

ORDINANCE NO. 23-1160

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, AUTHORIZING THE SALE OF A VACANT PARCEL OF LAND LOCATED ON THE NORTH SIDE OF 11TH STREET APPROXIMATELY 820 FEET WEST OF PAN AMERICAN AVENUE, WITH ASSESSOR'S PARCEL NUMBER 409-06-020T TO COX COMMUNICATIONS ARIZONA 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; 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 sell a vacant parcel of land located on the north side of 11th Street approximately 820 feet west of Pan American Avenue, with Assessor's Parcel Number 409-06-020T in Douglas, Cochise County Arizona to Cox Communications Arizona LLC an Arizona Limited Liability Corporation, for a total purchase price of \$130,000 per the terms of the accepted offer in the Purchase and Sale Agreement, which is attached and incorporated herein by reference; and

WHEREAS, the Mayor and Council find that the sale of the vacant real property is in the best interest of the City pursuant to the terms and conditions of the terms described 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 Cox Communications Arizona LLC:

Legal Descriptions: SUR TO A DEPTH OF 500' COM AT NW COR OF SEC 13 THN S0DEG 30MIN W453.17' S89DEG 30MIN E33' S73DEG 32MIN E901.67' TO POB THN S73DEG 21MIN E238.75' S16DEG 38MIN W364.94' N73DEG 21MIN W238.75' N16DEG 38MIN E364.94' TO POB SEC 13 24-27 2.00AC identified as Assessor's Parcel Number 409-06-020T in Douglas, Cochise County, Arizona, for a total purchase price of \$130,000.00 per the terms of the accepted offer in the Purchase and Sale Agreement, plus any related costs associated with closing.

Section 2. Approving the terms of the accepted offer in 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

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PASSED AND ADOPTED by the Mayor and Council of the City of Douglas, Arizona, this 22nd day of February 2023.

Donald C. Huish, Mayor

Attest:

Approved as to form:

Alma Andrade, City Clerk

Denis Fitzgibbons, City Attorney

Prepared by:
Luis Pedroza, Deputy City Manager