

RESOLUTION NO. 2011-05

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA (“CITY”) APPROVING AND AUTHORIZING THE DEDICATION OF THE ROAD RIGHT-OF-WAY IN THE CITY OF WILLCOX INDUSTRIAL PARK AS APPROVED BY THE CITY PLANNING & ZONING COMMISSION AND AS DEPICTED IN EXHIBIT, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

WHEREAS, CITY is authorized and empowered to have control of the finances and property of the corporation; to exercise exclusive control over the streets; to widen, extend, straighten, regulate, grade, clean or otherwise improve the streets; and to open, lay out and improve new streets pursuant to A.R.S. § 9-240 et seq.; and

WHEREAS, pursuant to A.R.S. § 9-254, upon filing a map or plat, the fee of the streets and other parcels of ground reserved therein for the use of the public vests in the town, in trust, for the uses therein expressed; and

WHEREAS, pursuant to A.R.S. §33-2401, notwithstanding any other law, reasonable access to private property shall not be denied by this state or any political subdivision of this state; and

WHEREAS, Parcels number 203-36-023, 024, 027, 036 and 037 were landlocked when the City of Willcox transferred Parcel number 203-36-039 to the U.S. Border patrol to construct the new BP Station; and

WHEREAS, the City of Willcox Planning & Zoning Commission considered this dedicated right-of-way at its January 26th, 2011 meeting and passed and adopted its motion on a 5-0 vote; and

WHEREAS, the Mayor and Council recognize the need to approve and adopt the dedicated right-of-way as presented to correct the land locked situation; and

WHEREAS, the Mayor and Council have determined that formal action on this Resolution is in the best interest of the CITY, its citizens and the specific property owner; 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 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: The CITY formally approves and adopts the dedicated right-of-way as presented.

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 City staff are authorized and directed to carry out the intent of this Resolution..

PASSED AND ADOPTED BY MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA this 7th day of February 2011.

APPROVED/EXECUTED:

/S/ GERALD W. LINDSEY
MAYOR, GERALD W. LINDSEY
Signed: 02-08-2011

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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