

ORDINANCE NO. O2023-033

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, DECLARING CERTAIN REAL PROPERTY AND RIGHTS-OF-WAY, HEREAFTER DESCRIBED, SURPLUS FOR CITY USE AND AUTHORIZING THE VACATING OF RIGHTS-OF-WAY AND TRANSFER OF THE SURPLUS PROPERTY PURSUANT TO THE TERMS OF A DEVELOPMENT AGREEMENT WITH THE ARIZONA HOUSING DEVELOPMENT CORPORATION

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

WHEREAS, the City owns three residential lots in the Mesa Heights neighborhood (Yuma County Parcel Nos. 665-44-001, 665-44-002 and 665-44-193) described in Exhibit A (the “Residential Lots”); and,

WHEREAS, the Residential Lots are no longer needed by the City and can be transferred for the development of affordable housing; and,

WHEREAS, the City owns certain excess rights-of-way adjacent to the Residential Lots described in Exhibit B (the “Surplus Rights-of-Way”), to be vacated back to the Residential Lots; and,

WHEREAS, vacating the Surplus Rights-of-Way to the Residential Lots is authorized pursuant to A.R.S. § 28-7205 and is necessary for the construction of the six affordable housing units on the Property under the proposed development agreement with AHDC; and,

WHEREAS, collectively, the Surplus Rights-of-Way and the Residential Lots are defined in this Ordinance as the “Property;” and,

WHEREAS, the City desires to enter into a development agreement with the Arizona Housing Development Corporation (“AHDC”) for the transfer of the Property to the AHDC for the construction of six, two-bedroom affordable rental housing units on the Property,

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

SECTION 1: The Residential Lots described in Exhibit A are declared surplus for City use and the City Administrator is authorized to execute all necessary documents on behalf of the City to effect the transfer of the Property in accordance with the terms of the proposed development agreement with AHDC.

SECTION 2: The Surplus Rights-of-Way described in Exhibit B is declared surplus for City use and is authorized to be vacated to the abutting Residential Lots.

SECTION 3: The proposed development agreement with AHDC for the development of six affordable housing units is approved in substantially the form attached as Exhibit C.

SECTION 4: Each of the Exhibits shall remain on file at the Yuma City Clerk's Office, with each Exhibit incorporated as part of this Ordinance by reference.

Adopted this _____ day of _____, 2023.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A

LEGAL DESCRIPTION OF PROPERTIES IN 1800 BLOCK OF SOUTH 4th AVENUE

APN 665-44-001

Lot 1, Block 1 of the Clarence Trigg Subdivision as recorded in the Book 3 of Plats, Page 49, Records of the Yuma County Recorder, less right-of-way dedicated to the City of Yuma by the Record of Survey recorded in Book 8 of Surveys, Pages 16 and 17 – Fee 2009-12811, Records of the Yuma County Recorder, in Section 33, Township 8 South, Range 23 West, Gila and Salt River Base and Meridian, Yuma County, Arizona, and more particularly described as:

Beginning at a point on the East Line of said Section 33 and at the intersection of the Centerline of 18th Street, at which point was found Brass Cap stamped LS 16592;

Thence South 00° 29' 21" West along the East line of Section 33 a distance of 30.00 feet;

Thence North 89° 25' 45" West along a line parallel and 30.00 feet south of the Centerline of 18th Street a distance of 61.50 feet;

Thence South 00° 29' 21" West along a line parallel to and 61.50 feet West of the East Line of Section 33 a distance of 25.00 feet to a point on the East Line of Lot 1 and the True Point of Beginning;

Thence South 00° 29' 21" West a distance of 24.77 feet (25.00 feet, prorated, as recorded per Book 3 of Plats, Page 49) to the Southeast Corner of Lot 1;

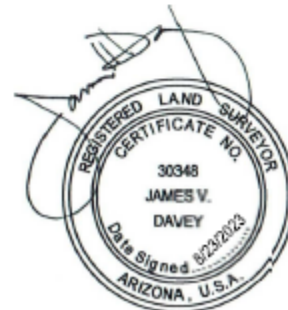
Thence North 89° 26' 49" West along the South Line of Lot 1 a distance of 96.23 feet to the Southwest Corner of Lot 1;

Thence North 00° 29' 29" East along the West line of Lot 1 a measured distance of 49.80 feet (50.00 feet per recorded Plat) to the Northwest Corner of Lot 1;

Thence South 89° 25' 45" East along the North line of Lot 1 a measured distance of 71.22 feet (71.32 feet, prorated, per recorded Plat);

Thence South 44° 28' 12" East a distance of 35.38 feet to the True Point of Beginning;

The above described property contains 4478 square feet, more or less.



APN 665-44-002

Lot 2, Block 1 of the Clarence Trigg Subdivision as recorded in the Book 3 of Plats, Page 49, Records of the Yuma County Recorder, less right-of-way dedicated to the City of Yuma by the Record of Survey recorded in Book 8 of Surveys, Pages 16 and 17 – Fee 2009-12811, Records of the Yuma County Recorder, in Section 33, Township 8 South, Range 23 West, Gila and Salt River Base and Meridian, Yuma County, Arizona, and more particularly described as:

Beginning at a point on the East Line of said Section 33 and at the intersection of the Centerline of 18th Street, at which point was found Brass Cap stamped LS 16592;

Thence South $00^{\circ} 29' 21''$ West along the East line of Section 33 a distance of 30.00 feet;

Thence North $89^{\circ} 25' 45''$ West along a line parallel and 30.00 feet south of the Centerline of 18th Street a distance of 61.50 feet;

Thence South $00^{\circ} 29' 21''$ West along a line parallel to and 61.50 feet West of the East Line of Section 33 a distance of 49.77 feet to the Northeast Corner of Lot 2 and the True Point of Beginning;

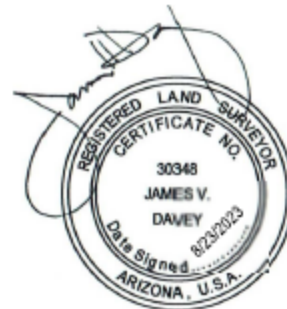
Thence South $00^{\circ} 29' 21''$ West a distance of 49.77 feet (50.00 feet as recorded per Book 3 of Plats, Page 49) to the Southeast Corner of Lot 2;

Thence North $89^{\circ} 27' 54''$ West along the South Line of Lot 2 a distance of 96.23 feet to the Southwest Corner of Lot 2;

Thence North $00^{\circ} 29' 29''$ East along the West line of Lot 2 a measured distance of 49.80 feet (50.00 feet per recorded Plat) to the Northwest Corner of Lot 2;

Thence South $89^{\circ} 26' 49''$ East along the North line of Lot 2 a measured distance of 96.23 feet (96.31 feet, prorated, per recorded Plat) to the Northeast Corner of Lot 2 and the True Point of Beginning;

The above described property contains 4791 square feet, more or less.



APN 665-44-193

Lot 3, Block 1 of the Clarence Trigg Subdivision as recorded in the Book 3 of Plats, Page 49, Records of the Yuma County Recorder, less right-of-way dedicated to the City of Yuma by the Record of Survey recorded in Book 8 of Surveys, Pages 16 and 17 – Fee 2009-12811, Records of the Yuma County Recorder, in Section 33, Township 8 South, Range 23 West, Gila and Salt River Base and Meridian, Yuma County, Arizona, and more particularly described as:

Beginning at a point on the East Line of said Section 33 and at the intersection of the Centerline of 18th Street, at which point was found Brass Cap stamped LS 16592;

Thence South 00° 29' 21" West along the East line of Section 33 a distance of 30.00 feet;

Thence North 89° 25' 45" West along a line parallel and 30.00 feet south of the Centerline of 18th Street a distance of 61.50 feet;

Thence South 00° 29' 21" West along a line parallel to and 61.50 feet West of the East Line of Section 33 a distance of 99.54 feet to the Northeast Corner of Lot 3 and the True Point of Beginning;

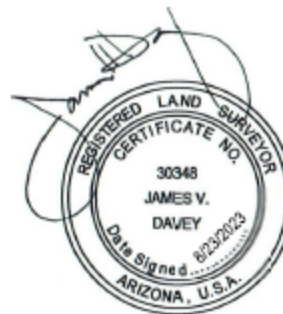
Thence South 00° 29' 21" West a distance of 49.77 feet (50.00 feet as recorded per Book 3 of Plats, Page 49) to the Southeast Corner of Lot 3;

Thence North 89° 27' 54" West along the South Line of Lot 3 a distance of 96.23 feet to the Southwest Corner of Lot 3;

Thence North 00° 29' 29" East along the West line of Lot 3 a measured distance of 49.81 feet (50.00 feet per recorded Plat) to the Northwest Corner of Lot 3;

Thence South 89° 26' 49" East along the North line of Lot 3 a measured distance of 96.23 feet (96.31 feet, prorated, per recorded Plat) to the Northeast Corner of Lot 3 and the True Point of Beginning;

The above described property contains 4792 square feet, more or less.



Descriptions Verified By:	Andrew McGarvie
City Engineering Department	Date: 8/24/23

Exhibit B

Legal Description of Right of Way to Be Vacated

A portion of the Northeast quarter of the Southeast quarter of the Northeast quarter (NE¹/₄SE¹/₄NE¹/₄) of Section 33, Township 8 South, Range 23 West of the Gila and Salt River Base and Meridian, City of Yuma, Yuma County, State of Arizona, also being a portion of Lots 1 through 3, Block 1, Clarence Trigg Subdivision, dated May 3, 1949, FEE # 2918, recorded in Book 3 of Plats, Page 49, also described in Record of Survey, dated May 6, 2009, FEE # 2009-12811, Recorded in Book 8 of Surveys, Pages 16 & 17, Yuma County Records:

Commencing at the Brass Cap stamped with LS#16592 located at the intersection of 18th St and Arizona Ave;

Thence South 00°29'21" West (record) along the East Section line of said Section 33, a distance of 30.00 feet (record) to a point;

Thence North 89°25'45" West (record) along a line parallel with and 30.00 feet south of the 18th St. centerline a distance of 33.00 feet (record) to the original Northeast corner of Lot 1, Block 1 of Clarence Trigg Subdivision;

Thence continuing North 89°25'45" West (calculated) along a line parallel with and 30.00 feet south of the 18th St. centerline, also being the original North line of said Lot 1, a distance 53.50 feet (record) to a point lying at the northern most Northeast corner of Lot 1, as shown in said Record of Survey, point also being the True Point of Beginning;

Thence South 89°25'45" East (record) along the said original North line of Lot 1, a distance of 21.50 feet (calculated) to a point;

Thence South 44°28'12" East (calculated) a distance of 35.38 feet (calculated) to a point lying 40.00 feet west of the East line of said Section 33;

Thence South 00°29'21" West (calculated) along a line parallel with and 40.00 feet West of the East line of said Section 33 a distance of 124.29 feet (calculated) to a point lying on the original South line of Lot 3, Block 1 of Clarence Trigg Subdivision;

Thence North 89°29'13" West (record) along the original South line of said Lot 3, a distance of 21.50 feet (calculated) to a point lying at the current southeast corner of Lot 3 as described in the said Record of Survey;

Thence North 00°29'21" East along the current east lines of Lots 3,2, and 1 as described in said record of survey, a distance of 124.31 feet (record) to a point;

Thence North 44°28'12" West (record) a distance of 35.38 feet (record) to the True Point of Beginning;

Containing 3,210 square feet or 0.0737 of an acre, more or less.

Descriptions Verified By:	Andrew McGarvie
City Engineering Department	Date: 8/24/23