

RESOLUTION NO. R2019-047

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING AND APPROVING THE EXECUTION OF A THIRD AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH YUMA REGIONAL MEDICAL CENTER AND HOSPITAL DISTRICT NO. 1, YUMA COUNTY, ARIZONA

WHEREAS, the City of Yuma (“City”) is authorized pursuant to Arizona Revised Statutes § 9-500.05 to enter into development agreements with owners of real property; and,

WHEREAS, in order for Yuma Regional Medical Center (“YRMC”) to make certain campus, medical building, roadway and utility expansions and improvements on property owned by Hospital District No. 1, Yuma County, Arizona (the “District”), the parties previously entered into a Development Agreement recorded as Yuma County Recorder’s Fee #2013-28074 (“Development Agreement”); and,

WHEREAS, on January 22, 2015, the parties amended the Development Agreement recorded as Yuma County Recorder’s Fee #2015-02450 (the “First Amendment”), to, among other things, grant the City and the Yuma County Flood Control District a Temporary Construction Easement to construct a retention basin in Smucker Park (the “Smucker Basin Project”); and,

WHEREAS, on October 10, 2016, the parties further amended the Development Agreement recorded as Yuma County Recorder’s Fee #2016-24597 (the “Second Amendment”), to grant the City and the Yuma County Flood Control District an extension to the Temporary Construction Easement to construct the Smucker Basin Project; and,

WHEREAS, the Temporary Construction Easement, attached to the Second Amendment as Exhibit 1, expires November 12, 2019; and,

WHEREAS, the City and the Yuma County Flood Control District need to extend the duration of the Temporary Construction Easement in order to complete the Smucker Basin Project,

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

SECTION 1: The Third Amendment to the Development Agreement with Yuma Regional Medical Center and Hospital District No. 1, Yuma County, Arizona, is approved in accordance with the terms of the Third Amendment.

SECTION 2: That the City Administrator is authorized and directed to execute the attached Third Amendment, attached as Exhibit A and by this reference incorporated into this Resolution, on behalf of the City of Yuma.

SECTION 3: To the extent required by law to amend the Development Agreement under the terms of the Third Amendment, this Resolution amends Resolutions R2013-38, R2014-44 and R2016-029.

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