

ORDINANCE NO. 22-1147

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, AUTHORIZING THE ACCEPTANCE OF DONATED VACANT SEMI IMPROVED REAL PROPERTY FROM RICHARD & DEBRA HOLMAN CONSISTING OF 5 LOTS IN BLOCK 2 OF THE LA PERILLA ESTATES IN THE CITY OF DOUGLAS, 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 by gift or donation real property within or without its corporate limits for any City purpose; and

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

WHEREAS, Richard and Debra Holman, have full ownership interest in the aforementioned semi-improved lots (the "Property"); and

WHEREAS, Richard and Debra Holman desire to retire their property investments in the City of Douglas and currently have no further development plans in the area and have offered to convey their interest in the Property to the City of Douglas; and

WHEREAS, Richard and Debra Holman will assume all assessed real property taxes due and accrued up to the closing date for all parcels; and

WHEREAS, Mayor and Council find that the best interest of the City would be served by accepting the donation of Property.

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 accept the donation of semi-improved parcels from Richard and Debra Holman consisting of five lots in Block 2 of the La Perilla Estates, in the City of Douglas, Cochise County, Arizona with assigned assessor's parcel numbers (APN) 410-08-13505, 410-08-15204, 410-08-15101, 410-08-07803 and 410-08-14504.

Section 2. The City hereby approves the Land Donation Agreement pursuant to the terms, conditions and restrictions as set forth on the Agreement attached hereto as Exhibit "A".

Section 3. The City Manager and City Clerk are hereby authorized to execute and deliver the Land Donation Agreement, in substantially final form attached hereto as Exhibit "A" and incorporated herein by reference along with any other related documents necessary to consummate the transaction contemplated by the Land Donation Agreement, for and on behalf of the City of Douglas.

Section 4. 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 subject Agreement.

Section 5. Effective date. This ordinance shall be effective thirty (30) days after final approval and adoption by the Mayor and Council.

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Section 6. 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 13th day of July, 2022.

Attest:

Donald C. Huish, Mayor

Approved as to Form:

Alma Andrade, City Clerk

Denis Fitzgibbons, City Attorney

Prepared by:
Luis Pedroza, Deputy City Manager