

RESOLUTION 38-2011

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, ACCEPTING THE CONVEYANCE OF CERTAIN REAL PROPERTY FOR USE AS A MUNICIPAL GOLF COURSE

WHEREAS, the City of Benson has previously agreed to accept the donation of certain real property located in Cochise County known as the San Pedro Golf Course; and

WHEREAS, the donor, Arizona Golf Systems, L.L.C. has recorded a survey of the golf course parcels and thereafter recorded a deed conveying these parcels to the City; and

WHEREAS, the Mayor and Council desire to accept the real property being thus offered for use as a municipal golf course according to the terms of the donation agreements with Arizona Golf Systems, L.L.C.

THEREFORE, BE IT HEREBY RESOLVED that the City of Benson does now approve and accept from Arizona Golf Systems, L.L.C. a certain deed, attached hereto as Exhibit A, conveying to the City all of its interest in the real property described therein situated in Cochise County, State of Arizona, together with all rights and privileges pertinent thereto, as further set forth in the deed.

BE IT FURTHER RESOLVED that City staff are hereby authorized and directed to proceed to closing of this conveyance through Pioneer Title Company, paying such costs customary for buyer in a real property conveyance transaction, and the City Manager is authorized to execute all documentation necessary to effect such closing and conveyance.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, this 13th day of June, 2011.



MARK M. FENN, Mayor

ATTEST:



VICKI L. VIVIAN, CMC, City Clerk

APPROVED AS TO FORM:



MICHAEL J. MASSEE, City Attorney

at the request of Pioneer Title Agency, Inc.

When recorded mail to
CITY OF BENSON
120 W. 6TH STREET
BENSON, AZ. 85602

00960359-KSL

SPACE ABOVE THIS LINE FOR RECORDER'S USE

DEED OF RELEASE AND FULL RECONVEYANCE

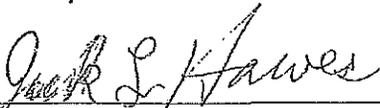
(Beneficiary)
(Arizona)

WHEREAS, the indebtedness secured by the Deed of Trust executed by CITY OF BENSON (Trustor) to PIONEER TITLE COMPANY (Trustee) for the benefit of VIRGINIA MARY HAWES, also known as Virginia Heady Hawes, the Widow of Arrend Lee Hawes (Beneficiary) dated December 30, 1996, and recorded December 30, 1996, as Document No. 9612-35061 and rerecorded on May 08, 1997 in Document No. 9705-11697, Records of Cochise County, Arizona, has been fully paid.

NOW, THEREFORE, pursuant to the provisions of Arizona Revised Statutes 33-707A, which make it unnecessary for the Trustee to join in this document, the beneficiary under said Deed of Trust does hereby release and reconvey, without covenant or warranty, express or implied, unto the parties legally entitled thereto all right, title and interest which has heretofore acquired by said Trustee under said Deed of Trust, for the benefit of said beneficiary.

DATED this May 27, 2011

Beneficiary:

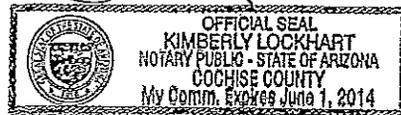


JACK HAWES, as sole heir of VIRGINIA MARY HAWES

State of Arizona }
 } ss.
County of Cochise }

The foregoing instrument was acknowledged before me this 27th day of May, 2011, by JACK HAWES, as sole heir of VIRGINIA MARY HAWES

My commission expires: 06-01-14


NOTARY PUBLIC

Pioneer Title Agency, Inc.

"Commitment to Service"

363 W. 4th St. , Benson, AZ 85602

Phone: (520) 586-3733 • Fax: (866) 712-4001

May 27, 2011

RE: Your Escrow No. 00960359 KSL
Original Borrower: CITY OF BENSON
Current Owner: ARIZONA GOLF SYSTEMS, L.L.C.
Property Address: 926 N. MADISON ST., BENSON, AZ 85602

To Whom It May Concern:

I, JACK HAWES, as the sole heir of VIRGINIA MARY HAWES, being the Payee and Beneficiary under that certain Promissory Note secured by a Deed of Trust dated December 30, 1996 in the original amount of \$76,300.00 and recorded December 30, 1996, as Document No. 9612-35061 and rerecorded on May 08, 1997 in Document No. 9705-11697, Records of Cochise County, Arizona.

Please accept this as my/our authorization and instruction to record the enclosed Deed of Release and Reconveyance for the above-referenced encumbrance upon payment to the undersigned of the following:

Amount necessary to pay obligation in full is as follows:

Unpaid Principal balance due	\$	0.00
Interest rate is _____%		0.00
Interest Due from _____ to _____		0.00
	\$	
Daily rate thereafter \$ _____		0.00
Prepayment penalty due, if any	\$	0.00
Total of all other fee(s), if any	\$	0.00
TOTAL PAYOFF AMOUNT	\$	0.00

Furthermore, I hereby attest and affirm that I am the sole heir of Virginia Mary Hawes.

Jack L Hawes Date: 6-27-11
JACK HAWES, as sole heir of VIRGINIA MARY HAWES
Beneficiary

After recording, please return to:

Michael J. Massee
Benson City Attorney
120 W. 6th Street
Benson, AZ 85602

SPECIAL WARRANTY DEED

For the consideration of Ten Dollars (\$10.00) and other valuable consideration, Arizona Golf Systems, L.L.C., a Colorado limited liability company, GRANTOR, does hereby convey to the City of Benson, an Arizona municipal corporation, GRANTEE, the real property situated in Cochise County, Arizona, and described as the Golf Course Facilities, Parcels A through H, on that certain Record of Survey recorded in the office of the Cochise County Recorder at Book 45 of Survey Maps at Pages 43, 43a and 43b, a copy of which is attached hereto as Exhibit A.

TOGETHER WITH an easement for ingress, egress and utilities across the property of GRANTOR described on the Record of Survey as the Golf Cart Utilities Easement. Such easement shall afford access for ingress, egress and utilities between each of the Parcels A through H. GRANTOR and GRANTEE understand and agree that GRANTOR will be entitled to use the property subject to the easement for private roads and utilities or may dedicate the property covered by the easement for use as a public roadway.

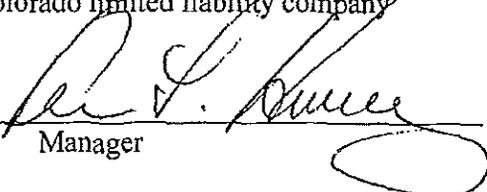
SUBJECT TO: Covenants, conditions, restrictions, rights of way and easements of record.

And GRANTOR does warrant the title against all acts of GRANTOR and no other person or entity, subject to the matters above set forth.

DATED this TH 17 day of December, 2010.

This conveyance is exempt from the requirements for filing an affidavit of value pursuant to A.R.S. Section 11-1134(A) (7),

ARIZONA GOLF SYSTEMS, L.L.C.,
a Colorado limited liability company

By: 
Its: Manager

STATE OF COLORADO)
)
County of Jefferson)

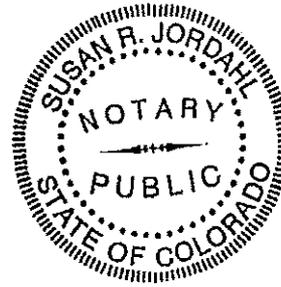
ss:

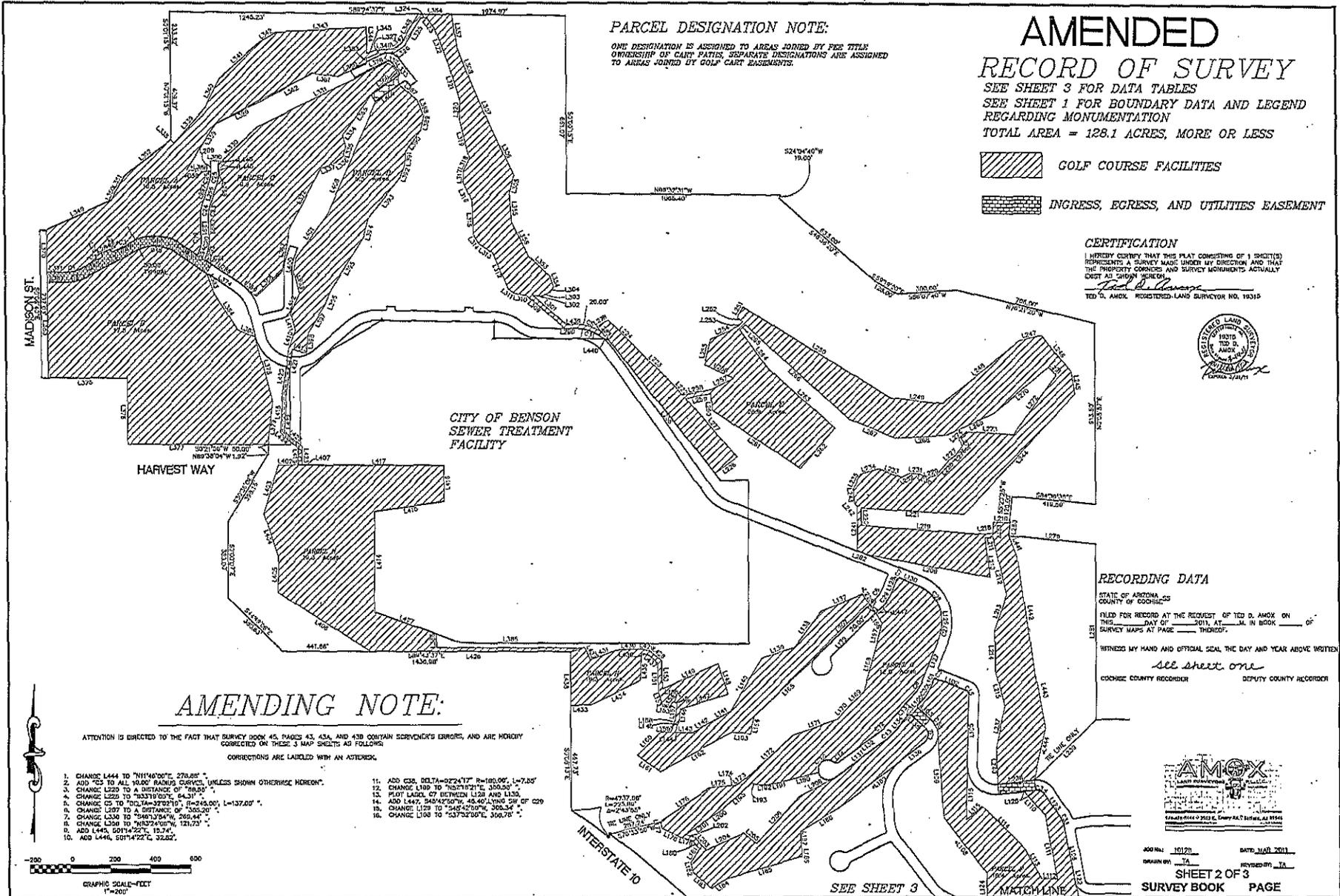
The foregoing instrument was acknowledged before me this 17th day of December, 2010, by THOMAS L. HARTLEY, Manager of Arizona Golf Systems, L.L.C.

My Commission Expires:
1/23/2012

Susan R. Jordahl
Notary Public

I:\FILES\DOCS\HART09\100963\REK\KM9718.DOC





PARCEL DESIGNATION NOTE:

ONE DESIGNATION IS ASSIGNED TO AREAS JOINED BY FEE TITLE
 OTHERWISE BY GOLF PATES, SEPARATE DESIGNATIONS ARE ASSIGNED
 TO AREAS JOINED BY GOLF CART EASEMENTS.

**AMENDED
 RECORD OF SURVEY**

SEE SHEET 3 FOR DATA TABLES
 SEE SHEET 1 FOR BOUNDARY DATA AND LEGEND
 REGARDING MONUMENTATION
 TOTAL AREA = 128.1 ACRES, MORE OR LESS

- GOLF COURSE FACILITIES
- INGRESS, EGRESS, AND UTILITIES EASEMENT

CERTIFICATION
 I HEREBY CERTIFY THAT THIS PLAT CONSISTING OF 3 SHEETS
 REPRESENTS A SURVEY MADE UNDER MY DIRECTION AND THAT
 THE PROPERTY CORNERS AND SURVEY MONUMENTS ACTUALLY
 OBTAIN AS SHOWN HEREON.
 Ted D. Amox
 TED D. AMOX, REGISTERED LAND SURVEYOR NO. 19319



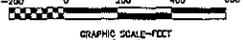
**CITY OF BENSON
 SEWER TREATMENT
 FACILITY**

RECORDING DATA
 STATE OF ARIZONA
 COUNTY OF COCHISE
 FILED FOR RECORD AT THE REQUEST OF TED D. AMOX ON
 THIS _____ DAY OF _____ 2011, AT _____ M. IN BOOK _____ OF
 SURVEY MAPS AT PAGE _____ THEREOF.
 WITNESSED MY HAND AND OFFICIAL SEAL THE DAY AND YEAR ABOVE WRITTEN
 Ted D. Amox
 COCHISE COUNTY RECORDER DEPUTY COUNTY RECORDER

AMENDING NOTE:

ATTENTION IS DIRECTED TO THE FACT THAT SURVEY BOOK 45, PAGES 43, 43A, AND 43B CONTAIN SURVEYOR'S ERRORS, AND ARE HEREBY
 CORRECTED ON THESE 3 MAP SHEETS AS FOLLOWS:
 CORRECTIONS ARE LABELED WITH AN ASTERISK.

1. CHANGE L444 TO "N14°40'00"E, 276.85' "
2. ADD "C2 TO ALL 100' RADIUS CORVES, UNLESS SHOWN OTHERWISE HEREON."
3. CHANGE L320 TO A DISTANCE OF "769.20' "
4. CHANGE L320 TO "S33°30'00"E, 64.31' "
5. CHANGE C5 TO "D12.14=372.710' ", R=243.00' "
6. CHANGE L307 TO A DISTANCE OF "503.20' "
7. CHANGE L330 TO "S46°13'04"W, 263.44' "
8. CHANGE L350 TO "N40°24'00"W, 121.73' "
9. ADD L445, S01°42'22"E, 15.74' "
10. ADD L446, S01°42'22"E, 32.82' "
11. ADD C35, DELTA=027°41'17" R=180.00', L=7.00'
12. CHANGE L180 TO "S07°10'21"E, 300.00' "
13. PLAT LINES 07 BETWEEN L128 AND L130.
14. ADD L447, S45°42'50"W, 48.40' LYING SW OF C29
15. CHANGE L128 TO "S45°42'00"W, 355.36' "
16. CHANGE L108 TO "S37°32'00"E, 308.78' "



Survey 2011-06612

BK 45 Pg 85A

SEE SHEET 3

400 No: 10121 DATE: 10/01/2011
 DRAWN BY: TA REVISED BY: TA
 SHEET 2 OF 3
 SURVEY BOOK PAGE



2010-28284 12-27-2010 09:43 AM PUGH 4 of 5

RECORD OF SURVEY

PARCEL DESIGNATION NOTE:

ONE DESIGNATION IS ASSIGNED TO AREAS JOINED BY FEE TITLE OWNERSHIP OF CART PATHS. SEPARATE DESIGNATIONS ARE ASSIGNED TO AREAS JOINED BY GOLF CART EASEMENTS.

SEE SHEET 3 FOR DATA TABLES
SEE SHEET 1 FOR BOUNDARY DATA AND LEGEND REGARDING MONUMENTATION
TOTAL AREA = 128.1 ACRES, MORE OR LESS

-  GOLF COURSE FACILITIES
-  INGRESS, EGRESS, AND UTILITIES EASEMENT

CERTIFICATION

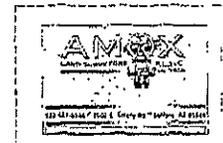
I, **TED D. AMOX**, COUNTY CLERK OF COCHISE COUNTY, ARIZONA, DO HEREBY CERTIFY THAT THIS COPY CONFORMS TO THE ORIGINAL RECORD OF SURVEY AND THAT THE PROPERTY CORNERS AND CURB MONUMENTS ACTUALLY EXIST AS SHOWN HEREON.

TED D. AMOX, REGISTERED LAND SURVEYOR NO. 19315

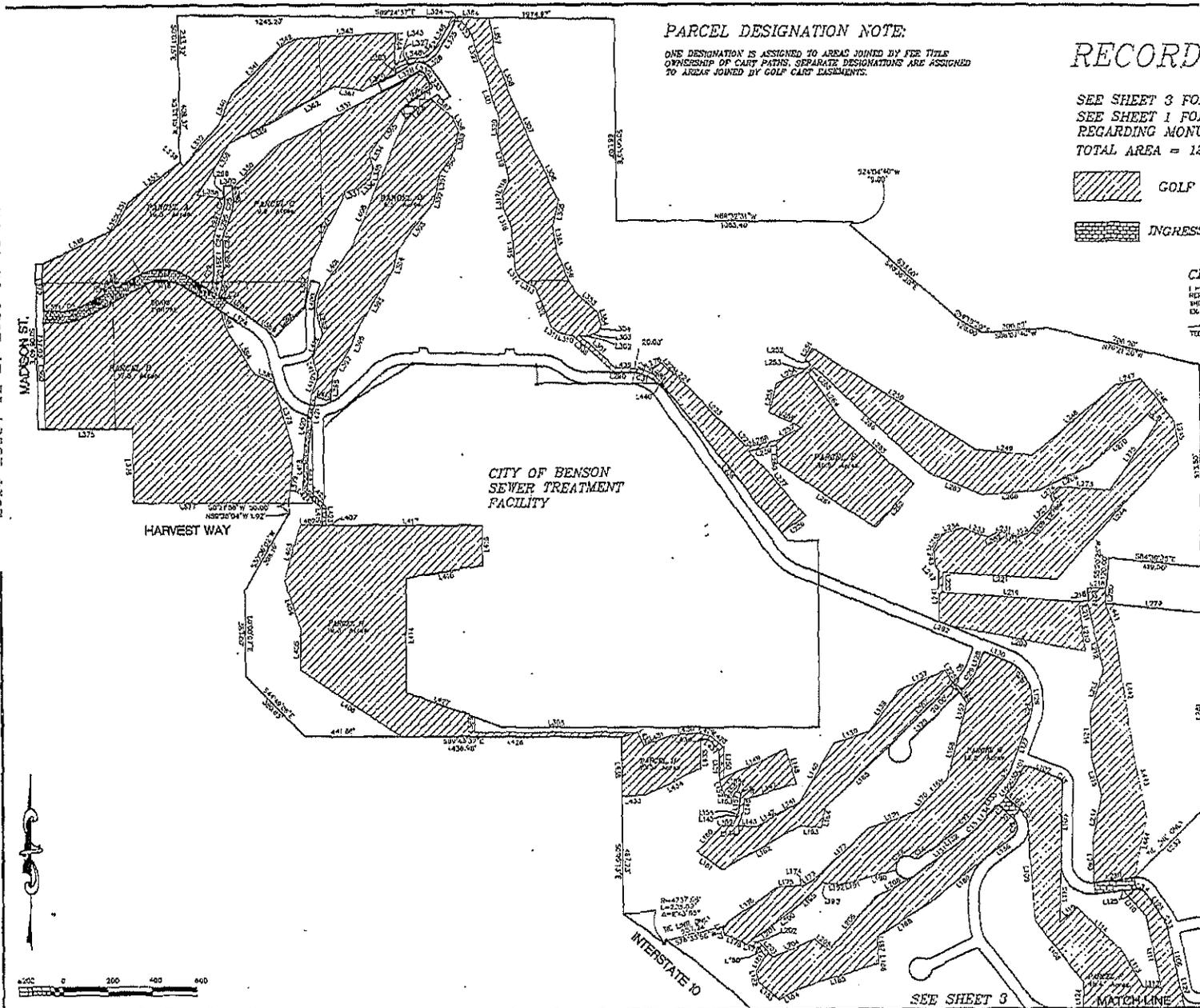


RECORDING DATA

STATE OF ARIZONA, SS
COUNTY OF COCHISE
FILE FOR RECORD AT THE OFFICE OF TED D. AMOX, CLERK OF COCHISE COUNTY, ARIZONA, THIS _____ DAY OF _____, 2010, AT _____ M. IN BOOK _____ OF SURVEY MAPS AT PAGE _____ VOLUME _____
WITNESS MY HAND AND OFFICIAL SEAL, THIS DAY AND YEAR ABOVE SIGNED.
COCHISE COUNTY RECORDER DEPUTY COUNTY RECORDER



DATE SET FOR RECORD: _____
DRAWN BY: _____
RECORDED BY: _____
SHEET 2 OF 3
SURVEY BOOK PAGE



Surveyed

2010-28224

SEE SHEET 3

2K 45 Pa 43A

RECORD OF SURVEY

SEE SHEET 1 FOR BOUNDARY DATA AND LEGEND REGARDING MONUMENTATION
TOTAL AREA = 126.1 ACRES, MORE OR LESS

GOLF COURSE FACILITIES

INGRESS, EGRESS, & UTILITIES EASEMENT

HERBERT GREEN, "A" THE ESTATE OF HERBERT GREEN, DECEASED, BY HIS EXECUTORS AND ADMINISTRATORS, SUCCESSORS AND ASSIGNS, AND SAID HEIR'S SUCCESSORS, ASSIGNS AND ASSIGNEES.
HERBERT GREEN, DECEASED
BY HIS EXECUTORS AND ADMINISTRATORS, SUCCESSORS AND ASSIGNS, AND SAID HEIR'S SUCCESSORS, ASSIGNS AND ASSIGNEES.
HERBERT GREEN, DECEASED
BY HIS EXECUTORS AND ADMINISTRATORS, SUCCESSORS AND ASSIGNS, AND SAID HEIR'S SUCCESSORS, ASSIGNS AND ASSIGNEES.



PARCEL DESIGNATION NOTE.

ONE DESIGNATION IS ASSIGNED TO AREAS JOINED BY THE TITLE OWNERSHIP OF SAID PARTS. SEPARATE DESIGNATIONS ARE ASSIGNED TO AREAS JOINED BY GOLF CART EASEMENTS.

RECORDING DATA

BOOK OF ORIGINAL COUNTY RECORDS
PAGE FOR RECORD AT THE OFFICE OF THE COUNTY CLERK
DATE OF RECORD AT THE OFFICE OF THE COUNTY CLERK
SPACES BY HAND AND OFFICIAL SEAL THE DAY AND YEAR ABOVE NOTED

FLORIDA COUNTY RECORDS



DATE OF SURVEY: 08/11/2010

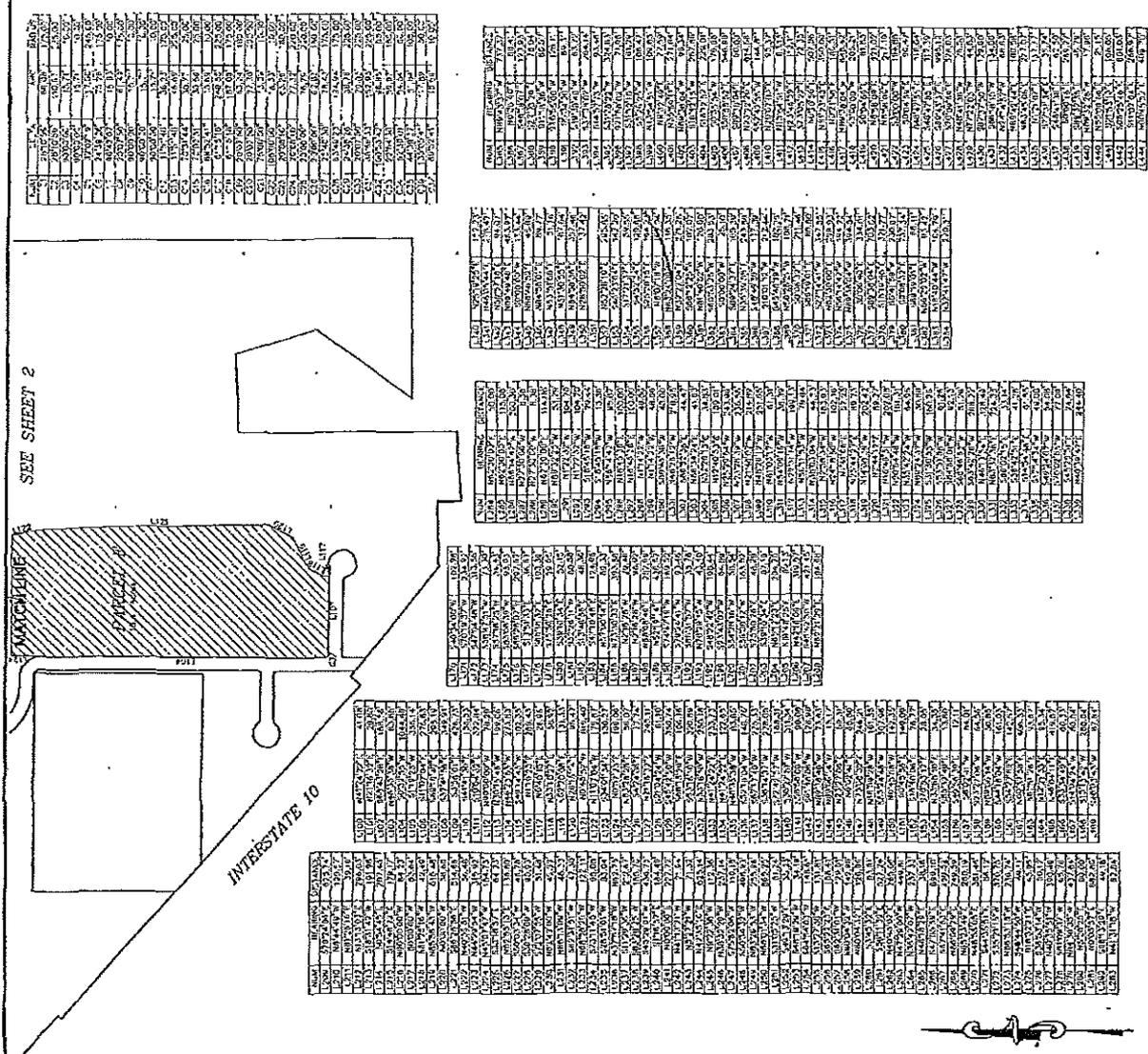
BY: [Signature]

REGISTERED LAND SURVEYOR NO. 10342

SHEET 3 OF 3

PAGE

RY 45 Pa 93 A



SEE SHEET 2

MATCHLINE

PARCEL DESIGNATION

SELL SUELL, TRUST

INTERSTATE 10

2010-28824

2010 11