

PROPERTY MANAGEMENT AGREEMENT

This PROPERTY MANAGEMENT AGREEMENT, dated the 26th day of November, 1979, by and between City of Douglas, whose address is Douglas, Cochise County, Arizona (hereinafter with its successors and assigns called "Grantee"); and the ECONOMIC DEVELOPMENT ADMINISTRATION, UNITED STATES OF AMERICA, whose address is Main Commerce Building, Washington, D.C. 20230 (hereinafter with its successors and assigns called "EDA"):

DEFINITIONS:

1. "Grantee" includes any grantee under Titles I, IV, IX, or X of the Public Works and Economic Development Act of 1965, as amended (hereinafter referred to as the "Act"), or Title II, Chapter IV, of the Trade Act of 1974.
2. "Real property" means any land, improved land, structure, appurtenances thereto, or other improvements, excluding movable machinery and equipment. Improved land also includes land which is improved by the construction of such facilities as roads, sewers, and water and gas lines which are not situated directly on the land but which improve such land.
3. "Sell" and its derivatives shall include any conveyance or transfer of any interest in the real property, including, but not limited to, renting or leasing such real property.

RECITALS:

WHEREAS, Grantee submitted an application, designated as EDA Project No. 07-01-02294.40 for financial assistance pursuant to the Public Works and Economic Development Act of 1965, as amended (P.L. 89-136, 42 U.S.C. 3121, et seq.); and

WHEREAS, by Offer of Grant dated November 26, 1979, as amended EDA offered to Grantee a grant to assist in financing the construction or equipping of an industrial building in the Douglas Industrial Park (hereinafter called "Project"); and

WHEREAS, said Project included acquisition of and/or specifically improving the real property described in Exhibit "A" attached hereto and incorporated herein at this point as though set forth in full; and

WHEREAS, on December 10, 1979, the Grantee accepted the Offer of Grant subject to certain terms and conditions, pursuant to which the Grantee covenanted and agreed to comply with the applicable requirements of 13 Code of Federal Regulations Part 314, as amended; and

WHEREAS, the grant funds will be used for the construction or rehabilitation of buildings or recreational facilities; and

WHEREAS, the Grantee, as owner of all or part of the real property described in Exhibit "A" attached hereto agreed to record these agreements in the appropriate office for the recording of public records affecting real property so as to constitute notice to all persons of any and all restrictions on title to and use of the Project and all or part of the real property described in Exhibit "A" attached hereto; and

WHEREAS, the Cochise County Recorder's Office, located at Quality Hill, Bisbee, AZ 85603 is the proper office to record these agreements.



STATE OF ARIZONA
COUNTY OF COCHISE] ss.
WITNESS MY HAND AND OFFICIAL SEAL
CHRISTINE RHODES, COUNTY RECORDER
DEPUTY
INDEXED - SERIALIZED - FILED

I HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS FILED AND RECORDED AT REQUEST OF: City of Douglas
FEE \$ 2.00 425 Total
DATE FEB 5 1980
PAGE 2

DAI 1307 MAR 28 1980

NOW THEREFORE, in consideration of financial assistance rendered and/or to be rendered by EDA and of other good and valuable consideration, the receipt and adequacy of which the parties hereby acknowledge, and to assure that the benefits of the Project will accrue to the public and be used as intended by both EDA and the Grantee, the Grantee hereby covenants and agrees as follows:

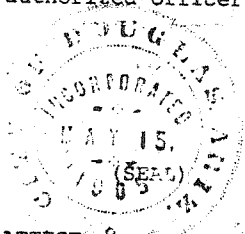
1. The expected useful life of the Project is Fifty (50) years as determined by RGA Consulting Engrs. [see 13 CFR 314.6 (a)], per Exhibit "B".

2. During its expected useful life the Project shall not be used for other than the purposes for which the Project was financed by EDA, as stated in the application, unless the prior written approval of the Assistant Secretary is obtained.

3. The real property acquired as a part of the Project or specifically improved and included as a part of the Project, as described in Exhibit "A" attached hereto, and including any interest therein, shall not be sold, leased, transferred, conveyed or mortgaged without the prior written consent of the Assistant Secretary.

4. Whenever real property is sold, leased or otherwise conveyed pursuant to 13 CFR 314.3 (a) (1), the transferor shall add to the document conveying such interest a covenant, which has been previously approved by the Assistant Secretary, prohibiting the use of such property for any purpose other than the general and special purpose of the grant as determined by the Assistant Secretary. The instrument containing this covenant shall be recorded in the pertinent county public records affecting real property or filed with the appropriate office in the Bureau of Indian Affairs in the case of Indian Projects.

IN WITNESS WHEREOF, the parties have hereunto set their hand as of the day and year first above written by their duly authorized officer.



CITY OF DOUGLAS, ARIZONA

Grantee

By: Albert F. Rodriguez

Title: MAYOR

ATTEST:

Walter McAllister

Title: City Clerk

State of Arizona

County of Cochise

On this 5th day of February, in the year 80, before me
Margaret Graves
(here insert the name and quality of the officer)
personally appeared Albert F. Rodriguez, known to me
(or proved to me on the oath of Mayor) to be
(title of the officer) of

The City of Douglas
(Name of private or public corporation, state agency, political subdivision or Indian Tribe)
and acknowledged to me that such City of Douglas
(Name of private or public corporation, state agency, political subdivision or Indian Tribe)
executed the same.

My Commission Expires Aug. 1, 1985

Notary Public in and for the State of
Arizona residing at 2414 W. 1st St.

DKT 1397 MAY 28 1985

ORDINANCE NO. 446

AN ORDINANCE OF THE CITY OF DOUGLAS, ARIZONA, PROVIDING FOR THE ANNEXATION OF REAL PROPERTY LYING ADJACENT TO AND CONTIGUOUS WITH THE CITY LIMITS OF THE CITY OF DOUGLAS, SAID LANDS BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 24 SOUTH, RANGE 27 EAST, GILA AND SALT RIVER BASE AND MERIDIAN, IN COCHISE COUNTY, ARIZONA, AND PROVIDING FOR THE ZONING OF SAID LANDS AS COMMERCIAL (C-1).

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF DOUGLAS, ARIZONA, as follows:

SECTION 1. The following unplatted lands which adjoin and are contiguous with and adjacent to the limits of the City of Douglas, Arizona, said lands being located in the County of Cochise, State of Arizona, are hereby added to, taken into and made a part of the City of Douglas, Arizona, to-wit:

All that piece or parcel of land lying in the Southeast quarter of Section 11, Township 24 South, Range 27 E., G. & S.R.B. & M., Cochise County, Arizona, more particularly described as follows:

Commencing at the Southeast corner of said Section 11; thence North 00 degrees 00 minutes 40 seconds East along the east line of the Southeast quarter of said Section 11, a distance of 463.58 feet to the true point of beginning, said point being on an arc, the radius of which bears North 02 degrees 04 minutes 07 seconds East, a distance of 2764.79 feet; thence westerly along said arc, having a radius of 2764.79 feet, an arc distance of 189.04 feet to a point; thence North 84 degrees 00 minutes 50 seconds West a distance of 253.17 feet to a point, said point being the intersection of the north right of way line of U.S. 80 and the west right of way line of Pirtleville Road; thence continuing North 84 degrees 00 minutes 50 seconds West along the north right of way of U.S. 80, a distance of 2.89 feet to a point; thence North 79 degrees 47 minutes 10 seconds West along said north right of way of U.S. 80, a distance of 558.72 feet to a point; thence North 84 degrees 00 minutes 50 seconds West along said north right

1 of way of U.S. 80, a distance of 450.22 feet to
2 a point; thence North 19 degrees 56 minutes 00
3 seconds East a distance of 569.33 feet to a
4 point; thence South 84 degrees 00 minutes 50
5 seconds East a distance of 1325.21 feet to a
6 point on the west right of way line of Pirtleville
7 Road; thence continuing South 84 degrees 00
8 minutes 50 seconds East a distance of 61.81 feet
9 to a point on the east right of way of Pirtleville
10 Road; thence North 19 degrees 56 minutes 00 seconds
11 East, along said easterly right of way of
12 Pirtleville Road, a distance of 477.00 feet to a
13 point; thence South 00 degrees 00 minutes 40
14 seconds West a distance of 1079.70 feet to the true
15 point of beginning;

16 EXCEPT for the following described parcel:
17 Commencing at the Southeast corner of Section 11;
18 thence North 00 degrees 00 minutes 40 seconds East
19 along the East line of the Southeast quarter of
20 said Section 11, a distance of 463.58 feet to a
21 point on an arc, the radius of which bears North
22 02 degrees 04 minutes 07 seconds East a distance
23 of 2764.79 feet; thence westerly along said arc
24 having a radius of 2764.79 feet, an arc distance
25 of 189.04 feet to a point; thence North 84 degrees
26 00 minutes 50 seconds West a distance of 253.17
27 feet to a point, said point being the intersection
28 of the North right of way line of U.S. 80 and the
West right of way line of Pirtleville Road; thence
North 19 degrees 56 minutes 00 seconds East, a
distance of 29.57 feet to the true point of be-
ginning; thence North 83 degrees 49 minutes 00
seconds West a distance of 165.00 feet to a point;
thence North 19 degrees 56 minutes 00 seconds East
a distance of 501.10 feet to a point; thence North
90 degrees 00 minutes 00 seconds East a distance
of 170.49 feet to a point on the westerly right of
way of Pirtleville Road; thence South 19 degrees
56 minutes 00 seconds West along said westerly
right of way of Pirtleville Road, a distance of
520.00 feet to the true point of beginning.

20 SECTION 2. That the land described in SECTION 1 of this

21 Ordinance is hereby assigned to, and made a part of the WARDS of
22 the City of Douglas, County of Cochise, State of Arizona, and such
23 lands shall be in and comprise part of Ward No. 1 in said city and
24 state.

25 SECTION 3. That the lands described in SECTION 1 of this
26 Ordinance are hereby zoned as Commercial C-1.

27 SECTION 4. That the land described in SECTION 1 of this
28 Ordinance and any commercial development of said lands shall comply

1 with federal flood plane guidelines. Any ordinance inconsistent
2 with the provisions of this section is hereby repealed, amended and
3 superceded.

4 SECTION 5. The annexation of said land shall become final
5 after the expiration of thirty (30) days from the first reading of
6 this Ordinance.

7
8 PASSED by the Common Council and ADOPTED by the Mayor, this
9 25th day of January, 1980.

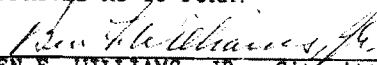
10
11 SEAL OBTAINED

12 
ALBERT F. RODRIGUEZ, Mayor

13 ATTEST:

14 
VICTOR M. STEVENS, City Clerk

15
16 APPROVED AS TO FORM:

17 
BEN F. WILLIAMS, JR., City Attorney



STATE OF ARIZONA] ss.
COUNTY OF COCHISE]

WITNESS MY HAND AND OFFICIAL SEAL
CHRISTINE RHODES, COUNTY RECORDER

 DEPUTY DRAFT

INDEXED	RECORDED	FILED
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I HEREBY CERTIFY THAT THE WITHIN
INSTRUMENT WAS FILED AND RECORDED
AT REQUEST OF: City of Douglas
FEE \$ 200 426 10th St
Douglas, Ariz. (85609)
DATE FEB 5 80 9 25 AM
1397 PAGE 289 NO 2682
DOCKET 292

