

RESOLUTION NO. R2017-022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, ACCEPTING A TRANSFER OF PROPERTY ON COUNTY 8TH STREET, FROM AVENUE C 1/2 WEST 140.00 FEET FROM YUMA COUNTY, AND ANNEXING SAID PROPERTY

WHEREAS, in the matter of transfer and annexing a portion of County 8th Street, from Avenue C ½ west 140.00', hereafter be referred to as the "Road" which is within the unincorporated area of the County of Yuma, Arizona, a political body ("County") to the City of Yuma, Arizona, a municipal corporation of the State of Arizona ("City"); and,

WHEREAS, the City annexed County 8th Street to the west of this Road under Annexation Ordinance O2013-39, recorded as FEE # 2013-25196 Yuma County Records (Y.C.R.); and,

WHEREAS, the City annexed County 8th Street to the east of this Road under City of Yuma Annexation Ordinance 02008-45, recorded as FEE#2009-01624 Y.C.R.; and,

WHEREAS, the County and the City desires for the transfer and annexation of this Road in accordance with an Intergovernmental Agreement between the County of Yuma and the City of Yuma for the Improvement of County 8th Street, between Avenue C and Avenue D; and,

WHEREAS, the Yuma County Board of Supervisors established County 8th Street, between Avenue C to East of River as a County Highway on July 17, 1902, Book 7 of Miscellaneous Records, page 494, and Survey No. 37, recorded May 3, 1911 Y.C.R. and

WHEREAS, Arizona Revised Statutes §9-471, Paragraph N, specifies that:

A county right-of-way or roadway may be transferred to an adjacent city or town by mutual consent of the governing bodies of the county and city or town if the property transferred is adjacent to the receiving city or town and if the city or town and county each approve the proposed transfer as a published agenda item at a regular public meeting of their governing bodies. A transfer of property made pursuant to this subsection shall be treated by the receiving city or town as if the transferred property was newly annexed territory.

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

SECTION 1: The resolution agreement, attached and incorporated as Exhibit 1, prepared by Yuma County is approved as a binding agreement of transfer and annexation accepted by the City of Yuma.

SECTION 2: The portion of County 8th Street, as described in the attached Exhibit 'A', is transferred to the City by mutual consent of both governing bodies.

SECTION 3: The above described Road shall be treated by the City as if the transferred property was newly annexed territory.

SECTION 4: The City Administrator is authorized to sign Exhibit 1 on behalf of the City of Yuma.

Adopted this _____ day of _____, 2017.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney