

ORDINANCE NO. O2017-039

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, REZONING CERTAIN PROPERTY LOCATED IN THE AGRICULTURE (AG) DISTRICT TO THE LIGHT INDUSTRIAL (L-I) DISTRICT AND AMENDING THE ZONING MAP TO CONFORM WITH THE REZONING

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on August 28, 2017 in Zoning Case no: ZONE-18685-2017 in the manner prescribed by law for the purpose of rezoning two parcels of real property hereafter described to the Light Industrial (L-I) District as provided in Chapter 154 of the Yuma City Code; and,

WHEREAS, due and proper notice of the public hearing was given in the time, form, substance and manner provided by law, including publication of notice of the hearing in the Yuma Sun on August 4, 2017; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-18685-2017 and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended.

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

SECTION 1: That the following real property, described in Exhibit A, attached hereto and made a part hereof by this reference, shall be placed in the Light Industrial (L-I) District, as defined by Chapter 154 of the Yuma City Code as amended; that upon this Ordinance becoming final, the described real property shall be subject to all rules, regulations and requirements of Chapter 154 of the Yuma City Code, as amended, pertaining to the Light Industrial (L-I) District, and that the zoning map adopted under Chapter 154 of the Yuma City Code, as amended, is ordered to be changed and amended so as to show that the real property described in this Ordinance will be located within the Light Industrial (L-I) District.

SECTION 2: That the following condition(s) must be met and/or completed in order for the zoning amendment to be final:

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized "Waiver of Claims under the Private Property Rights Protection Act." The Waiver shall be submitted within thirty (30) calendar days of the effective date of approval of this zoning action and prior to the issuance of any building

permit. In the event this condition is not completed within this time frame, the zoning action is null and void.

3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

SECTION 3: With the exception of Condition 2, each of the conditions listed above shall be completed within one (1) year of the effective date of the rezoning ordinance or prior to the issuance of a building permit or business license for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to ARS § 9-462.01.

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

Exhibit A
Legal Descriptions

APN 197-04-037

A parcel of land located in Section 4, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona more particularly described as follows:

That portion of the South half of the Southwest quarter of the Northeast quarter (S1/2 SW1/4 NE1/4) and the Northwest quarter of the Southeast quarter (NW1/4 SE1/4) Section 4, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona; which lies north of the Southern Pacific Railroad Right-of-Way and which lies South of the Interstate 8 Right-of-Way.

Contains 413,685 square feet or 9.497 acres more or less; and

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A parcel of land located in the Southeast quarter of the Northeast quarter (SE1/4 NE1/4); and in the Northwest quarter of the Southeast quarter (NW1/4 SE1/4) of Section 4, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona more particularly described as follows:

COMMENCING at the Southwest corner of the said Southeast quarter of the Northeast quarter (SE1/4 NE1/4), also being the Northwest corner of the said Northeast quarter of the Southeast quarter (NE1/4 SE1/4) and the True Point of Beginning;

thence North 00°11'17" West along the West line of said Southeast quarter of the Northeast quarter (SE1/4 NE1/4) a distance of 59.92 feet to a point on the South right-of-way line of South Frontage Road of Interstate Highway 8, said point being a point on a curve of a curve to the right whose radius bears South 13°24'29" East, a distance of 2,815.80 feet;

thence around said curve through a central angle of 4°08'38" and along said South line, a distance of 203.66 feet;

thence North 80°44'09" East continuing along said South line, a distance of 86.73 feet;

thence leaving said South line South 00°11'17" East, a distance of 460.55 feet to the North right-of-way line of the Southern Pacific Railroad;

thence South 81°51'56" West along said North right-of-way line, a distance of 288.75 feet to the West line of said Northeast quarter of the Southeast quarter (NE1/4 SE1/4);

thence North 00°11'17" West along the West line of the Northeast quarter of the Southeast quarter (NE1/4 SE1/4), a distance of 391.32 feet to the True Point of Beginning.

Contains 131,103 square feet or 3.010 acres more or less.