City of Benson
City Council Communication

Regular Meeting **January 26, 2015**

To: Mayor and Council Agenda Item # 2

From: Bradley J. Hamilton, P.E. Director of Public Works/City Engineer

Subject:

Resolution 4-2015 of the Mayor and Council of the City of Benson, Arizona, requesting of Cochise County that it sell property (TPN 123-22-143) to the City of Benson

Discussion:

City and County Staff have been working with homeowners on Circle Drive to establish legal access to their properties.

This is a request to Cochise County for a parcel that they own because of a back tax lien.

On acquisition of this parcel the City would be changing it to a primitive right-a-way which would be a necessary step to establish legal access for the homeowners.

Staff Recommendation:

Approval of Resolution 4-2015

RESOLUTION 4-2015

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, REQUESTING OF COCHISE COUNTY THAT IT SELL PROPERTY (TPN 123-22-143) TO THE CITY OF BENSON

WHEREAS, tax parcel 123-22-143 (the "Property") was a privately-owned parcel that lies within the City of Benson's corporate limits and has for many years allowed various City residents to access their homes;

WHEREAS, Cochise County recently became the owner of the Property after the prior registered owner failed to pay property taxes on the parcel;

WHEREAS, the Property has little value other than to continue to serve as right of way for the affected City residents;

WHEREAS, the City is authorized by the Arizona Constitution to condemn private property for public purposes, including for the purpose of constructing public roadways;

WHEREAS, in lieu of exercising its eminent domain powers, the City is interested in purchasing the Property from Cochise County for a nominal charge; and

WHEREAS, should Cochise County accept the City's offer to sell the Property to the City, the City will restrict the use of the Property.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Benson, Arizona as follows:

1. That this Resolution reflect the intention of the City of Benson to ask Cochise County to sell tax parcel 123-22-143 to the City;
2. That the City is hereby authorized to pay Cochise County $10 to purchase the Property;
3. That the City Manager is hereby authorized to negotiate any other reasonable terms the County requires to complete the purchase and sale of the Property;
4. That the City accept the Property and not use it for any other purposes other than as right of way, at least until other legal access may be established in favor of the affected City residents or for a period of ten years, whichever is shorter; and

5. Should the purchase be completed, the Property shall be a Primitive Road within the meaning of A.R.S. § 28-6706 until the City reconsiders such status.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, this 26th day of January, 2015.

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TONEY D. KING, SR., Mayor

ATTEST:

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VICKI L. VIVIAN, CMC, City Clerk

APPROVED AS TO FORM:

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MESCH, CLARK AND ROTHSCHILD, P.C.
By Gary J. Cohen
City's Attorney

Walker St