

ORDINANCE NO. O2019-027

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, REFERENCING CHAPTER 154 OF THE YUMA CITY CODE, REZONING CERTAIN PROPERTY LOCATED IN THE AGRICULTURE/AIRPORT OVERLAY (AG/AD) DISTRICT TO THE GENERAL COMMERCIAL/AIRPORT OVERLAY (B-2/AD) 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-25138-2019 in the manner prescribed by law for the purpose of rezoning several parcels of real property hereafter described to the General Commercial/Airport Overlay (B-2/AD) 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-25138-2019 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 Southeast quarter of the Southeast quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 6, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, City of Yuma, Yuma County, State of Arizona, and more particularly described as follows:

Commencing at the Southeast corner of the Southeast quarter of said Section 6, point also being the True Point of Beginning;

Thence North 89°58'30" West (record) along the South line of the said SE $\frac{1}{4}$ SE $\frac{1}{4}$, a distance of 494.68 feet (calculated) to a point lying 822.60 feet (record) East of the Southwest corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$, as described in the Parcel NO. 2 of a Special Warranty Deed, dated 8/1/2007, recorded as FEE # 2007-27368, and as Parcel No. 4 (incomplete description) of a Warranty Deed, dated 6/28/2018, recorded as FEE # 2018-16690, Yuma County Records;

Thence North 00°00'30" East (record), a distance of 100 feet (record) to a point lying on the North right-of-way line of City 32nd Street;
Thence continuing North 00°00'30" East (record), a distance of 509.0 feet (record) to a point lying on the South right-of-way line of the United States Bureau of Reclamation (USBR) "B" Canal;

Thence South 89°58'30" East (record) along the South line of the said USBR "B" Canal a distance of 461.5 feet (record) to a point lying on the West right-of-way line of Avenue 5E;

Thence continuing South 89°58'30" East (record) a distance of 33.0 feet (record) to a point lying on the East line of said SE¼SE¼;

Thence South 00°00'30" East (record) along the East line of said SE¼SE¼, a distance of 609.0 feet (calculated) to the True Point of Beginning.

Containing 301,204 square feet or 6.91 acres, more or less.

shall be placed in the General Commercial/Airport Overlay (B-2/AD) 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 General Commercial/Airport Overlay (B-2/AD) 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 General Commercial/Airport Overlay (B-2/AD) 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 as right of way, by warranty deed or plat, a 40x40 corner triangle to the City of Yuma, with 10 foot legs and including a one foot non-access

easement, according to City of Yuma Construction Standard 2-096.

5. Even though the Transportation Master Plan specifies Avenue 5E as a local road, Development Engineering requests an additional 7' of right of way to be dedicated to the City of Yuma for a total of 40' half width for Avenue 5E, which corresponds to a collector street, due to the fact that this street is an access to an existing subdivision and industrial park.
6. 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, Certificate of Occupancy or City of Yuma 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.

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

