

ORDINANCE NO. O2019-028

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 SUBURBAN RANCH (SR-1) DISTRICT TO THE LOW DENSITY RESIDENTIAL (R-1-6) 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 June 10, 2019 in Zoning Case no: ZONE-25834-2019 in the manner prescribed by law for the purpose of rezoning several parcels of real property hereafter described to the Low Density Residential (R-1-6) 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 May 17, 2019; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-25834-2019 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 described real property, depicted in Exhibit A, attached:

A portion of the northeast quarter of the northwest quarter of the northeast quarter of Section 36, Township 08 South, Range 24 West, a portion of the northeast quarter of the northwest of the northeast quarter of Section 36, Township 08 South, Range 24 West, of the G.&S.R.B.M., Yuma County, Arizona, more particularly described as follows:

Beginning at the northeast corner of NW $\frac{1}{4}$ NE $\frac{1}{4}$ of section 36;

Thence S 0°33'26" W a distance of 50.00' to a point;

Thence N 89°41'29" W a distance of 397.20' to the true point of beginning;

Thence S 0°18'31" W a distance of 220.00' to a point;

Thence S 89°41'29" E a distance of 184.25' to a point;

Thence S 0°18'31" W a distance of 394.84' to a point;

Thence N 89°41'07" W a distance of 447.30' to a point;

Thence N 0°35'36" E a distance of 599.80' to a point;

Thence N 45°27'04" E a distance of 21.27' to a point;

Thence S 89°41'29" E a distance of 245.00' to the true point of beginning;

Subject to all easements or right-of-ways apparent or recorded.

Containing 233,422.07 square feet (5.386 acres) more or less.

shall be placed in the Low Density Residential (R-1-6), 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 Low Density Residential (R-1-6) 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 Low Density Residential (R-1-6) 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 prior to the issuance of any building permit, Certificate of Occupancy, or City of Yuma Business License for this property.
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.
4. Owner shall dedicate, by warranty deed or plat, 4 feet of right-of-way along 44th Ave to meet the City of Yuma Standard of 29' half-width for a local street.
5. Owner shall dedicate, by warranty deed or plat, a 25 by 25 corner visibility triangle at the southeast corner of 44th Avenue and 16th Street according to City of Yuma Construction Standard 2-096.
6. Owner shall dedicate, by warranty deed or plat, a one-foot non-access easement along 16th Street frontage and along the 25 by 25 corner triangle.

SECTION 3: With the exception of Condition 2, each of the conditions listed above shall be completed within two (2) years 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 A.R.S. §9-462.01.

Adopted this _____ day of _____, 2019.

APPROVED:

Douglas J. Nicholls
Mayor

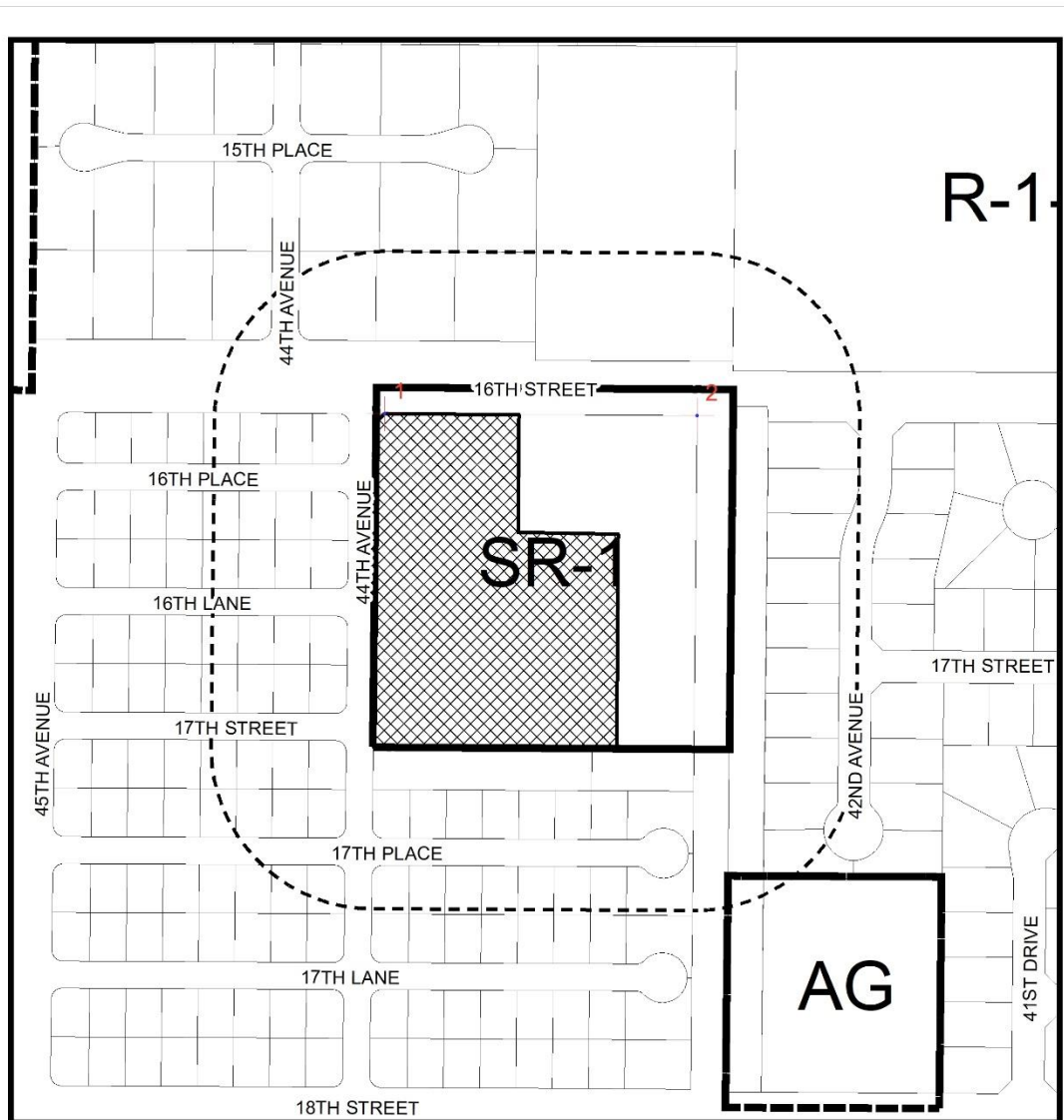
ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A



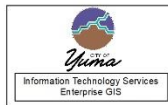
LOCATION MAP

 LOCATION OF SUBJECT PROPERTY



Prepared by: GE

Checked by:



Date: 4-15-2019

Revised:

Revised:

Case #:

ZONE-25834-2019