

AUCTION PROPERTY

RESOLUTION NO. 21-25

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AUTHORIZING THE MAYOR TO EXECUTE THE PROCEDURAL PRE-ANNEXATION AGREEMENT BETWEEN CITY OF APACHE JUNCTION, ARIZONA STATE LAND DEPARTMENT AND D.R. HORTON, INC.

WHEREAS, on November 4, 2020, D.R. Horton, Inc. ("Developer") was the successful bidder at a public auction conducted by the Arizona State Land Department ("ASLD") for approximately 2,800 gross acres of real property (the "Property") located within the roadway alignments of Elliot Avenue, Idaho Road, Ray Avenue, and Meridian Drive, currently under unincorporated Pinal County jurisdiction; and

WHEREAS, as the successful bidder, Developer was thereby entitled to purchase the Property from ASLD with the express condition that the Developer entitle and develop the Property as a mixed-use master planned community, and

WHEREAS, Developer desires to enter into a Procedural Pre-Annexation Agreement ("Agreement") with the City, enter into a development agreement ("DA") with the City, annex the Property into the City's municipal limits in accordance with A.R.S. § 9-471 and with the cooperation of ASLD, process applications in the City requesting rezoning the Property to master planned community zoning district, and process applications in the City requesting the formation of one or more community facilities districts ("CFDs"); and

WHEREAS, City is desirous of entering into this Agreement and annexing the Property in accordance with A.R.S. § 9-471 and is willing to process Developer's and ASLD's request for annexation and applications for the rezoning and establishment of one or more CFDs in accordance with applicable law and the terms and conditions of the DA; and

WHEREAS, the Agreement is authorized under A.R.S. § 9-500.05 to facilitate annexation of the Property for future development and to provide for a procedure to prevent the proposed annexation from becoming effective in the event that any of the following events occur: (1) any person files with the city clerk a referendum petition with the required number of signatures pursuant to A.R.S. Title 19 challenging the validity of the development agreement, the annexation, and/or the rezoning; (2) the City does not approve the rezoning at the same

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council hearing as adoption of the annexation; (3) the City does not approve the development agreement concurrently with the rezoning; or (4) the City does not approve the formation of one or more CFDs concurrently with the rezoning. In furtherance of the intent of the parties to provide for a procedure to prevent the annexation from becoming effective in the event that any of these enumerated conditions occur, the parties agree that for the purposes of A.R.S. § 9-500.05 the "annexation proceedings" shall be deemed complete and this Agreement shall be operative immediately upon the adoption of the annexation ordinance.

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

The mayor is authorized to execute the procedural pre-annexation agreement between the City of Apache Junction, Arizona State Land Department and D.R. Horton, Inc.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS ____ DAY OF _____, 2021.

SIGNED AND ATTESTED TO THIS ____ DAY OF _____, 2021.

WALTER "CHIP" WILSON
Mayor

ATTEST:

JENNIFER PENA
City Clerk

APPROVED AS TO FORM:

RICHARD J. STERN
City Attorney