

RESOLUTION NO. 24-11

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "LEGAL DESCRIPTIONS AND ZONING CONDITIONS OF CASE NO. P-23-119-PZ AUTHORIZED UNDER ORDINANCE NO. 1548"; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, Frances McGregor of Phoenix Metro Towing submitted a rezoning by planned development request to approve the use of a towing company office and tow yard on the property described in case P-23-119-PZ, which case was presented to the planning and zoning commission on February 27, 2024 and forwarded with a vote of 6:0 recommending case approval to the city council for its March 19, 2024 public hearing; and

WHEREAS, Arizona Revised Statutes Annotated (hereinafter "A.R.S.") § 9-802 permits municipalities to enact the provisions of a code or public record in existence without setting forth such provisions in full text as long as the adopting ordinance is published in full text, and one paper copy is filed with the city clerk and an electronic copy is accessible on the city's website, with both made available for public use and inspection; and

WHEREAS, pursuant to A.R.S. §§ 9-801(1) and 9-802, such codes include zoning conditions approved in zoning case amendments; and

WHEREAS, city staff has identified such provisions herein, and it is the intent of the city to declare such documents and compilations as public records, on file in the office of the city clerk; and

WHEREAS, that certain document "Legal Descriptions and Zoning Conditions of Case No. P-23-119-PZ authorized under Ordinance No. 1548", includes the legal descriptions for the parcels and conditions of approval for the rezoning by planned development case P-23-119-PZ.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA AS FOLLOWS:

SECTION I IN GENERAL

That certain document entitled the "Legal Descriptions and Zoning Conditions of Case No. P-23-119-PZ authorized under Ordinance No. 1548" of which at least one paper copy is on file with the city clerk and one electronic copy of which is accessible on the city's website (www.apachejunctionaz.gov), is hereby declared to be a public record, and shall be made available for public use and inspection.

SECTION II REPEALING ANY CONFLICTING PROVISIONS

All resolutions and parts of resolutions in conflict with the provisions of this resolution or any part of the codes adopted herein, are hereby repealed.

SECTION III PROVIDING FOR SEVERABILITY

If any section, subsection, sentence, phrase, clause or portion of this resolution or any part of the codes or regulations adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS 19TH DAY OF MARCH, 2024.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 2024.

WALTER "CHIP" WILSON
Mayor

ATTEST:

JENNIFER PENA
City Clerk

APPROVED AS TO FORM:

RICHARD JOEL STERN
City Attorney