

ORDINANCE NO. O2019-037

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 LIGHT INDUSTRIAL (L-I) 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 October 14, 2019 in Zoning Case no: ZONE-27148-2019 in the manner prescribed by law for the purpose of rezoning several parcels of real property hereafter described to the Light Industrial (L-1) 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 September 20, 2019; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-27148-2019 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 part of the North half of the Southwest quarter of Section 12, Township 9 South, Range 23 West, Gila and Salt River Base and Meridian, Yuma County, Arizona, more particularly described as follows:

BEGINNING at the Northwest corner of the Northwest quarter of the Southwest quarter of the Southwest quarter of Section 12;

Thence North 89°51'15" East along the North line of the Northwest quarter of the Southwest quarter of the Southwest quarter, a distance of 33 feet to the Point of Beginning;

Thence continuing North 89°51'15" East along the North line of the Northwest quarter of the Southwest quarter of the Southwest quarter, a distance of 134.21 feet;

Thence South 0°20'25" East, a distance of 635.65 feet;

Thence South 89°51'15" West, parallel to the North line, a distance of 134.21 feet;

Thence North 0°20'25" West, parallel to the West line, a distance of 635.65 feet to the Point of Beginning;

EXCEPT the East 17 feet of the West 50 feet; and

EXCEPT the North 200 feet.

shall be placed in the Light Industrial (L-I) 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 Light Industrial (L-I) 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 Light Industrial (L-I) District, and

That part of the North half of the Southwest quarter of the Southwest quarter of Section 12, Township 9 South, Range 23 West, Gila and Salt River Base and Meridian, Yuma County, Arizona, more particularly described as follows:

BEGINNING at the Northwest corner of the Northwest quarter of the Southwest quarter of the Southwest quarter of Section 12;

Thence North 89°51'15" East along the North line of the Northwest quarter of the Southwest quarter of the Southwest quarter, a distance of 167.21 feet to the Point of Beginning;

Thence continuing North 89°51'15" East along the North line of the Northwest quarter of the Southwest quarter of the Southwest quarter, a distance of 139.89 feet;

Thence South 0°20'25" East, a distance of 637.65 feet;

Thence South 89°51'15" West, parallel to the North line, a distance of 139.89 feet;

Thence North 0°20'25" West, parallel to the West line, a distance of 637.65 feet to the Point of Beginning; and

EXCEPT the North 200 feet.

shall be placed in the Light Industrial (L-I) 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 Light Industrial (L-I) 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 Light Industrial (L-I) District, and

That portion of the North half of the Southwest quarter of the Southwest quarter of Section 12, Township 9 South, Range 23 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona, more particularly described as follows:

BEGINNING at the Northwest corner of said North half of the Southwest quarter of the Southwest quarter;

Thence East along the North line 307.10 feet to the point of beginning;

Thence continuing East on the North line, a distance of 1,012.9 feet, to the Northeast corner;

Thence South, a distance of 660 feet;

Thence West on the South line of said North half of the Southwest quarter of the Southwest quarter, a distance of 1289.55 feet to the East right-of-way line of Avenue 3E;

Thence North, a distance of 24.25 feet;

Thence East, a distance of 134.21 feet;

Thence South, a distance of 2 feet;

Thence East, a distance of 139.89 feet;

Thence North, a distance of 637.654 feet to the point of beginning;

EXCEPT the North 200 feet of the West 653.40 feet of said North half of the Southwest quarter of the Southwest quarter of Section 12, Township 9 South, Range 23 West; and

EXCEPT the East 17.0 feet of the West 50.0 feet of said North half of the Southwest quarter of the Southwest quarter, as conveyed to the City of Yuma per Document No. 2000-00494, records of Yuma County, Arizona.

shall be placed in the Light Industrial (L-I) 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 Light Industrial (L-I) 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 Light Industrial (L-I) District, and

The West 653.40 feet of the following described property:

The North 200 feet of the North half of the Southwest quarter of the Southwest quarter of Section 12, Township 9 South, Range 23 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona; and

EXCEPT the West 50 feet thereof.

shall be placed in the Light Industrial (L-I) 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 Light Industrial (L-I) 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 Light Industrial (L-I) 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, via warranty deed or plat, to the City of Yuma, the south 29' as right-of-way of 38th Street, which corresponds to a local street as outlined in the City of Yuma Transportation Master Plan.
5. Owner shall dedicate, via warranty deed or plat, to the City of Yuma, a corner visibility triangle in all intersection corners of the proposed development, as specified in City of Yuma Construction Standard 3-005.

6. Owner shall dedicate, via warranty deed or plat, to the City of Yuma, a one-foot non-access easement along Avenue 3E frontage, except at approved access location determined at time of development.

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

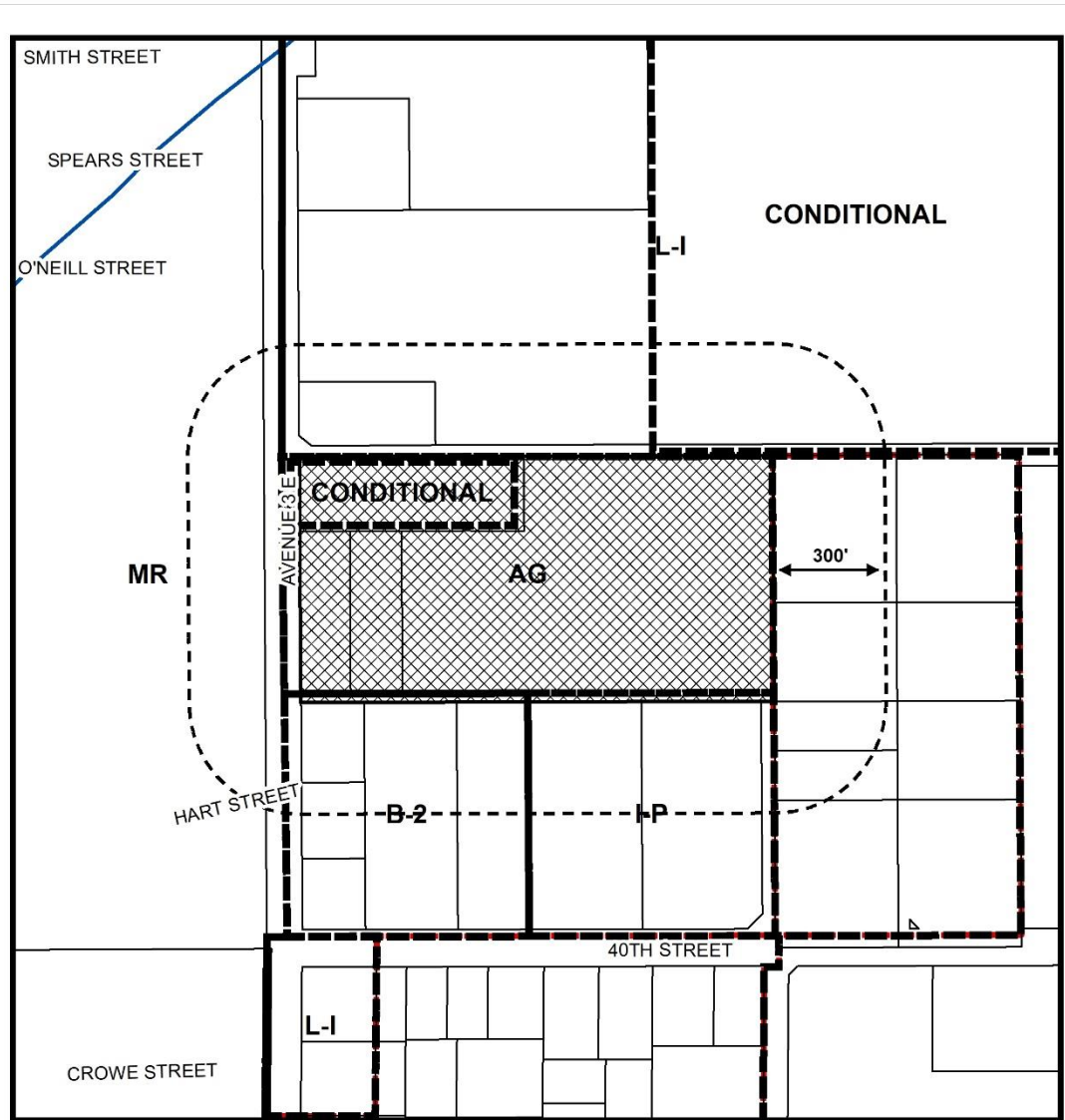
ATTESTED:

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: 08-14-19

Revised:

Revised:

Case #:

ZONE-027148-2019