

RESOLUTION NO. R2024-004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE CERTAIN ACCESS AGREEMENTS ON BEHALF OF THE CITY OF YUMA

WHEREAS, the City of Yuma (“City”) frequently enters access agreements in the form of license and/or encroachment agreements with the U.S. Bureau of Reclamation (“BOR”), the U.S. Bureau of Land Management (“BLM”), the Army Corps of Engineers (“ACE”), the Marine Corps Air Station Yuma (“MCAS”), the Arizona Department of Transportation (“ADOT”), the Arizona Department of Environmental Quality (“ADEQ”), the Arizona Game and Fish Department (“AGFD”), Yuma County, the Union Pacific Railroad (“Union Pacific”), and various entities that manage or control irrigation canals within Yuma County (“Local Canal Entities”); and,

WHEREAS, the City enters into these access agreements with the BOR, BLM, ACE, MCAS, ADOT, ADEQ, AGFD, Yuma County, Union Pacific and Local Canal Entities when the City needs to construct or maintain City facilities on or near property owned or controlled by one of the above-listed entities, or vice-versa, when one of the above-listed entities needs access to City property or right-of-way to maintain its facilities; and,

WHEREAS, these access agreements generally have the following characteristics:

- The agreements are between the City and either the BOR, BLM, ACE, MCAS, ADOT, ADEQ, AGFD, Yuma County, Union Pacific, or a Local Canal Entity;
- There is less than a \$1,000.00 payment to the party granting access, but often no cost with the exception of agreements with Union Pacific which sometimes requires payment for railroad track monitoring in addition to licensing fees;
- The party seeking access agrees to defend and indemnify the party granting access for any claims arising from activities allowed under the access agreement; and,
- The access agreement does not create a permanent easement or similar property interest for the party obtaining access; and,

WHEREAS, streamlining and standardizing the City’s administrative process for entering into access agreements containing these four characteristics will strengthen the City’s partnerships with the above-listed entities by allowing the City to timely respond and react to standard requests and agreements.

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

SECTION 1: The City Administrator is authorized to execute access agreements containing the four characteristics described above.

SECTION 2: The duly authorized disbursing officers of the City of Yuma are authorized and directed to pay all sums necessary to secure access agreements for the benefit and enjoyment of the City.

SECTION 3: The authority granted to the City Administrator through this Resolution shall apply to future licenses and access agreements and shall not prohibit the City Administrator from bringing any sort of access agreement or license forward to City Council for approval in the event the City Administrator deems it advisable to do so.

Adopted this _____ day of February 2024.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney