

**ORDINANCE NO. O2024-039**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA,  
ARIZONA, AUTHORIZING THE ACCEPTANCE OF GIFT PROPERTY**

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

WHEREAS, developers Elliott Construction and Santana 142 own property described in the attached exhibits that is not desirable for inclusion in a subdivision due to powerline easements and a United States Bureau of Reclamation (BOR) "A" canal easement on the property; and,

WHEREAS, the developer seeks to donate the described property to the City at no cost, which will benefit Yuma residents in the future as an area for trails and multiuse pathways; and,

WHEREAS, the described portions of Lots 44 to 51, Santana Unit 2 Subdivision, will be dedicated to the City of Yuma together with a One-Foot non-access easement across the new western property line of the existing lots.

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

SECTION 1: The described property shall be accepted by the City of Yuma at no cost to the City.

SECTION 2: On behalf of the City of Yuma, the City Administrator is authorized and directed to take all actions necessary to accept donations of fee title to property underlying the USBR "A" Canal Easement and various powerline easements as shown in the attached Location Map and described in the Warranty Deeds attached as Exhibits A and B, and to execute a One-foot non-access easement described in Exhibit C.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

APPROVED:

\_\_\_\_\_  
Douglas J. Nicholls  
Mayor

ATTESTED:

\_\_\_\_\_  
Lynda L. Bushong  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Richard W. Files  
City Attorney



**AFFECTED AREA**

NOTE: THIS MAP IS PREPARED TO SHOW  
GENERAL SITE LOCATION ONLY AND REPRESENTS  
NO SPECIFIC DIMENSIONS RELATED TO THE SITE.

## LOCATION MAP



Prepared by: ANDREW MCGARVIE

Checked by:

CITY OF YUMA  
ENGINEERING  
DEPARTMENT

DATE: 10/21/2024

SCALE: N.T.S

REVISED:

CIP NO.

## Warranty Deed Exhibit A

WHEN RECORDED MAIL TO:

Office of the City Clerk  
City of Yuma  
One City Plaza  
Yuma, Arizona 85364-1436

### WARRANTY DEED

EXEMPT from Affidavit and Filing Fees (A.R.S. 11-1134 A.3.)

This Warranty Deed is made by:

Elliott Construction, Inc., an Arizona corporation  
6255 E 26<sup>th</sup> Street  
Yuma, AZ 85365  
(Grantor)

To the:

City of Yuma, an Arizona municipal corporation  
One City Plaza  
Yuma, Arizona 85364  
(Grantee)

For the consideration of Ten Dollars (\$10.00), and other valuable consideration, Grantor does hereby convey to Grantee, that parcel of real property situated in Yuma County, Arizona described in Exhibit "A" attached and by this reference incorporated as part of this warranty deed.

Subject to, reservations in patents, all easements, covenants, conditions, and restrictions, as may appear of record.

Grantor warrants title against all persons whomsoever, subject to the matters set forth above.

Dated this 16<sup>th</sup> day of October, 2024.

Elliott Construction, Inc. an Arizona corporation.

By: Roberta Lynn Cooper  
Roberta Lynn Cooper  
Assistant Vice President

NOTARIAL ACKNOWLEDGEMENT

Signers: Roberta Lynn Cooper, Assistant Vice President of Elliott  
Construction, Inc. an Arizona corporation.

State of Arizona    )  
                              ) ss.  
County of Yuma     )

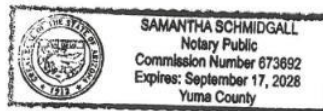
The foregoing instrument was acknowledged before me this 10<sup>th</sup> day  
of October, 2024, by Roberta Lynn Cooper, Assistant Vice President  
of Elliott Construction, Inc., an Arizona corporation, on behalf of the  
corporation.

IN WITNESS WHEREOF, I have hereunto set by hand and official  
seal.

Samantha Schmidgall  
Notary Public

My Commission Expires:

9.17.2028



ACCEPTED AND APPROVED, hereby dedicating to the City of Yuma,  
Arizona, as public property and other purposes related thereto.

City of Yuma

Dated: \_\_\_\_\_

\_\_\_\_\_  
John D. Simonton  
Acting City Administrator

Attest:

Dated: \_\_\_\_\_

\_\_\_\_\_  
Lynda L. Bushong  
City Clerk

Approved as to form:

Dated: \_\_\_\_\_

\_\_\_\_\_  
Richard W. Files  
City Attorney

# EXHIBIT A

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LEGAL DESCRIPTION OF  
A PORTION OF THE SANTANA UNIT 2 SUBDIVISION, LOTS 44-51

THAT PORTION OF THE WEST HALF OF THE WEST HALF OF THE  
NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 9 SOUTH, RANGE 22  
WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YUMA,  
COUNTY, ARIZONA;  
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE WEST HALF OF THE  
WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 10;

THENCE NORTH 00 DEGREES 32 MINUTES 46 SECONDS WEST ALONG THE  
WEST LINE OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST  
QUARTER OF SAID SECTION 10, SAID LINE ALSO BEING THE WEST  
BOUNDARY LINE OF THE SANTANA UNIT 2 SUBDIVISION AS RECORDED IN  
BOOK 34, PAGE 65, YUMA COUNTY RECORDS, A DISTANCE OF 605.26 FEET  
TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00 DEGREES 32 MINUTES 46 SECONDS WEST  
ALONG THE WEST LINE OF THE WEST HALF OF THE WEST HALF OF THE  
NORTHEAST QUARTER OF SAID SECTION 10, A DISTANCE OF 128.56 FEET TO  
A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF THE U.S.B.R. "A"  
CANAL;

THENCE NORTH 35 DEGREES 08 MINUTES 29 SECONDS EAST ALONG SAID  
SOUTHEASTERLY RIGHT OF WAY LINE OF THE U.S.B.R. "A" CANAL, AND  
THE NORTHWESTERLY BOUNDARY LINE OF SAID SANTANA UNIT 2  
SUBDIVISION, A DISTANCE OF 407.00 FEET TO THE NORTHWESTERLY  
CORNER OF SAID SANTANA UNIT 2 SUBDIVISION;

THENCE SOUTH 54 DEGREES 51 MINUTES 31 SECONDS EAST ALONG THE  
NORTHEASTERLY BOUNDARY LINE OF SAID SANTANA UNIT 2  
SUBDIVISION A DISTANCE OF 75.00 FEET TO A POINT ON THE  
SOUTHEASTERLY BOUNDARY LINE OF AN ARIZONA PUBLIC SERVICE  
EASEMENT AS RECORDED IN FEE NUMBER 2014- 05545 YUMA COUNTY  
RECORDS;

THENCE SOUTH 35 DEGREES 08 MINUTES 29 SECONDS WEST ALONG SAID  
SOUTHEASTERLY ARIZONA PUBLIC SERVICE EASEMENT LINE A DISTANCE  
OF

511.42 FEET TO A POINT ON THE WEST LINE OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 10, AND THE TRUE POINT OF BEGINNING.

CONTAINING 0.791 ACRES MORE OR LESS.



Description Verified By:	<i>Andrew Mc Garvie</i>
City Engineering Department	Date <i>10/21/2024</i>

## Warranty Deed Exhibit B

WHEN RECORDED MAIL TO:

Office of the City Clerk  
City of Yuma  
One City Plaza  
Yuma, Arizona 85364-1436

### WARRANTY DEED

EXEMPT from Affidavit and Filing Fees (A.R.S. 11-1134 A.3.)

This Warranty Deed is made by:

Santana 142 RE Holdings, L.L.C.  
6255 E 26<sup>th</sup> Street  
Yuma Arizona 85365  
(Grantor)

To the:

City of Yuma, an Arizona municipal corporation  
One City Plaza  
Yuma, Arizona 85364  
(Grantee)

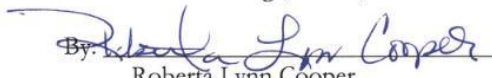
For the consideration of Ten Dollars (\$10.00), and other valuable consideration, Grantor does hereby convey to Grantee, that parcel of real property situated in Yuma County, Arizona described in Exhibit "A" attached and by this reference incorporated as part of this warranty deed.

Subject to, reservations in patents, all easements, covenants, conditions, and restrictions, as may appear of record.

Grantor warrants title against all persons whomsoever, subject to the matters set forth above.

Dated this 16<sup>th</sup> day of October, 2024.

Santana 142 RE Holdings, L.L.C., an Arizona limited liability company

By:   
Roberta Lynn Cooper,  
Manager



NOTARIAL ACKNOWLEDGEMENT

Signers: Roberta Lynn Cooper, Manager of Santana 142 RE Holdings, L.L.C.,  
an Arizona limited liability company.

State of Arizona    )  
                                  ) ss.  
County of Yuma     )

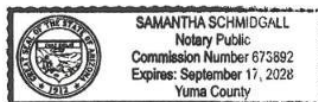
The foregoing instrument was acknowledged before me this 16<sup>th</sup> day  
of October, 2024, by Roberta Lynn Cooper, Manager of Santana 142  
RE Holdings, L.L.C., an Arizona limited liability company.

IN WITNESS WHEREOF, I have hereunto set by hand and official  
seal.

Samantha Schmidgall  
Notary Public

My Commission Expires:

9.17.2028



ACCEPTED AND APPROVED, hereby dedicating to the City of Yuma,  
Arizona, as public property for easements and other purposes related thereto.

City of Yuma

Dated: \_\_\_\_\_

\_\_\_\_\_  
John D. Simonton  
Acting City Administrator

Attest:

Dated: \_\_\_\_\_

\_\_\_\_\_  
Lynda L. Bushong  
City Clerk

Approved as to form:

Dated: \_\_\_\_\_

\_\_\_\_\_  
Richard W. Files  
City Attorney

# EXHIBIT A

---

## LEGAL DESCRIPTION OF THE SANTANA UNIT 1 & 2 CANAL "A"

THAT PORTION OF THE WEST HALF OF THE WEST HALF OF THE  
NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 9 SOUTH, RANGE  
22 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YUMA,  
COUNTY, ARIZONA;  
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE WEST  
HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF  
SAID SECTION 10;

THENCE NORTH 89 DEGREES 15 MINUTES 10 SECONDS EAST ALONG  
THE NORTH LINE OF THE WEST HALF OF THE WEST HALF OF THE  
NORTHEAST QUARTER OF SAID SECTION 10, A DISTANCE OF 662.32  
FEET TO THE NORTHEAST CORNER OF THE WEST HALF OF WEST  
HALF OF NORTHEAST QUARTER OF SAID SECTION 10;

THENCE SOUTH 00 DEGREES 32 MINUTES 55 SECONDS EAST ALONG  
THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF THE  
NORTHEAST QUARTER OF SAID SECTION 10, A DISTANCE OF 494.08  
FEET (RECORD SOUTH 00 DEGREES 07 MINUTES 43 SECONDS EAST,  
A DISTANCE OF 495.16 FEET) TO A 1-1/4" IRON PIPE, SAID POINT  
BEING ON THE NORTHWESTERLY RIGHT OF WAY LINE OF THE  
U.S.B.R. "A" CANAL AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH 35 DEGREES 08 MINUTES 29 SECONDS WEST  
ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE OF THE  
U.S.B.R. "A" CANAL, A DISTANCE OF 1135.37 FEET (RECORD SOUTH  
35 DEGREES 35 MINUTES 35 SECONDS WEST, A DISTANCE OF  
1134.35 FEET) TO A 1/2" REBAR CAPPED LS 16626, SAID POINT  
BEING ON THE WEST LINE OF THE WEST HALF OF THE WEST HALF  
OF THE NORTHEAST QUARTER OF SAID SECTION 10;

THENCE SOUTH 00 DEGREES 32 MINUTES 46 SECONDS EAST ALONG THE  
WEST LINE OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST  
QUARTER OF SAID SECTION 10, A DISTANCE OF 497.11 FEET (RECORD  
SOUTH 00 DEGREES 07 MINUTES 53 SECONDS EAST) TO A 1/2" REBAR  
CAPPED LS 16810, SAID POINT BEING ON THE SOUTHEASTERLY RIGHT OF  
WAY LINE OF THE U.S.B.R. "A" CANAL;

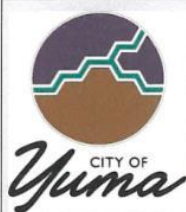
THENCE NORTH 35 DEGREES 08 MINUTES 29 SECONDS EAST ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE OF THE U.S.B.R. "A" CANAL A DISTANCE OF 1135.41 FEET TO A 1/2" REBAR CAPPED LS 16626, SAID POINT BEING ON THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 10;

THENCE NORTH 00 DEGREES 32 MINUTES 55 SECONDS WEST ALONG THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 10 A DISTANCE OF 497.09 FEET, TO THE POINT OF BEGINNING.

CONTAINING 7.559 ACRES MORE OR LESS.



Description Verified By:	<i>Andrew McGavin</i>
City Engineering Department	Date <i>10/21/2024</i>



**ONE FOOT  
NON-ACCESS  
EASEMENT**

When Recorded, Return To:  
The City of Yuma - Engineering  
(City will pick up)

We, **Elliott Construction, Inc.** an Arizona corporation ("Grantor"), for and in consideration of good and valuable consideration, the receipt of which is acknowledged, hereby grants to the City of Yuma, an Arizona municipal corporation ("Grantee"), a permanent One Foot Non-Access Easement along the westerly property lines, and remainder of lots 44, 45, 46, 47, 48, 49, 50, and 51, also being the Southeasterly right-of-way line of the Arizona Public Services easement as shown in the Santana Unit 2 subdivision plat dated 6/17/2022, FEE # 2022-20999, recorded in Book 34 of Plats, Page 8, all located within that portion of the West half of the Northeast quarter of Section 10, Township 9 South, Range 22 West of the Gila and Salt River Basin and Meridian, City of Yuma, Yuma County, Arizona, and across the real estate ("Property") described as the remainder of the following:

ASSESSORS PARCEL NUMBERS  
698-47-044, 698-47-045, 698-47-046, 698-47-047,  
698-47-048, 698-47-049, 698-47-050, AND 698-47-051.

By virtue of this Easement, Grantor, for and on behalf of themselves and their successors in interest, acknowledge the One Foot Non-Access Easement shall extend the full length of the westerly property line of the remainder lots 44, 45, 46, 47, 48, 49, 50, and 51, Santana Unit 2 subdivision plat, with the recordation of Warranty Deed 2024-\_\_\_\_\_. Grantor and Grantor's successors specifically waive any rights or suit, complaint, petition, claims, or other such actions as may impede the use and development of the described Easement. Grantor acknowledges that Grantor's Property will be restricted to certain access points into and out of the Property.

Grantor and Grantee intend that this Easement will be construed and interpreted under the laws of the State of Arizona that this Easement shall run with the land, and is binding upon all present and future owners of the Property.

**Elliott Construction, Inc.**, an Arizona corporation.

By: 

Roberta Lynn Cooper,  
Assistant Vice President

ACKNOWLEDGMENT

State of Arizona )  
County of Yuma ) ss

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of October 2024, by Roberta Lynn Cooper, Assistant Vice President of Elliott Construction, Inc., an Arizona corporation, on behalf of the corporation.

Samantha Schmidgall  
Notary Public

