

**CERTIFICATION**

I hereby certify the attached to be a true and correct copy of Resolution No. 16-2006 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. 16-2006 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



060520506

**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.**

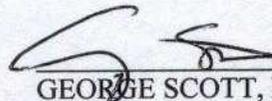
WHEREAS, the City of Benson entered into an Third Party Trust Agreement, entered into on March 2, 2005 and recorded on March 14, 2005, at Fee No. 0503-08439, and re-recorded on April 22, 2005, at Fee No. 0504-13777, with Pioneer Title Agency, Inc., an Arizona corporation, acting as Trustee under Trust 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,

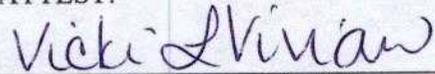
WHEREAS, this partial release shall have no force and effect on the remaining property within the Cottonwood Bluffs subdivision and the remaining property within the Cottonwood Bluffs subdivision shall continue to be encumbered by the terms of said Third Party Trust Agreement.

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.

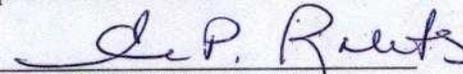
Resolved and adopted this 13<sup>th</sup> day of March, 2005 by the Mayor and City Council of Benson, Arizona.

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

ATTEST:

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

Approved as to form:

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

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**EXHIBIT "A"**

**Lots 12 through 15, 32 through 40, inclusive, Blocks A and B, and Common Area "A", COTTONWOOD BLUFFS, according to Book of Maps, pages 24, 24A, 24B, 25C, 24D and 24E, records of Cochise County, Arizona;**

**EXCEPT all reservations contained in Documents recorded in Documents Nos. 9001-00683, 9004-07528 and Document No. 9512-30137, records of Cochise County, Arizona.**

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**EXHIBIT "A"**

**Lots 12 through 15, 32 through 40, inclusive, Blocks A and B, and Common Area "A", COTTONWOOD BLUFFS, according to Book of Maps, pages 24, 24A, 24B, 25C, 24D and 24E, records of Cochise County, Arizona;**

**EXCEPT all reservations contained in Documents recorded in Documents Nos. 9001-00683, 9004-07528 and Document No. 9512-30137, records of Cochise County, Arizona.**

April 10, 2006 - VIA FAX & MAIL

Mr. Boyd Kraemer, City Manager  
City of Benson  
P. O. Box 2223  
Benson, AZ 85602

**RE: Cottonwood Bluffs, Phase I  
Lots 1 thru 45  
Full Release of Trust Assurance Agreement**

Dear Mr. Kraemer:

Castro Engineering has found there are no safety issues and KE&G Construction has completed all items on the inspection punch list on this referenced property and therefore will allow the full release of the lots as specified above.

Should you have any questions or concerns, please feel free to contact me at your convenience.

Sincerely,

**CASTRO ENGINEERING CORP**



Heather M. Roberts  
Project Manager

cc: Jim Lynch  
Frank Castro/Castro Engineering  
Job File/BENSON003

HMR:cas