

ORDINANCE NO. O2019-030

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING AND DIRECTING THAT A CERTAIN PARCEL OF REAL PROPERTY, HEREAFTER DESCRIBED, BE ACQUIRED BY THE CITY OF YUMA, BY DEDICATION, FOR THE REASON THAT SUCH PROPERTY IS REQUIRED TO IMPROVE THE PUBLIC ROADWAY DRAINAGE AND OTHER RELATED PUBLIC PURPOSES

WHEREAS, the City of Yuma (City) is authorized, pursuant to the City Charter, Article III, Section 2, to acquire real property; and,

WHEREAS, the City has identified the acquisition of a certain parcel of property as necessary for a public roadway on the west half of Chestnut Avenue between 10th Street and 11th Street; and,

WHEREAS, the owner of Yuma County Parcel Number 665-15-002, also known as 1463 East 10th Street (Property), Mrs. Sharon L. Miller (Owner), has entered into an Acknowledgement and Agreement of Continued Legal, Non-Conforming Use with the City to place a temporary accessory dwelling unit on the Property for Owner's personal use; and,

WHEREAS, Owner has agreed to dedicate the real property described below.

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

SECTION 1: It is deemed necessary and essential, as a matter of Public welfare that a certain parcel of real property described in Exhibit A, attached and by this reference made a part of this Ordinance, be acquired by the City of Yuma, as such acquisition is necessary to extend and improve roadway infrastructure for the public interest and benefit.

SECTION 2: Owner will be granted a variance for a temporary accessory dwelling to be placed on the Property for Owner's personal use, for a period not to exceed nine (9) months after Owner ceases using the temporary accessory dwelling unit on the Property for any reason. In the event that the Property is transferred other than to the Beneficiary Deed recorded in 2019-18658, then the variance for the temporary accessory dwelling expires immediately.

SECTION 3: On behalf of the City of Yuma, the City Administrator is authorized and directed to execute all necessary documents for the acquisition of the described real property by gift or dedication to the City of Yuma.

Adopted this _____ day of _____, 2019.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

APPROVED AS TO FORM:

Lynda L. Bushong
City Clerk

Richard W. Files
City Attorney