

TOWN OF PINETOP-LAKESIDE

RESOLUTION NO. 24-1740

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF SHOW LOW, ARIZONA, AND THE TOWN OF PINETOP-LAKESIDE, ARIZONA, FOR THE PURPOSE OF ESTABLISHING ACCESS, MAINTENANCE, AND REPAIR FOR A PORTION OF PENROD ROAD; AND AUTHORIZE MAYOR IRWIN TO EXECUTE THE AGREEMENT AND TOWN MANAGER JOHNSON TO EXECUTE ANY ADDITIONAL DOCUMENTS NECESSARY TO COMPLETE THE AGREEMENT.

WHEREAS, the Town of Pinetop-Lakeside recently annexed 70.16 ± acres from the City of Show Low, 7.76 acres of which will be deeded to the Town from Show Low Lake LLC; and

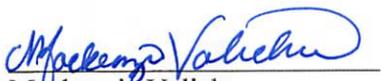
WHEREAS, the Town of Pinetop-Lakeside is in agreement with the terms and conditions of the Intergovernmental Agreement "Exhibit A" between the City of Show Low and the Town of Pinetop-Lakeside, for the purpose of establishing access, maintenance and repair of said portion of Penrod Road outlined in "Exhibit B".

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Town Council of the Town of Pinetop-Lakeside, Arizona, hereby approve the "Intergovernmental Agreement between the City of Show Low, Arizona, and the Town of Pinetop-Lakeside, Arizona, and authorize Mayor Irwin to execute the Agreement and the Town Manager to execute any additional documents that may be needed to implement and perform the Agreement.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Pinetop-Lakeside this 19th day of September 2024.



ATTEST:


Mackenzie Valichnac
Deputy Town Clerk

TOWN OF PINETOP-LAKESIDE


Stephanie Irwin
Mayor

APPROVED AS TO FORM:

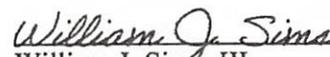

William J. Sims, III
Town Attorney

EXHIBIT A

**Intergovernmental Agreement between the City of Show Low,
Arizona and the Town of Pinetop-Lakeside, Arizona for Road
Maintenance for a specific section of Penrod Road**

**INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE CITY OF SHOW LOW, NAVAJO COUNTY, ARIZONA
AND
THE TOWN OF PINETOP-LAKESIDE, NAVAJO COUNTY, ARIZONA**

THIS AGREEMENT (“Agreement”) is entered into on _____ (“Effective Date”) Pursuant to Arizona Revised Statute A.R.S. 11-952 between the City of Show Low, an Arizona Municipal Corporation (“Show Low”) and the Town of Pinetop-Lakeside, an Arizona Municipal Corporation (“Pinetop-Lakeside”), collectively referred to as the “Parties”.

1. Purpose

The purpose of this Agreement is to establish access, maintenance and repair for a specific portion of Penrod Road.

2. Terms and Conditions

- a. Upon approval by the Navajo County Board of Supervisors and recording by the Navajo County Recorder of (i) the annexation by the Town of Pinetop-Lakeside of 70.16 ± acres which was deannexed by the City of Show Low on July 16, 2024, and legally described in “Exhibit A”. Show Low Lake LLC will then deed 7.76 acres (the “Show Low Lake Parcel”) to the Town of Pinetop-Lakeside. Legal Description and Map attached hereto as “Exhibit B”.
- b. Upon the Town of Pinetop-Lakeside recording the deed for the Show Low Lake Parcel, the Town of Pinetop-Lakeside shall henceforth be responsible for and pay all the costs associated with the maintenance and repair of that portion of Penrod Road within the Show Low City limits (the “Penrod Road Segment”) that is adjacent to the Show Low Lake Parcel as depicted in” Exhibit B”. The Penrod Road Segment is legally described in “Exhibit B”. Maintenance and repair includes but is not limited to snow management, snow/ice removal, repair and reconstruction.
- c. The City of Show Low shall grant the Town of Pinetop-Lakeside access to the Penrod Road Segment to allow the Town of Pinetop-Lakeside to accomplish the maintenance and repair required by Section 2.b of this Agreement without the requirement of an additional right of way permit.
- d. Whenever a notice is required or permitted to be given, it shall be given in writing and delivered personally, or delivered by the postal service, certified mail, return receipt requested, to the other party at the address indicated below, or at such other address as may be designated by either party:

If to the Town of Pinetop-Lakeside:

Town of Pinetop-Lakeside
325 W. White Mountain Blvd.
Lakeside, AZ 85929

If to the City of Show Low:

City of Show Low
180 N. 9th Street
Show Low, AZ 95901

e. This Agreement is subject to termination pursuant to A.R.S. § 38-511

IN WITNESS WHEREOF, the authorized representatives of the Parties have executed this Agreement pursuant to approval of their respective governing boards and have executed this Agreement as of the Effective Date.

CITY OF SHOW LOW

John Leech, Jr., Mayor

ATTEST:

Rachael Hall, MMC, City Clerk

APPROVED AS TO FORM:

Anna M. Atencio, City Attorney

TOWN OF PINETOP-LAKESIDE

Stephanie Irwin, Mayor

ATTEST:

Mackenzie Valichnac,
Deputy Town Clerk

APPROVED AS TO FORM:

William J. Sims III, Town Attorney

EXHIBIT A

LEGAL DESCRIPTION
±70.16 ACRES

A portion of Sections 2 and 3, Township 9 North, Range 22 East of the Gila and Salt River Base and Meridian, Navajo County, Arizona, more particularly described as follows:

PARCEL I:

All that portion of the West-half of the Southwest-quarter of the Southwest-quarter of said Section 2.

Containing 20 acres, more or less.

RESERVING, SUBJECT TO, AND TOGETHER WITH all easements of record.

PARCEL II:

All that portion of U.S.F.S. Lot 12, as shown on survey Recording Fee #2010-04390, Records of Navajo County, being the Southeast-quarter of the Southeast-quarter of said Section 3, more particularly described as follows:

BEGINNING at the East 1/16 corner of said Section 3, said corner also being the Southwest corner of said Lot 12;

Thence South 89°38'39" East, along the South line of said Lot 12, a distance of 1333.20 feet to the Southeast corner of said Section 3;

Thence North 02°15'44" West, along the East line of said Section 3, a distance of 1396.40 feet to the South 1/16 corner;

Thence South 89°33'17" West, along the North line of said Lot 12, a distance of 1332.02 feet to the Southeast 1/16 corner;

Thence South 02°14'36" East, along the West line of said Lot 12, a distance of 1377.73 feet to **THE POINT OF BEGINNING**;

Containing 42.40 acres, more or less.

RESERVING, SUBJECT TO, AND TOGETHER WITH all easements of record.

PARCEL III

All that portion of the Southwest-quarter of the Southeast-quarter of Section 3, Township 9 North, Range 22 East of the Gila and Salt River Base and Meridian, Navajo County, Arizona, lying East of Penrod Road, more particularly described as follows:

COMMENCING at the South 1/4 corner of said section, said corner also being the Southwest corner of Lot 11, as shown in survey recorded in Fee#2010-4390. Records of Navajo County;

Thence South 89°38'21" East, along the South line of said Lot 11, a distance of 1333.24 feet to the E1/16 corner of said section;

Thence North 02°14'36" West, along the East line of said Lot 11, a distance of 138.31 feet to a point lying on the West right-of-way of Penrod Road;

Thence continuing North $02^{\circ}14'36''$ West, along said East line, a distance of 169.16 feet to a point lying on the East right-of-way of Penrod Road, and **THE POINT OF BEGINNING**;

Thence continuing North $02^{\circ}14'36''$ West, along said East line, a distance of 1070.26 feet to the Northeast corner of said Lot 11;

Thence South $89^{\circ}33'17''$ West, along the North line of said Lot 11, a distance of 567.64 feet to a point lying on said East right-of-way of Penrod Road, said point also lying on a non-tangent curve to the left, having a radius of 4500.29 feet;

Thence 1230.94 feet, along said curve to the left, having a central angle of $15^{\circ}40'18''$, and a chord bearing South $29^{\circ}46'57''$ East, 1227.11 feet to **THE TRUE POINT OF BEGINNING**;

Containing 7.76 acres, more or less.

RESERVING. SUBJECT TO, AND TOGETHER WITH all easements of record.

EXHIBIT B

LEGAL DESCRIPTION
±7.76 ACRES

All that portion of the Southwest-quarter of the Southeast-quarter of Section 3, Township 9 North, Range 22 East of the Gila and Salt River Base and Meridian, Navajo County, Arizona, lying East of Penrod Road, more particularly described as follows:

COMMENCING at the South 1/4 corner of said section, said corner also being the Southwest corner of Lot 11, as shown in survey recorded in Fee#2010-4390, Records of Navajo County;

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Thence continuing North 02°14'36" West, along said East line, a distance of 169.16 feet to a point lying on the East right-of-way of Penrod Road, and **THE POINT OF BEGINNING**;

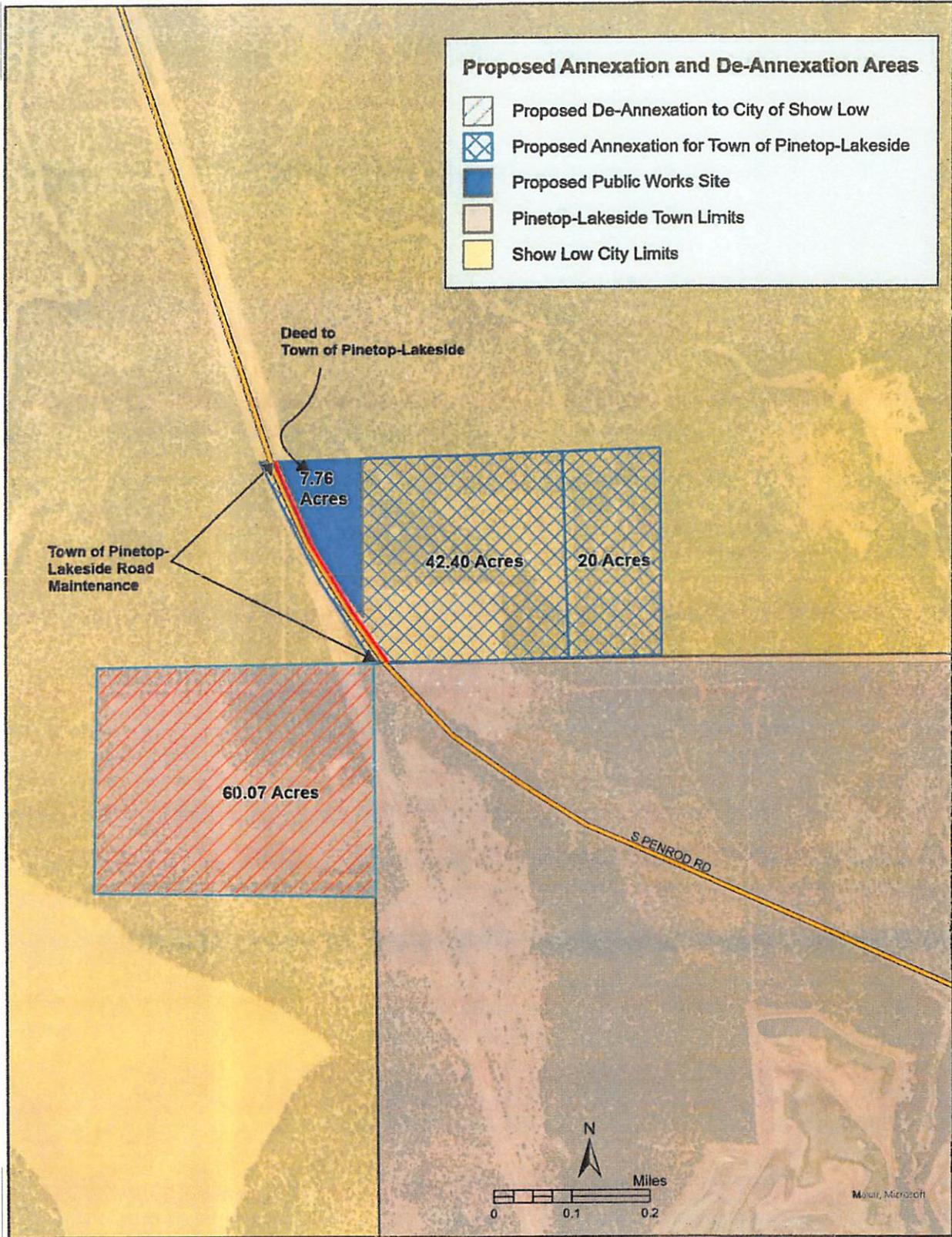
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Thence 1230.94 feet, along said curve to the left, having a central angle of 15°40'18", and a chord bearing South 29°46'57" East, 1227.11 feet to **THE TRUE POINT OF BEGINNING**;

Containing 7.76 acres, more or less.

RESERVING, SUBJECT TO, AND TOGETHER WITH all easements of record.



Disclaimer:
 While every effort has been made to ensure the accuracy of this information, the Town of Pinetop-Lakeside makes no warranty, expressed or implied, as to its absolute accuracy and expressly disclaims liability for the accuracy thereof.

Sources:
 Navajo County Roads GIS Data;
 State of Arizona Government Units GIS Data.

Date of Map Production:
 3/5/2024



TOWN OF PINETOP-LAKESIDE
 Public Works
 658 S. Woodland Road
 Lakeside, AZ 85529
 (903) 268-8035
 www.pinetoplakesideaz.gov

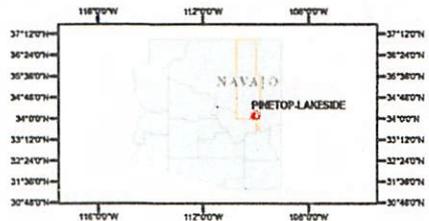


EXHIBIT B

**Legal Description and
Map of the portion of Penrod Road for Road Maintenance.**

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±7.76 ACRES

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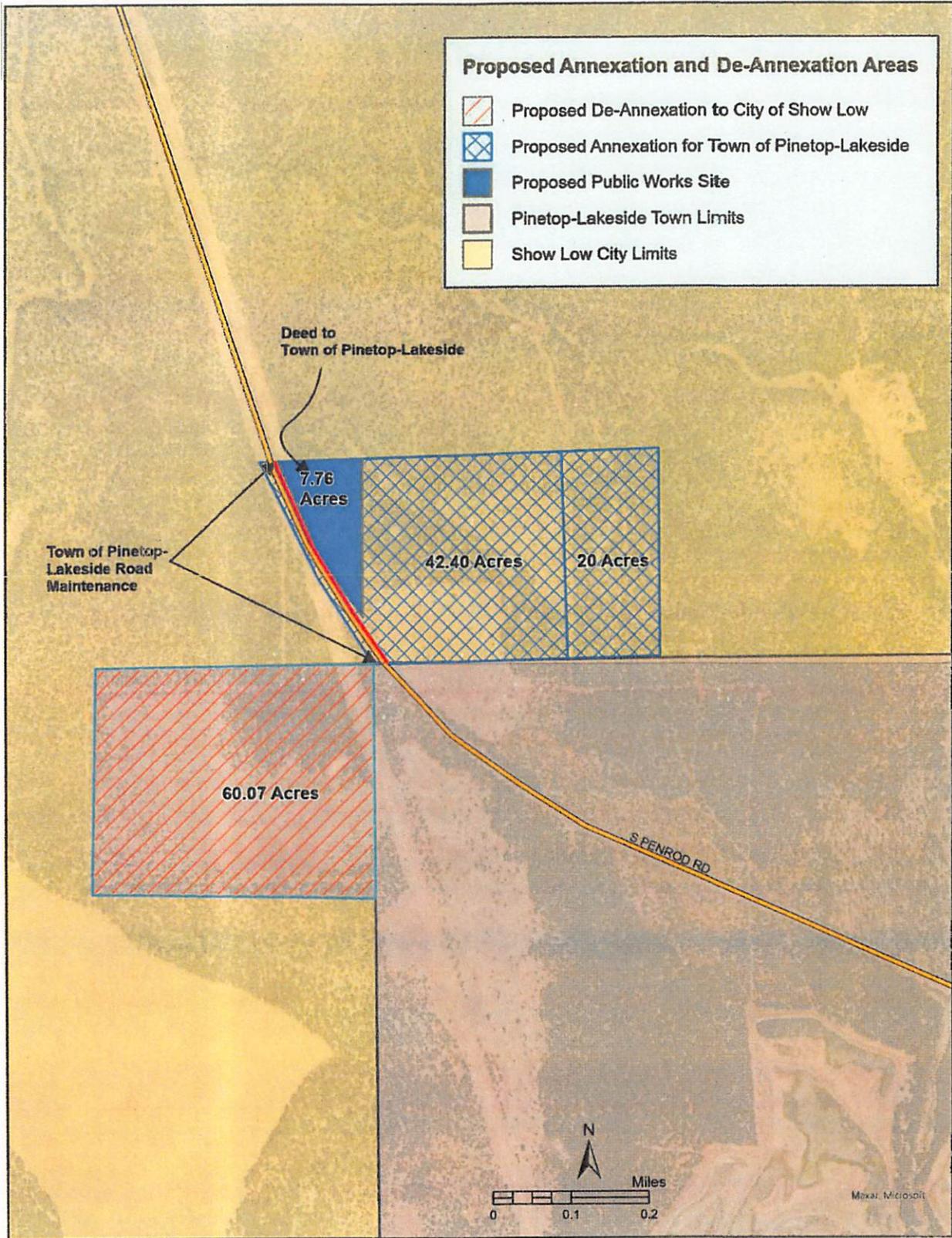
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