

RESOLUTION NO. 23-1550

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, DECLARING A PORTION OF 11<sup>TH</sup> STREET A PUBLIC RIGHT-OF-WAY AND GRANTING A PERPETUAL, NON-EXCLUSIVE UTILITY EASEMENT THEREIN.**

**WHEREAS**, on April 26, 1991, the city executed a Special Warranty Deed and Signage and Access Easement (“Deed and Easement”) to Phelps Dodge, which was recorded May 30, 1991, in Fee No. 910510352, Official Records of the Cochise County Recorder, Cochise County, Arizona and re-recorded on May 19, 1993, in Fee No. 930513090, Official Records of the Cochise County Recorder, Cochise County, Arizona;

**WHEREAS**, the Deed and Easement provided, in part, permanent legal access for traffic and utilities to Pan American Avenue over Park Road. The city also reserved a permanent, non-exclusive easement over Park Road for pedestrian and vehicular traffic for that portion of the adjoining property owned by the city. The Deed and Easement provided that on or before the first anniversary of thereof, the city was to dedicate that portion of the Park Road on the city’s property for use as a public right-of-way and grant such utility easements therein as may be necessary or desirable to develop the property;

**WHEREAS**, it does not appear that Park Road was ever dedicated as a public right-of-way;

**WHEREAS**, Park Road is now known as East 11<sup>th</sup> Street;

**WHEREAS**, the city now desires to declare that portion of 11<sup>th</sup> Street legally described on Exhibit “A” hereto as a public-right-of-way and grant a perpetual, non-exclusive easement for the installation, repair and maintenance of such utility lines as may be located within 11<sup>th</sup> Street; and

**WHEREAS**, the City Council believes that declaring that portion of 11<sup>th</sup> Street legally described on Exhibit “A” a public right-of-way and granting a perpetual, non-exclusive utility easement therein will be in the city’s best interests.

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

That portion of 11<sup>th</sup> Street legally described on Exhibit “A” is declared as a public-right-of-way and a perpetual, non-exclusive easement is granted for the installation, repair and maintenance of such utility lines as may be located within that portion of 11<sup>th</sup> Street described on Exhibit “A”.

**PASSED AND ADOPTED** by the Mayor and Council of the City of Douglas, Arizona, this 14<sup>th</sup> day of June 2023.

Attest:

Alma Andrade, City Clerk

Prepared by:  
Ann Schrooten, City Attorney

Donald C. Huish, Mayor

Approved as to form:

Denis Fitzgibbons, City Attorney

**EXHIBIT “A”**

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