

**ORDINANCE NO. O2025-031**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY UNDER AN OPTION TO PURCHASE, TOGETHER WITH CITY ACQUISITION OF A SEPARATE PARCEL UP TO 10,160 SQUARE FEET IF THE OPTION IS EXERCISED**

WHEREAS, the City of Yuma (City) is authorized pursuant to the Yuma City Charter, Article II, Section 2, to acquire and dispose of real property; and,

WHEREAS, on May 17, 2010, 360 Networks (USA), Inc. quitclaimed certain property (APN 697-20-082) to the City (the Property) containing two modular buildings at 2862 S. Kyla Avenue (Building One) and 2888 S. Kyla Avenue (Building Two); and,

WHEREAS, the Property, as legally described in Exhibit A, is approximately 104,970 square feet and adjacent to Union Pacific railroad right-of-way; and,

WHEREAS, in 2013 the City leased Building One and approximately 10,160 square feet of the Property to Zayo Group, LLC (Tenant) for up to a total of four five-year terms (Zayo Lease); and,

WHEREAS, the Zayo Lease is in its third five-year term (expiring in 2028), but the City expects Tenant to request a fourth five-year term (expiring in 2033); and,

WHEREAS, the City uses Building Two as an evidence storage facility for its police department while a new evidence storage facility is being built near Avenue 4E and 36<sup>th</sup> Street; and,

WHEREAS, Top Quality Products, LLC (Buyer) is developing a bioprocessing facility in Yuma to process an agricultural crop into dry pulp bales; and,

WHEREAS, Buyer desires an option to purchase the Property due to the Property's proximity to the Union Pacific railroad; and,

WHEREAS, the City and Buyer have negotiated a draft agreement titled *Option to Purchase Real Estate* (Option) that is on file with the City Clerk, summarized in the City Council Report, and incorporated into this ordinance by reference.

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

**SECTION 1:** On behalf of the City of Yuma, the City Administrator is authorized to enter into an agreement with Buyer on substantially similar terms as the *Option to Purchase Real Estate* on file with the City Clerk.

SECTION 2: The City Administrator is further authorized sell the described Property in accordance with the Option and to purchase up to 10,160 square feet from the Buyer as replacement property.

Adopted this \_\_\_\_ day of September 2025.

APPROVED:

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Douglas J. Nicholls  
Mayor

ATTESTED:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Richard W. Files  
City Attorney

## Exhibit A

### Property Legal Description

A portion of the Northeast quarter of the Southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 6, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, City of Yuma, County of Yuma, State of Arizona, and more particularly described as follows:  
Lot 46A of the 360 Networks (USA) Lot Tie, dated 1/5/2001, Fee # 2001-00387, Recorded in Book 17 of Plats, Page 57, Yuma County Records.

Containing 2.41 acres, more or less

Except all uranium, thorium or any other material which is or may be determined to be peculiarly essential to the production of fissionable materials, whether or not of commercial value, as reserved in Patent from the United States of America.

Legal Description Verified by:	Andrew McGarvie
Date:	7/1/2025