

ORDINANCE NO. O2025-029

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, VACATING THE DESCRIBED RIGHT-OF-WAY, DECLARING THE RIGHT-OF-WAY SURPLUS AND OF GREATER VALUE TO THE CITY WHEN DEVELOPED AS PART OF A SUBDIVISION, AND AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS FOR TRANSFER OF THE VACATED PROPERTY TO THE ABUTTING LANDOWNER

WHEREAS, the City of Yuma 2005/2007 Major Roadways Plan (MRP) included 48th Street as a designated minor arterial street at this location with a 50-foot half width; and,

WHEREAS, on September 6, 2007, Jakolin, LLC recorded a quitclaim deed to Yuma County dedicating the North 50 feet of 48th Street right-of-way as Fee #2007-31250 in the Office of the Yuma County Recorder; and,

WHEREAS, on November 19, 2008, the City of Yuma annexed the right-of-way into the City of Yuma municipal boundaries; and,

WHEREAS, the 2014 City of Yuma Master Transportation Plan downgraded 48th Street from a minor arterial to a collector street requiring only a 40-foot half width south of the proposed Villa Serena Phase Two subdivision, resulting in 15,133.866 square feet of surplus right-of-way the City would have to maintain; and,

WHEREAS, Sean Kerley, of Kerley Homes of Yuma, LLC (developer) and Kerley Investments of Yuma, LLC, the abutting property owner, have requested the City of Yuma return portions of the 10 feet of right-of-way on the north side of 48th Street thereby reducing the existing north half right-of-way from 50 feet to 40 feet in order to develop the abutting vacant property with a proposed subdivision (Villa Serena Phase II); and,

WHEREAS, the property being vacated was originally dedicated from the abutting property to the north where Kerley Homes of Yuma intends to develop Villa Serena Phase II; and,

WHEREAS, Arizona Revised Statutes A.R.S. 28-7215(B) allows a municipality to vacate 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 City Council may take into consideration fragmentation, marketability, and any other public benefit received by the governing body in return for the abandoned roadway; and,

WHEREAS, the surplus 48th Street right-of-way is currently undeveloped along the abutting property, and will not be utilized in the final construction of a collector standard street as called for in the 2014 City of Yuma Transportation Master Plan; and,

WHEREAS, City of Yuma staff has determined that there is no public use or market value for the subject right-of-way which would otherwise incur maintenance and liability, and a better use of the surplus property will be to quitclaim the property for development as part of the proposed new subdivision.

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

SECTION 1: The right-of-way described in the attached and incorporated Exhibit 1 (quitclaim deed) is declared surplus for City use and upon recordation of the quitclaim deed in substantially the same form, the described right-of-way shall be deemed vacated with title vesting in the abutting property owner.

SECTION 2: At the owner's expense, the abutting property owner shall prepare a lot-tie or subdivision plat that will combine the vacated right-of-way with the abutting lot of record to create contiguous parcels, and upon review and approval by City of Yuma in accordance with all Yuma Codes, shall be recorded with the Yuma County Recorder at the abutting property owner's expense.

SECTION 3: The following conditions must be completed in order for the right-of-way abandonment to be final:

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner shall prepare a Lot Tie or Subdivision plat that will combine the vacated 48th Street right-of-way with the adjacent lot of record to create contiguous parcels. The Lot Tie or Subdivision plat shall be reviewed and approved by the City of Yuma prior to recording.
3. The quitclaim deed from City of Yuma granting the vacated right-of-way to the adjacent Property Owner shall be recorded immediately prior to the Lot Tie or Subdivision plat combining the vacated 48th Street right-of-way with the lots of record in the appropriate sequence.
4. The Owner/Developer shall pay such additional utility and development fees as may be appropriate, as a result of the requested action.

SECTION 4: The conditions listed above shall be completed within one hundred and eighty (180) days of the effective date of this ordinance. In the event the conditions are not completed within this time frame, the applicable vacation shall be null and void.

SECTION 5: On behalf of the City of Yuma, the City Administrator is authorized and directed to perform all acts necessary to give effect to this ordinance.

SECTION 6: Attached exhibits on file at the Yuma City Clerks Office pursuant to A.R.S. § 9-802.

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