

ORDINANCE NO. 02021-008

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA,
ARIZONA, AUTHORIZING CITY OF YUMA ACCEPTANCE OF A
UTILITY EASEMENT ON PRIVATE REAL PROPERTY, HEREAFTER
DESCRIBED, FROM TERRACES RETAIL, L.L.C., FOR THE REASON
THAT SUCH EASEMENT IS REQUIRED FOR THE OPERATION AND
MAINTENANCE OF A PUBLIC WATERLINE IN LOT 2 OF THE
AMENDED TERRACES LOT TIE / LOT SPLIT PLAT**

WHEREAS, the City of Yuma (City) is authorized, pursuant to the City Charter, Article III, Section 2, to obtain easements on real property for the public interest and public benefit; and,

WHEREAS, the Terraces Retail, L.L.C. recorded the Amended Terraces Commercial Lot Tie / Lot Split plat, dated 11/06/2020, Fee # 2020-34030, in Book 32 of Plats, page 38, Yuma County Records; and,

WHEREAS, Terraces Retail, L.L.C., an affiliate of Elliott Homes, Inc., intends to construct an office building on Lot 2 of the described plat; and,

WHEREAS, this will require utility service and the dedication of a utility easement on Lot 2 to the City; and,

WHEREAS, the proposed easement of 2,539.984 square feet, more or less, will provide for a public utility line to be constructed and dedicated to the City of Yuma by the Terraces Retail, L.L.C. for operation and maintenance purposes.

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

SECTION 1: It is deemed necessary and essential, as a matter of public interest and public benefit, that a 10 foot wide utility easement shall be dedicated from Terraces Retail, L.L.C., to the City of Yuma for the ownership and maintenance of a public waterline in Lot 2 of the Amended Terraces Commercial Lot Tie / Lot Split plat.

SECTION 2: The Utility Easement attached as Exhibit A and by this reference made a part of this Ordinance, is approved according to its terms.

SECTION 3: The City Administrator is authorized and directed to execute and record the Easement on behalf of the City of Yuma.

Adopted this _____ day of _____, 2021.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

APPROVED AS TO FORM:

Lynda L. Bushong
City Clerk

Richard W. Files
City Attorney