

## ORDINANCE O-22-19

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, AUTHORIZING THE SALE AND TRANSFER OF CERTAIN PROPERTY LOCATED AT 103 D STREET, CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA UNDER THE CITY'S WORKFORCE HOUSING INITIATIVE; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY FOR THE CONSUMMATION OF THE TRANSACTION CONTEMPLATED BY THIS ORDINANCE AND DECLARING AN EMERGENCY**

**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**, pursuant to Article 2.10 of the City Code, Bisbee Workforce Housing Initiative, the transfer and conveyance of the subject property to Candace L. DeWitt meets the eligibility and purchase price requirements; and

**WHEREAS**, the Council, by majority vote, has determined that it would be in the best interests of the City of Bisbee to sell the City's interests in 103 D Street, City of Bisbee, County of Cochise, State Arizona and more particularly described in the attached Exhibit A; and,

**WHEREAS**, the City has received a Broker's Price Opinion (BPO) of the value of the property, has received an offer at no less than eight (80%) percent of the BPO for this property and has approved the sale of this property; and,

**WHEREAS**, the sale and transfer of the Property as provided for herein is in the furtherance of the purposes of the City and in the public interest; and

**WHEREAS**, it is necessary for the preservation of the peace, health and safety of the City, an emergency is declared to exist, and this Ordinance shall become immediately operative and in force from and after the date of posting hereof.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, AS FOLLOWS:**

Section 1. The sale of that certain property located at 103 D Street, City of Bisbee, County of Cochise, State Arizona and more particularly described in the attached Exhibit A to Candace L. DeWitt for the sum of \$118,500.00, to be paid in cash or other certified funds prior to the closing of this transaction, is hereby authorized.

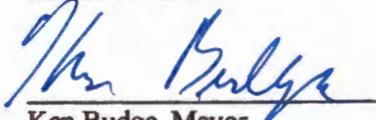
Section 2. The City Manager is further authorized to execute a Warranty Deed on behalf of the City for the transfer of this property and to execute any and all additional documents that may be necessary for the completion of this transaction.

Section 3. All actions of the officers and agents of the City which conform to the purposes and intent of this Ordinance and which further the sale of the Property as contemplated by this Ordinance, whether heretofore or hereafter taken, are ratified, confirmed, and approved.

Section 4. The immediate operation of the provisions of this Ordinance is necessary for the preservation of the public peace, health and safety of the City for the reason that the transaction authorized herein must be sold immediately to secure the best, available economic terms thereof; an emergency is, therefore declared to exist, and this Ordinance is enacted as an emergency and shall be in full force and effect immediately upon its passage by the Mayor and Council of the City, as required by law, and it is hereby exempt from the referendum provisions of the Constitution and laws of the State of Arizona. If this Ordinance is not approved by the affirmative vote of three-fourths of all the members of the Mayor and Council of the City, the foregoing declaration of an emergency shall be inoperative, and this Ordinance shall not become operative until thirty (30) days after its passage.

**PASSED, APPROVED AND ADOPTED** by the Mayor and Council of the City of Bisbee on this 15<sup>th</sup> day of November, 2022.

**APPROVED:**

  
Ken Budge, Mayor

**ATTEST:**

  
Ashlee Coronado, City Clerk

**APPROVED AS TO FORM:**

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

**EXHIBIT A**

**PROPERTY DESCRIPTION**

**SAGINAW LOT 105, BLK 5**