

When Recorded Return To:  
Town of Prescott Valley FOLDER



This is rerecording of Town of Prescott Valley Ordinance No. 858 originally recorded January 25, 2019 , Reception 2019-0003625, for the purpose of correcting various date citations in the Ordinance and to correct document recording citations in the Legal description (Exhibit "A").

When Recorded Return To:  
Town of Prescott Valley FOLDER

## ORDINANCE NO. 858

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, ANNEXING THERETO CERTAIN REAL PROPERTY (ANX18-002) CONTAINING APPROXIMATELY 9.51 ACRES LYING IN SECTIONS 27 AND 28, TOWNSHIP 14 NORTH, RANGE 1 EAST, OF THE GILA & SALT RIVER MERIDIAN, YAVAPAI COUNTY, ARIZONA; CLASSIFYING ALL THE ANNEXED PROPERTY FOR ZONING PURPOSES AS R1L-70 (BEING CONSISTENT WITH THE PRESENT YAVAPAI COUNTY ZONING CLASSIFICATION OF M1); 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 December 14, 2018, 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 ANX18-002 [the annexation territory including approximately 4.3 acres of real property]; and

WHEREAS, notice and a copy of the filing dated December 14, 2018, 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 December 14, 2018; and

WHEREAS, on December 20, 2018, notice of a public hearing to be held January 10, 2019 on proposed annexation ANX18-002 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 December 14, 2018, 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 December 20, 2018 [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 December 20, 2018 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 ANX18-002 was held January 10, 2019 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 December 14, 2018, 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 January 17, 2019, 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 January 13, 2019], pursuant to ARS §9-471(A)(4); and

WHEREAS, the Town received information from the Yavapai County Development Services Department that the Yavapai County zoning classification for the proposed annexation territory was M1 (indicating potential commercial uses); and

WHEREAS, the new Prescott Valley zoning classification for the annexation territory would be M1 (being the zoning districts 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 ANX18-002 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 described and shown in Exhibit "A" being attached hereto and expressly made a part hereof.]**

Section 2. That the new Prescott Valley zoning classifications for the above-described real property within the annexation territory shall be R1L-70 (being the Prescott Valley classifications most consistent with Yavapai County's classifications of R1L-70).

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 planning of 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 24<sup>th</sup> day of January, 2019.




  
\_\_\_\_\_  
Kell Palguta, Mayor

ATTEST:

  
\_\_\_\_\_  
Diane Russell, Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Ivan Legler, Town Attorney

**ANX 18-002 EXHIBIT "A"**

An irregular shaped parcel of land comprised of portions of the southwest quarter of Section 27 and the southeast quarter of Section 28, and includes portions of that property described at Reception #2014-0021563, Yavapai County Official Records and is located within the southwest quarter of Section 27, and the southeast quarter of Section 28, Township 14 North, Range 1 East, Gila & Salt River Meridian, Yavapai County, Arizona and being more particularly described as follows:

Commencing at the common corner to Section 27, 28, 33, and 34, Township 14 North, Range 1 East, being a WJ Cheek Brass Cap in concrete dated 1968, thence along the line common to Section 27 and 28, N.01°42'19"E., a distance of 1,323.82 feet to a point of intersection of said section line and the north line of Town of Prescott Valley Annexation 03-H as detailed at Book 49 of Maps and Plats, Page 58, Yavapai County Official Records, said point also being on the north line of the south half of the southwest quarter of Section 27 and a point on the north line of the south half of the southeast quarter of Section 28 and being the TRUE POINT OF BEGINNING;

Thence along the north line of the south half of the southeast quarter of Section 28, N.89°47'27"W., a distance of 723.59 feet to a point on the northeasterly right of way of East State Route 69 as depicted on Arizona Department of Transportation Right of Way plans for project #F-029-1 ;

Thence along said right of way, N.41°55'24"W., a distance of 389.99 feet to a 3" ADOT Aluminum cap in concrete at the intersection of said right of way with the southeast right of way of Fain Road as depicted at Book 45 of Maps and Plats, Page 10-20, Yavapai County Official Records;

Thence along said right of way, N.16°50'26"W., a distance of 66.18 feet to an aluminum cap monument at Station 10+85.19, 130.00 Right;

Thence continue along said right of way, N.42°59'36"E., a distance of 148.65 feet to an aluminum cap monument at Station 12+29.99, 130.00 Right;

Thence continue along said right of way, S.48°16'44"E., a distance of 25.92 feet to an aluminum cap monument at Station 12+29.99, 154.61 Right and the point of curve of a non-tangent curve to the left, of which the radius point lies N.48°16'44"W., a radial distance of 1,155.00 feet;

Thence Northeasterly along the arc of said right of way, through a central angle of 07°01'39", a distance of 141.67 feet;

Thence leaving said right of way. S.66°45'22"E., a distance of 872.23 feet to a point on the line common to Section 27 and 28;

Thence continue Southeasterly along said line S.66°45'22"E., a distance of 563.75 feet to a point on the north line of Town of Prescott Valley Annexation 03-H as detailed at Book 49 of Maps and Plats, Page 58, Yavapai County Official Records, said point also being on the north line of the south half of the southwest quarter of Section 27;

Thence along said north line, N.89°08'42"W., a distance of 524.44 feet to the TRUE POINT OF BEGINNING.

Containing 414,217.73 square feet or 9.51 acres, more or less.

ANX 18-002 EXHIBIT "A"

