



Town of Huachuca City

The Sunset City

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RESOLUTION NO. 2019-14

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF HUACHUCA CITY, ARIZONA, AUTHORIZING THE TOWN TO ENTER INTO A SETTLEMENT AGREEMENT IN ME MANAGEMENT, LLC. V. TOWN OF HUACHUCA CITY, COCHISE COUNTY SUPERIOR COURT CASE NUMBER CV2017-00126A; AUTHORIZING ACQUISITION OF REAL PROPERTY AND PAYMENT THEREFOR; AND AUTHORIZING EXECUTION OF ALL NECESSARY DOCUMENTS AND PAYMENT OF ALL COSTS NECESSARY TO CLOSE THE TRANSACTION.

WHEREAS, the Town of Huachuca City is a political subdivision and municipal corporation of the State of Arizona, and is duly organized and existing pursuant to A.R.S. 9-231, *et seq.*, and the Constitution of the State; and

WHEREAS, the Town is the defendant in litigation titled “ME MANAGEMENT, LLC. V. TOWN OF HUACHUCA CITY,” Cochise County Superior Court No. CV2017-00126 (hereinafter the “Litigation”); and

WHEREAS, the Town and the plaintiff, ME Management, LLC, have negotiated a resolution to the Litigation and have memorialized the terms in the agreement attached hereto as Exhibit “A” and incorporated herein by this reference (hereinafter “Settlement Agreement”); and

WHEREAS, as part of the Settlement Agreement, the Town has agreed to acquire the real property described in the Settlement Agreement; and

WHEREAS, pursuant to A.R.S. 9-241, the Town Council is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interests in property, leases and easements necessary to the functions or operations of the Town; and

WHEREAS, the Mayor and Council have determined that approval of the Settlement Agreement is in the best interest of Huachuca City and its residents.

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

Section 1. The Town hereby approves the Settlement Agreement, attached hereto as Exhibit AA.@

- Section 2.** The Town's officers are hereby authorized and directed to execute said Settlement Agreement on behalf of the Town of Huachuca City.
- Section 3.** The Town's officers and staff are hereby authorized to take all steps necessary and proper to implement said Settlement Agreement and give it effect.
- Section 4.** The Town Manager is authorized to enter into, execute, and deliver such other documents relating to the Settlement Agreement as he deems necessary and appropriate, including all closing, escrow and title documents necessary and proper to effectuate acquisition and acceptance of the property.
- Section 5.** The Town Manager is authorized to pay the acquisition amount, all closing costs, escrow and title fees, title insurance premiums, and any other associated fees, costs and expenses, including costs of inspection, are hereby authorized and approved.

PASSED AND ADOPTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, THIS 11th DAY OF APRIL, 2019.



Johann Wallace, Mayor

ATTEST:



Mathew Williams, Interim Town Clerk

Approved as to Form:



Thomas Benavidez, Town Attorney



EXHIBIT A

[Settlement Agreement must be attached.]