

ORDINANCE NO. 25-1218

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, AUTHORIZING THE ABANDONMENT WITHOUT COMPENSATION OF A PORTION OF THE CITY RIGHT-OF-WAY LOCATED ON EAST 16TH STREET, AS LEGALLY DESCRIBED IN EXHIBIT A, TO BW GAS & CONVENIENCE REAL ESTATE, LLC, PURSUANT TO ABANDONMENT AGREEMENT 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; and

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; and

WHEREAS, the Mayor and Council find that it is in the best interest of the City of Douglas to abandon a portion of underutilized city right-of-way land located on East 16th Street abutting Assessor's Parcel Number 40823029D to the south east and Assessor's Parcel Number 40825044 to the north west; and

WHEREAS, the Mayor and Council find that the abandonment of the portion of the city right-of-way is in the best interest of the city pursuant to the terms and conditions described in the Abandonment 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 abandon a portion of the city right-of-way to BW Gas & Convenience Real Estate, LLC:

Section 2. The Mayor and the City Clerk are authorized and directed to sign and execute all documents necessary to consummate the abandonment of the subject right-of-way as described.

Section 3. This ordinance shall be effective thirty (30) days after final approval and adoption by the Mayor and Council.

Section 4. 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 November 2025.

Jose Grijalva, Mayor

Attest:

Approved as to form:

Alma Andrade, City Clerk

Denis Fitzgibbons, City Attorney