

RESOLUTION NO. 2010-110

A RESOLUTION OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, APPROVING AND ADOPTING THE PAYMENT PLAN AGREEMENT [“AGREEMENT”] BETWEEN THE CITY OF WILLCOX [“CITY”] AND RONALD & CORRINE STOUT D.B.A. STOUT’S CIDER MILL [“STOUT’S”] AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND THE PAYMENT PLAN AGREEMENT AND DECLARING AN EMERGENCY TO EXIST.

WHEREAS, the CITY is authorized and empowered to have control of the finances and property of the corporation and to lease and convey property, real or personal, necessary or proper to carry out the purposes of the corporation, within and without its limits pursuant to A.R.S. §§ 9-240 (A) and 9-241 (A).; and

WHEREAS, the Original Lease Agreement and the subsequent Assignment to STOUT contain terms and conditions requiring rent payments to be made to the CITY; and

WHEREAS, the purpose of the AGREEMENT is to enter into a contractual Payment Plan for Rent owed pursuant to Lease provision #4 that requires LESSEE to pay [before the 10th day of January and the 10th day of July of each year] the lease payment owing as of the preceding June 30th and December 31st respectively and to outline specific terms and conditions governing this AGREEMENT; and

WHEREAS, the City of Willcox, Cochise County, Arizona desires to have this Resolution presented at its November 1st, 2010 Council Meeting and has determined that approval of the Payment Plan Agreement between the CITY and STOUT’s is in the best interest of the CITY and its residents; and

WHEREAS, the term of this AGREEMENT shall be from November 5, 2010 until the rents for the months of October, November and December, 2010 are paid in full provided that this AGREEMENT shall not become effective until it has been approved and executed by both parties; 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 Rent Payment by STOUT’s, 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:

Section 1: That the CITY formally approves and adopts the “STOUT PAYMENT PLAN AGREEMENT” 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 empowered to execute this Resolution and the AGREEMENT.

PASSED AND ADOPTED by the Council of the City of Willcox, Cochise County, Arizona, this 1st day of November, 2010.

APPROVED/EXECUTED:

/S/ GERALD W. LINDSEY
MAYOR, GERALD W. LINDSEY

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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