

ORDINANCE NO. O2024-019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, DECLARING A CERTAIN 25 FOOT PARCEL OF REAL PROPERTY, HEREAFTER DESCRIBED, SURPLUS FOR USE AS RIGHT-OF-WAY BY THE CITY, VACATING THE SURPLUS 25 FOOT RIGHT-OF-WAY EASEMENT TO THE ABUTTING PROPERTY OWNER UPON THE RECORDING OF A QUITCLAIM DEED, AND AUTHORIZING AN EXCHANGE OF THE SURPLUS 25 FOOT RIGHT-OF-WAY EASEMENT FOR THE UNDERLYING FEE TITLE TO THE 75 FOOT RIGHT-OF-WAY DESCRIBED IN THIS ORDINANCE, TOGETHER WITH A 25 FOOT UTILITY EASEMENT FOR WATER, SANITARY SEWER AND OTHER PUBLIC PURPOSES

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, the State of Arizona Highway Department obtained an easement over the West 100 feet of 4th Ave, dated February 23, 1940, recorded in Book 88 of Deeds, Pages 312 and 313, Yuma County Records; and,

WHEREAS, the Arizona Department of Transportation abandoned their interest in Business Route 8 (portions of 4th Avenue and 32nd Street within City limits) to the City of Yuma by Resolution, dated September 20, 2010, recorded at Fee Number 2010-22898, Yuma County Records; and,

WHEREAS, the City is now the beneficiary/grantee of that portion of a right-of-way easement described in Exhibit A, attached and referred to as Parcel A, to be declared surplus for City use by this Ordinance and conditionally vacated by quitclaim deed to the abutting property owner (Owner), JAKARTA Holdings, LLC; and,

WHEREAS, in exchange for vacating the City's right-of-way easement on Parcel A, the Owner will deed the underlying fee title to the east 75 feet of 4th Avenue right-of-way to the City, described as Parcel B in Exhibit B attached, together with a 25 foot easement on Parcel A for water, sanitary sewer, and other public purposes; and,

WHEREAS, the exchange of the above described properties will result in the City's fee ownership of land necessary for the 4th Avenue public roadway, and a utility easement for water, sanitary sewer, and other related public uses; and,

WHEREAS, the exchange of the above-described properties will result in the return of the vacated right-of-way to the public tax rolls.

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 Parcel B, described in Exhibit B, and a municipal utility infrastructure easement in Parcel A, described in Exhibit A, be acquired by the City of Yuma through an exchange accomplished by declaring Parcel A surplus for City use, vacating the right-of-way easement described in Exhibit A by quitclaim deed to the abutting Owner, and the Owner deeding a utilities easement back to the City on Parcel A and the underlying fee title to Parcel B to the City, as such acquisitions will be in the public interest of the City and would be of public benefit.

SECTION 2: Parcel 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) in exchange for the underlying fee simple title to Parcel B and a municipal utility infrastructure easement on Parcel A.

SECTION 3: The City Administrator is authorized and directed to execute all deeds or other instruments necessary to accomplish the intent of this Ordinance.

SECTION 4: All exhibits described in this Ordinance are incorporated by reference.

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