

CITY OF WILLCOX, COCHISE COUNTY, ARIZONA

RESOLUTION 2013-68

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, “CITY”, APPROVING THE RELEASE OF LIABILITY FROM CALIFORNIA BANK AND TRUST REGARDING DEMOLITION OF THE DESERT INN MOTEL LOCATED AT 704 SOUTH HASKELL AVENUE, WILLCOX, ARIZONA.

WHEREAS, the Mayor and City Council are empowered by Arizona Revised Statutes §9-240 to exercise control over the finances and the property of the corporation for the benefit of the citizens of the City of Willcox, Arizona; and,

WHEREAS, the City is empowered by Arizona Revised Statutes §9-240 and §9-499 to exercise control to abate and remove dangerous buildings and structures that have become a nuisance and possible health threat to the citizens of the City of Willcox, Arizona; and,

WHEREAS, Krishna Pal Singh and Urmila Singh are the owners the Desert Inn Motel which is located at 704. S. Haskell Avenue, Willcox, Arizona 85643, which is within the City limits of the City of Willcox; and,

WHEREAS, California Bank and Trust is the LENDER/BENEFICIARY of that certain Deed of Trust recorded in the Office of the Cochise County Recorder on November 21, 2007, at Fee No. 071137046, in the original principal amount of \$800,000.00; and,

WHEREAS, on March 24, 2012, said Desert Inn Motel structure caught fire, was completely destroyed and now has become a hazardous structure and a nuisance within the City limits of the City of Willcox; and,

WHEREAS, the City of Willcox and California Bank and Trust wish to enter into an Agreement authorizing that the City of Willcox shall be released from any liability to California Bank and Trust for any actions taken by the City of Willcox regarding any demolition, clean up or abatement of the Desert Inn Motel which was destroyed by fire and now has become a nuisance structure requiring abatement action that California Bank and Trust is not willing to undertake; and,

WHEREAS, the Release of Liability Regarding Demolition Agreement requiring Council approval is attached hereto as Exhibit “A” and incorporated herein; and,

WHEREAS, it is the desire of the Mayor and City Council that this item be presented for consideration at the regular City Council Meeting on October 21, 2013.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA, as follows:

SECTION 1: The Mayor and City Council hereby authorize and approve the Release of Liability Regarding Demolition Agreement as presented herewith as Exhibit “A” and incorporated herein; and,

SECTION 2: The Mayor of the City of Willcox is hereby authorized to execute the Release of Liability Regarding Demolition Agreement presented herewith as Exhibit “A” and incorporated herein; and,

SECTION 3: The City Clerk is hereby directed to record the Release of Liability Regarding Demolition Agreement as accepted and approved by the Mayor and City Council; and,

SECTION 4: That the Mayor is authorized and empowered to execute the Resolution as presented.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA, this 21st day of October, 2013.

APPROVED/EXECUTED:

/s/ Robert A. Irvin
ROBERT A. IRVIN, MAYOR

ATTEST:

/s/ Virginia A. Mefford
VIRGINIA A. MEFFORD, City Clerk

APPROVED AS TO FORM:

/s/ Ann P. Roberts
ANN P. ROBERTS, City Attorney

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