described and depicted in Exhibits A and B attached hereto and by this reference made a part hereof.

THIS OFFER OF DEDICATION is made pursuant to A.R.S. Section(s) 9-511 and 9-241 and may be accepted at any time by the Common Council of the TOWN OF CLARKDALE, Arizona on or before May 30, 2008 by communicating Offerees acceptance to Offerors. Upon acceptance by the Common Council of the TOWN OF CLARKDALE, Offerors shall execute the Gift Deed to the subject property in the form attached hereto as Exhibit C.

THIS OFFER OF DEDICATION of fee interest shall be irrevocable and shall be binding on the Offeror, its heirs, executors, administrators, successors and assigns.

THIS OFFER OF DEDICATION SHALL BE A DONATION BY OFFERORS under Internal Revenue Code Section 170 and the Offeree shall be a municipality under the laws of the state of Arizona and shall as the Offeree upon dedication and acceptance be the Offeree/Donee under Internal Revenue Code Section 170 and shall execute a IRS Form 8283 as the Donee upon the Offeror completion of the Appraised Value of the property donated and dedicated herein.

THIS OFFER OF DEDICATION of the fee interest shall be subject to the provision that the Mescal Spur Street Extension improvements shall be constructed at City sole expense, and/or others under a Development Agreement, and shall be complete and adequate for the development of the properties owned by Grantors which this Roadway Dedication cross. Grantor its successors and assigns shall not be obligate to expand or improve the Roadway as a condition of the development of their properties.

THIS OFFER OF DEDICATION and subsequent gift deed shall not be considered a Minor lot division under Offeree/Donee ordinances namely section 12-4-2, by the Offerors or its trustee Yavapai Title and Trust.

IN WITNESS WHEREOF, Offerors have caused these presents duly to be executed the day and year first above written.

SELNA AND MONGINI INVESTMENTS,
An Arizona Limited Partnership

By: _____
Michael E.J. Mongini
General Partner

By: _____
Raymond J. Selna
General Partner

146786.1 2/11/2008

SOUTHWESTERN
ENVIRONMENTAL
CONSULTANTS, INC.

E-mail: info@sec-landmgt.com
www.sec-landmgt.com

- SINCE 1974 -

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
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RONALD K.
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Date Signed 8/9/07
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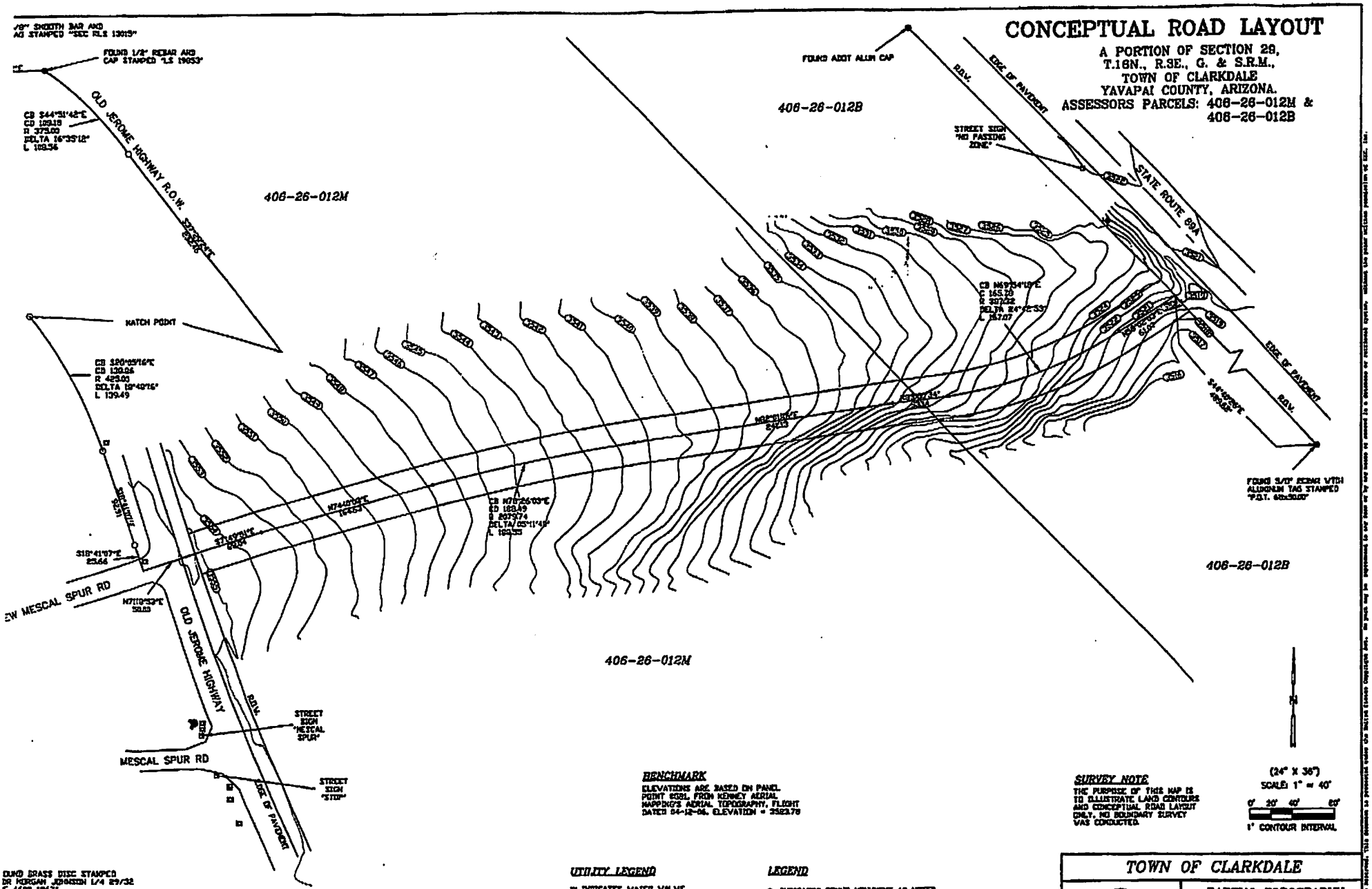
EXHIBIT B

CONCEPTUAL ROAD LAYOUT

A PORTION OF SECTION 29,
T.16N., R.3E., G. & S.R.M.,
TOWN OF CLARKDALE
YAVAPAI COUNTY, ARIZONA.
ASSESSORS PARCELS: 406-26-012M &
406-26-012B



BENCHMARK
ELEVATIONS ARE BASED ON PANEL POINT 6581, FROM KENNEY AERIAL MAPPING'S AERIAL TOPOGRAPHY, FLIGHT DATED 04-12-06. ELEVATION = 2523.78

SURVEY NOTE
THE PURPOSE OF THIS MAP IS TO ILLUSTRATE LAND CONTOURS AND CONCEPTUAL ROAD LAYOUT ONLY. NO BOUNDARY SURVEY WAS CONDUCTED.

(24" X 36")
SCALE: 1" = 40'
0' 20' 40' 80'
1' CONTOUR INTERVAL

UTILITY LEGEND
- INDICATES WATER VALVE
- INDICATES CABLE T.V. RISER
- INDICATES STREET SIGN
- INDICATES FIRE HYDRANT
- INDICATES UTILITY POLE

LEGEND
- INDICATES FOUND MONUMENT AS NOTED
- INDICATES FOUND 5/8" REBAR AND CAP STAMPED "SEC INC RLS 46829"
- INDICATES CALCULATED POINT ONLY
- GD = INDICATES MEASURED DIMENSIONS
- (D) = BOOK 144 OF LAND SURVEYS, PAGES 15-19

TOWN OF CLARKDALE			
SEC Inc. 825 COVE PARKWAY, SUITE A COTTONWOOD, ARIZONA 86326 (928) 634-3829 www.sec-landmgt.com	PARTIAL TOPOGRAPHY SECTION 29 T.16N.,R.3E.		
	DATE 08/08/07	DRAWN EAB	SHEET 1 OF 1
	SCALE 1" = 40'	CHECKED R.K.B.	07-03GTES "MescalSpur_Topo.dwg"

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EXHIBIT C
Gift Deed

EXHIBIT C

When recorded return to:
Town of Clarkdale
P.O. Box 308
Clarkdale, Az 86324

GIFT DEED

Effective Date: March_____, 2008	County and State where property is located: County of Yavapai, Arizona
GRANTOR (Name, Address and Zip): SELNA AND MONGINI INVESTMENTS, a limited partnership, an Arizona limited partnership, P.O. Box 35 Jerome, AZ 86331	**GRANTEE** (Name, Address and Zip): TOWN OF CLARKDALE, a municipal corporation P.O. Box 308 Clarkdale, Az 86324
Subject Real Property (Address or Location):	Legal Description proofed by person whose initials appear in this box:

Subject Real Property (Legal Description):

See Exhibit "A"

AFFIDAVIT EXEMPT PURSUANT TO: A.R.S. §11-1134(A)(7)

For and in consideration of Five Dollars ($5.00) and other valuable consideration, Grantor quit claims to Grantee all right, title and interest of Grantor in subject real property together with all rights and privileges appurtenant or to become appurtenant to subject real property on effective date. This Gift deed shall be subject to the terms of the Irrevocable Offer of Dedication for the Willard Street Extension, executed by the Grantor and Grantee.

SELNA AND MONGINI INVESTMENTS, an Arizona limited partnership

146787.1 2/11/2008

EXHIBIT C

Michael E.J. Mongini, General Partner

SELNA AND MONGINI INVESTMENTS, an Arizona limited partnership

Raymond J. Selna
General Partner

DONATION ACCEPTED BY THE TOWN OF CLARKDALE, An Arizona Municipality

By: _____
Its: _____

State of Arizona }
} s.s.
County of Yavapai }

This instrument was acknowledge before me this 27th day of February 2008, by Michael E.J. Mongini on behalf of SELNA AND MONGINI INVESTMENTS, an Arizona Limited Partnership, whose identity was proved to me on the basis of satisfactory evidence, and acknowledged that he executed the same.

Nicole Goolard, nee Golicz
Notary Public

My Commission Expires:

02/02/2010

OFFICIAL SEAL
NICOLE GOLICZ
Notary Public - State of Arizona
YAVAPAI COUNTY
My Comm. Expires Feb. 2, 2010

State of Arizona }
} s.s.
County of Yavapai }

146787.1 2/11/2008

EXHIBIT C

This instrument was acknowledge before me this 27th day of February 2008, by Raymond J. Selna on behalf of SELNA AND MONGINI INVESTMENTS, an Arizona Limited Partnership, whose identity was proved to me on the basis of satisfactory evidence, and acknowledged that he executed the same.

Nicole Goolard, nee Golicz
Notary Public

My Commission Expires:

02/02/2010

OFFICIAL SEAL
NICOLE GOLICZ
Notary Public - State of Arizona
YAVAPAI COUNTY
My Comm. Expires Feb. 2, 2010

State of Arizona }
} s.s.
County of Yavapai }

On this _____ day of _____, 2008, before me personally appeared _____, authorized signator for the TOWN OF CLARKDALE, an Arizona municipality, whose identity was proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged that he executed this same.

_____
Notary Public

My Commission Expires:

_____

146787.1 2/11/2008

SOUTHWESTERN
ENVIRONMENTAL
CONSULTANTS, INC.

- SINCE 1974 -

E-mail: info@sec-landmgt.com
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REGISTERED LAND SURVEYOR
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