

RESOLUTION NO. R2017-021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A STANDARD FORM CONSENT AGREEMENT WITH THE UNITED STATES BUREAU OF RECLAMATION TO CONSTRUCT, OPERATE AND MAINTAIN UTILITY, EMERGENCY PUBLIC ACCESS LANE, AND ROADWAY INFRASTRUCTURE AND TO PAY COSTS RELATED THERETO

WHEREAS, the expansion of the City of Yuma's (the "City") infrastructure by private development or through the City Capital Improvement Program creates a need for the City to enter upon United States Bureau of Reclamation ("Bureau of Reclamation") rights-of-way, which are managed and operated by the Yuma Mesa Irrigation and Drainage District (the "District"); and,

WHEREAS, the Bureau of Reclamation, operating and managing its rights-of-way through the District, has developed a standard form Consent Agreement, pursuant to the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), the Reclamation Project Act of August 4, 1939 (53 Stat. 1187) as amended August 18, 1950 (64 Stat. 463) and acts amendatory thereof or supplementary thereto, and the provisions of 43 CFR § 429, to allow facilities to be constructed, operated and maintained within the Bureau of Reclamation's rights-of-way; and,

WHEREAS, the use of such standard form Consent Agreements will streamline the process for obtaining approval to construct, operate and maintain City infrastructure within the Bureau of Reclamation's rights-of-way and provide a mechanism to pay the associated costs.

NOW, THEREFORE, be it resolved by the City Council of the City of Yuma as follows:

SECTION 1: On behalf of the City of Yuma, the City Administrator is authorized to execute Consent Agreements with the Bureau of Reclamation with the concurrence of the Yuma Mesa Irrigation and Drainage District, as necessary, for the construction, operation and maintenance of the City's utility and roadway infrastructure, provided that such Consent Agreements are substantially similar in form to the Consent Agreement attached as Exhibit "A" and incorporated by this reference as a part of this Resolution.

SECTION 2: The duly authorized disbursing officers of the City are authorized and directed to pay all sums necessary to secure such Consent Agreements for the benefit of the City, or if on behalf of a development, to pass any such City costs onto the developer as a condition to obtaining the necessary consent.

ADOPTED THIS ____ day of _____, 2017.

Douglas J. Nicholls
Mayor

ATTESTED:

APPROVED AS TO FORM:

Lynda L. Bushong
City Clerk

Richard W. Files
City Attorney