

ORDINANCE O-19-04

**AUTHORIZING THE SALE AND TRANSFER OF CERTAIN SURPLUS
CITY PROPERTY, BEING APPROXIMATELY 737 SQUARE FEET
ADJACENT TO 822C PACE AVENUE**

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, Todd Conklin, owner of 822C Pace Avenue, Bisbee, Arizona, applied to purchase a portion of a Right-Of-Way owned by the City consisting of approximately 737 square feet adjacent to 822C Pace Avenue (the "Parcel"), more particularly described on Exhibit A hereto; and

WHEREAS, Todd Conklin, owner of 822C Pace Avenue, Bisbee, Arizona, agrees to provide an easement across a portion of the "Parcel" to ensure that the City or any utility provider, has adequate access to any sewer or other utility lines that may run beneath the parcel, more particularly described on Exhibit B hereto; and

WHEREAS, pursuant to Article 2.6.9 of the City Code, the Planning and Zoning Commission considered Mr. Conklin'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 822C Pace Avenue, that the Parcel be sold to Mr. Todd Conklin without public auction or bidding; and

WHEREAS, the Council, upon the recommendation of the Zoning Administrator, has determined that a fair price for the parcel is \$3.00/sf, for a total of \$2,211; 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,

WHEREAS, the Council conditioned that the applicant shall construct a

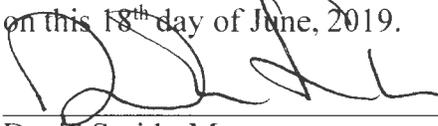
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retaining wall between The Parcel and his existing garage within 12 months of the transfer,

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

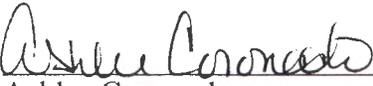
The sale of that certain property more particularly described in the attached Exhibit A to Todd Conklin for the sum of two thousand, two hundred and eleven dollars (\$2,211.00) to be paid in cash to the Clerk of the City of Bisbee prior to the closing of this transaction, is hereby authorized and approved. 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 18th day of June, 2019.



David Smith, Mayor

ATTEST:



Ashlee Coronado,
City Clerk

APPROVED AS TO FORM:



Britt Hanson,
City Attorney

**EXHIBIT A
LEGAL DESCRIPTION**

A PORTION OF LOT 45, BLOCK 23, BISBEE TOWNSITE, AS RECORDED IN BOOK 1 OF MAPS OF PLATS, PAGES 25-63, RECORDS OF COCHISE COUNTY, ARIZONA, SITUATED IN A PORTION OF SECTION 8, TOWNSHIP 23 SOUTH, RANGE 24 EAST, GILA AND SALT RIVER MERIDIAN, COCHISE COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID LOT; THENCE N 61° 46 00" W 10.00 FT ALONG THE LINE OF SAID LOT TO THE POINT OF BEGINNING;

THENCE N 61° 46 00" W 15.00 FEET ALONG THE LINE OF SAID LOT;
THENCE N 28° 14 00" E 22.00 FEET;
THENCE S 61° 46 00" E 15.00 FEET;
THENCE S 28° 14 00" W 22.00 FEET TO THE **POINT OF BEGINNING**.

THE TOTAL AREA CONTAINS 330 SQUARE FEET OR 0.008 ACRES, MORE OR LESS.

EXHIBIT B
LEGAL DESCRIPTION

A PORTION OF LOT 45, BLOCK 23, BISBEE TOWNSITE, AS RECORDED IN BOOK 1 OF MAPS OF PLATS, PAGES 25-63, RECORDS OF COCHISE COUNTY, ARIZONA, SITUATED IN A PORTION OF SECTION 8, TOWNSHIP 23 SOUTH, RANGE 24 EAST, GILA AND SALT RIVER MERIDIAN, COCHISE COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF SAID LOT; THENCE N 61° 46 00" W 10.00 FT ALONG THE LINE OF SAID LOT THENCE S 28° 14 00" W 10.00 FEET TO THE POINT OF BEGINNING;

THENCE N 61° 46 00" W 4.00 FEET ALONG THE LINE OF SAID LOT;
THENCE S 14° 11 24" W 16.49 FEET
THENCE N 28° 14 00" E 16.00 FEET TO THE **POINT OF BEGINNING**.

THE TOTAL AREA CONTAINS 32 SQUARE FEET OR 0.001 ACRES, MORE OR LESS.

A PORTION OF UNNUMBERED BISBEE ROADWAY OF BLOCK 29 AND 31 AS RECORDED IN THE BISBEE TOWNSITE, BOOK 1 OF MAPS OF PLATS, PAGES 25 THROUGH 63 INCLUSIVE, RECORDS OF COCHISE COUNTY, ARIZONA.

Beginning at the most Southeast corner of block 31 lot 50, the point of beginning,
Thence South 50°45' East a distance of 13 feet,
Thence South 47°53' West a distance of 56.67 feet,
Thence North 50° 45' West a distance of 13 feet,
Thence North 47° 53' East a distance of 56.67 feet
to the point of beginning.

