

# INTEROFFICE MEMO

## OFFICE OF THE CITY ATTORNEY

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TO: Honorable Mayor and  
Members of City Council

DATE: June 15, 2021

FROM: R. Joel Stern  
City Attorney

SUBJECT: PROCEDURAL PRE-ANNEXATION AGREEMENT (RETAINED PROPERTY);  
OUR FILE NO. 21-014

On June 1, 2021 a work session was conducted to discuss Resolution No. 21-26 which authorizes the mayor to execute a procedural pre-annexation agreement ("PPA") with the Arizona State Land Department ("ASLD") for the development of approximately 5,700 acres to be annexed into the city for development located roughly within the alignments of Ironwood Drive, Baseline Avenue, Central Arizona Project Canal and State Route 24 (the "Retained Property").

The PPA gives the ASLD certain assurances relating to the approval process for a development agreement ("DA") which will likely be scheduled for consideration in July or August of 2021. ASLD desires the ability to stop the annexation of the Retained Property if: 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 DA, the annexation itself or the rezoning of the Retained Property; 2) the city council fails to approve the rezoning at the same council meeting as the annexation; or 3) the city council fails to approve the DA at the same council meeting as the rezoning.

All of these entitlements are dependent upon each other and it is reasonable for ASLD to be able to rely on the orderly process set forth in the PPA. Staff recommends approval of this structured process and Resolution No. 21-26 authorizing execution of the PPA.



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R. Joel Stern  
City Attorney