

**RESOLUTION NO. 03-2006**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BENSON, APPROVING THE SALE OF THE REAL PROPERTY LOCATED ADJACENT TO 160 W. FOURTH STREET, BENSON, ARIZONA, TO LARRY AND CAROL DEMPSTER AND AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY SALES DOCUMENTS.**

WHEREAS, on the 31<sup>st</sup> day of July, 1998, the Mayor and the City Council entered into an Agreement for the sale of real property; and,

WHEREAS, under the terms of said Agreement, the City of Benson sold to Mr. and Mrs. Dempster a portion of the City's real property located adjacent to Fourth Street, said property otherwise being known as the Union Pacific Property; and,

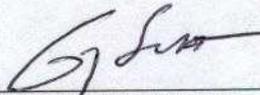
WHEREAS, under the terms of the Agreement, Mr. Dempster was granted a first right of refusal to purchase a thirty foot (30') by ten foot (10') parcel of the real property, which was exempted from the original sale, upon removal of an underground fuel tank; and,

WHEREAS, the tank site has been remediated and Mr. Dempster has notified the City that he wishes to exercise his right of refusal to purchase said property, said lands being more particularly described as:

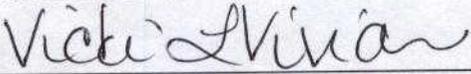
See Exhibit "A" attached hereto and by reference incorporated herein.

BE IT NOW HEREBY RESOLVED that the Mayor and the City Council hereby approve the transfer of the real property described on Exhibit "A" attached hereto and by reference incorporated herein, to Larry and Carol A. Dempster. Further, the Mayor of the City of Benson is hereby authorized to execute any and all documentation necessary or convenient to conclude the transfer.

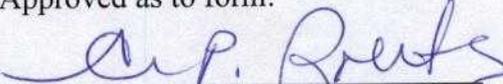
Resolved and adopted this 13<sup>th</sup> day of February, 2006 by the Mayor and City Council of Benson, Arizona.

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

ATTEST:

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

Approved as to form:

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

060520012

EXHIBIT "A"  
Legal Description

The Southerly 30.00 feet of the Westerly 10.00 feet of the following parcel of real property being more particularly described as follows:

BEGINNING at a point on the West line of said Southwest quarter of Section 10, said point lying on the Northerly right-of-way line of Fourth Street as shown on the right-of-way plan of the Benson-Steins pass, State Highway project No. F-002-5-702;

THENCE, along said West line, North 00 degrees, 07 minutes, 39 seconds East, 79.398 feet to a point 60.00 feet Southerly of the center line of the South Rails of Union Pacific Railroad Company;

THENCE, leaving said West line parallel with and 60.00 feet Southerly of the center line of the South Rail of said right-of-way, South 76 degrees, 34 minutes, 25 seconds East, 370.822 feet to a point on the Westerly right-of-way line of Patagonia Street as shown on the Benson Townsite Map recorded in the Office of the Cochise County Recorder;

THENCE, along said line, South 13 degrees, 30 minutes, 22 seconds West, 76.985 feet to a point of intersection with the Northerly line of 4<sup>th</sup> Street;

THENCE, along said line North 76 degrees, 37 minutes, 11 seconds West, 352.451 feet to the POINT OF BEGINNING.

060520012

STATE OF ARIZONA )  
 ) ss:  
County of Cochise )  
For Tax Purposes: )  
Mr. Larry Dempster )  
P.O. Box 21 )  
Benson, Arizona 85602 )  
When recorded, mail to: )  
Ann P. Roberts, Esq. )  
P.O. Box 2223 )  
Benson, Arizona 85602 )

I hereby certify that the within instrument was filed and recorded:

### QUIT CLAIM DEED

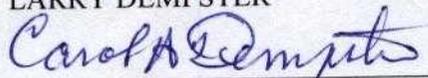
The CITY OF BENSON, an Arizona body politic, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration paid to it, the receipt of which is hereby acknowledged, does now hereby quit claim and transfer to LARRY DEMPSTER AND CAROL A. DEMPSTER, husband and wife, as Joint Tenants with the Right of Survivorship, and not as Tenants in Common and not as Community Property Tenants, all right, title, or interest in the following real property situated in Cochise County, State of Arizona, more particularly described as:

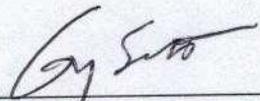
See Exhibit "A" attached hereto and by reference incorporated herein.

SUBJECT TO: Current taxes, assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, and restrictions in the County of Cochise, State of Arizona.

DATED this 13<sup>th</sup> day of February, 2006.

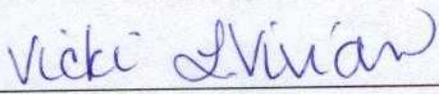
ACCEPTED AND APPROVED:

  
LARRY DEMPSTER  
  
CAROL A. DEMPSTER

  
GEORGE SCOTT, Mayor of the City Benson, Grantor

STATE OF ARIZONA )  
 ) ss:  
County of Cochise )

The foregoing instrument was acknowledged before me this 21st day of February, 2006, by GEORGE SCOTT, Mayor of the City of Benson.

  
Notary Public

My Commission Expires:

060520012