

RETAINED PROPERTY

RESOLUTION NO. 21-26

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 AND ARIZONA STATE LAND DEPARTMENT

WHEREAS, the Arizona State Land Department ("ASLD") owns approximately 5,700 gross acres of real property (the "Property") located within the roadway alignments of Ironwood Drive, Baseline Avenue, Central Arizona Project Canal and State Route 24 alignment, mostly under unincorporated Pinal County jurisdiction; and

WHEREAS, ASLD 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 that has yet to be annexed into the City's municipal limits in accordance with A.R.S. § 9-471 and process applications in the City requesting rezoning the property to master planned community zoning district; 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 ASLD's request for annexation and applications for rezoning 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 annexation, DA and/or rezoning; (2) the City does not approve the rezoning at the same council hearing as adoption of the annexation; and/or (3) the City does not approve the development agreement 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.

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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.

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