

**AMENDMENT TO:  
INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE CITY OF YUMA AND THE COUNTY OF YUMA WITH SIGNATURE  
CONSENT BY THE YUMA COUNTY AIRPORT AUTHORITY, INC. FOR  
40<sup>TH</sup> STREET LIFTSTATION AND FORCE MAIN IMPROVEMENTS**

This Amendment is to the Intergovernmental Agreement between the City of Yuma, an Arizona municipal corporation (“City” or “City of Yuma”) and the County of Yuma, a political body in the State of Arizona (“County” or “Yuma County”) that was originally executed on January 4<sup>th</sup>, 2023 (“IGA”). Yuma County and the City of Yuma are collectively referred to as the “Parties” and individually as a “Party.” Yuma County Airport Authority, Inc., an Arizona non-profit corporation (“YCAA”), is a signatory to this IGA signifying YCAA’s acceptance of and consent to the Amendment’s terms and conditions.

**RECITALS**

WHEREAS, Arizona Revised Statutes (A.R.S.) § 11-951 *et seq.* authorizes Yuma County to enter into this IGA and A.R.S. §11-951 *et seq.* and the Yuma City Charter, Article III, Section 13, authorizes the City of Yuma to enter into this Amendment; and,

WHEREAS, the City wishes to acquire an additional sewer easement to facilitate the construction of the sewer lift station, Yuma County desires to grant such additional easement, and YCAA desires to consent to such additional easement; and

WHEREAS, all existing recitals and provision from the original IGA dated January 4, 2023 remain in full force and effect.

**PROVISIONS**

NOW THEREFORE, in consideration of the terms and conditions contained in the recitals and herein, each of which the parties acknowledge as true and incorporated into this IGA by reference, the parties agree as follows:

1. Grant of Additional Easement: Yuma County does thereby grant an additional easement to the City for the purpose of constructing the sewer lift station, known as the Project on YCAA property, in the form attached hereto as Exhibit 1.

2. Counterparts: This Amendment may be executed in two (2) or more counterparts, each of which shall be deemed an original, but which together shall constitute on and the same instrument.

3. Exhibits and Attachments; Sections: All attachments and exhibits to which reference is made in this Amendment are deemed incorporated in herein and made part of the IGA. References to Sections are to Sections of this IGA unless stated otherwise.

Dated this \_\_\_\_ day of \_\_\_\_\_, 202\_\_.

Yuma County

City of Yuma

By: \_\_\_\_\_  
Martin Porchas  
Chairman, Yuma County Board of Supervisors

By: \_\_\_\_\_  
John D. Simonton  
City Administrator

Attest

By: \_\_\_\_\_  
Ian McGaughey  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Lynda L. Bushong  
City Clerk

YCAA Consent

By: \_\_\_\_\_  
Bill Craft  
President

**Attorney Approval For Yuma County**

I have reviewed the above-referenced Intergovernmental Agreement between the County of Yuma and the City of Yuma, an agreement among public agencies, which has been reviewed pursuant to Arizona Revised Statutes §§11-951 through 11-954, and declare this Agreement to be in proper form and within the powers and authority granted to Yuma County under the laws of the State of Arizona.

No opinion is expressed as to the authority of the City of Yuma to enter into this Agreement.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_.

By: \_\_\_\_\_  
Minda M. Davy  
Deputy County Attorney

**Attorney Approval For City of Yuma**

I have reviewed the above-referenced Intergovernmental Agreement between the County of Yuma and the City of Yuma, an agreement among public agencies, which has been reviewed pursuant to Arizona Revised Statutes §§11-951 through 11-954, and declare this Agreement to be in proper form and within the powers and authority granted to the City of Yuma under the laws of the State of Arizona.

No opinion is expressed as to the authority of the County of Yuma to enter into this Agreement.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_.

By: \_\_\_\_\_  
Richard W. Files  
Yuma City Attorney

Exhibit 1- Grant of Easement

When Recorded, Return To:  
(The City of Yuma Will Pick Up)

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**GRANT OF EASEMENT**

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**GRANTOR**

Yuma County  
An Arizona Political Subdivision  
198 South Main Street  
Yuma, Arizona 85364

**GRANTEE**

City of Yuma  
An Arizona Municipal Corporation  
One City Plaza  
Yuma, Arizona 85364-1436

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EXEMPT from Affidavit and Filing Fees (A.R.S. 11-1134(A)(2))

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For and in consideration of ten dollars and other valuable consideration, Yuma County, an Arizona political subdivision (“**Grantor**”), hereby grants and conveys to the City of Yuma, an Arizona municipal corporation (“**Grantee**”), its successors and assigns, the right, privilege and perpetual, nonexclusive easement to install and construct, and the right to operate, maintain, repair, replace, reconstruct, and access, a lift station and force main, together with public utilities and utility maintenance access or devices and appurtenances used or useful in the operation of the lift station and force main, and to remove objects interfering therewith, at any and all points within, through, over and across the area more particularly described and depicted on Exhibit A, incorporated herein (the “**Premises**”).

Grantee, at its own cost and expense, shall maintain the Premises in good condition at all times and shall promptly make all repairs that may be necessary for the preservation of the condition of the Premises and the continued operation and maintenance of the lift station and force main.

By virtue of Granting this perpetual, nonexclusive, easement, Grantor, for and on behalf of itself and its successors in interest to any and all of the described real property, hereby acknowledges that the Grantee will use the property for the purposes of the installation, operation, restoration and maintenance of a sewer lift station and force main and accepts the attributes of such use, which may include noise, vibration, and odors.

IN WITNESS WHEREOF, the Grantor has executed this perpetual, nonexclusive, easement this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_.

**GRANTOR:**

Yuma County, an Arizona  
political subdivision

By: \_\_\_\_\_  
Ian McGaughey  
Yuma County Administrator

State of Arizona                    )  
  ) ss.  
County of Yuma                    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_, by Ian McGaughey, Yuma County Administrator, on behalf of Yuma County, an Arizona political subdivision.

My Commission Expires: \_\_\_\_\_  
Signature and Seal of Notary Public

ACCEPTED and APPROVED, by **GRANTEE**, the City of Yuma, an Arizona Municipal Corporation.

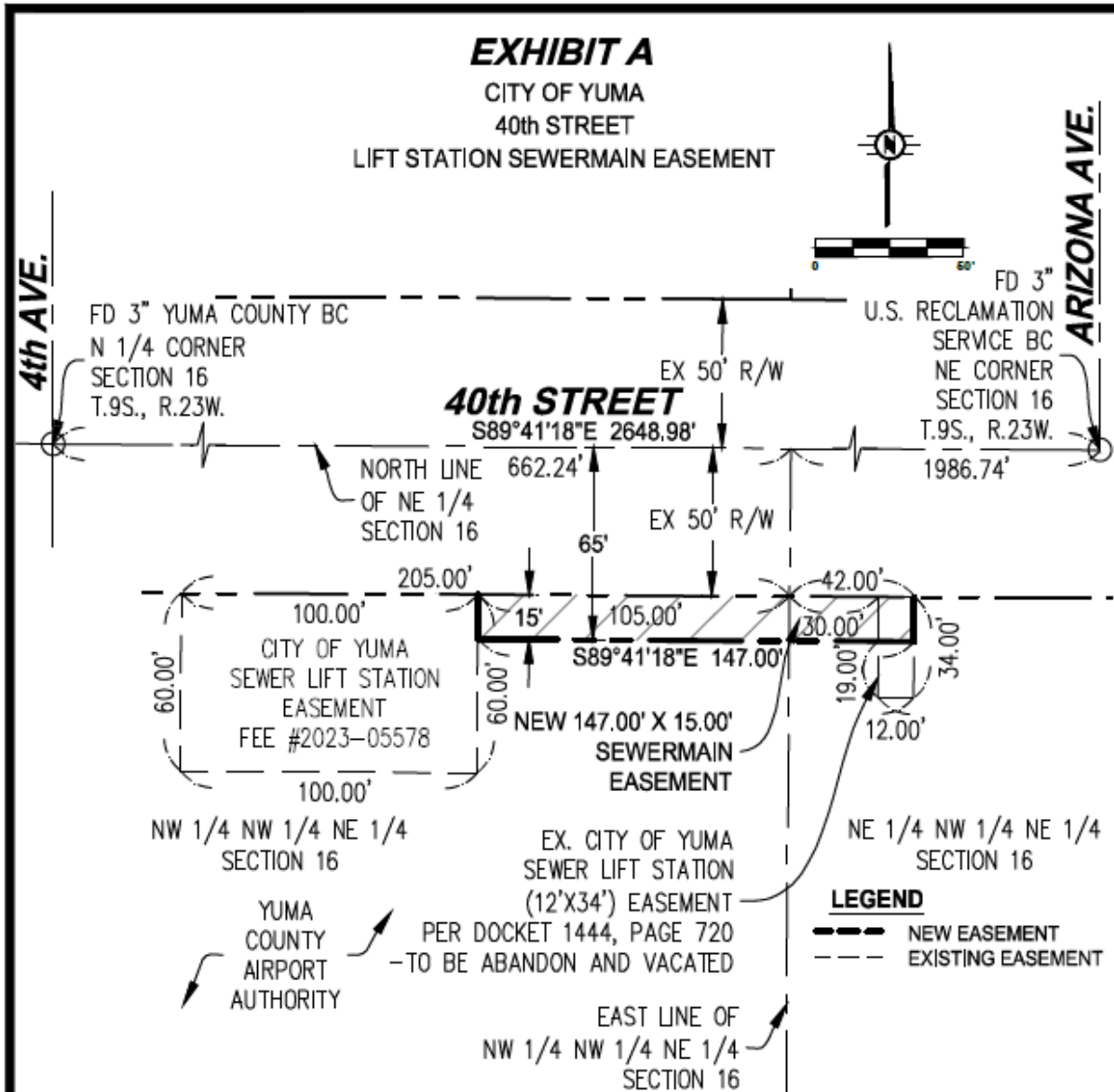
By: \_\_\_\_\_  
John D. Simonton  
City Administrator

Attested: \_\_\_\_\_  
Lynda Bushong  
City Clerk

Legal Description Verified By:	Vidal Ochoa
City Engineering Department	12/11/2023

# EXHIBIT A

## CITY OF YUMA 40th STREET LIFT STATION SEWERMAIN EASEMENT



### NEW LIFT STATION SEWERMAIN LEGAL DESCRIPTION

AN EASEMENT IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4 NW1/4 NE1/4) AND IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NE1/4 NW1/4 NE1/4) OF SECTION 16, TOWNSHIP 9 SOUTH, RANGE 23 WEST, GILA & SALT RIVER BASE AND MERIDIAN, YUMA COUNTY, STATE OF ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 15.00' OF THE NORTH 65.00' OF THE EAST 105.00' OF SAID NW1/4 NW1/4 NE1/4 OF SAID SECTION 16

AND

THE SOUTH 15.00' OF THE NORTH 65.00' OF THE WEST 42.00' OF SAID NE1/4 NW1/4 NE1/4 OF SAID SECTION 16.

THE ABOVE DESCRIBED PARCEL CONTAINS 2,205 SQUARE FEET OR 0.051 ACRE MORE OR LESS.

