

RESOLUTION NO. 18-01

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, APPROVING THE CREATION OF A TWENTY-EIGHT FOOT (28') WIDE PRIVATE STREET/PRIVATE ACCESS WAY, CASE NO. PA-1-17, IN CONJUNCTION WITH LAND SPLIT CASE NUMBER LSM-2-17, FOR A 0.84-ACRE SINGLE-FAMILY RESIDENCE ("RS-10M")-ZONED PROPERTY LOCATED AT 3025 W. MANZANITA STREET.

WHEREAS, the creation of a perpetual private street (also called a "private access way" or "PAW") has been requested by property owner Wayne Barker in case PA-1-17, in conjunction with his proposed land split, case LSM-2-17; and

WHEREAS, said private street is for the benefit of providing ingress and egress for the parcels proposed under LSM-2-17, described as follows:

Parcel "A": The west 111.50 feet of the east 223 feet of the north half of Lot 27, Section 18, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona; and

Parcel "B": The east 111.50 feet of the north half of Lot 27, Section 18, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona; and

WHEREAS, said private street shall also continue to provide access to Pinal County assessor parcel number 100-38-026C, which lies west of the above-described parcels and which is legally described as follows;

Parcel 100-38-026C: The west 190 feet of the east 413 feet of the north half of Lot 27, Section 18, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona; and

WHEREAS, the creation of the private street is reasonable and appropriate to provide access to new parcels proposed in LSM-2-17 and to the existing land-locked parcel 100-38-026C, which has historically been accessed across Parcels A and B described above; and

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WHEREAS, on January 9, 2018, the City of Apache Junction Planning and Zoning Commission held a public hearing on case PA-1-17 and voted 7-0 to recommend approval of the private street to the City Council, with conditions; and

WHEREAS, satisfactory evidence has been submitted to indicate that the proposed private street does not present a potential hazard to vehicular and/or pedestrian traffic, and that the proposed private street complies with the criteria for private streets pursuant to Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-7: Parking, Loading and Circulation Regulations, Section 1-7-6: Private Street Standards, as recommended by the Planning and Zoning Commission and approved by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Apache Junction, Arizona, that the private street, as described herein and as depicted on Land Split Map LSM-2-17, be approved subject to the following conditions:


- 1) The property owner shall coordinate with the city's Public Works' City Engineer's office to prepare and execute a right-of-way dedication document for his half of the N. Cedar Drive federally patented easement.
- 2) The property owner shall finalize land split map LSM-2-17 and shall record deeds for the new properties approved by LSM-2-17.
- 3) The property owner in case PA-1-17 shall improve the PAW with a chip seal treatment to the edge of the N. Cedar Drive improvements, to be approved and inspected by the city's Development Services and Public Works Engineers, including the securing of any necessary permits to do work in the city's right-of-way.
- 4) The property owner shall separately prepare an Easement for Perpetual Right of Ingress and Egress deed which memorializes the council's approval of case PA-1-17; which grants right of access to present and future owners of the properties described and depicted on LSM-2-17, including parcel 100-38-026C; which also grants right of access to

emergency and non-emergency city personnel and utility providers; and which requires that the perpetual maintenance and upkeep of the PAW approved by PA-1-17 is the responsibility of the property owners which benefit from it.

- 5) Approval of this PAW is exclusively for the properties described herein, current parcels 100-38-025 (and future split) and 100-38-026C. No other splits or easements shall be created on these properties without first receiving the necessary administrative or city council approvals. Any documents which may have been recorded in contravention to the city's requirements and processes shall be eradicated by the appropriate parties.
- 6) All conditions of this PA-1-17 approval shall be satisfied and complied with within one year of the approval date of PA-1-17.
- 7) Proper building permits shall be obtained and inspections and approvals received for any building, electrical, plumbing, remodeling and/or other property improvements as necessary.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, ON THIS 16TH DAY OF JANUARY, 2018.

SIGNED AND ATTESTED TO THIS 16TH DAY OF JANUARY, 2018.




JEFF SERDY
Mayor

ATTEST:



KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:

 1.11.18

RICHARD J. STERN
City Attorney

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