

RESOLUTION NO. 04-2005

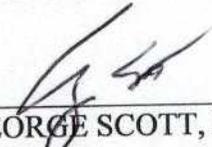
A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF BENSON, ARIZONA, RATIFYING ACCEPTANCE OF THE CONVEYANCE OF REAL PROPERTY FROM ERNIE L. GRAVES, MANAGING PARTNER OF KINO V, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY, FOR USE, IN PERPETUITY, ONLY FOR NATURAL OPEN SPACE, WILDLIFE HABITAT AND RECREATIONAL PURPOSES.

WHEREAS, on December 31, 2004, ERNIE L. GRAVES, Managing Partner of Kino V, L.L.C., an Arizona limited liability company, donated certain real property owned by the Company to the City of Benson, an Arizona body politic, to be used as natural open space, wildlife habitat and recreational purposes within the Whetstone Corporate Center development; and,

WHEREFORE, the Mayor and City Council desire to ratify the acceptance of the real property donated and agree that said real property shall be in compliance with the terms as set forth in the December 31, 2004, Special Warranty Deed as natural open space, wildlife habitat and recreational purposes within the Whetstone Corporate Center development;

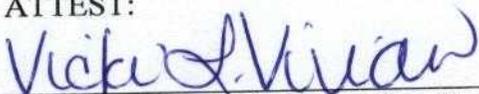
BE IT NOW HEREBY RESOLVED that the Mayor and the City Council of the City of Benson hereby ratify acceptance of the conveyance of real property situated in Cochise County, State of Arizona, as more particularly described in Exhibit "A", attached hereto and by reference incorporated herein, donated to the City of Benson on December 31, 2004, by ERNIE L. GRAVES, Managing Partner of Kino V, L.L.C., an Arizona limited liability company, to be used as natural open space, wildlife habitat and recreational purposes within the Whetstone Corporate Center development.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA, this 24th day of January, 2005.



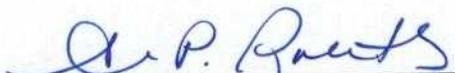
GEORGE SCOTT, Mayor

ATTEST:



VICKI L. VIVIAN, Deputy City Clerk

Approved as to form:



ANN P. ROBERTS, City Attorney

LEGAL DESCRIPTION

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 17 SOUTH, RANGE 20 EAST, GILA AND SALT RIVER MERIDIAN, CITY OF BENSON, COCHISE COUNTY, ARIZONA, DESCRIBED AS FOLLOWS;

COMMENCING AT A ½" REBAR TAGGED "RLS 17479" AT THE SOUTHEAST CORNER OF THE **WHETSTONE CORPORATE CENTER**, A SUBDIVISION RECORDED IN BOOK 15 OF MAPS AND PLATS AT PAGE 2, CITY OF BENSON, COCHISE COUNTY, ARIZONA;

THENCE SOUTH 85°00'49" WEST 201.17 FEET UPON THE SOUTH LINE OF SAID SUBDIVISION TO A LINE 200.00 FEET WESTERLY OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 19, AND THE **POINT OF BEGINNING**;

THENCE SOUTH 1°12'25" WEST 1246.84 FEET UPON SAID PARALLEL LINE TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY THE RADIUS POINT OF SAID CURVE BEARS SOUTH 12°40'07" EAST;

THENCE SOUTHWESTERLY UPON SAID ARC, TO THE LEFT, HAVING A RADIUS OF 1400.00 FEET AND A CENTRAL ANGLE OF 53°47'25", FOR AN ARC DISTANCE OF 1314.35 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 19;

THENCE SOUTH 88°47'06" WEST 808.19 FEET UPON SAID SOUTH LINE;

THENCE NORTH 40°19'35" EAST 1085.36 FEET;

THENCE NORTH 49°54'06" WEST 999.90 FEET;

THENCE NORTH 89°54'03" WEST 400.00 FEET TO THE EAST RIGHT OF WAY LINE OF **STATE ROUTE 90** AS IT NOW EXISTS;

THENCE NORTH 0°05'57" EAST 82.82 FEET UPON SAID RIGHT OF WAY LINE;

THENCE SOUTH 89°54'03" EAST 40.00 FEET UPON THE RIGHT OF WAY LINE;

THENCE NORTH 0°05'57" EAST 150.00 FEET UPON THE RIGHT OF WAY LINE;

THENCE NORTH 89°54'03" WEST 40.00 FEET UPON THE RIGHT OF WAY LINE;

THENCE NORTH 0°05'57" EAST 167.18 FEET UPON THE RIGHT OF WAY LINE TO A ½" REBAR TAGGED "RLS 17479" AT THE SOUTHWEST CORNER OF SAID **WHETSTONE CORPORATE CENTER**;

THENCE NORTH 85°00'49" EAST 2281.14 FEET UPON THE SOUTH LINE OF SAID SUBDIVISION TO THE **POINT OF BEGINNING**.

Exhibit A

BASIS OF BEARING: BEING THE SOUTH LINE OF SAID **WHETSTONE CORPORATE CENTER** MONUMENTED BY SAID 1/2" REBARS TAGGED "RLS 17479". BEARING BEING NORTH 85°00'49" EAST.

CONTAINING 2,712,798 SQUARE FEET OR **POINT OF BEGINNING** 62.277 ACRES, MORE OR LESS.

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Exhibit A

19

WHETSTONE CORPORATE CENTER

PER BK 15 PG 2

POB

POC

1/2" RBR TAGGED
"RLS 17479"

STATE ROUTE 90

SUBJECT PARCEL

SECTION 19

SECTION 30



SCALE: 1" = 600'



**RICK
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COMPANY**

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Exhibit A

LEGAL DESCRIPTION

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 17 SOUTH, RANGE 20 EAST, GILA AND SALT RIVER MERIDIAN, COCHISE COUNTY, ARIZONA, DESCRIBED AS FOLLOWS;

COMMENCING AT A 2" OPEN PIPE AT THE NORTHEAST CORNER OF SECTION 30;

THENCE NORTH 88°47'08" WEST 1160.27 FEET UPON THE NORTH LINE OF SAID NORTHEAST QUARTER OF SECTION 30 TO THE **POINT OF BEGINNING** ON THE ARC OF A NON-TANGENT CURVE CONCAVE EASTERLY, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 66°27'33" EAST;

THENCE SOUTHWESTERLY UPON SAID ARC TO THE LEFT THROUGH A CENTRAL ANGLE OF 2°11'35", FOR AN ARC DISTANCE OF 53.58 FEET TO A TANGENT LINE;

THENCE SOUTH 21°20'53" WEST 639.49 FEET;

THENCE SOUTH 48°32'41" WEST 548.21 FEET;

THENCE SOUTH 26°51'03" WEST 614.03 FEET;

THENCE SOUTH 24°26'39" WEST 567.76 FEET;

THENCE WEST (SOUTH 90°00'00" WEST) 100.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF **STATE ROUTE 90** AS IT NOW EXISTS;

THENCE NORTH 0°05'37" EAST 1506.77 FEET UPON SAID RIGHT OF WAY LINE;

THENCE NORTH 40°19'42" EAST 719.95 TO A POINT ON SAID NORTH LINE;

THENCE NORTH 88°47'06" EAST 808.19 FEET UPON THE NORTH LINE TO THE

POINT OF BEGINNING;

BASIS OF BEARING: BEING THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 17 SOUTH, RANGE 20 EAST, GILA AND SALT RIVER MERIDIAN, COCHISE COUNTY, ARIZONA, MONUMENTED BY A 2" OPEN PIPE WITH TAGGED "RLS 13012" AT THE EAST QUARTER OF SAID SECTION 19 AND SAID 2" OPEN PIPE AT THE NORTHEAST CORNER OF SAID SECTION 30. BEARING BEING NORTH 01°12'25" EAST.

CONTAINING 1,264,036 SQUARE FEET OR 29.018 ACRES, MORE OR LESS.

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Exhibit A.

19

STATE ROUTE 90

WHEATSTONE CORPORATE CENTER
PER BK. 15 PG 2

1/2" RBR TAGGED
"RLS 17479"

19.20
30.29

SEC COR
2" OPEN PIPE

POB SECTION 19
SECTION 30

SUBJECT PARCEL



SCALE: 1" = 600'



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