

ORDINANCE NO. O2020-023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, DECLARING A PORTION OF A CERTAIN EASEMENT, HEREAFTER DESCRIBED, SURPLUS FOR CITY USE AND AUTHORIZING THE VACATING OF THE SURPLUS EASEMENT TO THE PROPERTY OWNER AND DIRECTING THE EXECUTION OF ALL NECESSARY DOCUMENTS FOR TRANSFER THEREOF

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

WHEREAS, the City of Yuma obtained a sanitary sewer easement, dated 7/13/2007, recorded in Fee # 2007-25208, Yuma County Records totaling 8330.48 square feet (Easement); and,

WHEREAS, the City of Yuma has determined that the vacation of 4,994.80 square feet of the Easement, legally described in the attached Quit Claim Deed (Exhibit A) and further depicted on the attached location map (Exhibit B), is not detrimental to City utility operations and no longer needed; and,

WHEREAS, the current owner of the property on which the surplus portion of the Easement lies, proposes to use the property for a building footprint for the Yuma RV & Boat storage facility; and,

WHEREAS, the property owner has requested the abandonment of surplus portion of the Easement to accommodate the proposed use of the property; and,

WHEREAS, the original Grantor of the Easement was D&M Holdings, LLC, a California Limited Liability Company, with David Jewell & Mike Snyder as members; and,

WHEREAS, the property was subsequently transferred to Yuma RV & Boat Storage, LLC, an Arizona Limited Liability Company, with Mike Snyder as managing member, who has requested the vacation of the surplus portion of the Easement; and,

WHEREAS, the abandonment of the surplus portion of the Easement is essentially to the original Grantor, and includes the same appropriate consideration commensurate with the value of the public property as originally compensated to the original Grantor for the Easement; and,

WHEREAS, returning the surplus portion of the Easement to private use provides additional square footage for the development of Yuma RV & Boat Storage, which will benefit the tax roll.

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

SECTION 1: The surplus portion of the Easement, described in Exhibit A is declared surplus for City use and is authorized to be vacated and quitclaim deeded to the underlying fee owner.

SECTION 2: City staff is authorized and directed to perform all acts necessary to vacate the surplus property to the property owner in accordance with the conditions of this Ordinance, and the City Administrator is authorized to execute all necessary documents on behalf of the City of Yuma.

SECTION 3: Exhibits A and B are incorporated and made a part of this Ordinance as if fully set forth herein.

SECTION 4: All prior acts of City staff consistent with the intent of this Ordinance are ratified on behalf of the City of Yuma.

Adopted this _____ day of _____, 2020.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney