

ORDINANCE NO. 2019-1673

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE ACCEPTANCE OF YAVAPAI COUNTY-OWNED PORTIONS OF DIVISION STREET AND AUTHORIZING THE MAYOR AND STAFF TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE SAID ACCEPTANCE OF REAL PROPERTY.

RECITALS:

WHEREAS, the City Council has determined that accepting certain real properties from Yavapai County, consisting of a portion of Division Street, such property located within the City of Prescott city limits, is in the best interests of the health, safety and welfare of the City of Prescott; and,

WHEREAS, Arizona Revised Statute 9-471(N) provides that "...a county right-of-way or roadway with no taxable real property may be annexed by an adjacent city or town by mutual consent of the governing bodies [] if the city or town and county each approve the proposed annexations as a published agenda item at a regular public meeting of their governing bodies"; and,

WHEREAS, the Yavapai County Board of Supervisors approved quitclaiming the subject property to the City of Prescott at a duly noticed meeting; and,

WHEREAS, pursuant to Arizona Revised Statute 9-471(N), the City must formally place the property transfer on its agenda and approve it.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PRESCOTT AS FOLLOWS:

SECTION 1: THAT the City Council hereby accepts that portion of Division Street, located within the City of Prescott city limits and more specifically described in the attached legal description to the Quitclaim Deed (attached hereto and incorporated herein as Exhibit A.

SECTION 2. THAT the Mayor and staff are directed to execute any and all documents in order to effectuate the foregoing property transfer from Yavapai County to the City of Prescott.

PASSED and ADOPTED by the Mayor and Council of the City of Prescott, Arizona, on this _____ day of _____, 2019.

GREG L. MENGARELLI, MAYOR

ATTEST:

APPROVED AS TO FORM:

MAUREEN SCOTT, City Clerk

JON M. PALADINI, City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA)
County of Yavapai) ss.

I, the undersigned Maureen Scott, being the duly appointed, qualified City Clerk of the City of Prescott, Yavapai County, Arizona, certify that the foregoing Ordinance No. 2019-1673 is a true, correct and accurate copy of Ordinance No. 2019-1673 passed and adopted at a Voting Meeting of the Council of the City of Prescott, Yavapai County, Arizona, held on the _____ day of _____ 2019, at which a quorum was present and, by a _____ vote, _____ voted in favor of said ordinance.

Given under my hand and sealed this _____ day of _____, 2019.

Seal

City Clerk

Recorded at the request of and when recorded, return to:

Yavapai County Board of Supervisors
1015 Fair Street
Prescott, Arizona, 86305

Affidavit Exempt: A.R.S. § 11-1134(A)(3)

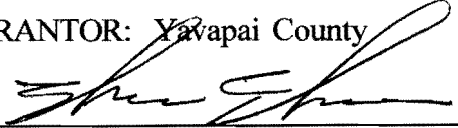
QUIT CLAIM DEED

Pursuant to A.R.S. § 9-471(N) and for good and valuable considerations, Yavapai County, a political subdivision of the State of Arizona, as "Grantor", does hereby grant and convey to the City of Prescott, an Arizona Municipality, as "Grantee", the following real property situated in Yavapai County, Arizona, as more fully described in Exhibit "A" attached hereto and made a part hereof by this specific reference on the condition that the property will be maintained as a public roadway.

SUBJECT TO current taxes and other assessments, reservations or exceptions in governmental patents to the property or in Acts authorizing the issuance thereof, all easements, rights of way, encumbrances, obligations, liens, liabilities, covenants, conditions and restrictions as may appear of record or as may be disclosed upon an inspection of the property.

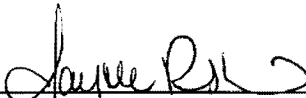
DATED this 6 day of Dec, 2017.

GRANTOR: Yavapai County


By: Thomas Thurman, Chairman
Yavapai County Board of Supervisors

STATE OF ARIZONA)
) ss.
County of Yavapai)

The foregoing instrument was acknowledged and executed before me this 6th day of December, 2017 by, Thomas Thurman, by and on behalf of Yavapai County.



Notary Public

My Commission Expires:

02/01/2021

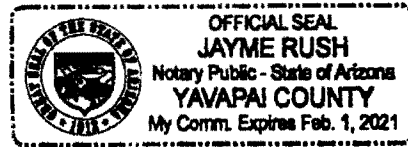


EXHIBIT "A"

COUNTY ROADWAY

(DIVISION STREET)

Legal Description

Parcel 3

June 14, 2000

All that parcel of land located in the City of Prescott, Section 28, Township 14 North, Range 2 West, Gila and Salt River Meridian, Yavapai County, Arizona, more particularly described as follows:

Commencing at the southwest corner of said Section 28, being a brass capped pipe in a steel hand hole;

Thence North $69^{\circ} 05' 32''$ East, 1066.12 feet to a $5/8''$ rebar with a Yavapai County yellow cap and being on the North right of way line of Whipple Street and the TRUE POINT OF BEGINNING;

Thence South $89^{\circ} 48' 57''$ West, 73.00 feet along said right of way line of Whipple Street to a brass screw in a lead plug in concrete;

Thence-North $0^{\circ} 11' 03''$ West, 582.56 feet to a $5/8''$ rebar with a Yavapai County yellow cap;

Thence North $4^{\circ} 24' 56''$ East, 39.48 feet to a $5/8''$ rebar with a Yavapai County yellow cap;

Thence South $73^{\circ} 35' 34''$ East, 38.04 feet to a P.K. nail in the pavement;

Thence North $89^{\circ} 24' 49''$ East, 33.38 feet to a $5/8''$ rebar with a Yavapai County yellow cap;

Thence South $0^{\circ} 11' 03''$ East, 611.28 feet to the TRUE POINT OF BEGINNING;

Containing 1.03 acres more or less.