

ORDINANCE NO. O2018-042

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA DECLARING CERTAIN RIGHT-OF-WAY, HEREAFTER DESCRIBED, SURPLUS FOR USE BY THE CITY AND AUTHORIZING THE VACATING OF THE SURPLUS RIGHT-OF-WAY TO THE ADJACENT PROPERTY OWNER UPON PAYMENT OF THE PURCHASE PRICE AND THE RECORDING OF A 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 adopted the Major Roadways Plan in 2005 based on development anticipated at the time; and,

WHEREAS, in 2014, the City, in partnership with the Arizona Department of Transportation, completed a comprehensive update to the Major Roadways Plan titled, *Transportation Master Plan October 2014*; and,

WHEREAS, the Transportation Master Plan identifies the major roadway alignments and rights-of-way needed for the full development of the City of Yuma; and,

WHEREAS, the difference between the right-of-way requirements of the Major Roadways Plan and the Transportation Master Plan results in an excess of right-of-way adjacent to a parcel of real property previously declared surplus and sold pursuant to City of Yuma Ordinance No. 2013-38; and,

WHEREAS, the additional right-of-way described in this Ordinance is no longer needed for use by the City; and,

WHEREAS, the intent of this Ordinance is to declare the described excess right-of-way surplus for City use and vacate the right-of-way to the adjacent property owner upon payment of the purchase price and the recording of a quitclaim deed to the adjacent property owner; and,

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

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

SECTION 1: The real property described in Exhibit A, attached and by this reference made a part of this ordinance, is declared surplus for City use.

SECTION 2: The surplus property shall be vacated by quitclaim deed upon the payment to the City of the purchase price and all costs associated with vacating the surplus property.

SECTION 3: The City Administrator is authorized to execute all necessary documents to vacate the surplus property to the adjacent property owner on behalf of the City of Yuma.

SECTION 4: All prior acts of City staff consistent with the intent of this Ordinance are ratified on behalf of the City of Yuma.

Adopted this _____ day of _____, 2018.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney