

ORDINANCE NO. O2020-015

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA,
ARIZONA, DECLARING THAT CERTAIN ALLEY NORTH OF 13th
STREET BETWEEN 2ND AND 3RD AVENUES VACATED**

WHEREAS, Arizona Revised Statutes Section 28-7201 *et seq.* and the Yuma City Charter, Article III, Section 2, provides for the disposition of unnecessary roadways, which includes alleys; and,

WHEREAS, Arizona Revised Statutes Section 28-7205 specifically provides for the vacating of unnecessary public roadways so as to allow title to vest according to law; and

WHEREAS, that portion of the Alley located north of 13th Street between 2nd and 3rd Avenues, as legally described in Exhibit “A”, attached hereto and incorporated herein by reference, is no longer necessary for public use as a public roadway;

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

SECTION 1: That the public roadway described in attached Exhibit “A” is determined to be no longer necessary for public use as a public roadway.

SECTION 2: That the public roadway described in attached Exhibit “A” is hereby declared abandoned and vacated, so that title shall vest, subject to the same encumbrances liens, limitations, restrictions and estates as exist on the land to which it accrues, in accordance with law.

SECTION 3: That in as much as the real property abutting the public roadways is owned by the City of Yuma and is part of the building and grounds that comprise the site of the new Thomas F. Alt Utilities Complex, the vesting of title to the public roadway pursuant to this Ordinance is done without monetary compensation.

SECTION 4: That this Ordinance shall not become effective and the vacation of the public roadway shall not take effect until after the recordation of this Ordinance.

Adopted this ____ day of _____, 2020.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

APPROVED AS TO FORM:

Lynda L. Bushong
City Clerk

Richard W. Files
City Attorney

Exhibit “A”
Alley Property Legal Description

A portion of the North half of the Northwest quarter of the Southeast quarter (N½NW¼SE¼) of Section 28, Township 8 South, Range 23 West of the Gila and Salt River Base and Meridian, City of Yuma, Yuma County, State of Arizona, also being a portion of the alley shown in Block 2 of the AMENDED PLAT OF RUBY’S YUMESA SUBDIVISION, dated 6/6/1945, Recorded in Book 3 of Plats, Page 1, Yuma County Records (YCR), and more specifically described as follows:

Commencing at the Southwest corner of Lot 11, Block 2, in said “AMENDED PLAT OF RUBY’S YUMESA SUBDIVISION”, point being the **True Point of Beginning**;

thence North 00° 01’ East (calculated) along the East right-of-way line of said alley a distance of 419.69 feet (record), more less to the beginning of a tangent curve concave Southeast of radius 10 feet, located at the northwest corner of adjoining Lot 4, Block 2, of said AMENDED PLAT OF RUBY’S YUMESA SUBDIVISION;

thence Northwest along said tangent curve concave Southeast, of radius 10, through a central angle to a point lying on the North line of said Lot 4;

thence West along a Westerly projection of the North line of Lot 4, a distance of 30 feet (calculated), more or less to a point lying on the West right-of-way line of the said alley;

thence South 00° 01’ West (calculated) along the West right-of-way line of said alley a distance of 429.69 feet (calculated) to a point lying on the North right-of-way line of Thirteenth Street;

thence South 89° 55’ 30” East (record) along the North right-of-way line of Thirteenth Street, a distance of 20 feet (record) to the **True Point of Beginning**.

Containing 8,615 square feet or 0.197 of an acre, more or less.