

**ORDINANCE NO. O2017-001**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING ORDINANCE O2014-02 TO UPDATE THE REQUIRED RIGHT-OF-WAY DEDICATIONS, REMOVE CONDITION 9 OF O2014-02 AND TO EXTEND THE TIME FOR COMPLIANCE WITH CONDITIONS FOR THE REZONING OF CERTAIN PROPERTIES FROM AGRICULTURE (AG) DISTRICT TO THE LOW DENSITY RESIDENTIAL/PLANNED UNIT DEVELOPMENT OVERLAY (R-1-6/PUD) DISTRICT AND THE MEDIUM DENSITY RESIDENTIAL/PLANNED UNIT DEVELOPMENT OVERLAY (R-2/PUD) DISTRICT, AND AMENDING THE ZONING MAP TO CONFORM THERETO**

WHEREAS, the City Council adopted Ordinance O2014-02 on January 15, 2014 rezoning certain properties subject to conditions which have not been fully met; and,

WHEREAS, pursuant to Arizona Revised Statutes (A.R.S.) § 9-462.01 and Ordinance No. O2014-02, a statutory compliance hearing was held on January 18, 2017 and this amendment to Ordinance No. O2014-02 was introduced; and,

WHEREAS, the City seeks to resolve the outstanding conditions to bring the properties into compliance with the rezoning to the Low Density Residential/Planned Unit Development Overlay (R-1-6/PUD) District and the Medium Density Residential/Planned Unit Development Overlay (R-2/PUD) District; and,

WHEREAS, the Condition 9 requirements of Ordinance No. O2014-02 have been incorporated into a recorded development agreement and are no longer necessary or desirable in Ordinance No. O2014-02; and,

WHEREAS, the City seeks to amend the right-of-way dedications required by Ordinance O2014-02, which were based on the Major Roadways Plan, as amended, as it has been superseded with the adoption of the City of Yuma Transportation Master Plan dated October 2014.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1: The following numbered subsections in Section 3 of Ordinance O2014-02 shall be amended to read as follows:

4. The Owner shall dedicate any underlying ownership of the existing 40th Street right-of-way and additional right-of-way along the parent parcel to the City of Yuma (City), so that the City realizes a full 62-foot half-width right-of-way and flares for 40th Street. Dedication shall be by plat or warranty deed.

5. The Owner shall dedicate 36th Street right-of-way along the parent parcel, so that the City realizes a full 40-foot half-width right-of-way and flares for 36th Street, as specified in the Transportation Master Plan. Dedication shall be by plat or warranty deed.
6. The Owner shall dedicate Avenue 7½E right-of-way along the parent parcel, so that the City realizes a full 40-foot half-width right-of-way and flares for Avenue 7½E, as specified in the Transportation Master Plan. Dedication shall be by plat or warranty deed.

SECTION 2: Subsection 9 in Section 3 of Ordinance O2014-02 is hereby deleted.

SECTION 3: That the words “within two (2) years of the effective date of the rezoning ordinance” in Section 4 of Ordinance O2014-02 is amended to read “on or before March 1, 2017.”

SECTION 4: Subject to this amendment, Ordinance No. O2014-02 shall remain in full force and effect.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

APPROVED:

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Douglas J. Nicholls  
Mayor

ATTESTED:

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Lynda L. Bushong  
City Clerk

APPROVED AS TO FORM:

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City Attorney