

**ORDINANCE NO. 02021-006**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA,  
AUTHORIZING THE GRANT OF AN EASEMENT ON CITY-OWNED REAL PROPERTY,  
HEREAFTER DESCRIBED, TO NR 30TH ST, LLC, FOR THE REASON THAT SUCH  
EASEMENT IS REQUIRED FOR THE CONTINUED OPERATION AND MAINTENANCE  
OF EXISTING BUILDINGS LOCATED AT 3045 SOUTH AVENUE 3E**

WHEREAS, the City of Yuma (City) is authorized, pursuant to the City Charter, Article III, Section 2, to grant easements in City-owned real property for the public interest and public benefit; and,

WHEREAS, the buildings at 3045 South Avenue 3E were constructed in Yuma County and annexed into the City of Yuma on May 1, 1981 with Annexation Ordinance 1999; and,

WHEREAS, AMCICO INCORPORATED, an Arizona corporation dedicated 10 feet additional right-of-way along the south side of 30<sup>th</sup> Street by Warranty Deed, dated May 20<sup>th</sup>, 1987, recorded in Docket 1537, Page 217, Yuma County Records (YCR); and,

WHEREAS, the BOTAVIA ENERGY LOT SPLIT dated September 24, 2019, FEE # 2019-24376, Recorded in Book 31 of Plats, Page 15, YCR, indicates a portion of the buildings encroach into the existing right-of-way; and,

WHEREAS, a new owner anticipates purchasing the property to park heavy equipment and desires some clarity from the City of Yuma regarding the continued use of the buildings encroaching into the dedicated right-of-way.

WHEREAS, an easement would allow the buildings to remain until such time that the building is removed from the easement area.

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

SECTION 1: That it is deemed necessary and essential, as a matter of public interest and public benefit, that a building easement shall be granted by the City of Yuma to NR 30th St, LLC in order to provide assurance that the City will not require removal of portions of buildings owned by a new business located at 3045 South Avenue 3E.

SECTION 2: The Building Easement attached as Exhibit 1 and by this reference made a part of this Ordinance, is approved according to its terms.

SECTION 3: The City Administrator is authorized and directed to execute and record the Easement on behalf of the City of Yuma.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

APPROVED:

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Douglas J. Nicholls  
Mayor

ATTESTED:

APPROVED AS TO FORM:

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Lynda L. Bushong  
City Clerk

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Richard W. Files  
City Attorney