

**ORDINANCE NO. O2017-041**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING AND DIRECTING THAT CERTAIN PARCELS OF REAL PROPERTY, HEREAFTER DESCRIBED, BE ACQUIRED BY THE CITY OF YUMA BY GIFT, PURCHASE, EASEMENT, OR UNDER THE POWER OF EMINENT DOMAIN, FOR THE REASON THAT SUCH PROPERTY IS NECESSARY TO IMPROVE THE PUBLIC ROADWAY AND UTILITY INFRASTRUCTURE AND OTHER RELATED PUBLIC PURPOSES, AND AUTHORIZING PAYMENT OF COSTS FOR THE ACQUISITIONS**

WHEREAS, the City of Yuma (City) is authorized, pursuant to the City Charter, Article III, Section 2, to acquire and dispose of real property; and,

WHEREAS, the City has identified the acquisition of three parcels of real property consisting of approximately 50 square feet each, as necessary additional right-of-way for the Capital Improvement Program project titled, *3<sup>rd</sup> and Orange Avenue – 8<sup>th</sup> to 14<sup>th</sup> Street, 3<sup>rd</sup> to 4<sup>th</sup> Avenue Paving* (3<sup>rd</sup> Avenue Improvement Project); and,

WHEREAS, in accordance with the design of the 3<sup>rd</sup> Avenue Improvement Project, the three parcels are necessary for public roadway and utility improvements.

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

SECTION 1: It is deemed necessary and essential, as a matter of public necessity and public welfare, that certain parcels of real property described in Exhibit A attached and by this reference made a part of this ordinance, be acquired by the City by gift, purchase, easement, or under the power of eminent domain as the described real property is required to extend and improve public roadway and utility infrastructure for the public interest of the City and would be of public benefit.

SECTION 2: The City Administrator and the City's attorneys are authorized and directed to acquire the necessary right-of-way described in Exhibit A on behalf of the City of Yuma.

SECTION 3: The Finance Director is authorized and directed to pay such costs as necessary to acquire the described property.

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

APPROVED:

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Douglas J. Nicholls  
Mayor

ATTESTED:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lynda L. Bushong  
City Clerk

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Richard W. Files  
City Attorney