

ORDINANCE NO. O2020-021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, DECLARING CERTAIN RIGHT-OF-WAY, HEREAFTER DESCRIBED, SURPLUS FOR CITY USE AND AUTHORIZING THE VACATING OF THE SURPLUS RIGHT-OF-WAY BY QUITCLAIM DEED TO THE ADJACENT PROPERTY OWNER PURSUANT TO A.R.S. § 28-7205

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 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 to a parcel of real property located on the southeast corner of Avenue C and 5th Street and legally described in Exhibit A attached (City Property); 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 by quit claim deed to the adjacent property owner pursuant to A.R.S. § 28-7205 and the terms of a Preannexation Development Agreement; 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 the development of the adjacent parcel,

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

SECTION 1: The City Property described in Exhibit A, incorporated and made a part of this Ordinance by reference, is declared surplus for City use and is authorized to be vacated and deeded to the adjacent property owner pursuant to A.R.S. § 28-7205 and the terms of the Preannexation Development Agreement.

SECTION 2: City staff is authorized and directed to perform all acts necessary to vacate the surplus property to the adjacent property owner in accordance with the conditions of this Ordinance, and the City Administrator is authorized to execute all necessary documents on behalf of the City of Yuma.

Adopted this _____ day of _____, 2020.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A

LEGAL DESCRIPTION

A portion of the Southwest quarter of the Northwest quarter of the Southwest quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 19, Township 8 South, Range 23 West, of the Gila and Salt River Base and Meridian, Yuma County Arizona, also being a portion of property described in Warranty Deed, dated 5/17/2007, recorded as FEE # 2007-18312, Yuma County Records (YCR), also described in the HUENEME WEST LOT SPLIT, dated 7/3/2008, FEE # 2008-19283, recorded in Book 6 of Surveys, Page 87, YCR, and further described as follows:

Commencing at a PK nail with Shiner "LS 1567" at the intersection of 5th Street & Avenue C, as shown in the said HUENEME WEST LOT SPLIT,

Thence South 00°15'01" West (record) along the West line of Section 19, a distance 45.16 feet (record) to a point;

Thence South 89°44'59" East (record), a distance of 33.00 feet (record) to a point;

Thence North 45°23'31" East (record) a distance of 28.21 feet (record) to a point;

Thence South 89°27'59" East (record), a distance of 201.87 feet (record) to a point;

Thence South 00°18'04" West (record) a distance of 19.00 feet (calculated) to the **True Point of Beginning**;

Thence continuing South 00°18'04" West (record) a distance of 8.00 feet (calculated) to a point lying on the south right-of-way line of 5th Street;

Thence North 89°27'59" West (record) along a line, a distance of 18.85 feet (record) to a point;

Thence South 00°15'01" West (record), a distance of 5.00 feet (record) to a point;

Thence North 89°27'59" West (record) along a line that is 57.00 feet southerly and parallel to the Centerline of 5th Street, a distance of 85.00 feet (record) to a point;

Thence South 45°23'31" West (record), a distance of 105.80 feet (record) to a point, lying 76.00 feet East of the West line of Section 19;

Thence South 00°15'01" West (record) along a line that is parallel to and 76.00 feet East of the West line of Section 19, a distance of 199.21 feet (record) to a point;

Thence North 89°28'40" West (record), a distance of 26.00 feet (calculated) to a point;

Thence North 00°15'01" East (calculated) along a line parallel to and 50.00 feet East of the West line of Section 19, a distance of 262.22 feet (calculated) to a point;

Thence North 45°23'31" East (calculated), a distance of 35.27 feet (calculated) to a point;

Thence South 89°27'59" East (calculated), a distance of 179.86 feet (calculated) to the **True point of Beginning**.

Containing 12,197.91 square feet or 0.280 acres, more or less.