

RESOLUTION NO. R2020-045

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING AND DIRECTING THAT A CERTAIN PARCEL OF RIGHT-OF-WAY PROPERTY, HEREAFTER DESCRIBED, BE ACQUIRED BY THE CITY PURSUANT TO A.R.S. § 28-7209, FOR THE IMPROVEMENT OF THE PUBLIC ROADWAY, DRAINAGE AND OTHER PUBLIC PURPOSES AS MAY BE RELATED THERETO

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 a certain parcel of right-of-way property as necessary for a public roadway improvement project generally located at the Avenue 9E and North Frontage Road intersection (Right-of-Way Property); and,

WHEREAS, the Right-of-Way Property, legally described in Exhibit B, is owned by the State of Arizona (State), which through the Arizona Department of Transportation (ADOT) desires to abandon the Right-of-Way Property to the City pursuant to Arizona Revised Statutes (ARS) § 28-7209; and,

WHEREAS, ARS § 28-7209 (A)(2) requires a four (4) year advance notice for a state highway abandonment, unless waived by the affected jurisdiction; and,

WHEREAS ARS § 28-7209(B) further requires the pavement be in such condition not to warrant a surface treatment for a period of at least five years, unless waived by the affected jurisdiction; and,

WHEREAS, the City and ADOT have agreed to a waiver of the four (4) year advanced notice and the pavement condition provisions of ARS § 28-7209, which waiver is contained in Exhibit A attached; and,

WHEREAS, acquiring the Right-of-Way Property is necessary for public roadway improvements, drainage and other public purposes.

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

SECTION 1: The Mayor is authorized and directed to sign the necessary waiver pursuant to ARS § 28-7209(A)(2) and ARS § 28-7209(B) as incorporated in Exhibit A.

SECTION 2: It is deemed necessary and essential, as a matter of public welfare that a certain parcel of Right-of-Way Property, legally described and incorporated in Exhibit B, be acquired by the City of Yuma, as such acquisition is required to extend and improve a public roadway infrastructure for the public interest of the City and would be a public benefit.

SECTION 3: City staff is authorized and directed to perform all acts necessary to acquire the described real property by gift or dedication in accordance with the conditions of this resolution, and the City Administrator is authorized to execute all necessary documents on behalf of the City of Yuma other than the waiver, which shall be signed by Mayor Douglas J. Nicholls on behalf of the City.

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