

When Recorded Mail To:
Town of Prescott Valley
7501 E. Civic Circle
Prescott Valley, AZ 86314

ORDINANCE NO. 740

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, ANNEXING THERETO CERTAIN REAL PROPERTY (ANX09-002) CONTAINING APPROXIMATELY TWO (2) ACRES LYING IN SECTION 22, TOWNSHIP 14 NORTH, RANGE 1 WEST, OF THE GILA & SALT RIVER MERIDIAN, YAVAPAI COUNTY, ARIZONA; CLASSIFYING ALL THE ANNEXED PROPERTY FOR ZONING PURPOSES AS RCU-70 (BEING CONSISTENT WITH THE PRESENT YAVAPAI COUNTY ZONING CLASSIFICATION OF RCU-2A); PROVIDING THAT THE OFFICIAL TOWN MAP AND THE TOWN ZONING MAP BE APPROPRIATELY AMENDED AND THAT A COPY OF THIS ORDINANCE, ALONG WITH A CERTIFIED ANNEXATION MAP, BE RECORDED IN THE OFFICE OF THE YAVAPAI COUNTY RECORDER; AND DECLARING THIS ORDINANCE TO BE AN EMERGENCY MEASURE PURSUANT TO ARS §19-142(B) AND §2-05-060 OF THE PRESCOTT VALLEY TOWN CODE.

WHEREAS, on November 5, 2009, a blank annexation petition was filed in the Office of the Yavapai County Recorder, pursuant to ARS §9-471(A)(1), which included a narrative description and an accurate map of the exterior boundaries of certain real property contiguous to the Town [in compliance with the "shape" requirements of ARS §9-471(K)] and proposed to be annexed to the Town; and

WHEREAS, said annexation was designated as ANX09-002 [the annexation territory including approximately two (2) acres of real property]; and

WHEREAS, notice and a copy of the filing dated November 5, 2009, was delivered to the Clerk of the Yavapai County Board of Supervisors and to the Yavapai County Assessor as set forth in ARS §9-471(A)(1). All of the information included in the filing was subsequently given to the Chairman of the Board of Supervisors by letter, dated November 5, 2009; and

WHEREAS, on November 22, 2009, notice of a public hearing to be held December 3, 2009 on proposed annexation ANX09-002 was published in the Daily Courier, said notice being at least fifteen (15) days before the end of the thirty (30) day waiting period after filing the blank annexation petition on November 5, 2009, and being at least six (6) days before the required public hearing, all pursuant to ARS §9-471(A)(3) and (A)(3)(a); and

WHEREAS, notice of said public hearing was also posted in at least three (3) conspicuous places in the annexation territory [said notice being at least six (6) days before the public hearing], pursuant to ARS §9-471(A)(3) and (A)(3)(b); and

WHEREAS, notice of the public hearing included an accurate map of the annexation territory, and was sent by first-class mail to the Chairman of the Yavapai County Board of Supervisors on November 23, 2009 [said notice being at least six (6) days before the public hearing], pursuant to ARS §9-471(A)(3) and (A)(3)(c); and

WHEREAS, notice of the public hearing including an accurate map of the annexation territory, was sent on November 23, 2009, by first-class mail, to the owners of real and personal property within the annexation territory, as shown on lists provided by the Arizona Department of Revenue and the Yavapai County Assessor's Office, with said properties being subject to taxation by

the Town in the event of annexation [said notice being at least six (6) days before the public hearing], pursuant to ARS §9-471(A)(3) and (A)(3)(d); and

WHEREAS, a public hearing on proposed annexation ANX09-002 was held December 3, 2009 before the Prescott Valley Common Council, in accordance with ARS Title 38, Chapter 3, Article 3.1 [said hearing being held within the last ten (10) days of the thirty (30) day waiting period] after the blank petition had been filed on November 5, 2009, all according to ARS §9-471(A)(3); and

WHEREAS, after the thirty (30) day waiting period [pursuant to ARS §9-471(A)(2)], written petitions, including a narrative description and an accurate map of the exterior boundaries of the annexation territory were signed by a) the owners of one-half (1/2) or more in value of the real and personal property in said annexation territory, and b) more than one-half (1/2) of the persons owning real and personal property in the annexation territory [pursuant to ARS §9-471(A)(4), (E) and (F)], with said properties being subject to taxation by the Town in the event of annexation (as shown by a recent assessment of the property in the records of the Yavapai County Assessor and the Department of Revenue, and as supplemented by a map of survey and observations of the property by Town staff); and

WHEREAS, said petitions were filed on or about December 30, 2009 in the Office of the Yavapai County Recorder [being within one (1) year after the last day of the thirty (30) day waiting period on December 5, 2009], pursuant to ARS §9-471(A)(4); and

WHEREAS, the Town received information from the Yavapai County GIS Department that the Yavapai County zoning classification for the proposed annexation territory was RCU-2A; and

WHEREAS, the new Prescott Valley zoning classification for the annexation territory is RCU-70, being the zoning district most comparable to that which exists under the current Yavapai County zoning classification; and

WHEREAS, no alterations increasing or reducing the territory sought to be annexed as ANX 09-002 have been made after said petitions were signed by any owner of real and/or personal property therein, pursuant to ARS §9-471(A)(5);

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Prescott Valley, as follows:

Section 1. That the following-described real property be, and the same hereby is, annexed to the Town of Prescott Valley, Arizona, and that the present Prescott Valley corporate limits be, and the same hereby are, extended and increased to include the following-described real property:

[As shown in Exhibit “A” and described in Exhibit “B”, both being attached hereto and expressly made a part hereof.]

Section 2. That the new Prescott Valley zoning classification for the above-described real property within the annexation territory shall be RCU-70 (being the Prescott Valley classification most consistent with Yavapai County's classification of RCU-2A).

Section 3. That the official map of the Town of Prescott Valley be amended to include the new territory annexed hereby, and that the official zoning map be amended to show the territory's new Town zoning classifications. Furthermore, that a copy of this Ordinance, together with an accurate map of the real property hereby annexed to the Town, certified by the Mayor (or, in his absence, the Vice-Mayor) and by the Town Clerk (or her assistant), be forthwith recorded in the Office of the Yavapai County Recorder.

Section 4. That, inasmuch as it is necessary for the peace, health and safety of the Town of Prescott Valley, that this Ordinance be effective immediately upon its passage and approval according to ARS §19-142(B) and Town Code §2-05-060 (due to the need to facilitate the development in the annexation territory), this Ordinance is hereby declared to be an emergency measure and effective upon its passage and approval.

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 14th day of January, 2010.

HARVEY C. SKOOG, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney

Exhibit "A"

MAP - ANNEXATION ANX 09-002

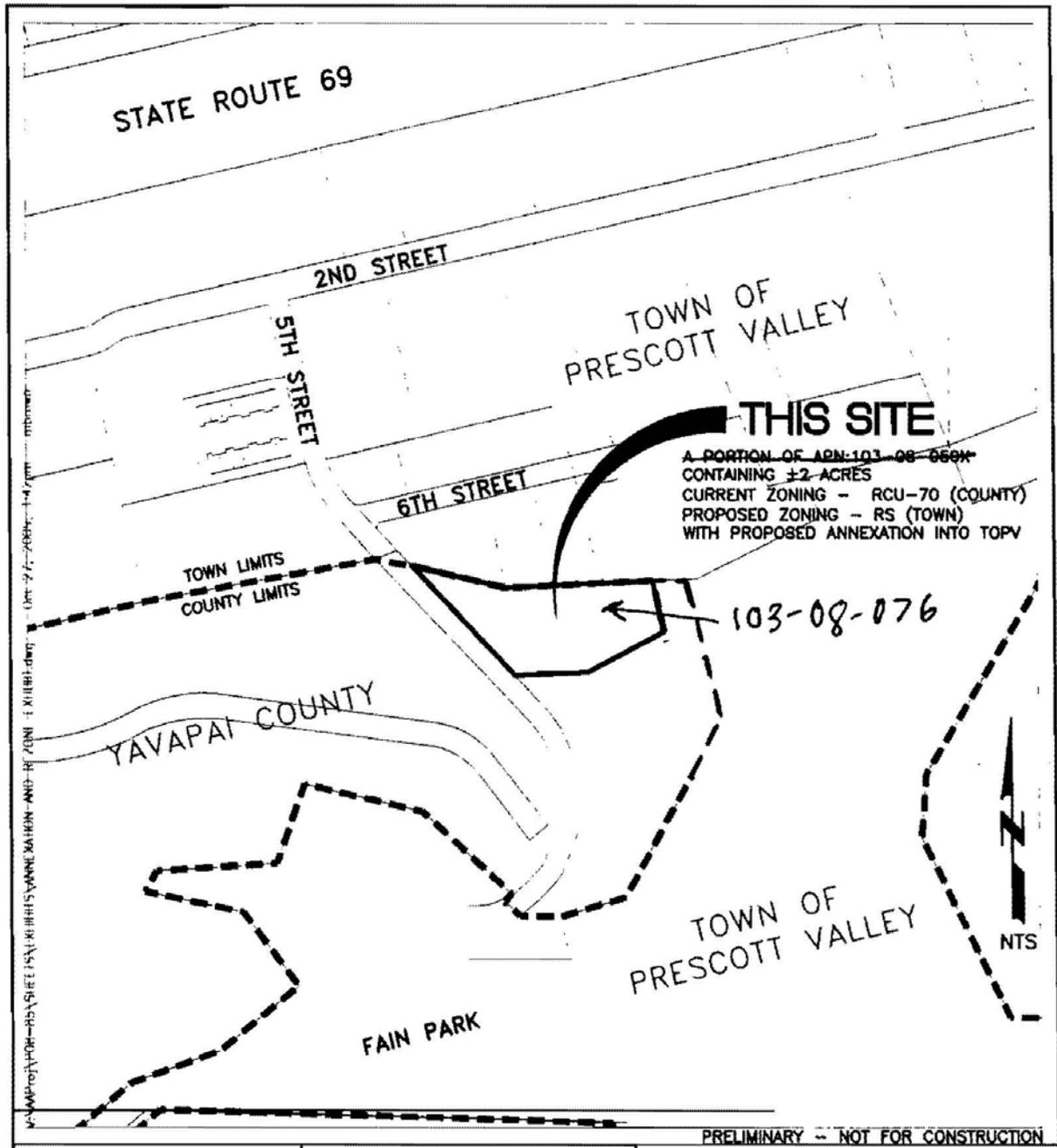


Exhibit "B"

ANX09-002 LEGAL DESCRIPTION

A portion of land located in a portion of Section 22, Township 14 North, Range 1 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, being more particularly described as follows:

COMMENCING at a one half inch iron bar with a 2 inch aluminum cap monumenting the Northeast corner of Fain Heritage Park Site as recorded in Book 33 of Maps and Plats, Page 1, records of Yavapai County;

Thence South 69° 03' 28" West (of record South 68° 47' 15" West), 110.94 feet;

Thence South 69° 03' 28" West (of record South 68° 47' 15" West), 452.45 feet;

Thence South 77° 05' 10" West (of record South 76° 50' 45" West), 341.15 feet;

Thence South 12° 54' 50" East (of record South 13° 09' 15" East), 100.00 feet;

Thence South 63° 47' 42" West (of record South 63° 33' 17" West), 323.72 feet;

Thence South 87° 11' 49" West (of record South 86° 13' 40" West), 123.30 feet, also being the **POINT OF BEGINNING**;

Thence South 11° 33' 04" East, 125.00 feet;

Thence South 61° 58' 39" West, 205.28 feet;

Thence South 87° 12' 12" West, 159.81 feet;

Thence North 43° 10' 03" West, 356.23 feet;

Thence South 76° 18' 10" East, 212.56 feet;

Thence North 87° 12' 17" East, 20.42 feet;

Thence North 87° 13' 40" East, 115.28 feet;

Thence North 87° 11' 49" East, 217.71 feet, to the **POINT OF BEGINNING**.

Area contains 87,147 Square feet or 2.00 acres, more or less.