

ORDINANCE NO. O2026-005

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, DECLARING A CERTAIN PARCEL OF REAL PROPERTY, HEREAFTER DESCRIBED, SURPLUS FOR USE BY THE CITY, VACATING THE SURPLUS 30 FOOT RIGHT-OF-WAY EASEMENT TO THE ABUTTING PROPERTY OWNER UPON THE RECORDING OF A QUITCLAIM DEED, AND AUTHORIZING AN EXCHANGE OF THE SURPLUS 30 FOOT RIGHT-OF-WAY FOR THE UNDERLYING FEE TITLE TO THE 40 FOOT RIGHT-OF-WAY DESCRIBED IN THIS ORDINANCE

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

WHEREAS, Yuma County obtained an easement over the south 30 feet of 42nd Street (County 12½ Street) and the West 40 feet of Avenue 4½ E, dated October 14th, 2003, recorded in Fee # 2003-37622, Yuma County Records; and,

WHEREAS, the Yuma County Easement was annexed into the City of Yuma on January 16, 2026 per project ANEX-44331-2025, with a December 3, 2025 introduction to City Council, and a December 17, 2025 adoption by City Council; and,

WHEREAS, the City is the owner of that portion of a right-of-way easement described in the quitclaim deed attached as Exhibit A and by this reference made a part of this ordinance, to be declared surplus for City use and vacated by quitclaim deed to abutting property owner; and,

WHEREAS, in exchange for vacating the City's right-of-way easement on the south 30 feet along 42nd Street (County 12½ Street), Cha Cha L.L.C. will deed the underlying fee title to the west 40 feet of Avenue 4½ E right-of-way to the City as described in the warranty deed attached as Exhibit B, made a part of this Ordinance by reference, as necessary for roadway and other related infrastructure use of public benefit;

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 the warranty deed attached as Exhibit B be acquired by the City of Yuma through an exchange for vacating the right-of-way easement described in the quitclaim deed attached as Exhibit A, as such acquisitions will be in the public interest of the City and would be of public benefit.

SECTION 2: The portion of the City-owned 42nd Street (County 12½ Street) right-of-way easement described in quitclaim deed Exhibit A is declared surplus for the City and public use and shall be vacated to the abutting property owner in accordance with Arizona Revised

Statutes (A.R.S.) § 28-7205(2) upon the recording of a quitclaim deed conveying to the City of Yuma the underlying fee simple title to the real property described in the warranty deed Exhibit B.

SECTION 3: The duly authorized disbursing officers of the City of Yuma are hereby authorized and directed to pay all sums necessary to acquire the Avenue 4½ E property, together with recording fees, escrow, title insurance, closing and all other costs necessary in the acquisition.

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

Applicable exhibits on file at the Office of the City Clerk, One City Plaza, Yuma, AZ.