

**SUBMITTED BY:** Luis Pedroza, Deputy City Manager/City Treasurer

**MANAGEMENT TEAM REVIEW:** Ana Urquijo, City Manager

**FOCUS AREA:** Advanced Infrastructure Development and Improvement

**ORGANIZATIONAL IMPROVEMENTS:** EnterTextHere

**SUBJECT:** **RESOLUTION NO. 23-1550**, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **DECLARING** a Portion of 11th Street a **PUBLIC RIGHT-OF-WAY** and **GRANTING** a **PERPETUAL, NON-EXCLUSIVE UTILITY EASEMENT** Therein.

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**EXECUTIVE SUMMARY:**

In the process of selling the vacant land parcel to Cox Communications that the Mayor and Council approved in February 2023, the title report showed that 11<sup>th</sup> Street, formerly known as Park Street, was never declared a public right of way. Therefore, this is to officially dedicate the street as a public right of way and grant a perpetual utility easement.

**BACKGROUND:**

Cox is currently in the escrow process with the city for the purchase of parcel 409-06-020S for \$130,000.00. 11<sup>th</sup> Street west of Pan American is currently a city owned parcel and not a dedicated public right of way. Cox is requesting that it be declared a public right of way to have proper access into the parcel from 11<sup>th</sup> Street.

11<sup>th</sup> Street used to be called Park Street and owned by Phelps Dodge. The city obtained ownership of the street and two parcels, one is the Industrial Development Authority's parcel, which has a leased warehouse. The other parcel adjacent to it is city owned and in process of being purchased by Cox. With Cox being in the area and other businesses, it is necessary to have a public right of way designated for ingress and egress.

The city owns approximately 1,150 feet of 11<sup>th</sup> Street and Freeport McMoRan owns approximately 540 feet west until the dead ends on a cul de sac. The city will seek to obtain the remainder of the street from Freeport McMoRan as well.

Cox has requested this public right of way designation and dedicating a utility easement for utilities crossing through the street as well. Cox contracted a surveyor to survey the section of the street and has provided a legal description. Cox requests this dedication to take place as well as releasing the property from a \$1 year lease between the City and the IDA established in 1978 for 60 years. This item will come in a separate action agenda item for consideration.

**DISCUSSION:**

Cox would like to build their new broadband hub in this parcel and requires proper street access. To continue with the sale and to provide proper access to existing businesses, the city recommend approval to dedicate the portion of 11<sup>th</sup> Street as presented in the attached survey and also provide a perpetual utility easement.

**FISCAL IMPACT:**

None.

**Fiscal Year:** 2023/2024

**Amount Requested:**

**Budgeted:** Y / N

**Account (s):**

**“...I MOVE THAT THE MAYOR AND COUNCIL APPROVE RESOLUTION NO. 23-1550.”**