

RESOLUTION NO. 2010-100

A RESOLUTION OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, APPROVING AND ADOPTING THE TWIN LAKES GOLF COURSE LEASE 2010 AMENDMENT BETWEEN THE CITY OF WILLCOX [“LESSOR”] AND JOHN PETERSON AND BETTY PETERSON D.B.A. ENCORE CATERING UNLIMITED, L.L.C. [“LESSEE”] AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND THE LEASE 2010 AMENDMENT AND DECLARING AN EMERGENCY TO EXIST

WHEREAS, the CITY is authorized pursuant to A.R.S. § 9-240, et seq. to exercise control of the property of the corporation and to erect, purchase or lease property for the purposes of the corporation; and

WHEREAS, the CITY is vested with all powers of incorporated towns as set forth in Title 9 or other provisions of law relating to cities and towns pursuant to A.R.S. § 9-499.01, et seq.; and

WHEREAS, the Original Lease Agreement for the Twin Lakes Golf Course was entered into on June 1, 2003 for the period of June 1, 2003 to December 31, 2010 with the right to amend the terms and conditions pursuant to Paragraph 31[C]; and

WHEREAS, LESSOR approved and adopted the Lease 2008 Amendment on July 7, 2008 to amend the language of Paragraph 8 [UTILITIES, TAXES AND OTHER EXPENSES] and Paragraph 9 [IMPROVEMENT] that addressed monthly payments to LESSEE and proposed budgeted Improvements to the Golf Course; and

WHEREAS, LESSOR, desires to approve and adopt the Lease 2010 Amendment to amend the language of the Lease terms and conditions and to extend the termination date to December 31, 2015; and

WHEREAS, the City of Willcox, Cochise County, Arizona desires to have this Resolution presented at the Regular Council Meeting on October 4, 2010 and has determined that approval of the Lease 2010 Amendment is in the best interest of the CITY and its residents; and

WHEREAS, it is necessary for the preservation of the peace, health, and safety of the City of Willcox, Cochise County, Arizona, that an emergency be declared to exist to assure timely implementation of the Lease Amendment, and that this Resolution shall be effective immediately upon its passage and adoption.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, AS FOLLOWS:

Section1: That the City of Willcox formally approves and adopts the Twin Lakes Golf Course Lease 2010 Amendment as presented to Mayor and Council.

Section 2: That the immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, and this Resolution shall be in full force and effect from and after its passage by the City of Willcox, Cochise County, Arizona.

Section 3: The Mayor is authorized and empowered to execute this Resolution and the Twin Lakes Golf Course Lease 2010 Amendment.

PASSED AND ADOPTED by the Council of the City of Willcox, Cochise County, Arizona, this 4th day of October, 2010.

APPROVED/EXECUTED:

/S/ GERALD W. LINDSEY
MAYOR, GERALD W. LINDSEY
Signed: 10-06-2010.

ATTEST:

APPROVED AS TO FORM:

/s/ Cristina G. Whelan, CMC
City Clerk, Cristina G. Whelan, CMC

/s/ Hector M. Figueroa
City Attorney, Hector M. Figueroa, Esq.

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