



# REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:**

October 7, 2020

**DEPARTMENT:**

City Attorney's Office

**DIVISION:**

- ☐ Motion
- ☒ Resolution
- ☐ Ordinance - Introduction
- ☐ Ordinance - Adoption
- ☐ Public Hearing

**TITLE:**Preannexation Development Agreement: Avenue C and 5<sup>th</sup> Street**SUMMARY RECOMMENDATION:**

Authorize a Preannexation Development Agreement with Celerino A. Gallardo and Vianey Vega for property located at the southeast corner of Avenue C and 5th Street known as the Hueneme West Lot Split in exchange for the City vacating adjacent right-of-way (City Attorney's Office) (Richard Files)

**REPORT:**

Celerino A. Gallardo and Vianey Vega (Owner), are the current owners of a parcel of real property located at the southeast corner of Avenue C and 5th Street known as the Hueneme West Lot Split (APN 113-06-072) (Property). The Property is located outside the corporate boundary of the City of Yuma and was initially proposed for a small 5-lot subdivision. The Property does not meet the minimum requirements under state law for annexation. At the time the Property was split, the then-owners of the Property entered into a Preannexation Development Agreement (Prior Agreement) with the City for water service and to dedicate necessary right-of-way along the southeast corner of Avenue C and 5<sup>th</sup> Street (ROW) and for the eventual annexation of the Property at such time as the Property can satisfy the statutory requirements of annexation.

The ROW acquisition was necessary to comply with the City's then-existing Major Roadways Plan, which called for Avenue C to be a principal arterial street (62 ft. half width) and 5th Street to be a collector street (40 ft. half width). However, in 2014 the City adopted the Transportation Master Plan, which requires less right-of-way for the subject location, and reclassified Avenue C as a minor arterial street (50 ft. half width) and 5th Street to a local street (29 ft. half width). Thus, the right-of-way acquired in 2007 is excessive and no longer needed.

The Property was never developed and water service was never established. The current Owner of the Property seeks to have the ROW declared surplus and vacated back to the adjacent Property pursuant to A.R.S. § 28-7205, allowing surplus roadway property to be returned to the abutting land, and in exchange for the abandonment, to terminate the Prior Agreement and enter into a new and updated Preannexation Development Agreement. Once the Preannexation Development Agreement

is entered into, the City will proceed with the necessary ordinance to declare the ROW as surplus property and available to be returned to the abutting land.

The attached resolution authorizes a Preannexation Development Agreement with Celerino A. Gallardo and Vianey Vega.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP: \$0.00	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?  <input type="radio"/> Department <input checked="" type="radio"/> City Clerk's Office <input type="checkbox"/> Document to be recorded <input type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Philip A. Rodriguez		9/30/2020	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		9/28/2020	
RECOMMENDED BY (DEPT/DIV HEAD):		DATE:		
WRITTEN/SUBMITTED BY:		DATE:		
K. Scott McCoy		9/21/2020		