

ORDINANCE NO. 15-1059

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AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, AUTHORIZING THE SALE OF IMPROVED REAL PROPERTY KNOWN AS THE DOUGLAS APARTMENTS TO JUAN B. GARCIA AND ALBERTINA E. GARCIA LOCATED AT 1057 'D' AVENUE AT THE SOUTHEAST CORNER OF 11TH STREET AND D AVENUE FOR A PURCHASE PRICE OF \$133,300 ESTABLISHING SEVERABILITY OF COMPONENTS OF ORDINANCE; AND DECLARING AN EMERGENCY.

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WHEREAS, Article I, Section 3(A) of the City Charter empowers the City to acquire real property for any City purpose and to sell or otherwise dispose of real property in the manner, for such consideration and upon such conditions as may be determined by the City Council; and

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WHEREAS, Section 5 (12), of Article VII of the City Charter provides that the acquisition, sale or exchange of real property shall be by ordinance; and

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WHEREAS, the Mayor and Council find that it is in the best interest of the City of Douglas to sell the improved real estate located at 1057 'D' Avenue at the Southeast corner of 11th Street and D Avenue ("property") which is more fully identified in the Offer to Purchase and Sale of Land for Limited Development of Multi-Family Housing, attached as "Exhibit A" and accompanying exhibits as incorporated herein by reference situated in Cochise County, Arizona more particularly legally described as follows:

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Lots 17, 18, 19, 20, 21, 22. Block 94, DOUGLAS TOWNSITE, per official map filed in Map No. 12, records of Cochise County, Arizona.

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SUBJECT TO: patent reservations, all conditions, covenants, restrictions, reservations, easements and declarations, or other matters of record or to which reference is made in the public record and the applicable zoning and land use regulations of any municipality, county, state, or the United States affecting the Property.

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The Buyers are Juan B. Garcia and Albertina E. Garcia and the total purchase price is \$133,300; and

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WHEREAS, the sale price offered for the property was the highest offer received after publication of notice of intent to sell real property in compliance with the publication requirements for real property sale cited in Section 3 (B) 3, of Article VIII of the City Charter; and

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WHEREAS, the Mayor and Council find that sale of the real property for Limited Development of Multi-Family Housing is in the best interest of the City in that it will bring economic development as set forth in the terms of Offer to Purchase and accompanying Acceptance documentation.

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NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Douglas, Arizona, as follows:

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Section 1. The City is authorized to sell the parcel of improved real estate described in Exhibit "A" and accompanying exhibits to Juan B. Garcia and Albertina E. Garcia for the sum of \$133,300 plus any associated and related costs of closing.

1 **Section 2.** The City Manager and the City Clerk are authorized and directed to sign and execute all
2 documents necessary to consummate the purchase of the property described in Exhibit "A" and
3 accompanying documents.

4 **Section 3.** Severability: If any chapter, section, subsection, sentence, clause or phrase of this Ordinance
5 is for any reason held to be invalid or unconstitutional by the decision of any court of competent
6 jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance and
7 this Ordinance shall continue in full force and effect after the deletion of the illegal or unconstitutional
8 provision.

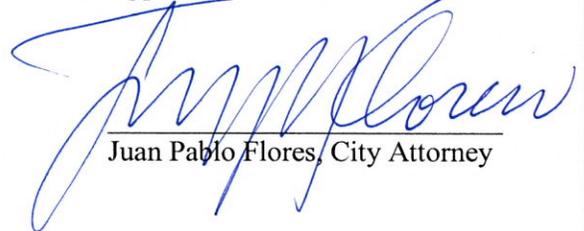
9 **Section 4.** Emergency Clause: Whereas the immediate operation of this Ordinance is necessary to the
10 preservation of the public health, peace and welfare, an emergency is declared to exist and this
11 Ordinance shall come into full force and effect by its terms from and after its passage by six-sevenths
12 (6/7) of the Council and approval of the Mayor.

13 **Section 5.** Should any section, clause or provision of this Ordinance be declared invalid, illegal
14 or unconstitutional, such invalidity, illegality or unconstitutional shall not affect the other
15 provisions of this Ordinance.

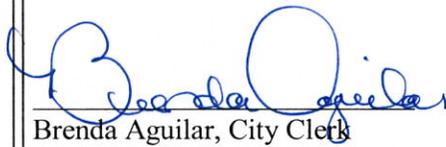
16 **PASSED AND ADOPTED** by the Mayor and Council of the City of Douglas, Arizona, this 3rd day of
17 December, 2015.

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19 Daniel Ortega Jr., Mayor

20 Approved as to Form:

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22 Juan Pablo Flores, City Attorney

23 Attest:

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25 Brenda Aguilar, City Clerk