

**ORDINANCE NO. O2017-015**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA,  
ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE,  
REZONING CERTAIN PROPERTY LOCATED IN THE AGRICULTURE  
(AG) DISTRICT TO THE LIMITED COMMERCIAL (B-1) DISTRICT  
AND AMENDING THE ZONING MAP TO CONFORM WITH THE  
REZONING**

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on March 27, 2017 in Zoning Case no: ZONE-16867-2017 in the manner prescribed by law for the purpose of rezoning one parcel of real property hereafter described to the Limited Commercial (B-1) District as provided in Chapter 154 of the Yuma City Code; and,

WHEREAS, due and proper notice of the public hearing was given in the time, form, substance and manner provided by law, including publication of notice of the hearing in the Yuma Sun on March 3, 2017; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-16867-2017 and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended.

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

SECTION 1: That the following described real property, depicted in Exhibit A, attached:

A portion of the Southeast quarter of the Southeast quarter (SE1/4SE1/4) of Section 19, Township 8 South, Range 23 West of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona more particularly described as follows:

The South 183.00 feet of the East 172.00 feet of the said Southeast quarter of the Southeast quarter (SE1/4SE1/4) of Section 19;

EXCEPT the East 40.00 feet thereof; and

EXCEPT the South 33.00 feet;

AND EXCEPT;

BEGINNING at the Southeast corner of said Section 19;

thence North 89°31'53" West along the South line of said Section 19, a distance of 67.00 feet;

thence North 00°28'44" West and parallel to the East line of said Section 19, a distance of 33.00 feet to the TRUE POINT OF BEGINNING;

thence South 89°31'53" East and parallel to the South line of said Section 19, a distance of 20.00 feet;

thence North 00°28'44" East and parallel to the East line of said Section 19, a distance of 20 feet;

thence South 45°28'26" West, a distance of 28.29 feet to the TRUE POINT OF BEGINNING;

FURTHER EXCEPT that portion of the Southeast quarter of Section 19, Township 8 South, Range 23 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona, more particularly described as follows:

BEGINNING at a point which lies 33.00 feet Northerly of the South line and 172.00 feet westerly of the East line of said Southeast quarter of Section 19;  
thence North 00°01'14" West along a line parallel with and 172.00 feet Westerly of the East line of said Southeast quarter of Section 19, a distance of 12.00 feet to a point on the North line of the South 45.00 feet of said Southeast quarter of Section 19;

thence North 89°58'10" East along the North line of the South 45.00 feet of said Southeast quarter of Section 19, a distance of 117.00 feet to a point which lies 55.00 feet Westerly of the East line of said Southeast quarter of Section 19;

thence South 44°58'28" West, a distance of 16.97 feet to a point which lies 33.00 feet Northerly of the South line and 57.00 feet Westerly of the East line of Southeast quarter of Section 19;

thence South 89°58'10" West along a line parallel with and 33.00 feet Northerly of the South line of said Southeast quarter of Section 19, a distance of 105.00 feet to THE POINT OF BEGINNING.

Containing an area of 18268 square feet or 0.419 acre more or less.

shall be placed in the Limited Commercial (B-1) District, as defined by Chapter 154 of the Yuma City Code as amended; that upon this Ordinance becoming final, the described real property shall be subject to all rules, regulations and requirements of Chapter 154 of the Yuma City Code, as amended, pertaining to the Limited Commercial (B-1), and that the zoning map adopted under Chapter 154 of the Yuma City Code, as amended, is

ordered to be changed and amended so as to show that the real property described in this Ordinance will be located within the Limited Commercial (B-1) District.

SECTION 2: That the following condition(s) must be met and/or completed in order for the zoning amendment to be final:

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized "Waiver of Claims under the Private Property Rights Protection Act." The Waiver shall be submitted within thirty (30) calendar days of the effective date of approval of this zoning action and prior to the issuance of any building permit. In the event this condition is not completed within this time frame, the zoning action is null and void.
3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.
4. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Raised Median Covenant for the property acknowledging the future plan to install medians on both Avenue B and 8<sup>th</sup> Street.

SECTION 3: With the exception of Condition 2, each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a building permit or business license for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to ARS 9-462.01.

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

APPROVED:

\_\_\_\_\_  
Douglas J. Nicholls  
Mayor

ATTESTED:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Richard W. Files  
Deputy City Attorney

## Exhibit A

