



City of Apache Junction


Development Services Department



DATE: September 22, 2021

TO: Honorable Mayor and City Council

THROUGH: Bryant Powell, City Manager
Larry Kirch, Development Services Director

FROM:  Rudy Esquivias, Planning Manager

SUBJECT: Public Hearing Items: Case AN-1-20, Ordinance #1515, Proposed Annexation of +/-6600 Acres of State Trust Land; and Ordinance #1516 Assigning City Equivalency Zoning.

Proposal Description

This is a proposed annexation of +/-6600 acres of vacant state trust land, located adjacent to and south of the current city limits between Elliot Avenue on the north, the SR24/Frye Road alignment on the south, Meridian Drive on the west and the C.A.P. canal on the east.

The subject site is presently zoned by Pinal County as General Rural ("GR"). Upon successful annexation into the City, the subject site will be assigned the City of Apache Junction equivalent zoning district of General Rural Low Density Single-family Detached Residential ("RS-GR") in compliance with State law, which requires that a City assign an annexed property zoning of similar or equal intensity as the County's upon annexation.

The property is being annexed at the request of the Arizona State Land Department and the successful bidder of a portion of the property, developer D.R. Horton. In addition to this annexation and initial rezoning process for the 6600 acres, separate master planned community proposals and related items are also being presented to Council shortly.

Case Background

As part of the annexation process required by Arizona Revised Statutes (ARS), Section 9-471, on December 22, 2020, the City filed a blank (unsigned) annexation petition with the Pinal County Recorder's office. A requisite public hearing to discuss

the annexation and receive public comment, within 30 days of recording the blank petition, was held by the City Council on January 19, 2021. The process of distributing and collecting petitions with the signatures of owners of real and personal property within the annexation area began on January 21, 2021, after the end of the 30 day waiting period. State Statutes then give the City a time frame of one year, after the 30-day waiting period, to collect the necessary number of signatures of consent. In this case, the Arizona Department of Revenue has not indicated that there are owners of real or personal property (other than the applicants) in the annexation area, within the prescribed timeframe for providing said information. The signed annexation petitions from the owners will be recorded prior to the Council's October 5 meeting. If, subsequent to the distribution of this agenda item transmittal, the State informs staff of additional ownership entities, then Planning Staff may ask Council for a continuance of the item to gather other additional signatures.

As of now, all annexation process requirements have been met. Planning Staff has prepared attached Ordinance No. 1515 for the purpose of annexing the property depicted and described in said ordinance. Furthermore, Ordinance No. 1516 will assign city equivalency zoning to the newly annexed property, also as depicted and described in said ordinance.

Impact Assessment

The City will become responsible for services including: police protection, zoning and code enforcement, parks and recreation, library, and the maintenance of public roadways. The site will also receive sewer service from the Superstition Mountains Community Facilities District, water service from the Water Utility Community Facilities District, and fire protection services from Superstition Fire and Medical District, among other service and utilities providers.

All records pertaining to this annexation are available on file in the Planning Division Office at 300 E. Superstition Boulevard. Please refer to case file AN-1-20 when inquiring about this case.

Recommended Motion for Annexation

I move that the Apache Junction City Council (approve/deny) Ordinance No. 1515, an annexation of +/-6600 acres of vacant state trust land adjacent to and south of the current city limits, generally bounded by Elliot Avenue on the north, the SR24/Frye Road alignment on the south, Meridian Drive on the west and the C.A.P. canal on the east.

Recommended Motion for City Equivalency Zoning

I move that the Apache Junction City Council (approve/deny) Ordinance No. 1516, assigning and establishing city equivalency zoning to state trust land property annexed pursuant to Ordinance No. 1515, from Pinal County General Rural ("GR") zone to City of Apache Junction General Rural Low Density Single-family Detached Residential ("RS-GR") zone.

Attachments:

- Draft Ordinance No. 1515 (with Certification of Map and Legal Description Exhibit "A")
- Draft Ordinance No. 1516 (with Map and Legal Description Exhibit "A")

ORDINANCE NO. 1515

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF APACHE JUNCTION, PINAL COUNTY, ARIZONA, IN CASE AN-1-20, PURSUANT TO PROVISIONS OF TITLE 9, CHAPTER 4, ARTICLE 7, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO, BY ANNEXING CERTAIN TERRITORY CONTIGUOUS TO THE EXISTING CITY LIMITS OF THE CITY OF APACHE JUNCTION; RECORDATION; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, a petition in writing, accompanied by a map or plot of said real property, having been filed and presented to the mayor and council of the City of Apache Junction, Arizona, signed by the owners of more than one-half in value of the real and personal property and more than one-half of the persons owning real and personal property as would be subject to taxation by the City of Apache Junction in the event of annexation within the territory and land hereinafter described as shown by the last assessment of said property, which said territory is contiguous to the City of Apache Junction and not now embraced within its limits, asking that the property more particularly hereinafter described be annexed to the City of Apache Junction, and to extend and increase the corporate limits of the City of Apache Junction so as to embrace the same; and

WHEREAS, the mayor and council of the City of Apache Junction, Arizona, are desirous of complying with said petition and extending and increasing the corporate limits of the City of Apache Junction to include said territory; and

WHEREAS, the petition sets forth a true and correct description of all the exterior boundaries of the entire area proposed to be annexed to the City of Apache Junction, and had attached thereto at all times an accurate map of the territory proposed to be annexed; and

WHEREAS, no alterations increasing or reducing the territory proposed to be annexed have been made after the petition was signed by any owner of real and personal property in said territory; and

WHEREAS, the provisions of Arizona Revised Statutes ("A.R.S."), Section 9-471 and amendments thereto, have been fully observed, including, but not limited to, council approval of a plan, policy, or procedure to provide the annexed territory with appropriate levels of infrastructure and services to serve anticipated new development within ten (10) years after the annexation becomes final; and

WHEREAS, pursuant to A.R.S. Section 9-462.01(J), the city council, before adopting any zoning ordinance or text amendment of general applicability, shall consider the probable impact the proposed zoning ordinance or text amendment would have on the cost to construct housing for sale or rent; and

WHEREAS, the council has determined the adoption of this ordinance or text amendment will have no negative impact on the cost to construct housing for sale or rent as delineated under A.R.S. Section 9-462.01(J); and

WHEREAS, proper and sufficient certification and proof of the foregoing facts are now on file in the office of the city clerk of the City of Apache Junction, Arizona, together with a true and correct copy of the original petition referred to herein, which is on file in the office of the Pinal County Recorder.

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

SECTION I: IN GENERAL

The following legally-described territory is hereby annexed to the City of Apache Junction, Arizona, and that the present corporate limits shall be extended and increased to include the following territory which is contiguous to the present city limits:

Sections 17-20, 28-30, and portions of Sections 16, 21, 22, 27, and 31-34, Township 1 South, Range 8 East, Gila and Salt River Meridian, Pinal County, Arizona,

BEGINNING at the Northwest corner of Section 18, Township 1 South, Range 8 East,

THENCE East along the North line of Sections 18 and 17 to the Northeast corner of Section 17, also being the Northwest corner of Section 16, Township 1 South, Range 8 East,
THENCE East along the North line of Section 16 to a point on the West line of the C.A.P. Canal,
THENCE Southeasterly along the West line of the C.A.P. Canal through Sections 16, 21, 22, 27, and 34, Township 1 South, Range 8 East, to a point on the East-West mid-section line of Section 34,
THENCE west along the East-West mid-section line of Sections 34, 33, 32, and 31 to the Southeast corner of Lot 4 in Section 31, Township 1 South, Range 8 East,
THENCE North along the East line of Lots 4 and 3 to the Northeast corner of Lot 3 and a point on the North line of Section 31, Township 1 South, Range 8 East,
THENCE West along the North line of Section 31 to the Northwest corner of Section 31, also being the Southwest corner of Section 30,
THENCE North along the West line of Sections 30, 19, and 18, Township 1 South, Range 8 East, to the Northwest corner of Section 18, being the POINT OF BEGINNING;

EXCEPT for the following described property:

A portion of Government Lots 1, 2 and 3, and the North half of the Northeast quarter of Section 18, Township 1 South, Range 8 East, Gila and Salt River Meridian, Pinal County, Arizona, described as follows:

BEGINNING at the Southeast corner of Section 12, Township 1 South, Range 7 East, from which the East quarter corner of said Section 12 bears $N00^{\circ}39'05''W$, a distance of 2637.77 feet; THENCE $N00^{\circ}39'05''W$, along the East line of said Section 12, a distance of 389.15 feet to the Northwest corner of Section 18, Township 1 South, Range 8 East; THENCE $N89^{\circ}45'43''E$, along the North line of the Northwest quarter of said Section 18, a distance of 3579.88 feet to the North quarter corner of said Section 18; THENCE $N89^{\circ}45'43''E$, along the North line of the Northeast quarter of said Section 18, a distance of 1935.46 feet; THENCE $S00^{\circ}39'05''E$, a distance of 404.31 feet; THENCE $S89^{\circ}45'43''W$, and parallel to the North line of said Section 18, a distance of 4115.02 feet; THENCE $N89^{\circ}37'05''W$, a distance of 1400.51 feet to the POINT OF BEGINNING (containing 50.95 acres more or less).

SECTION II: RECORDATION

That a copy of this ordinance, together with an accurate map and legal description of the territory hereby annexed to the City of Apache Junction, Arizona, certified by the clerk of the city, attached hereto as Exhibit "A", be forthwith filed and recorded in the office of the county recorder of Pinal County, Arizona.

SECTION III: REPEALING OF CONFLICTING ORDINANCES

All ordinances and part of ordinances and/or provisions of the Apache Junction City Code which are in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV: PROVIDING FOR SEVERABILITY

If any section, subsection, sentence, phrase, clause or portion of this ordinance 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 portion thereof.

SECTION V: PROVIDING FOR PENALTIES

Unless noted otherwise, any violation of any provisions adopted herein, shall be punishable as civil and criminal violations consistent with Apache Junction City Code, Volume II, Chapter 1: Zoning Ordinance, Article 1-1 Introductory Provisions, Section 1-1-7 General Penalty.

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

ORDINANCE NO. 1515
PAGE 4 OF 5

APPROVED AS TO FORM:

RICHARD JOEL STERN
City Attorney

CERTIFICATION OF MAP

MAP OF ANNEXED AREA, CASE AN-1-20

DATE: _____, 2021

I, Walter "Chip" Wilson, Mayor of the City of Apache Junction, Arizona, do hereby certify that the foregoing map, Exhibit "A", is a true and correct map and legal description of the territory annexed under and by virtue of the petition of the real and personal property owners in the said territory and by Ordinance No. 1515, annexing the territory described in Ordinance No. 1515 and as shown on said map as a part of the territory to be included within the corporate limits of the City of Apache Junction, Arizona.

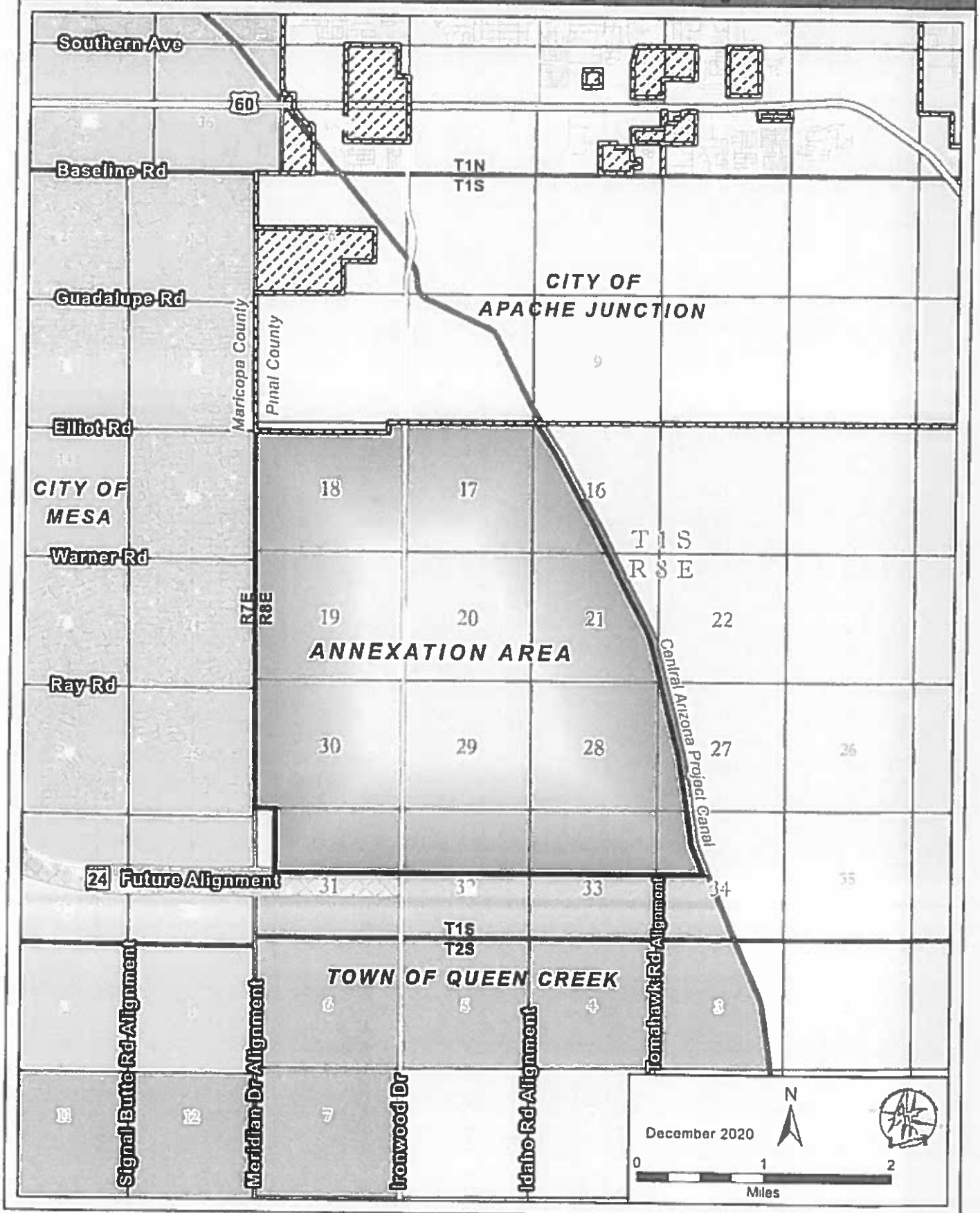
WALTER "CHIP" WILSON
Mayor

Attest:

JENNIFER PENA
City Clerk

Apache Junction Annexation Case AN-1-20

Exhibit A: Annexation Area Map and Legal Description



**CITY OF APACHE JUNCTION CASE AN-1-20:
EXHIBIT A - LEGAL DESCRIPTION**

Sections 17-20, 28-30, and portions of Sections 16, 21, 22, 27, and 31-34, Township 1 South, Range 8 East, Gila and Salt River Meridian, Pinal County, Arizona,

BEGINNING at the Northwest corner of Section 18, Township 1 South, Range 8 East,
THENCE East along the North line of Sections 18 and 17 to the Northeast corner of Section 17, also being the Northwest corner of Section 16, Township 1 South, Range 8 East,
THENCE East along the North line of Section 16 to a point on the West line of the C.A.P. Canal,
THENCE Southeasterly along the West line of the C.A.P. Canal through Sections 16, 21, 22, 27, and 34, Township 1 South, Range 8 East, to a point on the East-West mid-section line of Section 34,
THENCE west along the East-West mid-section line of Sections 34, 33, 32, and 31 to the Southeast corner of Lot 4 in Section 31, Township 1 South, Range 8 East,
THENCE North along the East line of Lots 4 and 3 to the Northeast corner of Lot 3 and a point on the North line of Section 31, Township 1 South, Range 8 East,
THENCE West along the North line of Section 31 to the Northwest corner of Section 31, also being the Southwest corner of Section 30,
THENCE North along the West line of Sections 30, 19, and 18, Township 1 South, Range 8 East, to the Northwest corner of Section 18, being the POINT OF BEGINNING;

EXCEPT for the following described property:

A portion of Government Lots 1, 2 and 3, and the North half of the Northeast quarter of Section 18, Township 1 South, Range 8 East, Gila and Salt River Meridian, Pinal County, Arizona, described as follows:

BEGINNING at the Southeast corner of Section 12, Township 1 South, Range 7 East, from which the East quarter corner of said Section 12 bears N00°39'05"W, a distance of 2637.77 feet; THENCE N00°39'05"W, along the East line of said Section 12, a distance of 389.15 feet to the Northwest corner of Section 18, Township 1 South, Range 8 East; THENCE N89°45'43"E, along the North line of the Northwest quarter of said Section 18, a distance of 3579.88 feet to the North quarter corner of said Section 18; THENCE N89°45'43"E, along the North line of the Northeast quarter of said Section 18, a distance of 1935.46 feet; THENCE S00°39'05"E, a distance of 404.31 feet; THENCE S89°45'43"W, and parallel to the North line of said Section 18, a distance of 4115.02 feet; THENCE N89°37'05"W, a distance of 1400.51 feet to the POINT OF BEGINNING (containing 50.95 acres more or less).

Douglas A. Ducey
Governor



Lisa A. Atkins
Commissioner

Arizona State Land Department

1616 West Adams, Phoenix, Arizona 85007
(602) 542-4631

July 25, 2019

Honorable Jeff Serdy Mayor
City of Apache Junction
300 E. Superstition Blvd.
Apache Junction, AZ 85119

Re: State Selection Board; Proposed Annexation of State Trust Land

Dear Mayor Serdy,

It is a pleasure to advise you that on July 17, 2019, the State Selection Board approved the City of Apache Junction's proposed annexation of State Trust land. The State Selection Board's approval is included in the meeting minutes, and are posted on the State Land Department's website <https://land.az.gov/state-selection-board>. The purpose of this letter is to notify you of the approval and advise you of the additional steps necessary to complete the annexation.

Pursuant to Arizona Revised Statutes Title 9, §471.A.1., annexation of State Trust land requires the approval of the State Selection Board and the State Land Commissioner. The Commissioner will provide written approval following the Apache Junction Council approval of a pre-annexation development agreement.

ASLD is will continue working with City staff to develop a strategy for annexing and entitling the State Trust land that was approved for annexation by the Selection Board.

We look forward to working with you and your staff toward a successful annexation.

Should you have any questions, please contact Mark Edelman at 602-542-6331 or medelman@azland.gov.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Atkins".

Lisa A. Atkins
State Land Commissioner

cc: Bryan Powell, City of Apache Junction, Manager

STATE SELECTION BOARD MEETING MINUTES

Arizona State Capitol Building
1700 W. Washington Street
2nd Floor Conference Room
Phoenix, Arizona. 85007

Wednesday, July 17, 2019

Selection Board Members Present:	Douglas A. Ducey, Governor Kimberly Yee, State Treasurer
Selection Board Member Absent:	Mark Brnovich, Attorney General
Governor's Office Staff:	Hunter Moore, Natural Resources Policy Advisor Nicole Coyler, Deputy General Counsel
State Land Department:	Lisa A. Atkins, State Land Commissioner Wesley P. Mehl, Director of Strategic Projects David Jacobs, Assistant Attorney General
State Land Department Staff:	James Perry, Deputy Commissioner Mark Edelman, Director of Planning and Engineering Christine Thurston, Executive Assistant Trinity Perlberg, P&PS II / BOA Clerk Michelle Green, Lazarus, Silvyn and Bangs
Treasurer's Office Staff:	Mark Swenson, Deputy Treasurer

Call to Order

The State Selection Board Meeting was called to order by Governor Ducey at 2:34 p.m. Governor Ducey welcomed everyone and thanked State Treasurer Kimberly Yee for attending. Governor Ducey noted that Mark Brnovich, Attorney General was unable to attend the meeting today; however, the Board had a quorum and was able to conduct business.

Governor Ducey introduced State Land Commissioner Lisa A. Atkins who provided comment on the State Land Department. Commissioner Atkins introduced Director of Strategic Projects Wesley Mehl who also provided comment on the State Land Department.

Commissioner Lisa A. Atkins also noted a letter was received by the Arizona State Land Department on July 16, 2019 from the City of Phoenix regarding agenda item 3. The letter will be added into the record for the Selection Board.

Call to Public

Governor Ducey asked if anyone from the Public would like to address the Selection Board.

No Public Comment.

Consent Agenda

1. *Approval of Minutes - Review and approval of the minutes from the June 11, 2018 Selection Board meeting.*
2. *City of Avondale Right of Way Annexation – The State Land Commissioner requests approval for the annexation of approximately 6 acres of State Trust land, a strip of land up to 100 feet wide and 1.1 miles long, in T1N R1W Section 36 located in Maricopa County, between the 115th Avenue alignment on the east and El Mirage Road on the west, into the City of Avondale. This annexation corrects an error in the City of Avondale annexation ordinance dated November 13, 1990 that excluded this strip of State Trust land from the annexation.*
3. *City of Scottsdale Right of Way Annexation - The State Land Commissioner requests approval for the annexation of all State Trust land, approximately 3 acres, within a strip of land 10-feet wide and approximately 2.8 miles long, in T4N R4E Sections 22, 27 and 34 located in Maricopa County, along Scottsdale Road from Deer Valley Road on the north to approximately 0.3 miles north of the CAP Canal on the south, into the City of Scottsdale. This State Trust land was left out of the original annexation of Scottsdale Road into the City of Scottsdale.*
4. *City of Mesa Annexations- Both of the following State Trust parcels, along with roughly 960 acres of private land, are surrounded by the City of Mesa on four sides*
 - 4.1 *City of Mesa Inner Loop Annexation. The State Land Commissioner, and a group of private property owners, request approval for the annexation of approximately 320 acres of State Trust land in T1S R7E Sections 16 & 17, located in Maricopa County, west and north of Loop 202, into the City of Mesa.*
 - 4.2 *City of Mesa Outer Loop Annexation - The State Land Commissioner, and a group of private property owners, request approval for the annexation of approximately 320 acres of State Trust land in T1S R7E Section 16, located in Maricopa County, east of Loop 202, into the City of Mesa.*
5. *City of Yuma Annexation– The State Land Commissioner requests approval for the annexation of State Trust land in T8S R21W Sections 29, 30, 31 & 32 and T9S R21W Section 6, approximately 1,282 acres located in Yuma County, west of the Yuma Proving Grounds, into the City of Yuma. Yuma is the only nearby municipality and the annexation will facilitate the extension of municipal services to the State Trust land and an adjacent private community that wishes to be annexed.*
6. *Town of Eagar Annexation- The State Land Commissioner requests approval for the annexation of State Trust land in T8N R28E Section 11, approximately 160 acres, located in Apache County, along State Route 260, into the Town of Eagar. The annexation will facilitate the development of the State Trust land and enable the annexation of a neighboring parcel owned by the Town into the Town.*

Governor Ducey asked for a motion. Treasurer Yee called for a motion to approve items 1 through 6 as described on the Consent Agenda. Governor Ducey seconded the motion. Motion approved.

Regular Business

7. *City of Apache Junction Annexation – The State Land Commissioner requests approval for the annexation of approximately 6,687 acres of State Trust land in T1S R8E Sections 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, & 34, located in Pinal County, south of Elliot Road, west of the CAP Canal and north of State Route-24, into the City of Apache Junction.*

Director Wesley Mehl presented on the City of Apache Junction Annexation.

Governor Ducey asked for a motion. Treasurer Yee made a motion to approve the Arizona State Selection Board proposed annexation of approximately 6,687 acres of State Trust, as presented today, into the City of Apache Junction. Governor Ducey seconded the motion. Motion approved.

8. *City of Peoria Annexations-The State Land Commissioner requests approval for the annexation of each of the parcels of State Trust land listed below, all located in Maricopa County, totaling approximately 1,120 acres into the City of Peoria.*

8.1 Parcel A-1 located in the north half of T4N R1E Section 8, approximately 78 acres.

8.2 Parcel A-1.1 located in the southeastern quarter of T4N R1E Section 8, approximately 1 acre.

8.3 Parcel B located in T4N R1E Sections 18 & 19, roughly bounded by Tessmer Road on the west, Rose Garden Lane on the south, 107th and 109th Avenues on the east and Williams Road on the north, approximately 189 acres.

8.4 Parcel C located in T5N R1E Sections 17 & 20, an 840-foot wide parcel roughly bounded by 99th Avenue on the east from the Dixileta Drive alignment on the south to near the CAP Canal on the north, approximately 174 acres.

Director Wesley Mehl presented on the City of Peoria Annexation items 8.1 through 8.4.

Governor Ducey asked for a motion. Treasurer Yee made a motion to approve the proposed annexations described in agenda items 8.1 through 8.4, as presented today, into the City of Peoria. Governor Ducey seconded. Motion Approved.

8.5 Parcel D-1 located in T4N R1W Sections 1 & 12, between Loop 303 on the east and the 119th Avenue alignment on the west from the Jomax Road alignment on the north to near Calle Lejos on the south, approximately 287 acres.

8.6 Parcel D-1.1 located in T4N R1W Sections 1 & 12, between Loop 303 on the west and the 115th Avenue alignment on the east from the Jomax Road alignment on the north to near Calle Lejos on the south, approximately 176 acres.

Director Wesley Mehl presented on City of Peoria Annexation items 8.5 and 8.6.

Governor Ducey asked for a motion. Treasurer Yee made a motion to approve the proposed annexations described in agenda items 8.5 and 8.6, as presented today, into the City of Peoria. Governor Ducey seconded the motion. Motion Approved.

8.7 Parcel D-2 located in T4N R1W Section 11, between Loop 303 on the south and the West Wing substation on the north from the 123rd Avenue alignment on the east to the wash corridor on the west, approximately 42 acres.

8.8 Parcel D-2.1 located in T4N R1W Section 11, between Loop 303 on the north and the Pinnacle Peak Road alignment on the south from the 123rd Avenue alignment on the east to the wash corridor on the west, approximately 11 acres.

8.9 Parcel D-3 located in T4N R1W Section 11, between Loop 303 on the south and the McMicken Dam Outlet Channel on the north from the wash corridor on the east to the Dysart Road alignment on the west, approximately 209 acres.

8.10 Parcel D3.1 located in T4N R1W Section 11, between Loop 303 on the north and the Pinnacle Peak Road alignment on the south from the wash corridor on the east to the Dysart Road alignment on the west, approximately 44 acres.

Director Wesley Mehl presented on City of Peoria Annexation items 8.7 through 8.10.

Governor Ducey asked for a motion. Treasurer Yee made a motion to approve the proposed annexations described in agenda items 8.7 through 8.10, as presented today, into the City of Peoria. Motion approved.

9. Adjournment

As there was no further business, Governor Ducey adjourned the meeting at 2:58 p.m.

ORDINANCE NO. 1516

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING THE APACHE JUNCTION, ARIZONA, ZONING ORDINANCE, BY AMENDING THE ZONING DISTRICT MAP, CITY OF APACHE JUNCTION, ARIZONA, ASSIGNING AND ESTABLISHING CITY EQUIVALENCY ZONING TO STATE TRUST LAND PROPERTY LOCATED IN UNINCORPORATED PINAL COUNTY JURISDICTION RECENTLY ANNEXED PURSUANT TO ORDINANCE NO. 1515; CHANGING THE ZONING DISTRICT CLASSIFICATION FOR SAID PROPERTY DESCRIBED IN ANNEXATION CASE AN-1-20, ORDINANCE NO. 1515, FROM PINAL COUNTY GENERAL RURAL ("GR") ZONE TO CITY OF APACHE JUNCTION GENERAL RURAL LOW DENSITY SINGLE-FAMILY DETACHED RESIDENTIAL ("RS-GR") ZONE; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, on October 5, 2021, the Apache Junction City Council approved annexation case AN-1-20, Ordinance No. 1515, effectively increasing and expanding the city's corporate limits; and

WHEREAS, case AN-1-20, Ordinance No. 1515, annexed approximately 6,600 acres of vacant state trust land, adjacent to the existing city limits and generally bounded by Elliot Avenue on the north, Frye Road/SR24 alignment on the south, Meridian Drive on the west and the C.A.P. canal on the east; and

WHEREAS, the city has historically assigned city equivalent zoning to newly annexed property, assigning city zoning which is most similar or equivalent to the county zoning applicable to the property prior to it being annexed; and

WHEREAS, the mayor and council of the City of Apache Junction are desirous of assigning equivalent city zoning to the property annexed by Ordinance No. 1515, as depicted and described in attached Exhibit "A"; and

WHEREAS, pursuant to A.R.S. Section 9-462.01(J), the council, before adopting any zoning ordinance or text amendment of general applicability, shall consider the probable impact the proposed zoning ordinance or text amendment would have on the cost to construct housing for sale or rent; and

WHEREAS, the city council has determined the adoption of this ordinance or text amendment will have no negative impact on the cost to construct housing for sale or rent as delineated under A.R.S. Section 9-462.01(J).

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

SECTION I: IN GENERAL

The zoning district classification on the Zoning District Map, City of Apache Junction, Arizona, for the parcel of land legally described as:

Sections 17-20, 28-30, and portions of Sections 16, 21, 22, 27, and 31-34, Township 1 South, Range 8 East, Gila and Salt River Meridian, Pinal County, Arizona,

BEGINNING at the Northwest corner of Section 18, Township 1 South, Range 8 East,
THENCE East along the North line of Sections 18 and 17 to the Northeast corner of Section 17, also being the Northwest corner of Section 16, Township 1 South, Range 8 East,
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THENCE West along the North line of Section 31 to the Northwest corner of Section 31, also being the Southwest corner of Section 30,
THENCE North along the West line of Sections 30, 19, and 18, Township 1 South, Range 8 East, to the Northwest corner of Section 18, being the POINT OF BEGINNING;

EXCEPT for the following described property:

A portion of Government Lots 1, 2 and 3, and the North half of the Northeast quarter of Section 18, Township 1 South, Range 8 East, Gila and Salt River Meridian, Pinal County, Arizona, described as follows:

BEGINNING at the Southeast corner of Section 12, Township 1 South, Range 7 East, from which the East quarter corner of said Section 12 bears N00°39'05"W, a distance of 2637.77 feet; THENCE N00°39'05"W, along the East line of said Section 12, a distance of 389.15 feet to the Northwest corner of Section 18, Township 1 South, Range 8 East; THENCE N89°45'43"E, along the North line of the Northwest quarter of said Section 18, a distance of 3579.88 feet to the North quarter corner of said Section 18; THENCE N89°45'43"E, along the North line of the Northeast quarter of said Section 18, a distance of 1935.46 feet; THENCE S00°39'05"E, a distance of 404.31 feet; THENCE S89°45'43"W, and parallel to the North line of said Section 18, a distance of 4115.02 feet; THENCE N89°37'05"W, a distance of 1400.51 feet to the POINT OF BEGINNING (containing 50.95 acres more or less);

be and hereby is amended from Pinal County General Rural ("GR") zone to City of Apache Junction General Rural Low Density Single-family Detached Residential ("RS-GR") zone.

SECTION II: REPEALING ANY CONFLICTING PROVISIONS

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III: PROVIDING FOR SEVERABILITY

If any section, sub-section, sentence, phrase, clause or portion of this ordinance, or any part of the code adopted herein by reference, 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.

SECTION IV: PROVIDING FOR PENALTIES

Unless noted otherwise, any violation of any provisions adopted herein, shall be punishable as civil or criminal violations consistent with Apache Junction City Code, Volume II, Chapter 1:

Zoning Ordinance, Article 1-1 Introductory Provisions, Section
1-1-7 General Penalty.

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:

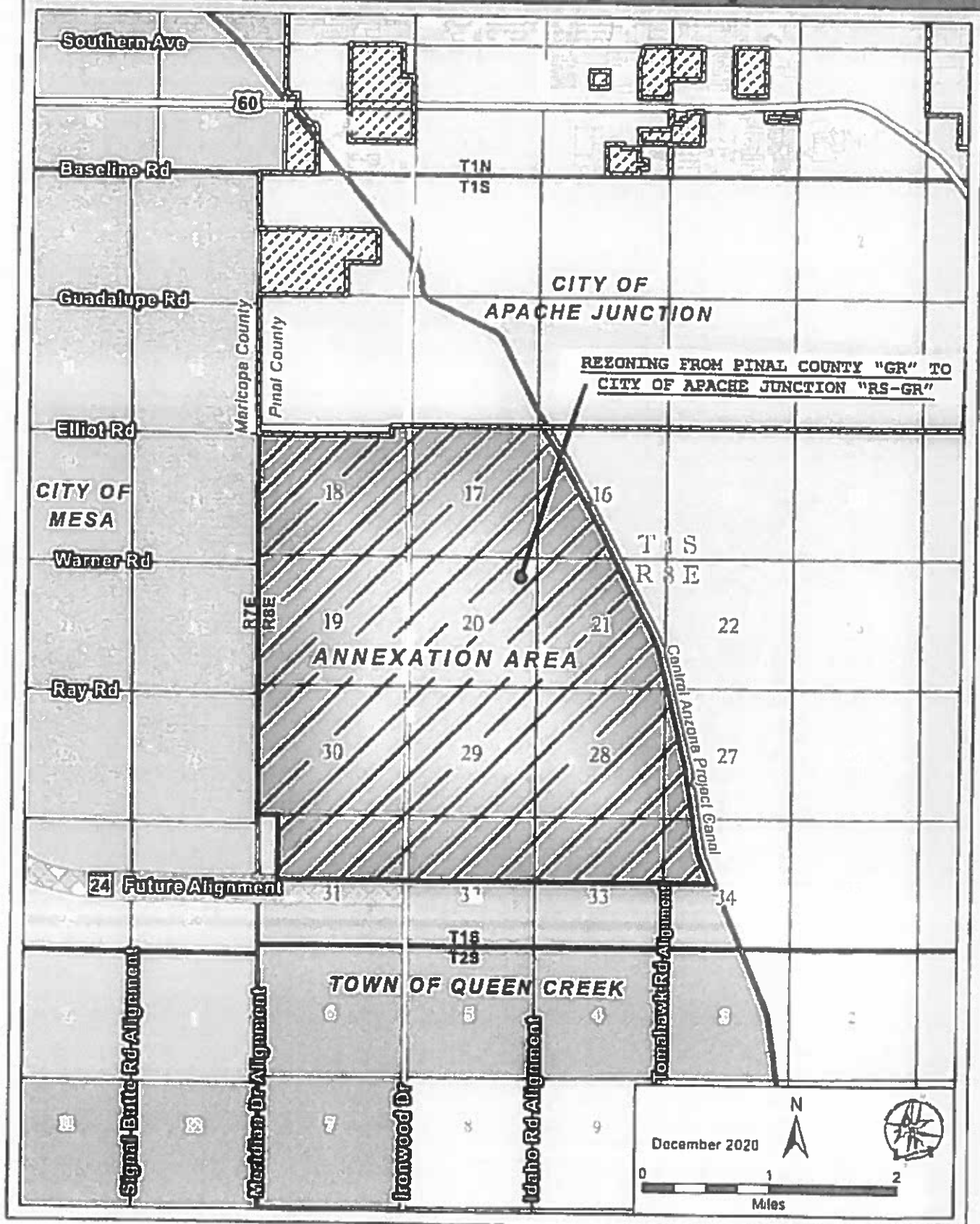
JENNIFER PENA
City Clerk

APPROVED AS TO FORM:

RICHARD JOEL STERN
City Attorney

Apache Junction Annexation Case AN-1-20

Exhibit A: Annexation Area Map and Legal Description



CITY OF APACHE JUNCTION CASE AN-1-20:
EXHIBIT A - LEGAL DESCRIPTION
REZONING FROM PINAL COUNTY "GR" TO
CITY OF APACHE JUNCTION "RS-GR"

Sections 17-20, 28-30, and portions of Sections 16, 21, 22, 27, and 31-34, Township 1 South, Range 8 East, Gila and Salt River Meridian, Pinal County, Arizona,

BEGINNING at the Northwest corner of Section 18, Township 1 South, Range 8 East,
THENCE East along the North line of Sections 18 and 17 to the Northeast corner of Section 17, also being the Northwest corner of Section 16, Township 1 South, Range 8 East,
THENCE East along the North line of Section 16 to a point on the West line of the C.A.P. Canal,
THENCE Southeasterly along the West line of the C.A.P. Canal through Sections 16, 21, 22, 27, and 34, Township 1 South, Range 8 East, to a point on the East-West mid-section line of Section 34,
THENCE west along the East-West mid-section line of Sections 34, 33, 32, and 31 to the Southeast corner of Lot 4 in Section 31, Township 1 South, Range 8 East,
THENCE North along the East line of Lots 4 and 3 to the Northeast corner of Lot 3 and a point on the North line of Section 31, Township 1 South, Range 8 East,
THENCE West along the North line of Section 31 to the Northwest corner of Section 31, also being the Southwest corner of Section 30,
THENCE North along the West line of Sections 30, 19, and 18, Township 1 South, Range 8 East, to the Northwest corner of Section 18, being the POINT OF BEGINNING;

EXCEPT for the following described property:

A portion of Government Lots 1, 2 and 3, and the North half of the Northeast quarter of Section 18, Township 1 South, Range 8 East, Gila and Salt River Meridian, Pinal County, Arizona, described as follows:

BEGINNING at the Southeast corner of Section 12, Township 1 South, Range 7 East, from which the East quarter corner of said Section 12 bears N00°39'05"W, a distance of 2637.77 feet; THENCE N00°39'05"W, along the East line of said Section 12, a distance of 389.15 feet to the Northwest corner of Section 18, Township 1 South, Range 8 East; THENCE N89°45'43"E, along the North line of the Northwest quarter of said Section 18, a distance of 3579.88 feet to the North quarter corner of said Section 18; THENCE N89°45'43"E, along the North line of the Northeast quarter of said Section 18, a distance of 1935.46 feet; THENCE S00°39'05"E, a distance of 404.31 feet; THENCE S89°45'43"W, and parallel to the North line of said Section 18, a distance of 4115.02 feet; THENCE N89°37'05"W, a distance of 1400.51 feet to the POINT OF BEGINNING (containing 50.95 acres more or less).