

**TOWN OF PRESCOTT VALLEY  
REQUEST FOR COUNCIL ACTION  
Date: January 14, 2010**

**SUBJECT:** Proposed Annexation (ANX09-002) of two (2) acres.

**SUBMITTING DEPARTMENT:** Community Development Department

**PREPARED BY:** Joe Scott AICP, Planner, for Richard T. Parker, Community Development Director

**AGENDA LOCATION:** Comments/Communications , Consent , Work/Study ,  
New Business , Public Hearing , Second Reading

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**ATTACHMENTS:** a) Ordinance No. 740 w/ Exhibits, and b) Proposition 207 Waiver

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**SUMMARY BACKGROUND:** This proposed annexation (ANX09-002) comprises approximately two (2) acres lying in Section 22, Township 14 North, Range 1 West, of the Gila & Salt River Meridian, Yavapai County, Arizona. The annexation is at the request of the Veterans of Foreign Wars, Mingus Mountain Post 10227. The subject property is generally located on 5<sup>th</sup> Street approximately four hundred (400) feet south of 6<sup>th</sup> Street, being immediately south of the Moose Lodge. The zoning designation of the subject property is currently RCU-2A under Yavapai County jurisdiction. Should the property be annexed, similar zoning of RCU-70 would initially be adopted by the Town. However, there has been a request to subsequently re-zone the property to RS-PAD immediately following annexation to allow construction of a new VFW Lodge.

A blank petition for annexation ANX09-002 was filed with the Yavapai County Recorder's Office on November 5, 2009, starting the necessary thirty (30) day waiting period prescribed in ARS §9-471. A public hearing was held on December 3, 2009, after statutory notice and public comment was received. Said notice included advertisement in the *Daily Courier*, site postings, and mailings to listed property owners and to the Yavapai County Board of Supervisors.

Once the thirty (30) day waiting period elapsed, signed annexation petitions were obtained from the owners of property that would be subject to taxation by the Town and representing more than one-half (1/2) of the owners of the real and personal property in the annexation territory, and one-half (1/2) or more in value of the real and personal property in the annexation territory. Those signed petitions were filed with the Yavapai County Recorder's Office on December 30, 2009. It is now proposed that this ordinance be adopted in accordance with ARS §9-471.

[Note: In accordance with ARS §12-1134(I), the applicant has been asked to sign the standard Proposition 207 waiver agreement.]

[Note also: this action is proposed as an emergency measure solely for the purpose of allowing the Ordinance to be adopted by a single reading under Town Code §2-05-030. As set forth in Arizona case law, the opportunity for interested parties to file a verified petition in Superior Court per ARS §9-471(C) within 30 days remains available.]

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**OPTIONS ANALYSIS:** Council may approve the proposed annexation, direct staff to delay approval to address any issues, **OR** decline approval.

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**ACTION OPTION:** Motion to read Ordinance No. 740 once by title only as an emergency measure then place the same on final passage AND approve any agreement under Proposition 207, **OR** Motion to read Ordinance No. 740 by title only on two separate occasions then place the same on final passage AND approve any agreement under Proposition 207, **OR** Motion not to read Ordinance No. 740. **VOTE.**

[if the motion passes to read Ordinance No. 740, the Town Clerk shall read it by title only; if the motion was to adopt Ordinance No. 740 as an emergency measure, the Mayor then asks “Shall the Ordinance Pass?”] **VOTE.**

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**RECOMMENDATION:** Staff recommends that Ordinance No. 740 be read once by title only as an emergency measure then placed on final passage and adopted.

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**FISCAL ANALYSIS:** Possible development of the property will provide direct, one-time transaction privilege tax revenues to the Town through construction.

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**REVIEWED BY:**

Management Services Director \_\_\_\_\_

Town Clerk \_\_\_\_\_

Town Attorney \_\_\_\_\_

Town Manager \_\_\_\_\_

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**COUNCIL ACTION:**

Approved    Denied    Tabled/Deferred    Assigned to \_\_\_\_\_