

ORDINANCE NO. O2026-004

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
YUMA, ARIZONA, VACATING RIGHT-OF-WAY AND
APPROVING THE SALE OF RIGHT-OF-WAY TO NINETEEN
ADJACENT LANDOWNERS IN LIVINGSTON RANCH PHASE I**

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 approximately 43,710 square feet of right-of-way (1,457 feet by 30 feet) north of Livingston Ranch Phase I and south of Central Canal in Yuma, Arizona ("ROW Property"), which is legally described in Exhibit "A" attached; and,

WHEREAS, Arizona Revised Statutes (A.R.S.) §§ 28-7205(2) and 28-7208 authorize the City to vacate portions of right-of-way to the "owners of the land abutting the vacated portion" upon payment to the City of consideration commensurate with the value of the right-of-way; and,

WHEREAS, the City Engineer believes the City has excess right-of-way and supports vacating and selling segments of the ROW Property to the nineteen owners of residential property in Livingston Ranch Phase I whose property abuts the ROW Property; and,

WHEREAS, the ROW Property contains remnants of an abandoned concrete irrigation ditch that needs removal before the ROW segments are sold to the abutting landowners; and,

WHEREAS, a legal description of the ROW Property and each ROW segment must be created by a registered engineer before each ROW segment is sold; and,

WHEREAS, City will construct a uniform subdivision wall along the northern and western boundary of the ROW Property before selling the ROW segments; and,

WHEREAS, after the City sells each ROW segment, the buyer/abutting landowner must complete a lot-tie to tie the ROW segment to the buyer's existing residential property; and,

WHEREAS, each buyer will bear the cost of (1) demolition of the existing backyard subdivision wall on the buyer's property and (2) extending the sidewalls in the buyer's backyard to connect to the new subdivision wall constructed by the City; and,

WHEREAS, on file with the City Clerk are fourteen purchase and sale agreements signed by the property owners of the following addresses on 36th Street in Livingston Ranch Phase I: 3620, 3648, 3662, 3676, 3732, 3760, 3788, 3836, 3850, 3878, 3916, 3930, 3944, and 3958; and,

WHEREAS, the fourteen agreements each call for the property owner to reimburse, on a proportionate basis, the City for its costs of cleaning up the ROW Property, creating legal descriptions of the ROW Property and ROW segments, constructing a new subdivision wall, and completing a lot-tie ("City Costs").

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

SECTION 1: The City Council finds that vacating the ROW Property is in the public interest of the City and would be of public benefit.

SECTION 2: The City Council authorizes the sale of ROW Property to property owners of land abutting the ROW Property upon reimbursing, on a proportionate basis, City Costs.

SECTION 3: The fourteen purchase and sale agreements on file with the City Clerk are approved and the City Administrator is authorized and directed to execute each agreement on behalf of the City.

SECTION 4: The City Administrator is authorized to execute additional purchase and sale agreements for segments of the ROW Property that are substantially similar to the fourteen purchase and sale agreements approved by this ordinance.

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

Exhibit A
Legal Description of the ROW Property

The South 30.00 feet of the North 85.00 of the East 1457.00 feet of the West 1525.00 feet of the Southwest quarter of Section 7, Township 9 South, Range 23 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona.

