

RESOLUTION NO. 40-2005

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BENSON, ARIZONA, APPROVING THE EASEMENTS WITH COVENANTS AND RESTRICTIONS AGREEMENT WITH WAL-MART STORES, INC., REGARDING THE PROPOSED SUPERCENTER STORE TO BE LOCATED ON FOURTH STREET AND PRICKLY PEAR STREET, BENSON, ARIZONA.**

WHEREAS, Wal-Mart has the contractual right to purchase approximately 26.25 acres of real property located within the limits of the City; and,

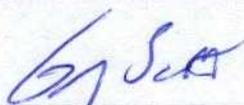
WHEREAS, Wal-Mart intends to develop the Property as a Wal-Mart Superstore and related improvements; and,

WHEREAS, Wal-Mart proposes to convey to the City, pursuant to that certain Development Agreement entered into between Wal-Mart and the City executed concurrently herewith (the "Development Agreement"), a tract of land 12.35 acres to be developed in the future by the City; and,

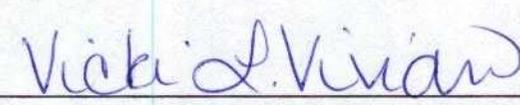
WHEREAS, the Easements with Covenants and Restrictions Affecting the Land agreement shall govern the development of said tract of land.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Benson, Arizona, that the Easements with Covenants and Restrictions Affecting the Land with Wal-Mart Stores, Inc. is hereby approved.

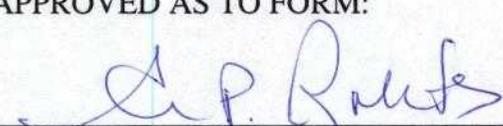
PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA, this 24<sup>th</sup> day of October, 2005.

  
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GEORGE SCOTT, MAYOR

ATTEST:

  
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VICKI L. VIVIAN, INTERIM CITY CLERK

APPROVED AS TO FORM:

  
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ANN P. ROBERTS, CITY ATTORNEY