

ORDINANCE NO. O2026-012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, ACCEPTING A CORRECTED WARRANTY DEED FOR THE EAST HALF OF MICHIGAN AVENUE; DECLARING THE SOUTH 20 FEET OF 32ND STREET (9,440 SQUARE FEET) AND A 300-SQUARE-FOOT CORNER TRIANGLE OF RIGHT-OF-WAY AS SURPLUS; VACATING THE SURPLUS 20-FOOT RIGHT-OF-WAY EASEMENT AND CORNER TRIANGLE TO THE ABUTTING PROPERTY OWNER UPON THE RECORDING OF A DEED RESERVING A 20-FOOT UTILITY EASEMENT FOR WATER, SANITARY SEWER AND OTHER PUBLIC PURPOSES; AND AUTHORIZING AN EXCHANGE OF THE SURPLUS RIGHT-OF-WAY FOR THE UNDERLYING FEE TITLE TO THE 80-FOOT 32ND STREET RIGHT-OF-WAY DESCRIBED IN THIS ORDINANCE

WHEREAS, the City of Yuma (“City”) is authorized, pursuant to Article III, Section 2 of the City Charter, to acquire and dispose of real property; and,

WHEREAS, in order to correct a defective Special Warranty Deed recorded as Yuma County Recorder’s Fee # 2007-33532, The Palms RV Resort Development, Inc. will re-record a warranty deed to the City for the Michigan Avenue right-of-way, described in Exhibit A and shown on Location Map No. 1; and,

WHEREAS, The Palms RV Resort Development, Inc. is the fee title owner of the south half (100 feet) of 32nd Street, and the City holds a right-of-way easement originally acquired by the State of Arizona Highway Department and transferred to the City; and,

WHEREAS, in exchange for vacating the south 20 feet of the City’s 32nd Street right-of-way easement (with the City reserving a 20-foot utility easement) and a portion of the existing corner triangle at 32nd Street and Michigan Avenue, both of which are described in Exhibit B and shown in Location Map No. 2 , The Palms RV Resort Development, Inc. will deed fee title to the City of the remaining (north) 80 feet of 32nd Street, together with a new corner triangle for Michigan Avenue, as described in Exhibit C and shown in Location Map No. 1; and,

WHEREAS, the exchange of the above-described properties will result in the City acquiring fee title to land necessary for the Michigan Avenue and 32nd Street public roadway, while maintaining a utility easement in the vacated 20 feet of right-of-way for water, sanitary sewer, and other related public uses.

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

SECTION 1: It is deemed necessary and essential, as a matter of public necessity and public welfare, that fee title to certain real property described in Exhibits A and C, be acquired by the City of Yuma in exchange for vacating the right-of-way easement and corner triangle described in

Exhibit B (while maintaining a utility infrastructure easement in the vacated right-of way), as such acquisitions are in the public interest and will provide a public benefit.

SECTION 2: The portion of the City-owned 32nd Street right-of-way easement described in Exhibit B is hereby declared surplus to the needs of the City and public use and shall be vacated to the abutting property owner in accordance with Arizona Revised Statutes § 28-7205(2), upon the recording of a deed conveying to the City of Yuma the underlying fee simple title to the real property described in Exhibits A and C.

SECTION 3: The City’s vacating of the surplus property shall be complete upon the recording of a deed of conveyance from the City to The Palms RV Resort Development, Inc., and shall reserve a municipal utility infrastructure easement in favor of the City.

SECTION 4: The disbursing officer of the City of Yuma is authorized and directed to pay all costs necessary to acquire the described property, together with recording fees and other costs necessary for acquisition of the described property.

Adopted this _____ day of _____, 2026.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

EXHIBIT A

That portion of the Northwest quarter of the Northeast quarter of the Northeast quarter of Section 9, Township 9 South, Range 22 West of the Gia and Salt River Base and Meridian, Yuma County, Arizona, more particularly described as follows:

Beginning at the Northeast corner of the Northwest quarter of said section 9.

Thence South $89^{\circ}47'10''$ West along the North line of the Northeast quarter of said Section 9 a distance of 1,332.01 feet to the northwest corner of the Northwest quarter of the Northeast quarter of the Northeast quarter of said Section 9;

Thence South $00^{\circ}10'36''$ East along the West line of the Northwest quarter of the Northeast quarter of the Northeast quarter of said Section 9 a distance of 100.00 feet to a point on the southerly right-of-way line of U.S. Highway 80 and the TRUE POINT OF BEGINNING;

Thence continuing South $00^{\circ}10'36''$ East along the West line of the Northwest quarter of the Northeast quarter of the Northeast quarter of said Section 9 a distance of 559.76 feet to the southwest corner of the Northwest quarter of the Northeast quarter of the Northeast quarter of said Section 9;

Thence North $89^{\circ}49'57''$ East along the South line of the Northwest quarter of the Northeast quarter of the Northeast quarter of said Section 9 a distance of 29.00 feet;

Thence North $00^{\circ}10'36''$ West parallel with and 29.00 feet easterly of the West line of the Northwest quarter of the Northeast quarter of the Northeast quarter of said Section 9 a distance of 534.79 feet;

Thence North $44^{\circ}48'17''$ East a distance of 35.37 feet to point on the southerly right-of-way line of U.S. Highway 80;

Thence South $89^{\circ}47'10''$ West along the southerly right-of-way line of U.S. Highway 80 a distance of 54.00 feet to a point on the West line of the Northwest quarter of the Northeast quarter of the Northeast quarter of said Section 9 and the TRUE POINT OF BEGINNING;

Said parcel contains 16,545 square feet, more or less.

Description Verified By:	<i>Andrew Mc Gannie</i>
City Engineering Department	Date 3/5/2025

EXHIBIT B

**SEC 32ND STREET AND MICHIGAN AVENUE
QUIT CLAIM DEED RESERVING A UTILITY EASEMENT – COY TO PALMS
32ND STREET 20' WIDE UTILITY EASEMENT
LEGAL DESCRIPTION**

That portion of the Northeast quarter of the Northeast quarter of Section 9, Township 9 South, Range 22 West, Gila and Salt River Base and Meridian, Yuma County, Arizona more particularly described as follows:

Beginning at the northeast corner of the Northeast quarter of said Section 9;

Thence South 89°47'34" West along the North line of the Northeast quarter of said Section 9 a distance of 816.00 feet;

Thence South 00°07'39" East parallel with and 816.00 feet westerly of the East line of the Northeast quarter of said Section 9 a distance of 80.00 feet to the TRUE POINT OF BEGINNING;

Thence continuing South 00°07'39" East parallel with and 816.00 feet westerly of the East line of the Northeast quarter of said Section 9 a distance of 20.00 feet;

Thence South 89°47'34" West parallel with and 100.00 feet southerly of the North line of the Northeast quarter of said Section 9 a distance of 481.92 feet to a point which lies 34.00 feet easterly of the West line of the Northeast quarter of the Northeast quarter of said Section 9;

Thence North 44°48'56" East a distance of 28.30 feet to a point which lies 80.00 feet southerly of the North line of the Northeast quarter of said Section 9 and 54.00 feet easterly of the West line of the Northeast quarter of the Northeast quarter of said Section 9;

Thence North 89°47'34" East parallel with and 80.00 feet southerly of the North line of the Northeast quarter of said Section 9 a distance of 461.93 feet to the TRUE POINT OF BEGINNING.

Said parcel contains 9,438 square feet, more or less.



**SEC 32ND STREET AND MICHIGAN AVENUE
QUIT CLAIM DEED – COY TO PALMS
MICHIGAN AVENUE ROW ABANDONMENT
LEGAL DESCRIPTION**

That portion of the Northeast quarter of the Northeast quarter of Section 9, Township 9 South, Range 22 West, Gila and Salt River Base and Meridian, Yuma County, Arizona more particularly described as follows:

Beginning at the northeast corner of the Northeast quarter of said Section 9;

Thence South 89°47'34" West along the North line of the Northeast quarter of said Section 9 a distance of 816.00 feet;

Thence South 00°07'39" East parallel with and 816.00 feet westerly of the East line of the Northeast quarter of said Section 9 a distance of 100.00 feet;

Thence South 89°47'34" West parallel with and 100.00 feet southerly of the North line of the Northeast quarter of said Section 9 a distance of 461.92 feet to a point which lies 54.00 feet easterly of the West line of the Northeast quarter of the Northeast quarter of said Section 9 and the TRUE POINT OF BEGINNING;

Thence South 44°48'56" West a distance of 35.37 feet to a point which lies 125.00 feet southerly of the North line of the Northeast quarter of said Section 9 and 29.00 feet easterly of the West line of the Northeast quarter of the Northeast quarter of said Section 9;

Thence North 00°09'42" West parallel with and 29.00 feet easterly of the West line of the Northeast quarter of the Northeast quarter of said Section 9 a distance of 20.00 feet to a point which lies 105.00 feet southerly of the North line of the Northeast quarter of said Section 9;

Thence North 44°48'56" East a distance of 7.07 feet to a point which lies 100.00 feet southerly of the North line of the Northeast quarter of said Section 9 and 34.00 feet easterly of the West line of the Northeast quarter of the Northeast quarter of said Section 9;

Thence North 89°47'34" East parallel with and 100.00 feet southerly of the North line of the Northeast quarter of said Section 9 a distance of 20.00 feet to the TRUE POINT OF BEGINNING.

Said parcel contains 300 square feet, more or less.



EXHIBIT C

SEC 32ND STREET AND MICHIGAN AVENUE WARRANTY DEED – PALMS TO COY 32ND STREET RIGHT-OF-WAY LEGAL DESCRIPTION

That portion of the Northeast quarter of the Northeast quarter of Section 9, Township 9 South, Range 22 West, Gila and Salt River Base and Meridian, Yuma County, Arizona more particularly described as follows:

Beginning at the northeast corner of the Northeast quarter of said Section 9;

Thence South 89°47'34" West along the North line of the Northeast quarter of said Section 9 a distance of 816.00 feet to the TRUE POINT OF BEGINNING;

Thence South 00°07'39" East parallel with and 816.00 feet westerly of the East line of the Northeast quarter of said Section 9 a distance of 80.00 feet;

Thence South 89°47'34" West parallel with and 80.00 feet southerly of the North line of the Northeast quarter of said Section 9 a distance of 461.93 feet to a point which lies 54.00 feet easterly of the West line of the Northeast quarter of the Northeast quarter of said Section 9;

Thence South 44°48'56" West a distance of 28.30 feet to a point which lies 100.00 feet southerly of the North line of the Northeast quarter of said Section 9 and 34.00 feet easterly of the West line of the Northeast quarter of the Northeast quarter of said Section 9;

Thence South 89°47'34" West parallel with and 100.00 feet southerly of the North line of the Northeast quarter of said Section 9 a distance of 34.00 feet to the West line of the Northeast quarter of the Northeast quarter of said Section 9;

Thence North 00°09'42" West along the West line of the Northeast quarter of the Northeast quarter of said Section 9 a distance of 100.00 feet to the northwest corner of the Northeast quarter of the Northeast quarter of said Section 9;

Thence North 89°47'34" East along the North line of the Northeast quarter of said Section 9 a distance of 515.98 feet to the TRUE POINT OF BEGINNING.

Said parcel contains 42,156 square feet, more or less.

