ORDINANCE NO. O2025-014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, VACATING THE REAL PROPERTY HEREAFTER DESCRIBED AND AUTHORIZING EXECUTION OF ALL NECESSARY DOCUMENTS FOR TRANSFER THEREOF

WHEREAS, the City of Yuma 2005/2007 Major Roadways Plan (MRP) included 28th Street east of Avenue 4E as a designated collector street; and

WHEREAS, the property owner, entered into a pre-annexation development agreement R2007-15, FEE # 2007-24905, recorded 7/11/2007 requesting dedication of 28th street right-of-way; and,

WHEREAS, the property owner dedicated the 28th Street right-of-way to the City of Yuma by Warranty deed, Fee # 2007-31352, recorded 9/6/2007; and,

WHEREAS, the 2014 City of Yuma Master Transportation Plan eliminated 28th Street as a designated street in the area of the subject right-of-way; and,

WHEREAS, the Arizona Revised Statutes allow a municipality to vacate a right-of-way without compensation if the right-of-way is no longer needed for public use or has no market value; and,

WHEREAS, the described 28th Street right-of-way is currently undeveloped along the adjacent property; and,

WHEREAS, the City of Yuma does not expect to obtain additional right-of-way adjacent to, north or east of the site, and the City currently has no Capital Improvement Project (CIP) scheduled for design, right-of-way acquisition, or street construction at this location; and,

WHEREAS, the City of Yuma has determined that there is no public use or market value for the subject right-of-way; and,

WHEREAS, the proposed vacation of the right-of-way totals 26,305 square feet, or approximately 0.6039 acres, more or less; and,

WHEREAS, the developer, Top Quality Products, LLC, a Delaware limited liability company, located at 1209 Orange Street, Wilmington, Delaware, has requested that the City vacate this portion of right-of-way and transfer ownership to the adjacent property owner and developer.

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

SECTION 1: The right-of-way described in Section 2 of this Ordinance is declared surplus for City use and shall be vacated to the abutting property owner to the south, Top Quality Products, LLC, upon the recording of a quit claim deed in accordance with A.R.S. §§28-7205(1) and 28-7215(B).

SECTION 2: The right of way described below is being returned to the original parcel and must be included in a lot tie or plat within two years of recording the quit claim deed:

The North 40.0 feet of the West Half of the Northeast Quarter of the Southwest Quarter (W½NE¼SW¼) of Section 6, Township 9 South, Range 22 West, Gila & Salt River Base and Meridian, City of Yuma, Yuma County, Arizona.

Containing 26,305 square feet or 0.6039 of an acre, more or less.

SECTION 3: The City Administrator, on behalf of the City of Yuma, is authorized and directed to sign and record a quit claim deed vacating and transferring the City's interest in the described real property to Top Quality Products, LLC, and to take all other acts necessary to carry out the intent of this Ordinance.

Adopted this _____ day of _____ , 2025.

APPROVED:

_____
Douglas J. Nicholls
Mayor

ATTESTED:

_____
Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

_____
Richard W. Files
City Attorney