

RESOLUTION NO. R2019-045

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA,
ARIZONA, AUTHORIZING AND APPROVING THE EXECUTION OF A
DEVELOPMENT AGREEMENT WITH THE OWNER OF REAL PROPERTY
LOCATED AT 1744 S. PACIFIC AVENUE**

WHEREAS, the City of Yuma (City) is authorized under Arizona Revised Statutes Section 9-500.05 to enter into development agreements with owners of real property located within the municipality; and,

WHEREAS, the owner of certain real property located at 1744 S. Pacific Avenue (the Property) operated a mobile food vending site under Yuma County issued Special Use Permit No. 13-08 (SUP); and,

WHEREAS, in August 2015, the owner, the adjacent developer, Fortuna de Oro, LLC, and the City entered into a three-party agreement which provided, among other things, the City's recognition of owner's County SUP until it expired and thereafter owner was to obtain a City Conditional Use Permit (CUP) and meet all requirements under the CUP to continue use as a mobile food vendor site; and,

WHEREAS, the County SUP has expired and owner must obtain a CUP to continue to use the Property as a mobile food vending site; and,

WHEREAS, owner needs additional time to meet required standard conditions to obtain a CUP; and,

WHEREAS, the conditional use and development of the Property as a mobile food vending site is consistent with the goals and objectives of the City of Yuma General Plan, as amended, and adopted in 2012; and,

WHEREAS, entering into this Development Agreement furthers the objectives established in the August 2015 three-party agreement and permits owner to continue to use the Property as a mobile food vendor site subject to the terms in the proposed Development Agreement and further resolves disputes between the owner and City.

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

SECTION 1: The Development Agreement between the Property owner and the City of Yuma, attached as Exhibit A and incorporated as part of this Resolution by reference, is approved according to its terms.

SECTION 2: The City Administrator is authorized and directed to execute the attached Development Agreement on behalf of the City of Yuma.

Adopted this _____ day of _____ 2019.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

APPROVED AS TO FORM:

Lynda L. Bushong
City Clerk

Richard W. Files
City Attorney