

**ORDINANCE NO. O2018-024**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA,  
ARIZONA, REFERENCING CHAPTER 154 OF THE YUMA CITY CODE,  
REZONING CERTAIN PROPERTY LOCATED IN THE AGRICULTURE  
(AG) DISTRICT TO THE LOW DENSITY RESIDENTIAL (R-1-12) AND  
THE LOW DENSITY RESIDENTIAL (R-1-8) DISTRICTS AND  
AMENDING THE ZONING MAP TO CONFORM WITH THE REZONING**

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on April 23, 2018 in Zoning Case no: ZONE-21130-2018 in the manner prescribed by law for the purpose of rezoning several parcels of real property hereafter described to the Low Density Residential (R-1-12) and the Low Density Residential (R-1-8) Districts 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 16, 2018; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-21130-2018 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:

That portion of the Southeast quarter of Section 17, Township 9 South, Range 22 West, Gila & Salt River Base & Meridian, Yuma County, Arizona, More particularly described as follows:

Beginning at the northwest corner of the Southeast quarter of said section 17;

Thence North 89°53'27" East along the north line of the Southeast quarter of said Section 17 a distance of 222.42 feet;

Thence South 00°18'57" East a distance of 1,208.00 feet; Thence North 89°53'27" East a distance of 582.24 feet;

Thence South 00°10'04" East to a point on the south line of the Northwest quarter of the Southeast quarter of said Section 17 a distance of 120.68 feet;

Thence South 89°55'52" West along the south line of said Northwest quarter of the Southeast quarter of Section 17 to a point on the west line of the Northwest quarter of the Southeast quarter of said Section 17 a distance of 808.93 feet;

Thence North 00°07'06" West along the west line of said Northwest quarter

of the Southeast quarter of Section 17 a distance of 1,328.10 feet to the point of beginning;

shall be placed in the Low Density Residential (R-1-12) 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 Low Density Residential (R-1-12) District, 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 Low Density Residential (R-1-12) District, and

That portion of the Southeast quarter of Section 17, Township 9 South, Range 22 West, Gila & Salt River Base & Meridian, Yuma County, Arizona, More particularly described as follows:

Beginning at the northeast corner of the Southeast quarter of said section 17;

Thence South 00°18'57" East along the east line of the Southeast quarter of said Section 17 a distance of 998.94 feet to a point on the North right-of-way line of the USBR "A" Canal;

Thence South 54°52'54" West along the North right-of-way line of the "A" Canal to a point on the east line of the Southwest quarter of the Southeast quarter of said Section 17 a distance of 1,603.30 feet;

Thence North 00°13'02" West along the east line of said Southwest quarter of the Southeast quarter of Section 17 a distance of 90.08 feet;

Thence South 89°53'27" West a distance of 500.00 feet;

Thence North 00°10'04" West to a point on the north line of said Southwest quarter of the Southeast quarter of said Section 17 a distance of 500.00 feet

Thence South 89°55'52" West along the north line of said Southwest quarter of the Southeast quarter of Section 17 a distance of 7.00 feet;

Thence North 00°10'04" West a distance of 120.68 feet; Thence South 89°53'27" West a distance of 582.24 feet;

Thence North 00°18'57" West to a point on the north line of said Southeast quarter of Section 17 a distance of 1,208.00 feet;

Thence North 89°53'27" East along the north line of said Southeast quarter of Section 17 a distance of 2,404.00 feet to the point of beginning;

shall be placed in the Low Density Residential (R-1-8) 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 Low Density Residential (R-1-8) District, 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 Low Density Residential (R-1-8) 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 prior to the issuance of any building permit, Certificate of Occupancy, or City of Yuma Business License for this property.
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. All aspects of development shall be in accordance with the approved Pre-Annexation Agreement, Resolution R2017-035 (Fee No. 2018-01671).

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 A.R.S. §9-462.01.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVED:

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

ATTESTED:

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

APPROVED AS TO FORM:

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

Exhibit A

