

**ORDINANCE NO. O2018-026**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, DECLARING PARCEL 1 OF THE 40<sup>TH</sup> STREET AND AVENUE 3E RETENTION BASIN LOT SPLIT SURPLUS FOR CITY USE AND AVAILABLE FOR EXCHANGE FOR OTHER NECESSARY REAL PROPERTY OR IN THE ALTERNATIVE, FOR SALE THROUGH A COMPETITIVE PROCESS**

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

WHEREAS, the City is the owner of certain real property located at 40<sup>th</sup> Street and Avenue 3E (City Property), which was annexed into the City (ANEX-19716-2017) and is partially used as a City retention basin; and,

WHEREAS, the City determined that the north half of the City Property is sufficient for the necessary retention basin and has processed a lot split, creating Parcel 1 and Parcel 2 of the 40th Street and Avenue 3E Retention Basin Lot Split; and,

WHEREAS, Parcel 2 is reserved for the City's ongoing retention basin needs which leaves Parcel 1 vacant, surplus to the City's needs, and available for development; and,

WHEREAS, the City seeks to return Parcel 1 to a productive use through a real property exchange for other property necessary for a public use, which will return the surplus property to the public tax rolls and generate future property tax revenues.

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

SECTION 1: Parcel 1 described in Exhibit A, and made a part of this ordinance by reference, is declared surplus for City use and is authorized for exchange for other real property deemed necessary for a public use by authorizing City ordinance. The terms of any exchange agreement may be approved by City Council motion.

SECTION 2: In the alternative, Parcel 1 is authorized for sale through a real estate broker for the highest offer, or other alternative competitive means of sale including, but not limited to, a request for offer process.

SECTION 3: City staff is authorized and directed to perform all acts necessary to effectuate the exchange or sale of Parcel 1 of the City Property in accordance with the conditions of this ordinance.

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

APPROVED:

\_\_\_\_\_  
Douglas J. Nicholls  
Mayor

ATTESTED:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lynda L. Bushong  
City Clerk

\_\_\_\_\_  
Richard W. Files  
City Attorney

## **EXHIBIT A**

### Avenue 3E Retention Basin Parcel 1 legal description

A portion of the Northwest quarter of the Northwest quarter (NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>) of Section 13, Township 9 South, Range 23 West of the Gila and Salt River Base and Meridian, City of Yuma, Yuma County, State of Arizona, and more particular described as follows:

Parcel 1 of the "RETENTION BASIN LOT SPLIT" plat, dated 5/21/18, FEE 2018-13282, recorded in Book 30 of Plats, Page 1, Yuma County Records.

Containing 43,997 square feet or 1.010 acres, more or less.