

**ORDINANCE NO. O2017-034**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA DECLARING CERTAIN RIGHT-OF-WAY, A PORTION OF AN ALLEY, HEREAFTER DESCRIBED, SURPLUS FOR USE BY THE CITY AND AUTHORIZING THE VACATING AND SALE OF THE SURPLUS PROPERTY TO THE ADJACENT PROPERTY OWNER UPON PAYMENT OF THE PURCHASE PRICE AND THE RECORDING OF A QUIT CLAIM DEED FROM THE CITY**

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, Arizona Revised Statutes (“ARS”) Title 28, Chapter 20, Article 8 provides for the disposition of public roadways; and,

WHEREAS, ARS § 28-7201 defines “Roadway” to include all or part of an alley; and,

WHEREAS, the City has relocated refuse collection from alley collection to curb side collection; and,

WHEREAS, the alley right-of-way described in this ordinance does not impact the use of, or access to, the alley and is not needed for public use by the City; and,

WHEREAS, vacating the described alley will maintain the overall alignment of the alley with the bordering properties; and,

WHEREAS, the described alley right-of-way will be valued based on a comparative market analysis, and an appropriate purchase price will be determined and charged for the property; and,

WHEREAS, the intent of this ordinance is to declare the described right-of-way surplus for City use and authorize a sale thereof by vacating the right-of-way to the adjacent property owner upon payment of the purchase price and the recording of a quit claim deed; and,

WHEREAS, returning the excess right-of-way to private ownership places the surplus property back on the tax roll and provides additional square footage for development in the City,

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

SECTION 1: The real property described in Exhibit A attached and by this reference made a part of this ordinance is no longer needed for City use as right-of-way and is declared surplus.

SECTION 2: The described surplus right-of-way shall be vacated by quit claim deed upon the payment to the City of the purchase price. The lot tie/lot split along with recording fees, title insurance, and any commission due will be the buyer's sole responsibility.

SECTION 3: Selling the surplus right-of-way serves the public interest of the City and would be of public benefit.

SECTION 4: After the effective date of this ordinance, the City Administrator is authorized to execute all necessary documents to vacate the right-of-way by quit claim deed on behalf of the City of Yuma.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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