

ORDINANCE NO. 18-1084

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, AUTHORIZING THE TRANSFER OF A SEMI-IMPROVED PARKING LOT AND ADJACENT VACANT PARCELS LOCATED AT 204 1ST STREET AND 236 1ST STREET, DOUGLAS, ARIZONA TO THE UNITED STATES CUSTOMS AND BORDER PROTECTION AND GOVERNMENT SERVICES ADMINISTRATION, PURSUANT TO THE DONATION ACCEPTANCE PROGRAM TERMS ENTERED INTO BY THE PARTIES; ESTABLISHING SEVERABILITY OF COMPONENTS OF ORDINANCE; AND DECLARING AN EMERGENCY.

WHEREAS, it is the mutual desire of the City of Douglas and USCBP and USGSA to continue collaborative efforts to improve the cross-border experience for tourism and trade thereby promoting the economic development and job creation opportunities in Douglas and the entire bi-national region; and

WHEREAS, the current environment in both the United States and Mexico in terms of port of entry development and investment requires that the efforts to advance port of entry initiatives include a solid and cohesive partnership of both the public and private sectors; and

WHEREAS, the *Consolidated Appropriations Act, 2014*, P.L. 113-76 (Section 559), became law, authorizing U.S. Customs and Border Protection (CBP) and the U.S. General Services Administration (GSA) to accept donations of real property from private sector and Government entities; and

WHEREAS, the City of Douglas is prepared to donate 16 lots located at 204 1st Street and 236 1st Street in Block 12 of the original Douglas Townsite as a commitment to the continued efforts to bring about the Port of Entry renovation and expansion project; and

WHEREAS, the City of Douglas wishes to approve and authorize the outlined donation and pursuant to Article I, Section 3 (A) of the City Charter, Council is empowered to acquire real property for any City purpose and to sell or otherwise dispose of real property in the manner, for such consideration and upon such conditions as may be so determined; and

WHEREAS, Article VII, Section 5 (12) of the City Charter provides that the acquisition, sale, lease or exchange of real property shall be by ordinance; and

WHEREAS, the Mayor and Council find that the transfer of the semi-improved real property is in the best interest of the City pursuant to the terms and conditions as described in Resolution No. 18-1268 as entered into by the parties.

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

Section 1. The City is authorized to transfer to the USCBP and USGSA a semi-improved parking lot and adjacent vacant lots consisting of Lots 9-24 located at 204 1st Street and 236 1st Street in Block 12 of the original Douglas Townsite, inclusive of any abandoned street or alley way that may dissect the noted lots, with any associated and related closing costs, inclusive of any needed survey(s) to be paid by the City of Douglas.

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2 **Section 2.** Adopting and approving the terms described in Resolution No. 18-1268 as entered into by
the parties incorporated herein by reference.

3 **Section 3.** The City Manager and the City Clerk are authorized and directed to sign and execute all
4 documents necessary to consummate the sale of the property.

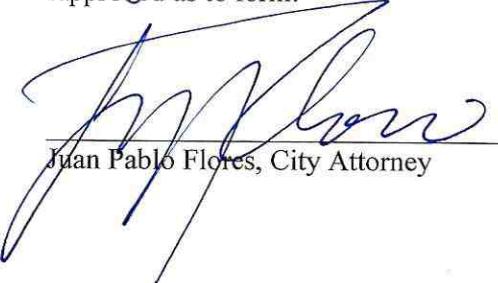
5 **Section 4. Severability:** If any part or clause or sentence of this Ordinance is declared by any Court
6 of competent jurisdiction to be illegal or unconstitutional, then the remainder of this ordinance shall
not be deemed affected and shall continue in full force and effect after the deletion of the illegal or
unconstitutional provision.

7 **Section 5. Emergency Clause:** Whereas the immediate operation of this Ordinance is necessary to
8 the preservation of the public health, peace and welfare, an emergency is declared to exist and this
9 Ordinance shall come into full force and effect by its terms from and after its passage by six-sevenths
(6/7) of the Council and approval of the Mayor.

10 **PASSED AND ADOPTED** by the Mayor and Council of the City of Douglas, Arizona, this 14th day of
March, 2018.

11
12 Robert Uribe, Mayor

13 Attest:
14
15 
16 Brenda Aguilar, City Clerk

17 Approved as to form:
18 
19 Juan Pablo Flores, City Attorney