

ORIGINAL

Wilhoit & Dells
Water Companies



0000130304

RECEIVED

2011 OCT -5 P 12: 01

AZ CORP COMMISSION
DOCKET CONTROL

October 5, 2011

Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 8507

Re: Docket Nos. W-02065A-11-0246 & W-20809-11-0246

On September 15, 2011, Wilhoit Water Company submitted a supplement to its application for approval of the sale of assets and transfer of Certificates of Convenience and Necessity. The supplement is an application by the Company for Approval of the Sale of Assets and Transfer of a Certificate of Convenience and Necessity (CC&N) for the Willow Lakes System.

The supplement should have included the City of Prescott's ordinance obtaining the system by eminent domain and the legal description of the system. It did not.

Attached is the Prescott ordinance and legal description of the system.

Arizona Corporation Commission

DOCKETED

OCT 5 2011

DOCKETED BY *PPS*

Cordially,

Jim West
Manager

/attachments

I do hereby certify that the within instrument was filed and recorded at the request of
on JUN 11 '81-10:10 AM o'clock book 1387 Official Records Page 731-732
Records of Yavapai County, Arizona. WITNESS my hand and official seal the day and year first above written.



INDEXED
MICROFILMED

PATSY C. JENNEY, County Recorder
By *Marilyn Olson* Deputy

ORDINANCE NO. 1526

2 co

AN ORDINANCE DECLARING A PUBLIC NEED AND NECESSITY AND A PUBLIC USE; AUTHORIZING AND DIRECTING THE CITY MANAGER AND CITY ATTORNEY TO ACQUIRE UNDER THE POWER OF EMINENT DOMAIN ALL OF THE REAL AND PERSONAL PROPERTY, SYSTEM, PLANT, FRANCHISES, RIGHTS, AND OTHER PROPERTY OF THE WILHOIT WATER COMPANY, INC. WITHIN A CERTAIN DESCRIBED PORTION OF YAVAPAI COUNTY, ARIZONA, FOR THE REASON THAT SAID PROPERTY MUST BE ACQUIRED BY THE CITY IN ORDER FOR THE CITY TO ADEQUATELY SERVE AND SUPPLY WATER AND AS A MATTER OF PUBLIC NEED AND NECESSITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PRESCOTT AS FOLLOWS:

WHEREAS, the Council of the City of Prescott has determined and hereby declares that it is a matter of public need and necessity to acquire all of the real property, personal property, system, wells, plant, equipment, franchises, and other property whatsoever of The Wilhoit Water Company, Inc. within that certain described area of Yavapai County, Arizona, as listed on the attached Attachment "A", including all rights, title and interest in and to its Certificate(s) of Convenience and Necessity as issued by the Arizona Corporation Commission in Opinion and Order bearing Decision No. 40029, Opinion and Order bearing Decision No. 40072, and any other Opinions and Orders by the Arizona Corporation Commission which modify the rights or area under the Certificate(s) of Convenience and Necessity of The Wilhoit Water Company, Inc., authorizing it to construct, operate and maintain a public water system within the area listed on the attached Attachment "A", in order for the City to adequately serve and supply water to customers within and/or without its corporate boundaries and to extend and expand the City's water supply system; and

WHEREAS, the Council of the City of Prescott declares that upon such acquisition, the City intends to utilize such property to furnish water to customers within and/or without its corporation boundaries, which use the Council hereby declares to be a public use.

SECTION 1. That the City Manager and the City Attorney are hereby authorized and directed to acquire and condemn the real property, if any; personal property, if any; system, if any; wells, if any; plant, if any; equipment, if any; franchises, if any; and other property whatsoever, if any; of The Wilhoit Water Company, Inc. within that certain described area of Yavapai County, Arizona, as listed on the attached Attachment "A", including all rights, title and interest, if any it may have, in said Certificate(s) of Convenience and Necessity as above described, and to consummate the acquisition of such property under the power of eminent domain and to do all things necessary to accomplish this purpose.

SECTION 2. That the City Manager and the City Attorney be, and they are hereby, authorized and directed to petition the court to enter an order that the City of Prescott be let into the immediate possession and full use of all of the above-described property, to immediately determine the probable damages resulting from the City of Prescott being let into immediate possession of the above-described property, and to set the amount of a bond in a form to be approved by the court, and to do all things necessary to accomplish this purpose.

SECTION 3. WHEREAS, the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public peace, health and safety, an EMERGENCY is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage by the Council as required by the City Charter and is hereby exempted from the referendum clause of said Charter.

PASSED, APPROVED and ADOPTED by the Mayor and Council of the City of Prescott, Arizona, on this 10 day of JUNE, 1981.

[Signature]
MAYOR PRO TEM

ATTEST:
[Signature]
CITY CLERK

APPROVED AS TO FORM:
[Signature]
CITY ATTORNEY BOOK 1387 PAGE 731

"EXHIBIT B"

ATTACHMENT "A"

The North Half of the Northwest Quarter of
Section 14 and the Northeast Quarter of the
Northeast Quarter of Section 15, all in
Township 14 North, Range 2 West, Gila and
Salt River Base and Meridian, Yavapai County,
Arizona.

BOOK 1387 PAGE 732