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

WHEREAS, the proposed easement will allow the City of Douglas to consummate a transaction to enter into a Lease Agreement and Memorandum of Agreement for a communications facility and Option to Sun State Towers IV, LLC, a Delaware limited liability company; and

WHEREAS, a copy of the Lease Agreement and Memorandum of Agreement, inclusive of property description, and site are attached as Exhibits “A”, “B”, and “C” and incorporated into this ordinance by reference; and

WHEREAS, it is in the City's best interest to enter into said Lease Agreement and Memorandum of Agreement.

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

Section 1. The approval of the Lease Agreement and Memorandum of Agreement, a copy of which is attached as Exhibits “A”, “B” and “C” and incorporated herein by reference, is found to be in the best interest of the City of Douglas.

Section 2. The City Manager and the City Clerk are hereby authorized to execute and deliver the Lease Agreement and Memorandum of Agreement and any related documents necessary to the consummation of the transactions contemplated by the Lease Agreement and Memorandum of Agreement.

Section 3. The officers of the City Council and the City of Douglas are hereby authorized and directed to fulfill all obligations under the terms of the Lease Agreement and Memorandum of Agreement.

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 and this Ordinance shall continue in full force and effect after the deletion of the illegal or unconstitutional provision.

Section 5. Effective date. The provisions in this Ordinance shall be effective thirty (30) days after final approval and adoption by the Mayor and Council.

PASSED AND ADOPTED by the Mayor and Council of the City of Douglas, Arizona, this 22nd day of June, 2022.

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Attest:

Alma Andrade, City Clerk

Prepared by:
Xenia Gonzalez, Interim Neighborhood Resources Director.

Donald C. Huish, Mayor

Approved as to form:

Denis Fitzgibbons, City Attorney