

**ORDINANCE O-18-10**

**AUTHORIZING THE SALE AND TRANSFER OF CERTAIN SURPLUS CITY  
PROPERTY, BEING APPROXIMATELY 1390 SQUARE FEET ADJACENT TO 131  
SAN JOSE DRIVE**

**WHEREAS**, pursuant to section 1.03 of the Charter of the City of Bisbee, the City has the authority to sell such City property as its interests may require; and

**WHEREAS**, James Klosterman, owner of 131 San Jose Drive, Bisbee, Arizona, applied to purchase a parcel owned by the City consisting of approximately 1390 square feet adjacent to 131 San Jose Drive (the "Parcel"), and consisting of a small strip of parcel more particularly described on Exhibit A hereto; and

**WHEREAS**, pursuant to Article 2.6.9 of the City Code, the Planning and Zoning Commission considered the Trust's application and recommends approval of the transfer of the Parcel, and further recommends that, because the Parcel has historically been associated with and used in connection with the property at 131 San Jose Drive, that the Parcel be sold to Mr. James Klosterman without public auction or bidding; and

**WHEREAS**, the Council, upon the recommendation of the City Building Inspector, has determined that a fair price for the Parcel is \$3.00/sf, for a total of \$4,170.00; and

**WHEREAS**, the public notice requirements of Article 2.6.9 of the City Code have been complied with; and

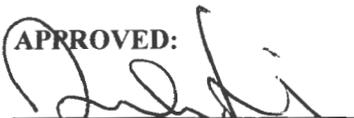
**WHEREAS**, pursuant to Section 7.05(h) of the City Charter, the sale or transfer of City property must be done by ordinance, and this action is in the best interests of the citizens of the City of Bisbee,

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

The sale of that certain property more particularly described in the attached Exhibit A to the Trust for the sum of four thousand one hundred and seventy dollars (\$4,170.00) to be paid in cash prior to the closing of this transaction, is hereby authorized and approved. The Mayor is further authorized to execute a Quit Claim Deed on behalf of the City for the transfer of this property and all additional documents that may be necessary for the completion of this transaction.

**PASSED, APPROVED AND ADOPTED** by the Mayor and Council of the City of Bisbee on this 17<sup>th</sup> day of July 2018.

**APPROVED:**

  
David Smith, Mayor

**ATTEST:**

  
Ashlee Coronado, City Clerk

**APPROVED AS TO FORM:**

  
Britt Hanson, City Attorney

**EXHIBIT A  
LEGAL DESCRIPTION**

A PORTION OF THE 'DRAINAGE WAY' OF THE HUACHUCA TERRACE SUBDIVISION, AS RECORDED IN BOOK 3 OF MAPS OF PLATS, PAGE 112, RECORDS OF COCHISE COUNTY, ARIZONA, SITUATED IN A PORTION OF SECTION 29, TOWNSHIP 23 SOUTH, RANGE 24 EAST, GILA AND SALT RIVER MERIDIAN, COCHISE COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHEAST CORNER OF LOT 16, BLOCK 8 OF SAID HUACHUCA TERRACE SUBDIVISION, ALSO BEING THE SOUTHEAST CORNER OF LOT 15, BLOCK 8 OF SAID HUACHUCA TERRACE SUBDIVISION, BEING A P.K. NAIL WITH BRASS TAG, R.L.S. 22275 ON TOP OF A WALL, FROM WHICH THE NORTHWEST CORNER OF SAID LOT 16, ALSO BEING THE SOUTHWEST CORNER OF SAID LOT 15, BEING A 1/2" IRON REBAR WITH PLASTIC CAP, R.L.S. 22275, BEARS NORTH 89° 42' 27" WEST A DISTANCE OF 148.28 FEET;

THENCE, ALONG THE EAST PROPERTY LINE OF SAID LOT 15, BLOCK 8, NORTH 00° 49' 42" EAST, A DISTANCE OF 0.98 FEET, TO A P.K. NAIL WITH BRASS TAG, R.L.S. 22275 ON TOP OF A WALL;

THENCE, DEPARTING SAID EAST PROPERTY LINE, SOUTH 89° 10' 18" EAST, A DISTANCE OF 0.99 FEET, TO A FENCE CORNER, ALSO BEING A 1/2" IRON REBAR WITH PLASTIC CAP, R.L.S. 22275;

THENCE, ALONG SAID FENCE LINE, SOUTH 89° 20' 02" EAST, A DISTANCE OF 38.20 FEET, TO A FENCE CORNER, ALSO BEING A 1/2" IRON REBAR WITH PLASTIC CAP, R.L.S. 22275;

THENCE, CONTINUING ALONG THE FENCE LINE, SOUTH 26° 42' 38" EAST, A DISTANCE OF 77.78 FEET, TO A POINT ON THE EAST PROPERTY LINE OF SAID LOT 16, BLOCK 8, ALSO BEING A 1/2" IRON REBAR WITH PLASTIC CAP, R.L.S. 22275;

THENCE, DEPARTING SAID FENCE LINE AND ALONG SAID EAST PROPERTY LINE, NORTH 47° 04' 59" WEST, A DISTANCE OF 101.27 FEET, TO THE **POINT OF BEGINNING**.

THE TOTAL AREA CONTAINS 1,390 SQUARE FEET OR 0.03 ACRES, MORE OR LESS.