

RESOLUTION NO. 2011-48

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA (“CITY”) APPROVING AND AUTHORIZING THE DEDICATION OF THE REVISED 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. §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 a dedication of right-of-way at its January 26th, 2011 meeting and Mayor and Council considered, approved and adopted Resolution 2011-05 at its February 7th, 2011 meeting on the dedication; and

WHEREAS, the Mayor and Council discussed the Industrial Park General Plan at its February 21st, 2011 meeting and asked Development Services staff to include a loading dock in the industrial plat next to San Pedro Railroad rail to accommodate all industrial properties with rail access; and

WHEREAS, the Mayor and Council recognize the need to approve and adopt the Revised dedicated right-of-way as presented to correct the land locked situation and the loading dock; 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 owners and industrial properties; 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 Revised 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 5th day of July 2011.

APPROVED/EXECUTED:

MAYOR, GERALD W. LINDSEY

ATTEST:

APPROVED AS TO FORM:

City Clerk, Cristina G. Whelan, CMC

City Attorney, Hector M. Figueroa, Esq.

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