

RESOLUTION NO. R2024-059

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA,
ARIZONA, AUTHORIZING EXECUTION OF A LICENSE AGREEMENT
WITH CACTUS STATE UTILITY OPERATING COMPANY, LLC**

WHEREAS, pursuant to the Yuma City Charter, Article III, Section 1, the City of Yuma (City) has all powers granted to municipal corporations and cities by the Constitution and laws of the State of Arizona; and,

WHEREAS, the City owns, operates and maintains public streets, roads, highways, and alleys, public right-of-way, and public utility easements within the boundaries of the City of Yuma; and,

WHEREAS, Cactus State Utility Operating Company, LLC (Cactus State) is regulated by the Arizona Corporation Commission (ACC) and provides wastewater utility service to approximately 600 customers in Yuma, Arizona; and,

WHEREAS, the Yuma County Board of Supervisors granted Cactus State's predecessor, Sweetwater Creek Utilities, Inc. (Sweetwater), a 25-year sewer franchise in 1994; and,

WHEREAS, Sweetwater's entire service area was annexed into the City in 1999; and,

WHEREAS, Cactus State seeks a license agreement with the City authorizing Cactus State to operate, maintain, repair and construct wastewater utility infrastructure within City right-of-way since Sweetwater's original franchise has expired.

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

SECTION 1: The attached and incorporated License and Right-of-Way Use Agreement between the City and Cactus State is approved in accordance with the terms of the license.

SECTION 2: The City Administrator is authorized and directed to execute the license agreement on behalf of the City.

Adopted this ___ day of October 2024.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files

City Attorney