

ORDINANCE NO. O2017-030

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA,
ARIZONA, DECLARING THE CITY-OWNED RESIDENCE LOCATED AT
9503 S. AVENUE 7E, SURPLUS FOR CITY USE AND AVAILABLE TO
SELL TO THE OWNERS OF THE REAL PROPERTY ON WHICH THE
RESIDENCE IS SITUATED**

WHEREAS, the City of Yuma (the “City”) is authorized, pursuant to the Yuma City Charter, Article III, Section 2, to acquire and dispose of real property; and,

WHEREAS, pursuant to the terms of a May 2009 Settlement and Purchase Agreement (“Settlement Agreement”) in a condemnation action, the City purchased a residential structure (“Residence”) located on Yuma County Assessor’s Parcel No. 108-32-003 B located at 9503 S. Avenue 7E; and,

WHEREAS, the City did not purchase the underlying real property on which the Residence is situated but only the Residence with the intent and purpose of demolishing the Residence in order to avoid the severance damages, costs and issues associated with constructing a necessary structural retaining wall along the length of the property in connection with anticipated future roadway improvements for Avenue 7E, south of Highway 95 and north of 24th Street (the “Avenue 7E Improvements”); and,

WHEREAS, pursuant to the terms of the Settlement Agreement, the property owners had the option of renting the Residence on a month-to-month basis for \$750 per month until its demolition; and,

WHEREAS, subsequent to the Settlement Agreement, the City has determined that the Avenue 7E Improvements will not be constructed until some future, undesignated date and time; and,

WHEREAS, the underlying property owners have requested to either re-purchase the Residence from the City for the sum of Fifty Thousand Dollars and No/100 (\$50,000.00) or demolish and remove the Residence pursuant to the terms of the Settlement Agreement; and,

WHEREAS, declaring the Residence surplus and selling the surplus Residence back to the underlying property owners will serve the public interest by returning the Residence to a productive use that will generate property tax revenues; and,

WHEREAS, the Residence will be sold pursuant to the terms and conditions of a Purchase and Sale Agreement.

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

SECTION 1: The Residence located at 9503 S. Avenue 7E on Yuma County Assessor Parcel No. 108-32-003 B, is declared surplus for use by the City and authorized to be sold

pursuant to the terms of a Purchase and Sale Agreement to be signed by the City Administrator on behalf of the City.

SECTION 2: Conveyance of the Residence by Quit Claim Deed from the City to the underlying property owners for the sum of Fifty Thousand Dollars (\$50,000.00) is hereby authorized.

SECTION 3: That City staff is authorized and directed to take the necessary actions to convey the described Residence to the underlying property owners in accordance with the conditions of this ordinance.

ADOPTED THIS ____ day of _____, 2017.

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney