

CERTIFICATION

I hereby certify the attached to be a true and correct copy of Resolution No. 15-2006 approved after a proper motion and second, at the April 24, 2006 Regular City Council Meeting at 7:00 P.M. in Benson, Arizona and said meeting was attended by a quorum of Councilmembers and the Resoltuion No. 15-2006 has not been amended, changed or otherwise modified as of this date.

Dated this 26th day of April, 2006

Vicki L. Vivian

Vicki L. Vivian
City Clerk





FEE # 060415863
OFFICIAL RECORDS
COCHISE COUNTY
DATE 04/26/06 HOUR 4

REQUEST OF
PIONEER TITLE AGENCY
CHRISTINE RHODES-RECORDER
FEE : 10.00 PAGES : 5

at the request of Pioneer Title Agency, Inc.

when recorded mail to
THE CITY OF BENSON
160 S. HUACHUCA STREET
BENSON, AZ 85602

00956341-KSL

Resolution
CAPTION HEADING: ~~ORDINANCE~~ OF CITY OF BENSON

DO NOT REMOVE

THIS IS PART OF THE OFFICIAL DOCUMENT

(THIS FORM IS FOR RECORDER'S USE ONLY)

060415863

RESOLUTION NO. 15-2006

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BENSON, APPROVING THE OFFER TO PURCHASE REAL PROPERTY OWNED BY THE FIRST BAPTIST CHURCH, AN ARIZONA NON-PROFIT CORPORATION, LOCATED IN BENSON, COUNTY OF COCHISE, STATE OF ARIZONA, AND AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY CLOSING DOCUMENTS.

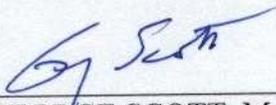
WHEREAS, the City of Benson is growing and the City wishes obtain real property to house City Hall within the downtown area of the City of Benson; and,

WHEREAS, the First Baptist Church presently owns real property located within the City of Benson; and,

WHEREAS, the terms and conditions of the proposed Offer to Purchase are set forth on Exhibit "A", attached hereto and by reference incorporated herein.

BE IT NOW HEREBY RESOLVED that the Mayor and the City Council hereby approve the Offer to Purchase under the terms and conditions of the proposed Offer to Purchase as set forth on Exhibit "A", attached hereto and by reference incorporated herein. And, further, the Mayor of the City of Benson is hereby authorized to execute any and all documentation necessary or convenient to conclude the transfer.

PASSED AND ADOPTED this 24th day of April, 2006, by the Mayor and City Council of Benson, Arizona.



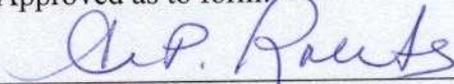
GEORGE SCOTT, Mayor

ATTEST:



VICKI L. VIVIAN, Deputy City Clerk

Approved as to form:



ANN P. ROBERTS, City Attorney

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EXHIBIT "A"

REAL PROPERTY PURCHASE AGREEMENT

This Real Property Purchase Agreement is entered in to this 24th day of April, 2006, by and between, **THE FIRST BAPTIST CHURCH**, having an address of 983 S. Ocotillo, Benson, Arizona 85602, hereinafter referred to as "**SELLERS**" and **THE CITY OF BENSON**, an Arizona body politic, having an address of 160 S. Huachuca Street, Benson, Arizona 85602, hereinafter referred to as "**BUYER**" under the following terms and conditions:

I. PROPERTY DESCRIPTION AND OFFER:

A. Property Description:

Buyer agrees to purchase the Sellers' real property hereinafter referred to as "**PREMISES**" located at **120 W. Sixth Street, Benson, Cochise County, State of Arizona 85602**, which includes, at no additional cost to Buyer, all fixtures and improvements thereon, as well as the following items, if any, owned by Sellers and presently located in the Premises: electrical distribution systems (power panels, conduits, disconnects, lighting fixtures), telephone distribution systems (lines, jacks and connections), air conditioning/heating equipment, carpets, window coverings, wall coverings and all appliances. All fixtures and improvements shall be free of liens unless otherwise specified.

B. Offer:

\$ 352,500.00 Full Purchase Price, paid as outlined below. Breakdown of the full purchase price shall be as follows:

- | | |
|--|--------------|
| 1. 120 W. 6 th Street Real Property | \$350,000.00 |
| 2. Church Pews | \$ 1,000.00 |
| 3. ½ Cost of Property Appraisal | \$ 1,500.00 |

C. Payment Terms:

1. **\$ 150,000.00 Cash** payable at closing on or before **April 26, 2006**;
2. **\$ 100,000.00 Cash** payable on or before **August 31, 2006**; and
3. **\$ 108,833.28 Cash** being **\$102,500.00 plus 5.0% simple interest** calculated for a loan period of 16 months (**\$6,833.28**) payable on or before **August 31, 2007**.

Initials: BS

BUYER

SELLER

D. Closing Date:

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D. Closing Date:

All terms and conditions of this Agreement are to be complied with on or before **April 26, 2006**. The parties to this Agreement expressly agree that failure of any party to comply with the terms and conditions of this Agreement by April 26, 2006, will constitute a material breach of this Agreement, rendering the Agreement subject to cancellation, at Sellers' option, and Sellers shall be immediately released from all obligations under this Agreement.

II. ADDITIONAL TERMS

A. Title:

Sellers shall convey title by **warranty deed**.

B. Sellers' Occupancy of the Real Property:

Should all of the terms and conditions of this Agreement be complied with on or before April 26, 2006, Sellers agree to deliver possession and occupancy of the real property on such date.

C. Property Taxes:

Neither the Buyer nor the Seller are required to pay Arizona real property taxes.

D. Property Insurance and Utilities:

Sellers shall continue all existing insurance policies on the Premises until April 26, 2006. Sellers shall continue to maintain all utility connections to the Premises until April 26, 2006. Buyer shall arrange to have all utility connections to the Premises transferred in to Buyer's name as soon as possible on April 26, 2006.

E. Arizona Law:

This Agreement shall be governed by **Arizona Law**. Time is of the essence.

F. Entire Agreement:

The Agreement and any addendum or attachments, shall constitute the entire Agreement between the Buyer and Sellers. This Agreement can be modified only by a writing signed by Sellers and Buyer.

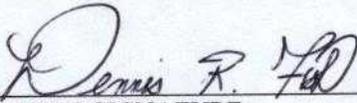
Initials: XB GS

BUYER

SELLER

III. ACCEPTANCE

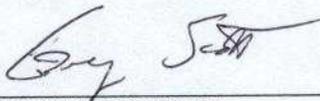
The undersigned agrees to sell the Premises on the terms and conditions herein stated.


 SELLER'S SIGNATURE 4-12-06
MO/DAY/YR

PO Box 2258
 ADDRESS

Benson, AZ 85602
 CITY, STATE, ZIP CODE

The undersigned agrees to purchase the Premises on the terms and conditions herein stated and acknowledges receipt of a copy hereof.


 BUYER'S SIGNATURE 4-25-06
MO/DAY/YR

City of Benson, 160 S. Huachuca St.
 ADDRESS

Benson, AZ 85602
 CITY, STATE, ZIP CODE

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