

ORDINANCE NO. O2025-006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, VACATING THE RIGHT-OF-WAY HEREAFTER DESCRIBED, DECLARING MEINHARDT/B-8 STORMWATER RETENTION BASIN AND THE VACATED RIGHT-OF-WAY SURPLUS WITH THE RESERVATION OF CERTAIN EASEMENTS, AND AUTHORIZING THE EXCHANGE OF THE SURPLUS RIGHT-OF-WAY AND RETENTION BASIN SUBJECT TO A REVERTER CLAUSE UPON THE RECORDING OF A SPECIAL WARRANTY DEED

WHEREAS, the City of Yuma (City) owns certain right-of-way (Bonanza Avenue) and the Meinhardt/B-8 Stormwater Retention Basin (Bonanza Basin), described and depicted in Exhibits A and B to the attached form of special warranty deed (Exhibit 1); and,

WHEREAS, Bill Alexander Ford Lincoln Mercury Inc., an Arizona corporation (Alexander Ford), seeks to acquire fee title to the Bonanza Basin and Bonanza Avenue right-of-way, subject to certain reserved easements, in exchange for a covenant that runs with the land that the owner will maintain the Bonanza Basin to City standards with a minimum retention capacity of 22-acre feet of stormwater; and,

WHEREAS, the City of Yuma has determined that vacating the Bonanza Avenue right-of-way from the south side of 32nd Street as shown on Exhibit A is not detrimental to City operations, as long as an easement is reserved over the existing roadway for access to otherwise landlocked parcels and a utilities easement within the roadway is reserved for existing and future City water, sewer, utility and stormwater drain lines; and,

WHEREAS, by vacating the right-of-way, declaring both the Bonanza Avenue and Bonanza Basin properties surplus, and transferring fee title to Bonanza Avenue and Bonanza Basin to Alexander Ford, the City of Yuma will realize cost savings of \$110,000 for street reconstruction and a further \$3,021 savings every fifth year from slurry seal maintenance requirements in addition to dismissal of Case No. 2:20-CV-01901; and,

WHEREAS, in consideration for the underlying fee title to the Bonanza Avenue and Bonanza Basin properties, Alexander Ford and any successors have agreed to maintain Bonanza Basin and the described easements as a covenant with a right of reverter (and potential permanent loss of use) in the event Alexander Ford or any successor fails to maintain Bonanza Basin and the reserved easements as promised.

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

SECTION 1: The right-of-way described in Exhibit A is vacated with the reservation of a utility easement to the City of Yuma over, under and through the depicted segment of Bonanza Avenue and the reservation of an access easement to any otherwise landlocked parcels.

SECTION 2: The right-of-way described in Exhibit A and the retention basin described in Exhibit B, with the exception of the reserved easements in the form of the special warranty deed attached as Exhibit 1, are declared surplus for City use and authorized for exchange to Alexander Ford, subject to a covenant and right-of-reverter that the owner and owner's successors will maintain Bonanza Basin and the easements as described.

SECTION 3: The maintenance of Bonanza Basin covenant and obligation shall run with title to the surplus properties and, with dismissal of Case No. 2:20-CV-01901, is appropriate consideration commensurate with the value of the surplus property.

SECTION 4: BJA Enterprises LLC must dismiss its lawsuit, with prejudice, each party to bear its own attorney's fees and costs, before the City of Yuma records title to the surplus property.

SECTION 5: All exhibits described in this ordinance are incorporated by reference and the vacation of the described right-of-way shall be final upon the recording of the special warranty deed in a form similar to that attached as Exhibit 1.

SECTION 6: The City Administrator is authorized to execute the special warranty deed and to act on behalf of the City of Yuma in all matters concerning this ordinance, including dismissal of the lawsuit.

Adopted this _____ day of _____, 2025.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney