

ORDINANCE NO. O2020-022

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA,
ARIZONA, DECLARING CERTAIN REAL PROPERTY AS SURPLUS
AND APPROVING AND AUTHORIZING THE EXECUTION OF A
REAL PROPERTY EXCHANGE AND DEVELOPMENT
AGREEMENT AND AUTHORIZING AND DIRECTING THE
EXECUTION OF ALL NECESSARY DOCUMENTS FOR TRANSFER
OF TITLE BY WARRANTY DEED AND QUITCLAIM DEED**

WHEREAS, Yuma County completed a “Plat of Survey of County Road” for County 11th Street (City 32nd St) from Avenue 2E to Ave 7E, dated 11/8/1917, recorded in Book of Survey FEE 1917-04412, Yuma County Records (YCR), establishing a 66 foot in width roadway with the south half being 33 feet in width; and,

WHEREAS, Yuma County Highway Department completed a “Plat of Survey of Public Road” for Ave 7E from North East Corner of Section 9, Township 9 South, Range 22 West to 4 miles South, dated 9/25/1923, recorded in Book of Survey, FEE 1923-03660, YCR, which established a roadway of 66 feet in width, with the west half being 33 feet in width; and,

WHEREAS, the Arizona Department of Transportation (ADOT) then known as the Arizona Highway Department, obtained a 100 foot easement for roadway purposes over the Southerly half of the Yuma-Phoenix Highway, Dated July 8, 1948, recorded in Docket 111, Page 30, YCR; and,

WHEREAS, the City of Yuma annexed the area in Ordinance O1999-29, adopted 7/3/1999, and recorded in FEE 1999-19413, YCR; and,

WHEREAS, the City of Yuma obtained ownership of the existing 100-foot-wide ADOT easement for the south half of 32nd street encumbering the North 100 feet of the Property, recorded in Resolution of Abandonment, dated 9/20/2010, recorded in 2010-22898, YCR; and,

WHEREAS, the Owner of AZ WEST RV, is willing to dedicate in fee title the west 33.00 feet of Avenue 7E, the North 80.00 feet of the South half of 32nd Street, and a corner triangle with 45 foot legs located at the Southwest Corner of Avenue 7E & 32nd Street; and,

WHEREAS, the City of Yuma is willing to vacate the South 20.00 feet of the South half of 32nd Street outside the corner triangle location; and,

WHEREAS, the City of Yuma Capital Improvement Program 2020-2024, Project # 0133-ROAD2, on page 66 calls for Avenue 7E turn lane improvements slated for year 2024; and,

WHEREAS, the City of Yuma is willing to enter into a development agreement to construct a new private frontage road located on private property on the north edge of the AZ West RV property, to eliminate multiple driveway access locations onto 32nd Street and reduce to two driveway access locations at the time that the Avenue 7E turn lanes are constructed as detailed in the attached development agreement.

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

SECTION 1: Declaring the south 20.00 feet of 32nd Street right-of-way (r-o-w) easement described in Section 2 of this Ordinance as surplus and vacating the surplus r-o-w in accordance with state law.

SECTION 2: Approving the Real Property Exchange and Development Agreement between the City of Yuma and Birmingham, LLC (the owner of AZ West RV) for the exchange of certain real property and to reduce the RV Parks 32nd Street access locations from seven (7) to two (2) and to provide a new private frontage street tying those seven access locations to the two 32nd Street access locations allowed, at the time that the Avenue 7E turn lane construction is commenced in CIP 0133-ROAD2.

SECTION 3: Requiring that all conditions listed above shall be completed within ninety (90) days of the effective date of the ordinance or as provided for in the Real Property Exchange and Development Agreement. In the event the conditions are not completed within the time frames referenced herein, the vacation of r-o-w shall be null and void.

SECTION 4: Authorizing the City Administrator to execute the Real Property Exchange and Development Agreement, accept all real property included in the agreement and execute and record the deeds described within the Real Property Exchange and Development Agreement.

Adopted this _____ day of _____, 2020.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney