

**ORDINANCE NO. O2018-023**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING AND DIRECTING THAT CERTAIN PARCELS OF REAL PROPERTY, HEREAFTER DESCRIBED, BE ACQUIRED BY THE CITY OF YUMA THROUGH GIFT, EXCHANGE FOR SURPLUS CITY OF YUMA PROPERTY, PURCHASE, OR UNDER THE POWER OF EMINENT DOMAIN, FOR THE REASON THAT SUCH PROPERTY IS NECESSARY AND REQUIRED FOR THE CONSTRUCTION AND OPERATION OF THE UTILITIES ADMINISTRATION COMPLEX AND OTHER PUBLIC PURPOSES AS MAY BE RELATED THERETO, AND AUTHORIZING PAYMENT OF COSTS INCURRED IN THE ACQUISITION OF THE DESCRIBED PARCELS**

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

WHEREAS, the City has identified two parcels of real property at 1230 S. Second Avenue as necessary and required for the construction and operation of the utilities administration complex; and,

WHEREAS, the City seeks to acquire fee simple title to the described property through an exchange of surplus City-owned real property, or through purchase, gift, or the exercise of eminent domain; and,

WHEREAS, acquisition of the property is necessary for a public use,

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

SECTION 1: It is deemed necessary and essential, as a matter of public necessity and public welfare, that certain parcels of real property described in Exhibit A, attached and by this reference made a part of this ordinance, be acquired by the City of Yuma, as such acquisition is required for the construction and operation of the utilities administration complex and would be of public benefit.

SECTION 2: City staff is authorized and directed to acquire the described real property by gift, purchase, or through the exchange of surplus City-owned property.

SECTION 3: In the event City staff is unable to acquire the described parcels upon satisfactory terms, the City Attorney's Office is authorized and directed to perform all acts necessary to acquire title to and possession of the described parcels under the power of eminent domain for the City of Yuma.

SECTION 4: The Finance Director is authorized on behalf of the City to pay all costs necessary to acquire the described property, together with recording fees, escrow, title insurance, closing and other costs incurred in the acquisition.

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

APPROVED:

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Douglas J. Nicholls  
Mayor

ATTESTED:

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Lynda L. Bushong  
City Clerk

APPROVED AS TO FORM:

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Richard W. Files  
City Attorney