



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

October 21, 2020

DEPARTMENT:

City Attorney's Office

DIVISION:

- ☐ Motion
- ☐ Resolution
- ☐ Ordinance - Introduction
- ☒ Ordinance - Adoption
- ☐ Public Hearing

TITLE:

Declare City Right-of-Way Surplus and Authorize Vacation of Right-of-Way: Southeast Corner of Avenue C and 5th Street

SUMMARY RECOMMENDATION:

Declare certain City owned right-of-way at the southeast corner of Avenue C and 5th Street surplus for City use and authorize the vacation of the surplus right-of-way to the adjacent property owner pursuant to A.R.S. § 28-7205, in exchange for a new Preannexation Development Agreement. (City Attorney's Office) (Richard Files)

REPORT:

Clerk Note: A motion was approved at the October 7, 2020, Regular City Council meeting to change the Title of this Request for City Council Action to read: Declare City Right-of-Way Surplus and Authorize Vacation of Right-of-Way (instead of Authorize sale).

The City of Yuma (City) owns certain right-of-way on the southeast corner of Avenue C and 5th Street (City Property). The City acquired the right-of-way in 2007 by warranty deed in connection with a pre-annexation development agreement associated with a proposed site plan for a small subdivision with primary access off 5th Street.

The right-of-way acquisition was necessary to comply with the City's then-existing Major Roadways Plan, which called for Avenue C to be a principal arterial street (62 foot half width) and 5th Street to be a collector street (40 foot half width). However, in 2014 the City adopted the Transportation Master Plan, which requires less right-of-way for the subject location, and reclassified Avenue C as a minor arterial street (50 foot half width) and 5th Street to a local street (29 foot half width). The right-of-way acquired in 2007 is excessive and no longer needed.

The attached ordinance declares the City Property surplus for City use, and provides for vacating title to the surplus right-of-way by quit claim deed to the adjacent property owner pursuant to A.R.S. § 28-7205, in exchange for terminating a previously approved preannexation development agreement and executing a new Preannexation Development Agreement.

Returning the described right-of-way to the tax rolls will be in the best interest of the City, as this property is no longer needed for roadway construction.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5. IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input checked="" type="radio"/> Department <input type="radio"/> City Clerk's Office <input type="checkbox"/> Document to be recorded <input type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Philip A. Rodriguez		9/30/2020	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		9/28/2020	
RECOMMENDED BY (DEPT/DIV HEAD):		DATE:		
WRITTEN/SUBMITTED BY:		DATE:		
Joe Estes		9/21/2020		