

**RESOLUTION NO. 2011-41**

**A RESOLUTION OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, APPROVING AND ADOPTING THE LEASE AGREEMENT RENEWAL BETWEEN THE CITY OF WILLCOX [“CITY”] AND ARIZONA DEPARTMENT OF PUBLIC SAFETY [“ADPS”] CONTRACT NO. 98-206 FOR PARCEL OF LAND AT 1101 N. CIRCLE I ROAD AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND THE LEASE RENEWAL 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 included one parcel of real property described as “Approximately 1 acre of land located at the west end of Cochise Visitor Center, 1101 N. Circle I Rd., Willcox, AZ 85643” pursuant to Contract No. 98-206 with the option to renew the leasehold for additional two year terms with the same terms and conditions; and

**WHEREAS**, on July 17, 2006, the CITY and ADPS amended Paragraph 3 the Lease Agreement to provide one (1) year renewal terms and amended Paragraph 11 to replace indemnification language and further provided for all other terms to remain in full force and effect as is stated in the Lease Agreement; and

**WHEREAS**, the July 1, 1998 Lease Agreement/Contract No. 98-206 included Paragraph No. 11 [INSURANCE] wherein ADPS agreed to indemnify the CITY from any claims, demands, suits or actions of every kind and nature arising out of or in any way connected with the operations carried on by Tenant on the premises, or by the use of Tenant of any or all of the property or improvements covered by the lease, the Tenant is self-insured and shall provide Landlord with a certificate of self-insurance upon written request; and

**WHEREAS**, the ADPS has requested a Renewal of the Lease and the CITY desires to approve and adopt the FY2011-2012 Lease Agreement Renewal, to renew the DPS Lease Agreement for one (1) year; and

**WHEREAS**, the City of Willcox, Cochise County, Arizona desires to have this Resolution presented at its June 20, 2011 Council Meeting and has determined that approval of the “FY2011-2012 Lease Agreement Renewal” 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 continued leased use of city property by ADPS, 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 formally approves and adopts the FY2011-2012 Lease Agreement Renewal 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 Lease Agreement.

**PASSED AND ADOPTED** by the Council of the City of Willcox, Cochise County, Arizona, this 20<sup>th</sup> day of June, 2011.

APPROVED/EXECUTED:

/S/ GERALD W. LINDSEY  
MAYOR, GERALD W. LINDSEY  
Signed: 06-22-2011

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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