

ORDINANCE NO. 279

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF JEROME, ARIZONA, AUTHORIZING PURCHASE OF THE PROPERTY SURROUNDING AND INCLUDING THE WASTEWATER TREATMENT PLANT FROM JEROME VERDE DEVELOPMENT COMPANY, AND DECLARING AN EMERGENCY

WHEREAS, the Town of Jerome is desirous of securing permanent use of the area including the Wastewater Treatment Plant for current and future Wastewater Treatment for the Town of Jerome; and,

WHEREAS, the current owner of said property, Jerome Verde Development Company, is desirous of selling this property to the Town of Jerome;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF JEROME AS FOLLOWS;

The Town of Jerome shall purchase said property, described in Exhibit "A", from Jerome Verde Development Company for the sum of \$22,080, to be paid in installments of:

1. \$ 2,000 already on deposit with seller
2. \$ 3,500 on or before close of escrow
3. \$16,580 in three installments of:

\$5,526.67 October 30, 1995

\$5,526.67 January 30, 1996

\$5,526.67 March 30, 1996

Plus interest at a rate of 10% on the unpaid balance

An escrow shall be established at First American Title Insurance Agency of Yavapai, Inc. of Prescott, Arizona to handle this transaction.

WHEREAS, it is necessary for the preservation of the peace, health and safety of the town of Jerome, Arizona, an emergency is declared to exist and this Ordinance shall become effective and in force from and after the date of posting hereof.

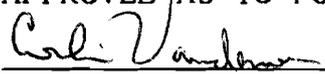
PASSED AND ADOPTED by the Council of the Town of Jerome this 18th day of September, 1995.


Al Palmieri, Mayor

ATTEST:

Lucy Abbot, Town Clerk

APPROVED AS TO FORM:


Whitney Cunningham,
Town Attorney

DATE: 04/03/95

ESCROW NO. 251-10-103858

EXHIBIT "A"

LEGAL DESCRIPTION:

A parcel of land located in Section 23, Township 16 North, Range 2 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona, also being a portion of the Columbia, Master, Copper Wonder and the Yoeman Mining Claims, Mineral Survey No. 1491 in the Verde Mining District, Patent whereof has been duly recorded in Book 78 of Deeds, Page 40, records of Yavapai County, Arizona, and more particularly described as follows:

Commencing at the South quarter corner of said Section 23;

Thence North 10 degrees 32 minutes 59 seconds West, a distance of 2524.30 feet to the TRUE POINT OF BEGINNING, said point lying South 42 degrees 00 minutes 25 seconds East from the Northwest corner of said Master Claim;

Thence North 17 degrees 46 minutes 23 seconds West, a distance of 1573.20 feet to a point, said point lying North 01 degrees 10 minutes 10 seconds East from the Northwest corner of said Master Claim;

Thence North 64 degrees 01 minutes 22 seconds East, a distance of 944.12 feet;

Thence South 25 degrees 58 minutes 38 seconds East, a distance of 900.0 feet;

Thence South 64 degrees 01 minutes 22 seconds West, a distance of 164.56 feet;

Thence South 17 degrees 46 minutes 23 seconds East, a distance of 877.88 feet;

Thence South 77 degrees 34 minutes 24 seconds West a distance of 903.93 feet to the TRUE POINT OF BEGINNING.

Ms. Lucy Abbot
August 8, 1995
Page 2

Please let me know if you have any questions or concerns regarding the foregoing information.

Sincerely,

ASPEY, WATKINS & DIESEL, P.L.L.C.


Whitney Cunningham

WWC/jaz

ASPEY
WATKINS
& DIESEL
ATTORNEYS
P.L.L.C.



August 8, 1995

123 N. San Francisco St.
Flagstaff, Arizona 86001
(602) 774-1478

Ms. Lucy Abbot
Town Clerk
Town of Jerome
Jerome, AZ 86331

Sedona Office
120 Soldier Pass Road
Sedona, Arizona 86336
(602) 282-5955

Re: **Approval of Proposed Ordinance No. 279**

Dear Lucy:

Page Office
904 North Navajo
Page, Arizona 86040
(602) 645-9694

I have now had an opportunity to review proposed Ordinance No. 279, regarding purchase by the Town of certain real property underlying the Town's Wastewater Treatment Plant. Your language of the proposed Ordinance is unobjectionable and the Town is well within its authority to make such a purchase. A.R.S. §§ 9-242 & 9-401(A).

Cottonwood Office
905 S. Cove Parkway
Suite 201
Cottonwood, Arizona 86326
(602) 639-1881

Additionally, I note that the payment terms call for the full purchase price to be paid prior to the expiration of the terms of the present Council members, thereby avoiding any complications regarding the enforceability of such an ordinance against future councils.

My only concerns regard traditional real estate matters rather than ~~municipal~~ matters. Specifically, I have not been provided a copy of Exhibit A, presumably providing a legal description of the property. Additionally, it is necessary that the Town obtain a commitment for title insurance (and ultimately a policy of title insurance) on the property. Please advise as to whether Exhibit A is ready at this time and whether First American has been requested to prepare the requisite type commitment for title insurance. Although I approve the language of the Ordinance, until I have had a chance to review Exhibit A and the title report, I must withhold final approval of the Ordinance.

*Q. hie
S/E
Q. L/R
S/E*

Frederick M. Aspey***
Harold L. Watkins*
Louis M. Diesel
Bruce S. Griffen
Donald H. Bayles, Jr.†
Kaign N. Christy*
John J. Dempsey††
Zachary J. Markham
James E. Ledbetter
Holly S. Karris**
Whitney Cunningham
Michael T. Denison
Pernell W. McGuire

As the concerns raised in this letter may easily be taken care of before the September 1995 Council meeting, there is no reason that the first reading of the Ordinance may not take place on August 8, 1995.

*Also admitted in California

**Also admitted in Illinois

***Also admitted in Navajo and Hopi Courts

† as a Specialist in:

† In, and Wrongful Death

†† Real Estate