

## **ORDINANCE NO. O2018-025**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, DECLARING A CERTAIN PARCEL OF REAL PROPERTY, HEREAFTER DESCRIBED, SURPLUS FOR USE BY THE CITY AND AUTHORIZING CONVEYANCE OF THE PROPERTY TO THE STATE OF ARIZONA, DEPARTMENT OF VETERANS' SERVICES, FOR THE PURPOSE OF CONSTRUCTING A VETERAN'S CARE FACILITY; AND DECLARING AN EMERGENCY**

WHEREAS, the City of Yuma (City) is authorized, pursuant to the City Charter, Article III, Section 2, to acquire and dispose of real property; and,

WHEREAS, the City is the owner of vacant real property located at the southeast corner of the Avenue 6E and 34<sup>th</sup> Street alignment; and,

WHEREAS, pursuant to Ordinance O2014-27, the City Council declared 8 acres of vacant, City-owned property surplus and conveyed such property to the State of Arizona, through the Department of Veterans' Services (State), for the construction of a veteran's care facility; and,

WHEREAS, the State is now able to construct a larger veterans' care facility and has requested that the City convey an additional 3 acres of vacant City-owned property to the State for the construction of a veterans' care facility; and,

WHEREAS, the military is an integral part of the City's economy and community, and the City Council seeks to ensure veterans receive quality medical care in the Yuma community; and,

WHEREAS, the conveyance of the described real property, the construction, operation and maintenance of the veterans' care facility, will enhance the economic stability and growth of the City and serve to benefit the health, safety and welfare of the City's citizens.

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

SECTION 1: The City Council finds that use of the three acres of City-owned real property (Property), described in Exhibit A attached and incorporated into this Ordinance by reference, as a veterans' care facility is a public use that serves the public health, safety, and welfare of the City's citizens and would be of public benefit.

SECTION 2: In consideration of the proposed public use, the Property is declared surplus for use by the City, so long as the Property shall not be subject to transfer from the grantee, State of Arizona, Department of Veterans' Affairs, to any party other than the City of Yuma.

SECTION 3: Conveyance of the Property by deed from the City of Yuma as grantor, to the State of Arizona, Department of Veterans' Affairs, as grantee, is authorized under the condition that fee title to the Property automatically reverts to the City of Yuma if commencement of

construction of the proposed veterans' care facility on the Property does not occur on or before July 2, 2019.

SECTION 4: The City Administrator is authorized to include additional reversion clauses in the form of covenants that the Property shall only be used as a veterans' care facility, and shall not be transferred from the State of Arizona, Department of Veterans' Affairs, to any party other than the City of Yuma.

SECTION 5: The City Administrator is authorized to include in the deed, other conditions of reversion such as design, construction and funding benchmarks that the City Administrator determines are in the best interest of the City prior to signing the deed on behalf of the City.

SECTION 6: City staff is authorized and directed to take the necessary actions to convey the described real property to the State of Arizona, Department of Veterans' Services in accordance with the conditions of this ordinance.

SECTION 7: The immediate adoption of this Ordinance is necessary to preserve the peace, health, and safety of the City of Yuma, particularly the health of citizens that qualify as veterans. By providing for the immediate conveyance of the Property to the State of Arizona, the Arizona, Department of Veterans' Services will be able to file the formal application with the Veterans' Administration, secure and receive funding for the facility, and start construction on a veterans' care facility within the City of Yuma. For these reasons, an emergency is hereby declared to exist so that this Ordinance shall be in full force and effect from and after its approval by the City Council and therefore exempt from referendum.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Approved:

\_\_\_\_\_  
Douglas J. Nicholls  
Mayor

ATTESTED:

\_\_\_\_\_  
Lynda L. Bushong  
City Clerk

APPROVED AS TO FORM:

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Richard W. Files  
City Attorney

**Exhibit A**

**VETERANS' HOME 3-ACRE PARCEL LEGAL DESCRIPTION**

A Portion of the North 640 feet of the Southwest quarter(SW1/4) of the Northwest quarter(NW1/4) Section 9, Township 9 South, Range 22 West, Gila & Salt River Base & Meridian, Yuma County, State of Arizona, more particularly described as follows:

The East 214.00 feet of the West 850.05 feet of the North 640.00 feet of the Southwest quarter(SW1/4) of the Northwest quarter(NW1/4) of said Section 9;

EXCEPT for the North 30 feet thereof.

Contains 130,540.00 square feet or 2.997 acres more or less.