

**CERTIFICATION**

I hereby certify the attached to be a true and correct copy of Resolution No. 17-2006 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. 17-2006 has not been amended, changed or otherwise modified as of this date.

Dated this 26th day of April, 2006

*Vicki L. Vivian*

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Vicki L. Vivian  
City Clerk



**RESOLUTION NO. 17-2006**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BENSON, AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY CLOSING DOCUMENTS AFTER PREVIOUS COUNCIL APPROVAL OF THE OFFER TO PURCHASE REAL PROPERTY OWNED BY THE ESTATE OF MARY C. YELLOTT, LOCATED IN BENSON, COUNTY OF COCHISE, STATE OF ARIZONA.**

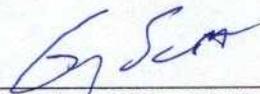
WHEREAS, the City of Benson is growing and the City wishes obtain real property adjacent to the City Park within the downtown area of the City of Benson; and,

WHEREAS, the Estate of Mary C. Yellott presently owns real property located within the City of Benson; and,

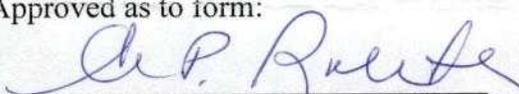
WHEREAS, the terms and conditions of the proposed Offer to Purchase are set forth on Exhibit "A", attached hereto and by reference incorporated herein.

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 24<sup>th</sup> 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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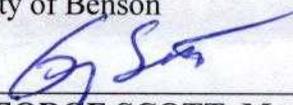
**Exhibit "A"**  
**VACANT LAND PURCHASE CONTRACT**

This Purchase Contract is entered into by and between the **City of Benson**, an Arizona body politic, hereinafter referred to as "Buyer," and the **Estate of Mary C. Yellott, deceased**, hereinafter referred to as "Seller," and is subject to the terms and conditions contained herein.

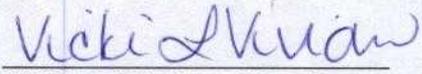
1. The real property, hereinafter referred to as "**the Premises**," which is the subject of this Contract is specifically described as follows:  
Lots 13, 15 and 16, Block 27, BRYAN'S ADDITION, according to Book 1 of Maps and Plats, Page 21 Records of Cochise County, Arizona.
2. The total purchase price for the above described real property shall be \$5,000.00, cash payable at closing, which shall occur prior to May 15, 2006.
3. Taxes shall be prorated as of the date of closing of the sale which shall occur no later than May 15, 2006.
4. Seller shall provide evidence of marketable title by means of a Standard Form Owners Title Insurance policy issued by Fidelity National Title Agency, Inc the cost of which shall be paid by Buyer.
5. Buyer shall pay the transaction escrow service fee and the recording and deed affidavit fees and no collection escrow shall be required.
6. The consideration for this Contract is the mutual promises of the parties and no earnest money is paid.
7. The Mayor of the City of Benson shall be authorized to execute any and all documents necessary or convenient to accomplish closing of the subject sale.

Dated this 10<sup>th</sup> day of April, 2006.

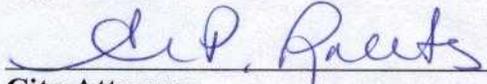
City of Benson

  
\_\_\_\_\_  
**GEORGE SCOTT, Mayor**

Attest:

  
\_\_\_\_\_  
**Vicki L. Vivian, City Clerk**

Approved as to form:

  
\_\_\_\_\_  
**City Attorney**

**ACCEPTANCE**

I, the undersigned, do hereby accept the foregoing Land Purchase Proposal, and I understand that it is contingent on the Benson City Council at a regular open meeting accepting the terms and conditions hereinabove set forth by an affirmative vote of a majority upon a proper motion and second and that in the absence thereof this Proposal is of no force or affect.

Dated this 21<sup>st</sup> day of ~~April~~ <sup>June</sup>, 2006.

Elizabeth D. Gordon  
Elizabeth D, Gordon, Personal Representative  
Estate of Mary Carter Yellott, deceased

**EXHIBIT "ONE"**

Lots 13, 15 and 16, Block 27, BRYAN'S ADDITION, according to Book 1 of Maps and Plats, Page 21, records of Cochise County, Arizona.

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**RESOLUTION NO. 16-2006**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BENSON, EXECUTING A PARTIAL RELEASE UNDER THE TERMS OF THAT CERTAIN THIRD PARTY TRUST AGREEMENT DATED MARCH 2, 2005, BY AND BETWEEN PIONEER TITLE AGENCY, INC., AN ARIZONA CORPORATION, ACTING AS TRUSTEE UNDER TRUST NO. 00953552 AND THE CITY OF BENSON, REGARDING PROPERTIES HELD BY COTTONWOOD BLUFFS, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY, OTHERWISE KNOWN AS COTTONWOOD BLUFFS SUBDIVISION.**

WHEREAS, the City of Benson entered into an Third Party Trust Agreement, entered into on March 2, 2005 and recorded on March 14, 2005, at Fee No. 0503-08439, and re-recorded on April 22, 2005, at Fee No. 0504-13777, with Pioneer Title Agency, Inc., an Arizona corporation, acting as Trustee under Trust No. 00953552, whereby said Agreement provided means of assuring the completion of the Cottonwood Bluffs subdivision improvements as required by the Annexation Development Agreement entered into on November 3, 1993 and recorded on November 9, 1993, at Fee No. 9311-30558, and the City of Benson Subdivision Regulations; and,

WHEREAS, a contract to transfer a portion of the Cottonwood Bluffs, which is subject to the aforementioned Agreements, has been entered into and this Resolution releasing Trustee is required to effectuate the real property transfer; and,

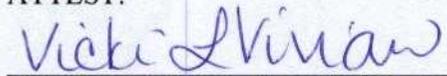
WHEREAS, this partial release shall have no force and effect on the remaining property within the Cottonwood Bluffs subdivision and the remaining property within the Cottonwood Bluffs subdivision shall continue to be encumbered by the terms of said Third Party Trust Agreement.

BE IT NOW HEREBY RESOLVED that the portion of the real property within Cottonwood Bluffs subdivision as more particularly described on Exhibit "A", attached hereto and by reference, incorporated herein is hereby released under the terms of the Third Party Trust Agreement, executed by and between, Pioneer Title Agency, Inc., an Arizona corporation as Trustee under Trust No. 00953552 and the City of Benson, dated March 2, 2005, and recorded on March 14, 2005, at Fee No. 0503-08439, and re-recorded on April 22, 2005, at Fee No. 0504-13777, records of Cochise County, State of Arizona, and the Trustee is hereby released from any further duties. Further, the City of Benson does hereby release, without covenant or warranty, express or implied, unto the parties legally entitled thereto all right, title and interest in said property.

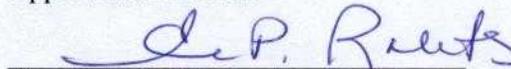
Resolved and adopted this 13<sup>th</sup> day of March, 2005 by the Mayor and City Council of Benson, Arizona.

  
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GEORGE SCOTT, Mayor

ATTEST:

  
\_\_\_\_\_  
VICKI L. VIVIAN, City Clerk

Approved as to form:

  
\_\_\_\_\_  
ANN P. ROBERTS, City Attorney



FEE # 060520506  
OFFICIAL RECORDS  
COCHISE COUNTY  
DATE 05/30/06 HOUR 12

REQUEST OF  
PIONEER TITLE AGENCY  
CHRISTINE RHODES-RECORDER  
FEE : 10.00 PAGES : 4

at the request of Pioneer Title Agency, Inc.

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

00956534-KSL

**CAPTION HEADING: CITY OF BENSON RESOLUTION NO. 16-2006**

DO NOT REMOVE

THIS IS PART OF THE OFFICIAL DOCUMENT

(THIS FORM IS FOR RECORDER'S USE ONLY)

**060520506**