

ORDINANCE NO. 23-1164

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, AUTHORIZING THE SALE OF VACANT LAND SECTIONS AROUND THE DOUGLAS MUNICIPAL AIRPORT WITH ASSESSOR'S PARCEL NUMBER 410-01-005 TO JW RESOURCES, LLC, PURSUANT TO TERMS ENTERED INTO BY THE PARTIES; ESTABLISHING SEVERABILITY OF COMPONENTS OF ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE THEREOF.

WHEREAS, Article I, Section 3 (A) of the City Charter empowers the city to acquire real property for any city purpose and to sell or otherwise dispose of real property in the manner, for such consideration and upon such conditions as may be determined by the City Council;

WHEREAS, Article VII, Section 5 (12) of the City Charter provides that the acquisition, sale, lease or exchange of real property shall be by ordinance;

WHEREAS, the Mayor and Council find that it is in the best interest of the City of Douglas to sell vacant land around the Douglas Municipal Airport, with Assessor's Parcel Number 410-01-005 in Douglas, Cochise County Arizona to JW Resources, LLC an Arizona Limited Liability Corporation, for a total purchase price of \$2,096,000.00 per the terms of the Purchase and Sale Agreement, which is attached and incorporated herein by reference;

WHEREAS, the sale is subject to a rezoning of the property, a boundary survey, and State of Arizona and Federal Aviation Administration approval of a revised Airport Layout Plan; and

WHEREAS, the Mayor and Council find that the sale of vacant real property is in the best interest of the city pursuant to the terms and conditions of the described terms in the Purchase and Sale Agreement as entered into by the parties.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Douglas, Arizona, as follows:

Section 1. The city is authorized to sell to JW Resources, LLC, for a total purchase price of \$2,096,000.00 plus any related costs associated with closing, pursuant to the terms of the Purchase and Sale Agreement, a portion of Assessor's Parcel Number 410-01-005 in Douglas, Cochise County, Arizona.

Section 2. Approving the terms of the Purchase and Sale Agreement, attached hereto and incorporated herein by reference.

Section 3. The City Manager and the City Clerk are authorized and directed to sign and execute all documents necessary to consummate the sale of the subject property.

Section 4. This ordinance shall be effective thirty (30) days after final approval and adoption by the Mayor and Council.

Section 5. Severability. If any chapter, section, subsection, sentence, clause or phrase of this Ordinance 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 this Ordinance

PASSED AND ADOPTED by the Mayor and Council of the City of Douglas, Arizona, this 12th day of July 2023.

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Donald C. Huish, Mayor

Attest:

Approved as to form:

Alma Andrade, City Clerk

Denis Fitzgibbons, City Attorney

Prepared by:
Luis Pedroza, Deputy City Manager