

CITY OF WILLCOX, COCHISE COUNTY, ARIZONA

RESOLUTION 2016-19

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, APPROVING THE SETTLEMENT AGREEMENT AND RELEASE PURSUANT TO LITIGATION, CITY OF WILLCOX VS. KLUMP RANCHES, L.L.C., CASE NO. CV201500571, COCHISE COUNTY SUPERIOR COURT, BISBEE, ARIZONA

WHEREAS, the City of Willcox entered into a waterline “Easement Agreement” referred to as the Goodwin Easement Agreement on July 8, 1987; and

WHEREAS, on October 16, 2015, the City of Willcox received a letter from Matt Klump on behalf of Klump Ranches, L.L.C., notifying the City of terminating said Easement Agreement; and

WHEREAS, on November 5, 2015, the City of Willcox, by Resolution 2015-29, authorized the City Attorney to proceed with eminent domain proceedings to take immediate possession and control of the “Easement Agreement” property containing the City’s waterline and sole source of potable water; and

WHEREAS, on November 6, 2015, the City of Willcox filed a Condemnation Complaint in the Superior Court of Cochise County, Arizona, seeking condemnation of a perpetual easement covering the area of land containing the City’s waterline and sole source of potable water; and

WHEREAS, on December 9, 2015, Judge Wallace R. Hoggatt, found that the City of Willcox was entitled to the immediate possession of said easement property and on December 11, 2015, an Order for Immediate Possession was executed and filed in the Cochise County Superior Court and recorded at Fee No. 2015-22137, Records of Cochise County, Arizona; and

WHEREAS, on November 4, 2016, the City of Willcox and Matt Klump on behalf of Klump Ranches, L.L.C., agreed to the following terms and conditions of settlement as stated on the “Settlement Agreement and Release” attached hereto as Exhibit “A” and by reference incorporated herein.

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

SECTION 1: The “Settlement Agreement and Release” attached hereto as Exhibit “A” is formally approved; and

SECTION 2: The Mayor is authorized and empowered to execute this Resolution and the “Settlement Agreement and Release”; and

SECTION 3: The immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety, and as such, an emergency is hereby declared to exist and this Resolution shall be in full force and effect immediately after its passage by the City Council and execution by the Mayor.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA, this 10th day of November, 2016.

APPROVED/EXECUTED:

Robert A. Irvin
ROBERT A. IRVIN, Mayor

ATTEST:

APPROVED AS TO FORM:

Virginia A. Mefford
VIRGINIA A. MEFFORD, City Clerk

Ann P. Roberts
ANN P. ROBERTS, City Attorney