

WHEN RECORDED, RETURN TO:

City of Bisbee
Attn: Ashlee Coronado, City Clerk
76 Erie Street
Bisbee, Arizona 85603

ORDINANCE 0-22-21

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COCHISE COUNTY, ARIZONA DESIGNATING CERTAIN CITY PROPERTY LOCATED IN ZACATECAS CANYON AND GENERALLY KNOWN AS BREWERY GULCH AS A PUBLIC THOROUGHFARE AND RIGHT-OF-WAY.

WHEREAS, pursuant to the Charter of the City of Bisbee City and the City Code, the City of Bisbee (the "City") has the authority to designate and maintain rights-of-way for public access and roads; and,

WHEREAS, as detailed in the attached Report of Title, attached hereto as Exhibit A, the City owns certain real property in Zacatecas Canyon generally referred to as Brewery Gulch (the "Property"), more particularly described in the attached Record of Survey, attached hereto as Exhibit B; and,

WHEREAS, the Property has been historically used as a public thoroughfare and right-of-way, but has not been officially designated as such by the City or the records for such designation have been lost; and,

WHEREAS, a survey has been conducted detailing the boundaries of the Property to be used as public right-of-way and it has been requested that the City acknowledge and designate the Property as a public thoroughfare and right-of-way; and,

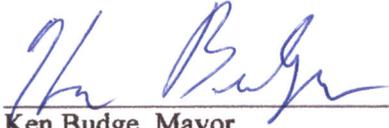
WHEREAS, the City Council has determined that it would be in the best interests of the City and its residents to officially declare the Property as public right-of-way; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Bisbee, County of Cochise, State of Arizona, as follows:

Section I: The City's real property as designated in the Report of Title, attached hereto as Exhibit A and incorporated herein, which is located in Zacatecas Canyon generally referred to as Brewery Gulch (the "Property") and more particularly described in Exhibit B, which is attached hereto and incorporated herein, is hereby declared as a public thoroughfare and right-of-way.

Section II: The Mayor, the City Manager, the City Clerk, and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Bisbee on this 3rd day of January, 2023.



Ken Budge, Mayor

ATTEST:



Ashlee Coronado,
City Clerk

APPROVED AS TO FORM:



Joseph D. Estes, City Attorney
Gust Rosenfeld, P.L.C.

Pioneer Title Agency Inc.

REPORT OF TITLE

OUR NO. 90204650

Dated: September 14, 2022 at 7:30 a.m.
Amended September 29, 2022 at 7:30 a.m.

Fee: \$600.00

Report is issued for the sole use and benefit of:

**Jana Flagler
Flagler Law, PLLC
One Copper Queen Plaza
Bisbee, AZ 85603**

Pioneer Title Agency Inc. hereby reports that an examination of the title to the land described in Schedule A discloses that title is vested as shown in Schedule A, subject to the liens, encumbrances, and defects as shown in Schedule B.

This report is **FOR INFORMATIONAL PURPOSES ONLY**. It is neither a guarantee of title, a commitment to insure title nor a policy of title insurance.

SCHEDULE A

1. Title to the estate or interest covered by this report at the date hereof is vested in:

City of Bisbee, a Municipal Corporation

2. The estate or interest in the land hereinafter described in this report is a fee.

3. The land referred to in this report is situated in the County of **Cochise**, State of Arizona, and is described as follows:

See Exhibit A attached hereto and made a part hereof.

All recording references are to records in the office of the County Recorder of the county in which the property is situated.

Pioneer Title Agency Inc.



By _____
Authorized Officer or Agent

Pioneer Title Agency Inc.

REPORT OF TITLE (Continued)

EXHIBIT A

A 30.00-foot-wide strip of land, being situate in the Northwest quarter of Section 9, Township 23 South, Range 24 East of the Gila and Salt River Base and Meridian, Cochise County, Arizona, the sidelines of said strip being parallel with and 15.00 feet distant, when measured at right angles, on each side of the following described centerline:

COMMENCING at a 4-inch iron pipe marking the Southwest corner of the Silver Queen Mining Claim (Mineral Survey No. 1583), from which point a 4-inch iron pipe marking the mid-point of the West line of said mining claim bears North $14^{\circ}26'57''$ East, a distance of 300.81 feet;

thence North $14^{\circ}26'57''$ East along the Westerly line of said Silver Queen Mining Claim, a distance of 297.08 feet to the POINT OF BEGINNING;

thence leaving said West line, North $78^{\circ}57'59''$ West, a distance of 57.99 feet to the beginning of a 65.00 foot radius tangent curve to the right;

thence 54.66 feet along the arc of said curve, through a central angle of $48^{\circ}11'08''$ (chord bears North $54^{\circ}52'25''$ West, a distance of 53.07 feet) to the point of tangency;

thence North $30^{\circ}46'51''$ West, a distance of 15.11 feet to the beginning of a 50.00 foot radius tangent curve to the right;

thence 10.69 feet along the arc of said curve, through a central angle of $12^{\circ}14'55''$ (chord bears North $24^{\circ}39'23''$ West, a distance of 10.67) feet to the point of tangency;

thence North $18^{\circ}31'56''$ West, a distance of 19.23 feet to the beginning of a 45.00 foot radius tangent curve to the left;

thence 36.07 feet along the arc of said curve, through a central angle of $45^{\circ}55'16''$ (chord bears North $41^{\circ}29'34''$ West, a distance of 35.11 feet) to the point of tangency;

thence North $64^{\circ}27'12''$ West, a distance of 15.87 feet to the Southerly line of the Alpha Mining Claim (Mineral Survey No. 1954), and the point of terminus of the centerline being described;

Sidelines are to lengthen or shorten as necessary to intersect the Southerly line of said Alpha Mining Claim and to intersect the Westerly line of said Silver Queen Mining Claim and form a continuous strip;

EXCEPT any of those portions lying within Lots 34 through 40, Block 20 of the Bisbee Townsite, according to Book 1 of Maps, pages 25 through 63, records of Cochise County, Arizona.

Pioneer Title Agency Inc.

REPORT OF TITLE (Continued)

SCHEDULE B

At the date hereof exceptions to title are:

1. EASEMENTS as shown on the recorded plat of said subdivision.
2. MATTERS SHOWN ON SURVEY:

Recorded in Book	<u>16</u> of Surveys
Page	53
Recorded in Book	<u>29</u> of Surveys
Page	88
Recorded in Book	<u>32</u> of Surveys
Page	16

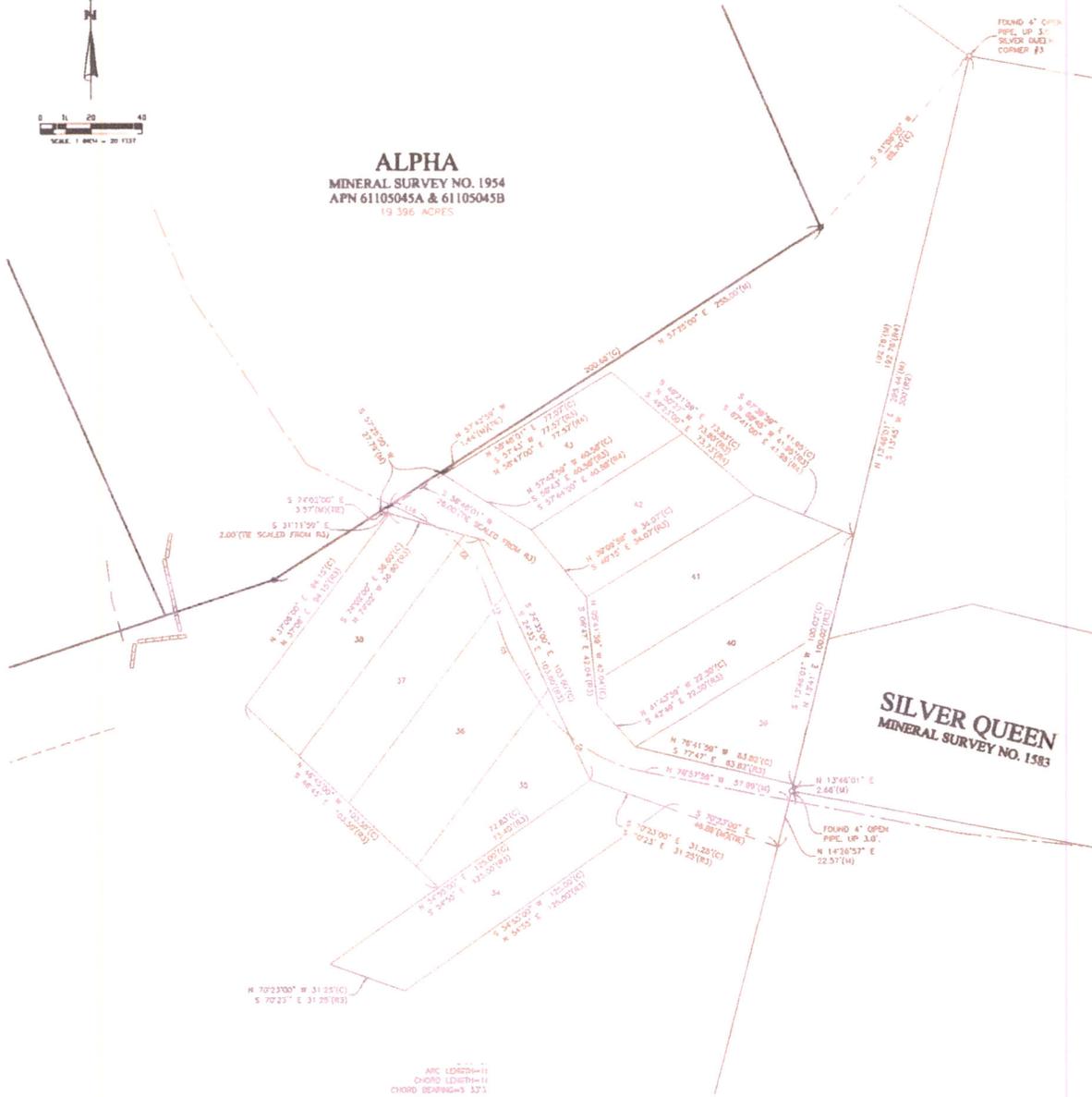
End of Exceptions

EXHIBIT B TO ORDINANCE NO. 0-22-21

RECORD OF SURVEY



ALPHA
 MINERAL SURVEY NO. 1954
 APN 61105045A & 61105045B
 19.396 ACRES



SILVER QUEEN
 MINERAL SURVEY NO. 1583

B TABLE

BEARING	CHORD LENGTH	CHORD BEARING	CHORD BEARING	CHORD BEARING
S 70°02'00" E	14.30 (M)	N 81°25'54" W	13.81 (M)	233.50'
S 31°11'59" E	13.08 (M)	S 76°34'55" W	11°58'02"	

NOTES

1. THE LOCATION AND/OR DISTANCE OF UTILITY SERVICE LINES TO THE PROPERTY ARE UNKNOWN AND NOT SHOWN.
2. THE SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT RESEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, COVENANT TITLE EVIDENCE, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE.
3. ALL DIMENSIONS SHOWN ON THIS MAP ARE MEASURED OR A CALCULATED DERIVATIVE THEREOF (UNLESS STATED OTHERWISE).
4. THE BASIS OF BEARINGS FOR THIS SURVEY IS THE LINE BETWEEN A FOUND 4" OPEN PIPE MARKING CORNER #4 OF THE SILVER QUEEN CLAIM AND A FOUND 4" OPEN PIPE MARKING THE CENTERLINE OF THE SILVER QUEEN CLAIM. THE BEARING OF SAID LINE BEING 41°25'13.72" AS DERIVED BY GPS OBSERVATION, GEODETIC NORTH DATUM.

LEGEND

- SET 1/2" IRON REBAR WITH CAP STAMPED "PLS 22275"
- FOUND MONUMENT AS NOTED
- MEASUREMENTS AS NOTED
- (M) MEASURED DATA
- (R1) RECORD DATA PER THE PLAT OF THE ALPHA MINERAL SURVEY NO. 1954
- (R2) RECORD DATA PER THE PLAT OF THE SILVER QUEEN MINERAL SURVEY NO. 1583
- (R3) RECORD DATA PER BOOK 000 OF PLATS, PAGE 666
- (R4) RECORD DATA PER BOOK 116 OF SURVEY MAPS, PAGE 8
- 42# ASSESSOR'S PARCEL NUMBER
- SITE EXTERIOR BOUNDARY
- EXISTING FENCE
- CROSS TIE
- CENTERLINE DIRT ROAD
- FLOW LINE
- WALL



SUNRISE SURVEYING, LLC
 14 MOJAVE TRAIL
 BISBEE, AZ 85603
 PH: 520-907-2838

RECORD OF SURVEY OF THE ALPHA LODE MINING CLAIM, MINERAL SURVEY NO. 1954, LOCATED IN THE SOUTHWEST 1/4 OF SECTION 4 AND THE NORTHWEST 1/4 OF SECTION 9, T.23S., R.24E., C.&S.R.M., COCHISE COUNTY, ARIZONA.

PROJECT NO.	SURVEY BY	DRAWN BY	CHECKED BY	REVISION	REVISION	SHEET	OF
MO_2022-190	SAS	JEF	SAS			1	3
DATE: 07-12-2022	DATE: 07-14-2022	DATE: 07-14-2022	DATE: 07-14-2022	DATE:	DATE:		

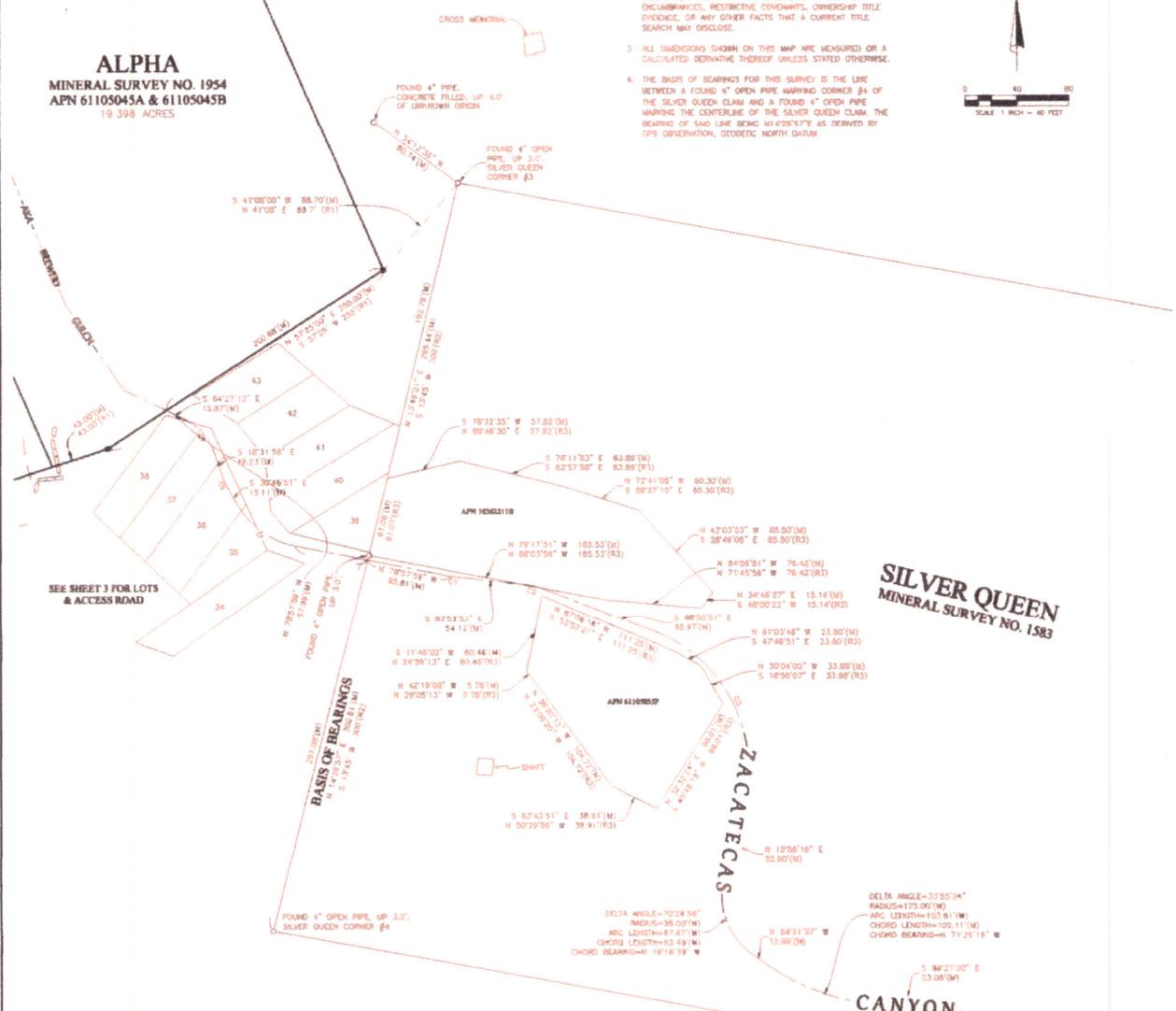
RECORD OF SURVEY

SEE SHEET 1 FOR ALPHA CLAIM

ALPHA
MINERAL SURVEY NO. 1954
APN 61105045A & 61105045B
19.398 ACRES

NOTES:

1. THE LOCATION AND/OR EXISTENCE OF UTILITY SERVICE LINES TO THE PROPERTY ARE UNKNOWN AND NOT SHOWN.
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3. ALL DIMENSIONS SHOWN ON THIS MAP ARE MEASURED OR A CALCULATED DERIVATIVE THEREOF UNLESS STATED OTHERWISE.
4. THE BASIS OF BEARINGS FOR THIS SURVEY IS THE LINE BETWEEN A FOUND 4" OPEN PIPE MARKING CORNER #4 OF THE SILVER QUEEN CLAIM AND A FOUND 4" OPEN PIPE MARKING THE CENTERLINE OF THE SACRED QUEEN CLAIM, THE BEARING OF SAID LINE BEING $161^{\circ}55'37.72''$ AS DERIVED BY GPS OBSERVATION, GEODETIC NORTH DATUM.



SEE SHEET 3 FOR LOTS & ACCESS ROAD

SILVER QUEEN
MINERAL SURVEY NO. 1583

LEGEND:

- SET 1/2" IRON ROSSA WITH CAP STAMPED "RLS 22275"
- FOUND MONUMENT AS NOTED
- MISCELLANEOUS FEATURES AS NOTED
- (M) MEASURED DATA
- (R1) RECORD DATA PER THE PLAT OF THE ALPHA MINERAL SURVEY NO. 1954
- (R2) RECORD DATA PER THE PLAT OF THE SILVER QUEEN MINERAL SURVEY NO. 1583
- (R3) RECORD DATA PER BOOK 000 OF PLATS, PAGE AGE
- (R4) RECORD DATA PER BOOK 18 OF SURVEY MAPS, PAGE 8
- APN ASSESSOR'S PARCEL NUMBER
- SITE EXTERIOR BOUNDARY
- CRISTINA FENCE
- CROSS TIE
- CENTERLINE DIRT ROAD
- FLOOD LINE
- WALL

CURVE TABLE

CURVE	BEARING	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	S 80.00° W	4.30 (M)	4.30 (M)	N 81°25'56" W	4°55'30"
C2	S 50.00° W	13.08 (M)	13.07 (M)	N 70°24'55" W	1°48'02"
C3	S 115.00 (M)	170.81 (M)	155.24 (M)	S 28°38'46" E	8°25'10"
C4	S 80.00 (M)	34.88 (M)	33.07 (M)	S 34°32'25" E	4°47'11"
C5	S 90.00 (M)	10.89 (M)	10.87 (M)	N 24°30'22" E	1°14'25"
C6	S 45.00 (M)	35.07 (M)	33.11 (M)	S 21°20'54" E	4°45'18"

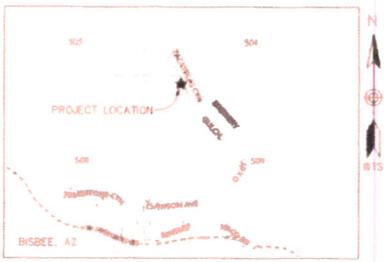
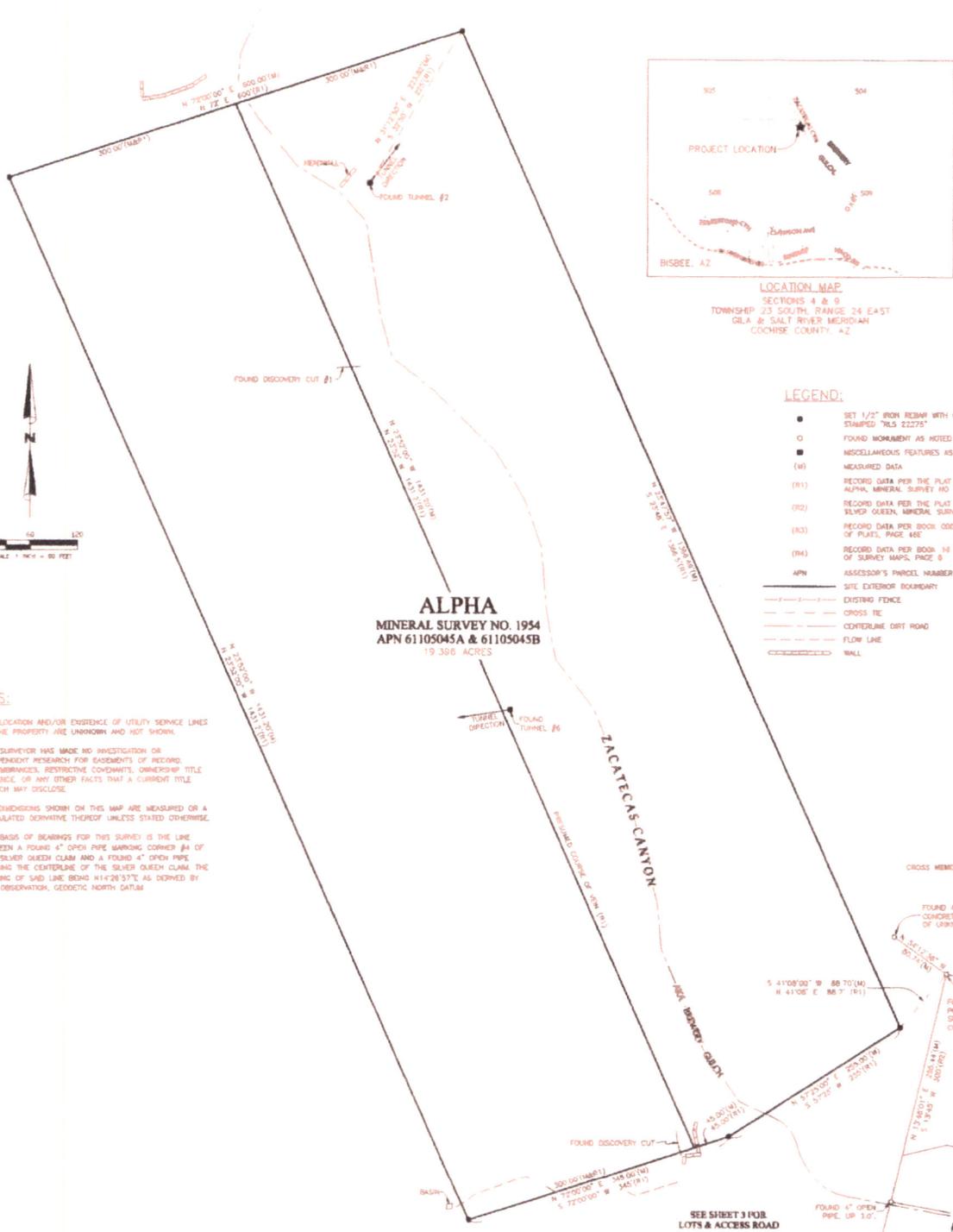
SUNRISE SURVEYING, LLC
14 MOJAVE TRAIL
BISBEE, AZ 85803
PH: 520-907-2838

RECORD OF SURVEY OF THE ALPHA LODGE MINING CLAIM, MINERAL SURVEY NO. 1954, LOCATED IN THE SOUTHWEST 1/4 OF SECTION 4 AND THE NORTHWEST 1/4 OF SECTION 9, T.23S., R.24E., G.&S.R.M., COCHISE COUNTY, ARIZONA.

PROJECT NO. 2022-100	SURVEY BY: SAS	DRAWN BY: JPF	CHECKED BY: SAS	REVISION:	REVISION:
DATE: 07-12-2022	DATE: 07-14-2022	DATE: 07-14-2022	DATE: 07-14-2022	DATE:	DATE:

SHEET 2 OF 3

RECORD OF SURVEY



- LEGEND:**
- SET 1/2" IRON REBAR WITH CAP STAMPED "PLS 22275"
 - FOUND MONUMENT AS NOTED
 - MISCELLANEOUS FEATURES AS NOTED
 - (M) MEASURED DATA
 - (R1) RECORD DATA PER THE PLAT OF THE ALPHA MINERAL SURVEY NO. 1954
 - (R2) RECORD DATA PER THE PLAT OF THE SILVER QUEEN MINERAL SURVEY NO. 1583
 - (R3) RECORD DATA PER BOOK 000 OF PLATS, PAGE 486
 - (R4) RECORD DATA PER BOOK 10 OF SURVEY MAPS, PAGE 8
 - APN ASSESSOR'S PARCEL NUMBER
 - SITE EXTERIOR BOUNDARY
 - - - EXISTING FENCE
 - - - CROSS TIE
 - - - CENTERLINE GRT ROAD
 - - - FLOW LINE
 - ▭ WALL

- NOTES:**
1. THE LOCATION AND/OR EXISTENCE OF UTILITY SERVICE LINES TO THE PROPERTY ARE UNKNOWN AND NOT SHOWN.
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ALPHA
 MINERAL SURVEY NO. 1954
 APN 61105045A & 61105045B
 19.306 ACRES

RECORDING DATA:

STATE OF ARIZONA }
 COUNTY OF COCHISE } 35

FILED FOR RECORD AT THE REQUEST OF SUNRISE SURVEYING, LLC
 ON THIS DAY OF 20____
 IN BOOK _____ OF MAPS OF SURVEYS AT PAGE _____ THEREOF.
 FEE \$____

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR ABOVE WRITTEN

CERTIFICATION:

I HEREBY CERTIFY THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION AND THAT THE PROPERTY CORNERS AND SURVEY MONUMENTS EXIST AS SHOWN HEREON.

COCHISE COUNTY RECORDER/DEPUTY COUNTY RECORDER

STEPHEN ALLEN SAMPLE PLS #22275



SUNRISE SURVEYING, LLC
 14 MOJAVE TRAIL
 BISBEE, AZ 85603
 PH: 520-907-2838

RECORD OF SURVEY OF THE ALPHA LODGE MINING CLAIM, MINERAL SURVEY NO. 1954, LOCATED IN THE SOUTHWEST 1/4 OF SECTION 4 AND THE NORTHWEST 1/4 OF SECTION 9, T.23S., R.24E., G.&S.R.M., COCHISE COUNTY, ARIZONA.

PROJECT NO. 2022-100	SURVEY BY: SAS	DRAWN BY: JYP	CHECKED BY: SAC	REVISION:	REVISION:
	DATE: 07-12-2022	DATE: 07-14-2022	DATE: 07-14-2022	DATE:	DATE:

SHEET 1 OF 3