

RESOLUTION NUMBER 12-017

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAFFORD, GRAHAM COUNTY, ARIZONA AUTHORIZING THE EXECUTION AND DELIVERY OF A SETTLEMENT AGREEMENT (APPLICATION NO. 200 8-173) (“SETTLEMENT AGREEMENT”) AMONG THE UNITED STATES OF AMERICA, THE GILA RIVER INDIAN COMMUNITY, THE SAN CARLOS APACHE TRIBE AND THE CITY OF SAFFORD.

WHEREAS, the City of Safford is a municipality created and existing under the laws of the State of Arizona and is authorized to enter into agreements with tribal communities and the United States; and

WHEREAS, the City of Safford has filed an application (“**Application**”) with the Gila Water Commissioner to change the point of diversion and the place of use for certain surface water rights that are subject to the Globe Equity Decree; and

WHEREAS, the Gila River Indian Community and the San Carlos Apache Tribe object to the Application and proceedings are pending before the Globe Equity Enforcement Court; and

WHEREAS, the parties to the Settlement Agreement desire to avoid the time, expense and uncertainty in connection with such Globe Equity Enforcement Court proceeding and desire to settle their dispute.

NOW, THEREFORE, BE IT RESOLVED, by the City of Safford as follows:

1. The Settlement Agreement attached hereto as Exhibit A is hereby approved. A fully executed copy of the Settlement Agreement shall be filed in the records of the City of Safford.
2. Mayor Wyn “Chris” Gibbs is hereby authorized to execute and deliver the Settlement Agreement for and on behalf of the City of Safford; and to thereafter execute and deliver all such other documents and instruments as may be necessary or required pursuant to the Settlement Agreement.
3. This Resolution shall be in and become effective upon its adoption by the City of Safford.

PASSED, ADOPTED AND APPROVED by the Mayor and City Council of the City of Safford this 29th day of May, 2012.

Wyn “Chris” Gibbs, Mayor
City of Safford

ATTEST:

APPROVED AS TO FORM:

Georgia Luster, MMC
City Clerk

William J. Sims
Interim City Attorney

CERTIFICATION

I HEREBY CERTIFY, that the foregoing Resolution Number 12-017 was duly passed and adopted by the Mayor and City Council of the City of Safford, Graham County, Arizona, at a council meeting held May 29, 2012, and that a quorum was present at the meeting.

Georgia Luster, City Clerk, MMC

Date