

RESOLUTION NO. R2017-035

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING AND APPROVING THE EXECUTION OF A PREANNEXATION DEVELOPMENT AGREEMENT WITH AVENUE 6E LAND, L.L.C. AND SAGUARO DESERT LAND, INC., OWNERS OF APPROXIMATELY 105 ACRES OF REAL PROPERTY, HEREAFTER DESCRIBED, LOCATED AT THE SOUTHWEST CORNER OF AVENUE 6E AND 44TH STREET

WHEREAS, the City is authorized pursuant to Arizona Revised Statutes § 9-500.05 to enter into development agreements with owners of real property situated in unincorporated lands; and,

WHEREAS, the real property (Property) that is the subject of this Resolution is legally described and depicted in Exhibit A to the Preannexation Development Agreement attached to this Resolution as Exhibit 1; and,

WHEREAS, the Property is located in an unincorporated area which is territory that is desired by the City to be annexed into the municipal boundaries; and,

WHEREAS, the City adopted its General Plan in 2012, and ninety acres of the total acreage is the subject of a General Plan amendment that would permit development as low density residential upon a successful rezoning consistent with the General Plan as amended; and,

WHEREAS, the development of the Property should generate substantial economic benefits for the owners of the Property and is of such significance that the City requires certain assurances from the owners concerning public improvements and the development of the Property; and,

WHEREAS, the rezoning will be subject to certain conditions, including without limitation, that the attached Preannexation Development Agreement shall have been executed by the owners and approved by the City Council; and,

WHEREAS, the owners desire certain assurances and commitments from the City prior to and upon annexation of the Property into the City of Yuma, including but not limited to the availability of City water.

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

SECTION 1: That the Preannexation Development Agreement between the City of Yuma, Avenue 6E Land, L.L.C., and Saguaro Desert Land, Inc., attached as Exhibit 1 and incorporated in this Resolution by reference is approved according to its terms.

SECTION 2: That the City Administrator is authorized and directed to execute and record the attached Preannexation Development Agreement on behalf of the City of Yuma.

Adopted this _____ day of _____, 2017.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney