

ORDINANCE NO. O2024-021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, REZONING CERTAIN PROPERTY LOCATED IN THE AGRICULTURE (AG) DISTRICT TO THE LIMITED COMMERCIAL (B-1) DISTRICT AND AMENDING THE ZONING MAP TO CONFORM WITH THE REZONING

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on April 22, 2024 in Zoning Case no: ZONE-42395-2024 in the manner prescribed by law for the purpose of rezoning one parcel of real property hereafter described to the Limited Commercial (B-1) District as provided in Chapter 154 of the Yuma City Code; and,

WHEREAS, due and proper notice of the public hearing was given in the time, form, substance, and manner provided by law, including publication of notice of the hearing in the Yuma Sun on March 29, 2024; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-42395-2024 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this rezoning and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended.

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

SECTION 1: The following described real property, depicted in Exhibit A, attached:

The East half (E ½) of the South half (S ½) of the North 413.85 feet of the South 443.85 feet of the East 416 feet of the Southeast quarter of the Northeast quarter (SE¼NE¼) of Section Six (6), Township Nine (9) South, Range Twenty-three (23) West of the Gila and Salt River Base and Meridian, to include all adjacent right of way

shall be placed in the Limited Commercial (B-1) District, as defined by Chapter 154 of the Yuma City Code as amended; that upon this Ordinance becoming final, the described real property shall be subject to all rules, regulations and requirements of Chapter 154 of the Yuma City Code, as amended, pertaining to the Limited Commercial (B-1) District, and that the zoning map adopted under Chapter 154 of the Yuma City Code, as amended, is ordered to be changed and amended so as to show that the real property described in this Ordinance will be located within the Limited Commercial (B-1) District, and

SECTION 2: The following condition(s) must be met and/or completed in order for the zoning amendment 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's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.
3. *Owner shall dedicate to the City by recorded lot tie or quitclaim deed the approximately 357.3 square feet of right of way described in Exhibit B, and the City hereby declares surplus and shall*

dedicate by quitclaim deed or as part of the recorded lot tie, the parcels described in Exhibits C and D consisting of 1,736.995 square feet and 161.941 square feet, respectively, to the Owner of the property being rezoned.

4. Owner at Owner's cost shall design for City acceptance by the City Engineer, a southbound Avenue B to 28th Street right turn lane, including separate legal descriptions of any necessary or needed right of way across any parcels north of the property to be rezoned.
5. Owner shall cause Maha LLC to dedicate any necessary right of way for the right turn lane from Parcel Number 694-12-101 to the City prior to this rezoning becoming final.

SECTION 3: Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a building permit or business license for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe, then the rezone shall be subject to A.R.S. § 9-462.01.

SECTION 4: Upon the request of Owner, City shall reasonably cooperate with Owner in clearing any cloud on title to the north 10 feet of the Property being rezoned due to a previously undiscovered scrivener's error.

SECTION 5: All Exhibits shall remain on file at the Yuma City Clerk's Office and are incorporated by reference as part of this ordinance.

Adopted this _____ day of _____, 2024.

APPROVED:

Douglas J. Nicholls
Mayor

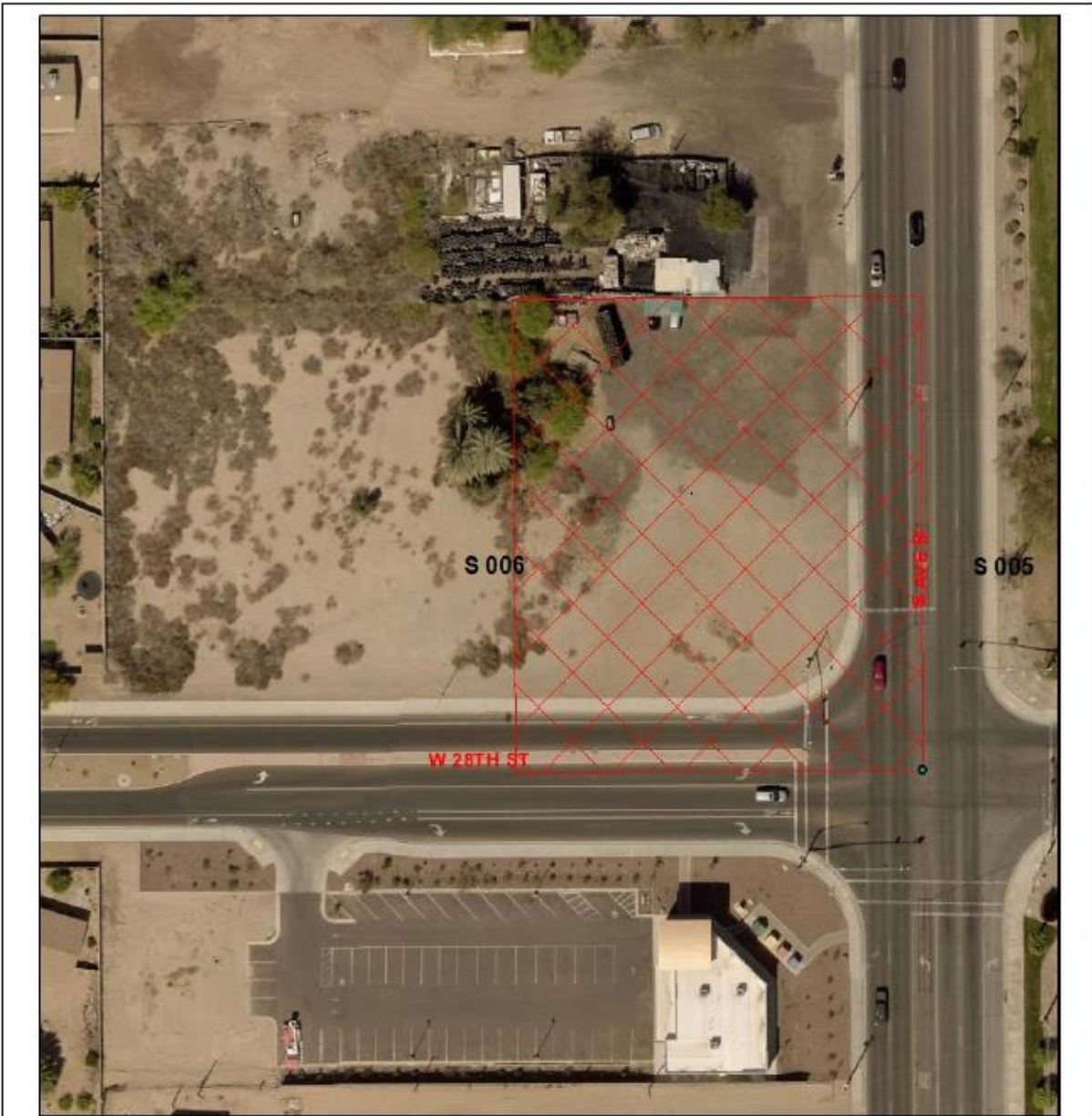
ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A



AFFECTED AREA

*NOTE: THIS MAP IS PREPARED TO SHOW
GENERAL SITE LOCATION ONLY AND REPRESENTS
NO SPECIFIC DIMENSIONS RELATED TO THE SITE.*



LOCATION MAP

Prepared by: **ANDREW MCGARVIE**

Checked by:

**CITY OF YUMA
ENGINEERING
DEPARTMENT**

DATE: **6/19/2024**

SCALE: **N.T.S**

REVISED:

CIP NO.

Exhibit B

A portion of the East half (E $\frac{1}{2}$) of the South half (S $\frac{1}{2}$) of the North 413.85 feet of the South 433.85 feet of the East 416 feet of the Southeast quarter of the Northeast quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 6, Township 9 South, Range 23 West of the Gila and Salt River Base & Meridian, City of Yuma, Yuma County, State of Arizona, also described in Wagon Wheel Lot Tie, dated 2/7/2005, FEE # 2005-05267, recorded in Book 21 of Plats, Pages 11 and 12, and in Warranty Deed, dated 7/12/2002, recorded as FEE # 2002-20230, Yuma County Recorder, and more particularly described as follows:
Commencing at the East quarter Corner of said Section 6;

Thence South 89°43'31" West (record) along the East-West midsection line of said Section 6 a distance of 208.00 feet (calculated) to a point;

Thence North 00°24'52" West (calculated), a distance of 30.00 feet (record) to the Southwest corner of real property described in said Warranty Deed, dated 7/12/2002;

Thence continuing North 00°24'52" West (record) a distance of 20.93 feet (calculated) 31.00 feet (record) to the Southwest corner of said Parcel NO. 1, described in the said Wagon Wheel Lot Tie, also being the True Point of Beginning;

Thence continuing North 00°24'52" West along the West line of said Parcel NO. 1 a distance of 6.07 feet to a point, lying 57.00 feet north of the East-West midsection line of said Section 6;

Thence North 89°43'31" East along a line parallel to and 57.00 feet north of the East-West midsection of said Section 6, a distance of 89.07 feet to a point lying on the Parcel NO. 1 corner triangle line;

Thence South 44°39'18" West, a distance of 8.57 feet along the corner triangle line to the southern southeast corner of Parcel NO. 1;

Thence South 89°43'31" West along the South line of Parcel NO. 1 a distance of 83.00 feet, to the True Point of Beginning;

Containing 357.300 square feet or 0.0082 of an acre, more or less.

Exhibit C

A portion of the West half (W¹/₂) of the South half (S¹/₂) of the North 413.85 feet of the South 433.85 feet of the East 416 feet of the Southeast quarter of the Northeast quarter (SE¹/₄NE¹/₄) of Section 6, Township 9 South, Range 23 West of the Gila and Salt River Base & Meridian, City of Yuma, Yuma County, State of Arizona, also described in Wagon Wheel Lot Tie, dated 2/7/2005, FEE # 2005-05267, recorded in Book 21 of Plats, Pages 11 and 12, and in Special Warranty Deed, dated 6/19/2006, recorded as FEE # 2006-25012, Yuma County Recorder, and more particularly described as follows: Commencing at the East quarter Corner of said Section 6 as described in the said Wagon Wheel Lot Tie;

Thence South 89°43'31" West (Record) along the East-West midsection line of said Section 6 a distance of 208.00 feet (calculated) to a point;

Thence North 00°24'52" West (Calculated), a distance of 30.00 feet (record) to the Southeast corner of real property described as APN: 105-33-047B and "NOT A PART" in the said Wagon Wheel Lot Tie, also being the southeast corner of real property described in said Special Warranty Deed, dated 6/19/2006, also being the True Point of Beginning;

Thence continuing North 00°24'52" West (record) a distance of 31.00 feet (record) to the northeast corner of real property described in said Special Warranty Deed;

Thence South 89°43'31" West (calculated) along the north line of the property described in Special Warranty Deed, a distance of 208.00 feet (calculated) to the northwest corner of real property described in the said Special Warranty Deed;

Thence South 00°24'52" East (record), along the West line of real property described in said Special Warranty Deed, a distance of 9.00 feet (calculated) to a point lying 52.00 feet north of the East-West midsection line of said Section 6;

Thence North 89°43'31" East (calculated), along a line parallel to and 52.00 feet north of the East-West midsection line of said Section 6, a distance of 181.00 feet (calculated) to a point;

Thence North 00°24'52" West (calculated), a distance of 5.00 feet (calculated) to a point lying 57.00 feet north of the East-West midsection line of said Section 6;

Thence North 89°43'31" East (calculated), along a line parallel with and 57.00 feet north of the East-West midsection line of said Section 6, a distance of 27.00 feet (calculated) to a point lying on the east line of real property described in said Special Warranty Deed;

Thence North 00°24'52" West (record) along the east line of real property described in said Special Warranty Deed, a distance of 4.00 feet (calculated) to the True Point of Beginning;

Containing 1,736.995 square feet or 0.0399 of an acre, more or less.

Exhibit D

A portion of the East half (E½) of the South half (S½) of the North 413.85 feet of the South 433.85 feet of the East 416 feet of the Southeast quarter of the Northeast quarter (SE¼NE¼) of Section 6, Township 9 South, Range 23 West of the Gila and Salt River Base & Meridian, City of Yuma, Yuma County, State of Arizona, also described in Wagon Wheel Lot Tie, dated 2/7/2005, FEE # 2005-05267, recorded in Book 21 of Plats, Pages 11 and 12, and in Warranty Deed, dated 7/12/2002, recorded as FEE # 2002-20230, Yuma County Recorder, and more particularly described as follows:
Commencing at the East Quarter Corner of said Section 6;

Thence South 89°43'31" West (Record) along the East-West midsection line of said Section 6 a distance of 208.00 feet (calculated) to a point;

Thence North 00°24'52" West (Calculated), a distance of 30.00 feet (record) to the Southwest corner of real property described in said Warranty Deed, dated 7/12/2002;

Thence continuing North 00°24'52" West (record) a distance of 20.93 feet (calculated) 31.00 feet (record) to the Southwest corner of said Parcel NO. 1, described in the said Wagon Wheel Lot Tie;

Thence continuing North 00°24'52" West (record) along the West line of said Parcel NO. 1 a distance of 6.07 feet (calculated) to a point, lying 57.00 feet north of the East-West midsection line of said Section 6;

Thence North 89°43'31" East (calculated) along a line parallel to and 57.00 feet north of the East-West midsection of said Section 6, a distance of 89.07 feet (calculated) to a point lying on the Parcel NO. 1 corner triangle line, also being the True Point of Beginning;

Thence North 44°39'18" East (record), a distance of 62.05 feet (calculated) along the corner triangle line to the northern southeast corner of Parcel NO. 1;

Thence South 00°24'52" East (calculated) along a southern projection of the East line of Parcel NO. 1 a distance of 3.93 feet (calculated), to a point;

Thence South 44°39'20" West (calculated), a distance of 56.50 feet (calculated) to a point;

Thence South 89°43'31" West (calculated), a distance of 3.93 feet (calculated) to the True Point of Beginning;

Containing 164.941 square feet or 0.0038 of an acre, more or less.