

RESOLUTION NO. 25-1662

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, DECLARING ASSESSOR'S PARCEL NUMBER 409-06-018N LOCATED ON 9TH STREET WEST OF PAN AMERICAN AVENUE A PUBLIC RIGHT-OF-WAY AND GRANTING A PERPETUAL, NON-EXCLUSIVE UTILITY EASEMENT THEREIN.

WHEREAS, on November 13, 2024, the City of Douglas Mayor and Council authorized the acceptance of donated real property from James Gary W and Shelley James Judy Living Family Trust consisting of Assessor's Parcel Number (APN) 409-06-018N by Ordinance No. 24-1200; and Land Donation Agreement which was fully executed on November 21, 2024; and

WHEREAS, a Quit Claim Deed provided by Judy L. Shelley-James ("Grantor") in her capacity as Trustee of the Gary W. James and Judy L. Shelley-James Family Trust, grants all right, title, interest and claim to the real estate property located at Survey Book 71 Pg. 42, APN 409-06-018N, and recorded March 20, 2025 in Fee No. 2025-04784, Official Records of the Cochise County Recorder, Cochise County, Arizona; and

WHEREAS, the city desires to dedicate APN 409-06-018N for use as a public right-of-way for pedestrian and vehicular traffic and grant a perpetual non-exclusive easement for the installation, repair and maintenance of such utility lines as may be located within said parcel; and

WHEREAS, it does not appear that APN 409-06-018N was ever dedicated as a public right-of-way; and

WHEREAS, APN 409-06-018N is now known as East 9th Street; and

WHEREAS, the city now desires to declare APN 409-06-018N legally described on Exhibit "A" hereto as a public-right-of-way and grant a perpetual, non-exclusive easement for the installation, repair and maintenance of such utility lines as may be located within said parcel; and

WHEREAS, the City Council believes that declaring APN 409-06-018N a public right-of-way and granting a perpetual, non-exclusive utility easement therein will be in the city's best interests.

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

That Assessor's Parcel Number (APN) 409-06-018N legally described on Exhibit "A" is declared as a public-right-of-way and a perpetual, non-exclusive easement is granted for the installation, repair and maintenance of such utility lines as may be located within the parcel described therein.

PASSED AND ADOPTED by the Mayor and Council of the City of Douglas, Arizona, this 9th day of April 2025.

Attest:

Alma Andrade, City Clerk

Jose Grijalva, Mayor

Approved as to form:

Denis Fitzgibbons, City Attorney

EXHIBIT "A"

PARCEL 409-06-018N

Legal Description

That portion of the Northwest¼ of Section 13, Township 24 South, Range 27 East of the Gila and Salt River Meridian, Cochise County, Arizona, being more particularly described as follows;

Commencing at the West ¼ corner of said Section 13;

Thence North 89° 53' 27" East a distance of 788.24 feet to the Point of the Beginning;

Thence North 17° 03' 33" East (M) a distance of 459.10 feet;

Thence North 89° 34' 00" East (M) a distance of 399.13 feet;

Thence North 89° 36' 03" East (M) a distance of 117 .98 feet;

Thence South 17° 14' 24" West (M) a distance of 39.94 feet;

Thence South 89° 48' 45" West (M) a distance of 111.19 feet;

Thence South 16° 36' 27" West (M) a distance of 36.64 feet;

Thence South 89° 58' 16" West (M) a distance of 385.48 feet (M);

Thence South 16° 55' 57" West (M) a distance of 281.51 feet;

Thence South 14° 52' 14" West (M) a distance of 103.06 feet;

Thence South 89° 58' 35" West a distance of 24.32 feet to the Point of Beginning.