ORDINANCE NUMBER 584

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPROVING AN AGREEMENT FOR THE EXCHANGE OF REAL PROPERTY BETWEEN THE CITY AND ANTHONY M. LOZANO,TONI G.LOZANO, EDWARD M. LOZANO AND ELEANOR LOZANO.

WHEREAS, the City has undertaken to widen and improve Mingus Avenue between Willard Street and State Highway 89A; and

WHEREAS, in order to construct the necessary street improvements, the City must acquire additional rights-of-way; and

WHEREAS, the City owns a parcel of real property totaling approximately 1,366 square feet in the area along West Mingus Avenue, which it no longer requires; and

WHEREAS, the City requires certain real property owned by Anthony M. Lozazno, Toni G. Lozano, Edward M. Lozano and Eleanor Lozano ("Lozanos"); and

WHEREAS, the City and Lozanos have successfully conferred for the purpose of exchanging a parcel of real property owned by the City for a parcel of real property owned by Lozanos totaling approximately 1,366 square feet in the same area; and

WHEREAS, Arizona Revised Statutes Section 9-407 provides that a City may by ordinance authorize an exchange of a parcel of real property within the City for any other parcel of real property within the City, provided the parcels are of substantially equal value and the exchange meets the terms and conditions set forth in the ordinance; and

WHEREAS, the parcels to be exchanged by the City and Lozanos are of substantially equal value.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD AS FOLLOWS:

Section 1. That the Exchange Agreement between the City and Anthony M. Lozano, Toni G. Lozano, Edward M. Lozano and Eleanor Lozano is hereby approved.

Section 2. That a notice of intent to exchange real property pursuant to Arizona Revised Statutes Section 9-407 shall be published in accordance with the provisions of Arizona Revised Statutes Section 39-204 before the exchange is completed.

Section 3. That if any section, subsection, sentence, clause, phrase or portion of this Ordinance shall for any reason be held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance, and the City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion hereof in the absence of such invalid or unconstitutional section, subsection, sentence, clause, phrase or portion.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, ARIZONA, THIS 21ST DAY OF FEBRUARY.

Diane Joens, Mayor

APPROVED AS TO FORM:

Steven B. Horton, Esq., City Attorney

ATTEST:

Marianne Jiménez, City Clerk

Publish: Verde Indepedent: February 24 & 26, 2012.