



## REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:**

February 15, 2017

**DEPARTMENT:**

Engineering

**DIVISION:**

Development Engineering

- ☐ Motion
- ☐ Resolution
- ☐ Ordinance - Introduction
- ☒ Ordinance - Adoption
- ☐ Public Hearing

**TITLE:**Easement Exchange: Northwest Corner of 16<sup>th</sup> Street & 4<sup>th</sup> Avenue**SUMMARY RECOMMENDATION:**

Accept a new utility easement and abandon the prior easement generally located at the Northwest corner of 16<sup>th</sup> Street & 4<sup>th</sup> Avenue. (Engineering/ Development Engineering) (Joshua Scott)

**REPORT:**

Ordinance O2015-041 authorized the exchange of surplus City-owned real property for necessary 16<sup>th</sup> Street and 4<sup>th</sup> Avenue right-of-way. The exchange was incorporated into the terms of a development agreement with Kenyon's Market Inc., adopted through Resolution R2015-045. The development agreement included a provision in Section 5.0 which reserved a utility easement on Parcel 6 "unless the utilities in that easement are relocated, in which case the Utility Easement will be abandoned."

Upon the completion of site preparation and utilities relocation, the newly relocated sewer line was not centered in the public utility corridor as platted in the Kenyons Market Lot Tie/Lot Split. This created a need for a new utility easement as shown in the attached location map and described in the Grant of Easement attached as Exhibit 2 to the proposed ordinance. Upon the creation of the new utility easement and in accordance with the Section 5.0 of the previously recorded development agreement, the existing utility easement will no longer be required, and the City has committed to abandoning the utility easement described in the Quit Claim Deed attached as Exhibit 1 to the proposed ordinance.

The terms of the development agreement also provides for abatement of the statutory government property lease excise tax under the Arizona Revised Statutes. To meet the statutory requirements, Parcel A of the Kenyons Market Lot Tie/Lot Split was deeded to the City of Yuma. Pursuant to Ordinance No. O2016-017, the City accepted title to Parcel A and leases the City-owned land back to Sixteen & Four, LLC as described in the development agreement and the lease approved by Ordinance No. O2016-017.

Parcel A is the site of the future Sprouts Farmer's Market. The City will continue to own Parcel A for eight years after the completion of the improvements at which time the land will be deeded back to Sixteen & Four, LLC. For this reason, even though the City is granting the utility easement to itself and

abandoning the utility easement to itself, Sixteen & Four is also a signatory to both the abandonment quit claim deed and the grant of easement to the City.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?  <input type="radio"/> Department <input type="radio"/> City Clerk's Office <input type="checkbox"/> Document to be recorded			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		1/24/2017	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		1/24/2017	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Joshua Scott		1/13/2017		
WRITTEN/SUBMITTED BY:		DATE:		
Andrew McGarvie		1/3/2017		