

ORDINANCE NO. O2017-004

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA,
ARIZONA RESERVING A NECESSARY UTILITIES EASEMENT,
DECLARING SURPLUS A PORTION OF EAST 21ST STREET AND
ASSOCIATED RIGHTS OF WAY, HEREAFTER DESCRIBED,
VACATING THAT PORTION OF EAST 21ST STREET BETWEEN
BLOCKS 11 AND 12 OF THE MESA HEIGHTS UNIT 3 SUBDIVISION
AS A CITY STREET WITH TITLE TO THE SURPLUS/VACATED
PROPERTY VESTING IN THE ABUTTING PROPERTY OWNER UPON
THE RECORDING OF A QUITCLAIM 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, the City is authorized pursuant to A.R.S. § 28-7205 to vacate portions of streets within its jurisdiction; and,

WHEREAS, the City previously transferred the abutting properties to the Housing Authority of the City of Yuma (HACY) to construct an affordable housing development (HACY Development) consistent with the longtime mission of the City and HACY to provide affordable housing options for the residents of the City; and,

WHEREAS, the HACY Development will be constructed between 20th Street and 22nd Street on Arizona Avenue with half of the housing units north of 21st Street and the other half south of 21st Street; and,

WHEREAS, in addition to the housing units, the HACY Development will also have a community center and a playground area with the community center to be built on the north portion of the HACY Development and the playground area to be built on the south portion of the HACY Development; and,

WHEREAS, 21st Street bisects the HACY Development and breaks of the continuity of the development and the access to the amenities; and,

WHEREAS, it is in the public's interest and will be of public benefit to vacate the portion of 21st Street bisecting the HACY Development to ensure the safety of the residents in the area and to allow for residents of the surrounding neighborhood to access the project's community center and playground area; and,

WHEREAS, vacating the described portion of 21st Street does not unreasonably burden the surrounding neighborhood, reasonable access to the Arizona Avenue remains via 20th Street and 22nd Street; and,

WHEREAS, pursuant to this Ordinance, the City seeks to reserve a necessary utilities easement, declare the described portion of 21st Street surplus for City use, and vacate the described portion

of 21st Street so that title vests with abutting properties upon the recording of a quitclaim deed from the City to the abutting property owner,

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

SECTION 1: The portion of East 21st Street described in Exhibit A attached and by this reference made a part of this Ordinance is no longer needed for City use and with the reservation of the utility easement described in Exhibit A, is declared surplus.

SECTION 2: With the reserved utility easement, the described portion of East 21st Street shall be vacated pursuant to A.R.S. § 28-7205, title to the vacated portion of East 21st Street vests with owner(s) of the abutting properties upon the recording of a quitclaim deed from the City to the abutting property owner.

SECTION 3: Vacating the described portion of East 21st Street serves the public interest of the City and would be of public benefit and does not unreasonably burden access to the surrounding neighborhood.

SECTION 4: Resolution R2009-89 notwithstanding, HACY is authorized to accept title to the vacated property in accordance with the terms of this ordinance.

SECTION 5: Exhibit A attached is made a part of this Ordinance by reference.

Adopted this _____ day of _____, 2017.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

LEGAL DESCRIPTION FOR VACATED RIGHT-OF-WAY 21ST ST AND UTILITY EASEMENT

A PORTION OF 21ST ST RIGHT-OF-WAY BETWEEN , BLOCK 11 AND BLOCK 12, MESA HEIGHTS UNIT 3, AS SHOWN ON LOT TIE IN THE YUMA COUNTY RECORDERS OFFICE BOOK 28 OF PLAT, PAGES 23 AND 24 AND FEE # 2016-08966 AND 2016-0897, ALSO BEING A PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 8 SOUTH, RANGE 23 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, CITY OF YUMA, YUMA COUNTY, STATE OF ARIZONA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER OF SAID SECTION 33;

THENCE SOUTH $00^{\circ}31'23''$ WEST ALONG THE EAST SECTION LINE OF SAID SECTION 33 FOR A DISTANCE OF 661.68 FEET TO A POINT BEING THE INTERSECTION WITH THE RIGHT-OF-WAY CENTERLINE OF 21ST STREET;

THENCE NORTH $89^{\circ}37'45''$ WEST ALONG THE CENTERLINE OF SAID 21ST STREET FOR A DISTANCE OF 40.00 FEET TO THE TRUE POINT OF BEGINNING; ;

THENCE SOUTH $00^{\circ}27'35''$ WEST FOR A DISTANCE OF 55.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF 21ST ST;

THENCE NORTH $44^{\circ}35'01''$ WEST FOR A DISTANCE OF 35.33 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF 21ST ST;

THENCE NORTH $89^{\circ}37'45''$ WEST ALONG THE SOUTH RIGHT-OF-WAY OF 21ST ST FOR A DISTANCE OF 94.46 FEET;

THENCE NORTH $00^{\circ}28'57''$ EAST FOR A DISTANCE OF 30.00 TO A POINT ON THE CENTER LINE OF 21ST ST;

THENCE NORTH $00^{\circ}29'57''$ EAST FOR A DISTANCE OF 30.00 TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF 21ST ST;

THENCE SOUTH $89^{\circ}37'45''$ EAST ALONG NORTH RIGHT-OF-WAY OF 21ST ST FOR A DISTANCE OF 94.46 FEET;

THENCE NORTH 45°26'51" EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF 21ST ST FOR A DISTANCE OF 35.40 FEET;

THENCE SOUTH 00°31'23" WEST ALONG THE WEST RIGHT-OF-WAY LINE OF ARIZONA AVE FOR A DISTANCE OF 55 FEET TO A POINT ON THE CENTERLINE OF 21ST ST AND THE TRUE POINT OF BEGINNING.

CONTAINS 7791.81 SQUARE FEET OR 0.179 OF AN ACRE MORE OR LESS

EXCEPT THE FOLLOWING DESCRIBED EASEMENT

COMMENCING AT THE INTERSECTION OF 21ST ST AND ARIZONA AVE;

THENCE NORTH 89° 37' 45" WEST FOR A DISTANCE OF 40.00 FEET;

THENCE SOUTH 00° 27' 35" WEST FOR A DISTANCE OF 4.47 FEET AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH 00° 27' 35" WEST FOR A DISTANCE OF 10.00 FEET;

THENCE SOUTH 00° 27' 35" WEST FOR A DISTANCE OF 10.00 FEET;

THENCE NORTH 89° 26' 47" WEST FOR A DISTANCE OF 119.45 FEET;

THENCE NORTH 00° 28' 57" EAST FOR A DISTANCE OF 10.00 FEET;

THENCE NORTH 00° 28' 57" EAST FOR A DISTANCE OF 10.00 FEET;

THENCE SOUTH 89° 26' 47" EAST FOR A DISTANCE OF 119.44 FEET AND THE TRUE POINT OF BEGINNING.

CONTAINS 2388.94 SQUARE FEET OR 0.055 OF AN ACRE MORE OR LESS