

## **ORDINANCE NO. 20-1125**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, AUTHORIZING THE ACCEPTANCE OF DONATED UNIMPROVED REAL PROPERTY FROM MT DEVELOPMENT LLC IDENTIFIED AS BLOCKS 3 & 4 CONSISTING OF 82 LOTS IN THE LA PERILLA ESTATES IN THE CITY OF DOUGLAS, ESTABLISHING SEVERABILITY OF COMPONENTS OF ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE THEREOF.

**WHEREAS**, Article I, Section 3(A) of the City Charter empowers the City to acquire by gift or donation real property within or without its corporate limits for any City purpose; and

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

**WHEREAS**, MT DEVELOPMENT LLC, c/o Ray Mehan, have full ownership interest in the aforementioned semi-improved blocks (the "Property"); and

**WHEREAS**, MT DEVELOPMENT LLC, c/o Ray Mehan, have scaled down the housing development plans are now concentrating their efforts in Maricopa County and currently have no further development plans in the area and have offered to convey their interest in the Property to the City of Douglas; and

**WHEREAS**, the City of Douglas will assume about half of the current property taxes due in the amount of \$8,624.50 on the subject Property and MT DEVELOPMENT LLC, c/o Ray Mehan will relinquish 2 pre-paid Sewer Portion of Impact Fees currently held having a total value of \$4,200; and

**WHEREAS**, Mayor and Council find that the best interest of the City would be served by accepting the donation of Property.

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

**Section 1.** The City is authorized to accept the donation of semi-improved land from MT DEVELOPMENT LLC, c/o Ray Mehan consisting of Blocks 3 & 4 (82 Lots total) in the La Perilla Estates, in the City of Douglas, Cochise County, Arizona.

**Section 2.** The City hereby approves the Donation/Land Sale Agreement pursuant to the terms, conditions and restrictions as set forth on the Agreement attached hereto as Exhibit "A".

**Section 3.** The City Manager and City Clerk are hereby authorized to execute and deliver the Donation/Land Sale Agreement, in substantially final form attached hereto as Exhibit "A", and incorporated herein by reference along with any other related documents necessary to consummate the transaction contemplated by the Donation/Land Sale Agreement, for and on behalf of the City of Douglas.

**Section 4.** The officers of the City Council and the City of Douglas are hereby authorized and directed to fulfill all obligations under the terms of the subject Agreement.

1           **Section 5. Effective date.** This ordinance shall be effective thirty (30) days after final approval and  
2 adoption by the Mayor and Council.

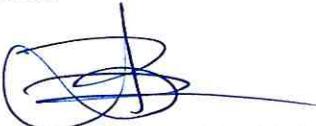
3           **Section 6. Severability.** If any chapter, section, subsection, sentence, clause or phrase of this  
4 Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of  
5 competent jurisdiction, such decision shall not affect the validity of the remaining portions of this  
6 Ordinance.

7           **PASSED AND ADOPTED** by the Mayor and Council of the City of Douglas, Arizona, this 10<sup>th</sup> day  
8 of February, 2021.

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Donald C. Huish, Mayor

Attest:



Alma Andrade, City Clerk

Approved as to Form:

  
Donna Aversa, Acting City Attorney