

**ORDINANCE NO. O2019-033**

**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 THE AGRICULTURE (AG) DISTRICT TO THE LOW DENSITY RESIDENTIAL (R-1-40) 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 August 26, 2019 in Zoning Case no: ZONE-26714-2019 in the manner prescribed by law for the purpose of rezoning several parcels of real property hereafter described to the Low Density Residential (R-1-40) 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 August 2, 2019; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-26714-2019 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:

That portion of Fractional Lots 3 and 4 of Section 1, Township 9 South, Range 22 West, Gila and Salt River Base and Meridian, Yuma County, Arizona, more particularly described as follows:

Beginning at the 2010 City of Yuma brass cap in hand hole stamped "LS 19329" located at the northwest corner of said Section 1 and also at the northwest corner of Fractional Lot 4, said point also lies N00°31'23"W a distance of 1336.25 feet from the 1989 BLM brass cap below the asphalt surface located at the S89°45'38"W a distance of 2645.52 feet from the 1989 BLM brass cap located at the northeast corner of the Northwest quarter of said Section 1 and also at the northeast corner of said Fractional Lot 3 of Section 1;

Thence N89°45'38"E along the north line of the northwest quarter Section 1 and along the north line of Fractional Lot 4, a distance of 50.00 feet;

Thence S00°31'23"E along a line parallel to and 50 feet easterly of the west line of the northwest quarter of Section 1 a distance of 343.20 feet to THE TRUE POINT OF BEGINNING;

Thence continuing S00°31'23"E a distance of 853.00 feet to a point on the north boundary of the Araby-Blaisdell Road right of way shown on the State Highway Alignment Survey No. 154, Nov. 8, 1921, Fee#4494 Yuma County Records;

Thence N81°09'03"E along said north boundary of the Araby-Blaisdell Road right of way distance of 1981.66 feet to a point at the intersection with the southwesterly boundary of the USBR Gila Gravity Main Canal right of way;

Thence N46°04'22"W along said southwesterly boundary of the USBR Gila Gravity Main Canal right of way a distance of 535.80 feet;

Thence N43°55'38"E along said southwesterly boundary of the USBR Gila Gravity Main Canal right of way a distance of 50.00 feet to a point at the beginning of a curve concave to the northeast of radius 997.96 feet, said point having a radial bearing of N43°55'38"E;

Thence northwesterly continuing along said southwesterly boundary of the USBR Gila Gravity Main Canal right of way along said curve to the right of radius 997.96 feet through a central angle of 32°46'24" an arc distance of 570.83 feet to a point having a radial bearing of N76°42'01"E to a point on the north line of said northwest quarter of Section 1;

Thence S89°45'38"W along the north line of the northwest quarter of Section 1 and along the north line of Fractional Lots 3 and 4, a distance of 671.93 feet to the point at the intersection with the southerly boundary of a 33 feet wide ingress/egress easement described in Docket 2065, page 784, Yuma County Records (said boundary lies parallel to and 33 feet southwesterly of the southerly boundary of the right of way of the USBR South Gila Canal right of way);

Thence southwesterly along said southerly boundary of said 33 feet wide easement along a curve to the right concave to the northwest of radius 408.00 feet through a central angle of 18°36'06" an arc distance of 132.46 feet;

Thence S05°56'02"W a distance of 94.12 feet;

Thence S84°03'58"E a distance of 175.00 feet; along the centerline of the 100 feet wide Western Area Power Administration easement recorded in Book 111 of Deeds, page 82, Yuma County Records;

Thence S05°56'02"W a distance of 266.00 feet;

Thence N84°03'58"W a distance of 665.00 feet;

Thence N42°17'40"W a distance of 37.29 feet to the TRUE POINT OF BEGINNING.

Aforementioned parcel contains approximately 33.38 acres.

shall be placed in the Low Density Residential (R-1-40), 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-1-40) 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-1-40) 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/Developer shall design, construct, and dedicate to the City of Yuma, via warranty deed or plat, a north to east turn lane along Avenue 9E into the southernmost subdivision entrance.
5. Owner/Developer shall dedicate, via warranty deed or plat, to the City of Yuma corner triangles with 25 foot legs per figure 3 of the 2005 Major Roadways Plan at both intersections with Avenue 9E.
6. Owner/Developer shall dedicate, via warranty deed or plat, to the City of Yuma a one-foot non-access easement along Avenue 9E, except at the approved subdivision entrances.

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

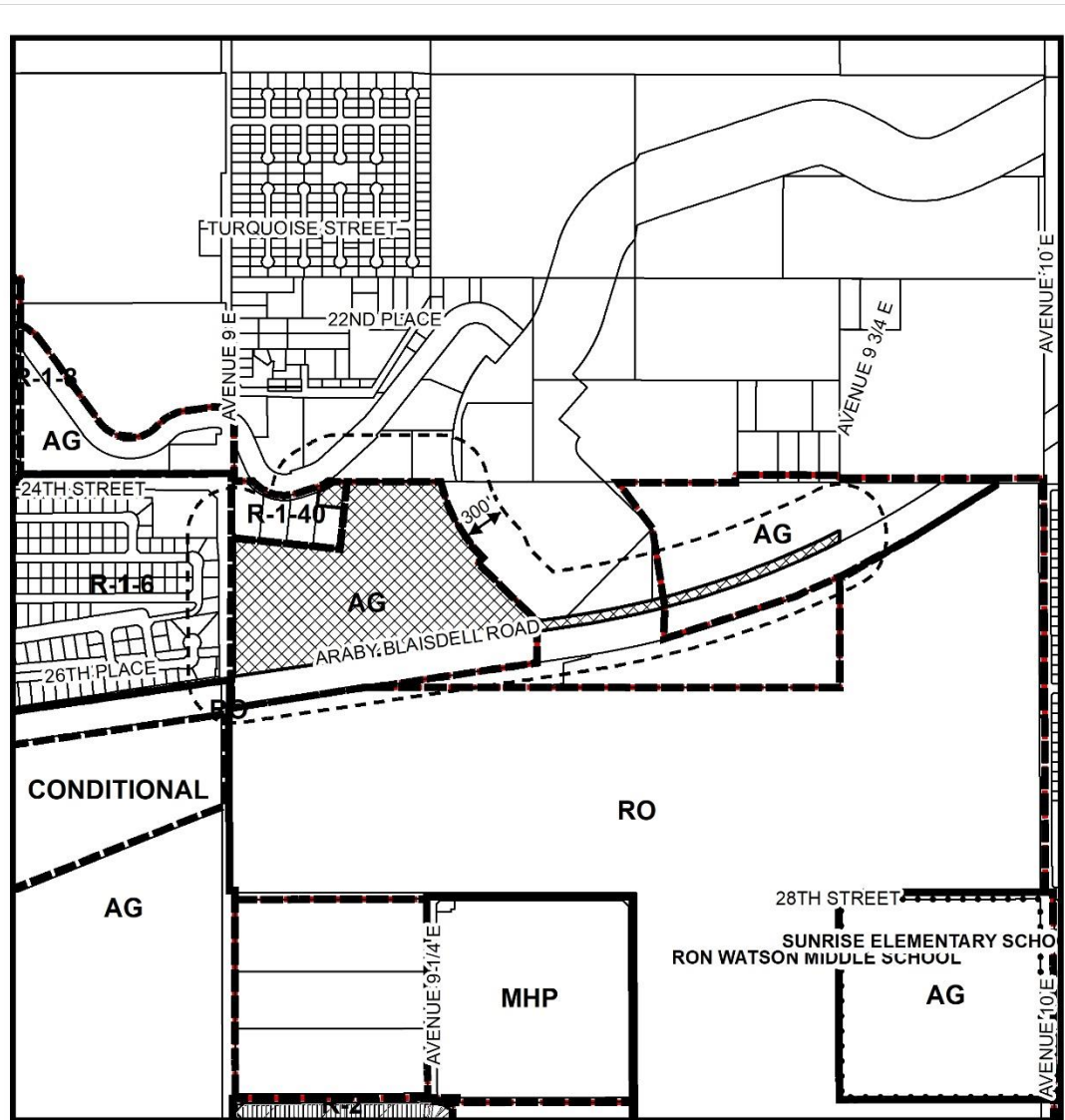
ATTESTED:

\_\_\_\_\_  
Lynda L. Bushong  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Richard W. Files  
City Attorney

## Exhibit A



## LOCATION MAP



LOCATION OF SUBJECT PROPERTY



Prepared by: KB

Checked by:



Date: 07-01-19

Revised:

Revised:

Case #:

ZONE-026714-2019