

RESOLUTION NO. 2011-96

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, APPROVING AUTHORIZING THE EXECUTION AND SUBMITTAL OF THE FEDERAL SURPLUS PROPERTY FORMS RELATED TO THE CONVEYANCE OF THE FORMER BORDER PATROL BUILDING, AUTHORIZING THE CITY MANAGER TO EXECUTE THE FORMS 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 pursuant to A.R.S. § 9-241, et seq. with the powers to purchase, receive, hold, lease and convey property, real and personal, necessary or proper to carry out the purposes of the corporation, within or without its limits; and;

WHEREAS, the CITY is vested pursuant to A.R.S. § 9-401, et seq. with the powers to purchase, receive, hold and lease land, whether contiguous or noncontiguous, lying outside its corporate limits, for its purposes and uses; and

WHEREAS, the City of Willcox has authorized City staff to pursue the acquisition of the former Border patrol Building located at 200 W. Downen; and

WHEREAS, the City of Willcox has received acknowledgement of the Federal Agency willingness to convey the subject property to the CITY; and

WHEREAS, the City of Willcox has received forms required to be submitted to the Federal Agency to accomplish said conveyance; and

WHEREAS, the Mayor and Council of the City of Willcox, Cochise County, Arizona, desire to acquire the subject property for use by the Food Pantry; and

WHEREAS, prior to the transfer of the subject property from the United States of America to the CITY and in accordance with 24 CFR §35.90, the CITY is permitted a 10-day period to conduct a risk assessment or inspection of the property; and

WHEREAS, prior to the transfer of the subject property from the United States of America, the CITY is required to provide assurance of its compliance with the Agency's nondiscrimination regulations by executing and submitting the "Assurance of Compliance" form; and

WHEREAS, the Governor of Arizona has designated Detective Van Camp as the State Coordinator to implement the federal excess property 1033 Program statewide through the

WHEREAS, the Mayor and Council of the City of Willcox have determined that it is in the best interest of the City and its citizens to consider this matter as presented; and

WHEREAS, the Mayor and Council desire to have this item presented on Monday, December 19th, 2011 at the Council Meeting; 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 acquisition of property, and that this Resolution be effective immediately upon its passage and adoption.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Willcox, Cochise County, Arizona, that the City formally approves the acquisition plan as presented and authorizes and directs the City Manager to carry out the intent of this Resolution.

BE IT FURTHER RESOLVED by the Mayor and Council that, due to an existing emergency declared herein, the immediate effectiveness of this Resolution is necessary to preserve the peace, health, and safety of the City of Willcox, Cochise County, Arizona, and this Resolution shall therefore be effective upon its passage and adoption.

PASSED, ADOPTED AND APPROVED, by the Mayor and City Council of the City of Willcox, Cochise County, Arizona on this 19th day of December 2011.

APPROVED/EXECUTED

/S/ ELWOOD A. JOHNSON
~~MAYOR, GERALD W. LINDSEY~~
Signed: 12-21-2011.
Council member Elwood A. Johnson

ATTEST:

APPROVED AS TO FORM:

/s/ Cristina Garcia Whelan, CMC
City Clerk Cristina Garcia Whelan, CMC

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

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