

ORDINANCE NO. O2024-003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING THE ABANDONMENT OF A PORTION OF A SANITARY SEWER LINE IN EXCHANGE FOR A WATER UTILITY EASEMENT

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

WHEREAS, Garret J. Marks and Jesse A. Haines (owners) have requested that the City of Yuma abandon a section of existing sewer line in exchange for granting the City a water utility easement; and,

WHEREAS, the abandonment will result in the owner assuming all responsibility for the maintenance of a section of sanitary sewer line west of the manhole located at the intersection of 31st Drive and 24th Place as shown on Exhibit B on file with the Yuma City Clerk and made a part of this ordinance by reference.

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

SECTION 1: The City of Yuma shall accept a water utility easement described in Exhibit A on file with the Yuma City Clerk and made a part of this ordinance by reference, containing an area of 239.28 square feet, more or less, in exchange for City abandonment of a section of sanitary sewer line west of the manhole located at the intersection of 31st Drive and 24th Place.

SECTION 2: The water utility easement shall be recorded with a sanitary sewer covenant in a form acceptable to the City of Yuma.

SECTION 3: Upon recording of the water utility easement and sanitary sewer covenant, the sanitary sewer line west of the manhole located at the intersection of 31st Drive and 24th Place shall be deemed abandoned to the benefitted properties owned by Garret J. Marks and Jesse A. Haines and the covenant for repair and maintenance of the abandoned sanitary sewer line shall become a burden on the benefitted properties.

SECTION 4: The City Administrator is authorized and directed to execute all documents and instruments associated with this abandonment of the utility easement and the acceptance of the new water utility easement.

SECTION 5: Pursuant to Arizona Revised Statutes § 9-802, the City Clerk shall maintain all referenced exhibits on file at the City Clerk's Office.

Adopted this _____ day of _____, 2023.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

APPROVED AS TO FORM:

Lynda L. Bushong
City Clerk

Richard W. Files
City Attorney