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JAN 12 2012



**MEMORANDUM**                      **Transportation & Development – CC Memo No. 11-138**

**DATE:**            DECEMBER 27, 2011

**TO:**                MAYOR AND CITY COUNCIL

**THRU:**            RICH DLUGAS, CITY MANAGER *RD*  
                  PATRICK MCDERMOTT, ASSISTANT CITY MANAGER *PM*  
                  R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *RJZ*  
                  JEFF KURTZ, PLANNING ADMINISTRATOR *JK*  
                  KEVIN MAYO, PLANNING MANAGER *KM*

**FROM:**            ERIK SWANSON, CITY PLANNER *ES*

**SUBJECT:**        ANNEXATION – SOUTHWEST CORNER OF OCOTILLO ROAD AND 148<sup>TH</sup> STREET

Introduction and Tentative Adoption of Ordinance No. 4339

Request:            Annexation of approximately 40.83 acres

Location:           Southwest corner of Ocotillo Road and 148<sup>th</sup> Street

Applicant:          Mari Flynn; Silver Fern Management, LLC

**BACKGROUND**

The subject site is located at the southwest corner of Ocotillo Road and 148<sup>th</sup> Street, and is currently zoned R-18. The adjacent site to the west was recently annexed into the City. The Chandler Land Use Element of the General Plan designates the area for Low Density (single-family) Residential. Furthermore, the subject site is located within the Southeast Chandler Area Plan and is designated as Residential for Traditional Suburban Character, allowing for single-family residential development to be considered. The Council held a public hearing on this item at the December 15, 2011 City Council hearing. Staff has received the signed petition from the property owners in time for the introduction of the annexation ordinance. The request has been processed in compliance with State Statutes governing annexations. Staff recommends approval of this annexation request.

**EXISTING CONDITIONS**

The subject site was approved in the County for development as a large lot single-family home subdivision. Due to the turn in the economy the subdivision has since ceased development

operations. The site had a number of improvements made to it prior to the ceasing of operations including: grading of the site, grading of the street system, construction of the perimeter walls and entry feature, undergrounding of utilities in the street system, and the partial construction of a home. North and east are properties within the jurisdiction of the Town of Gilbert. South, of the subject site is property within the jurisdiction of the County.

Upon the successful completion of the annexation, the property will also come before the City Council for the granting of a City equivalent zoning designation, and then a request for Rezoning along with Preliminary Development Plan (PDP) approval for subdivision layout. The application for Rezoning and PDP has been submitted and is currently under review.

#### **UTILITY SERVICES**

The site is served with a 12" water line, 12" reclaimed water line, and an 8" sewer line, all located in Ocotillo Road; however, design of the lines has not been finally accepted by the City Engineer and additional work will need to occur by the developer.

#### **STAFF COMMENTS**

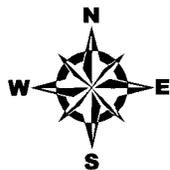
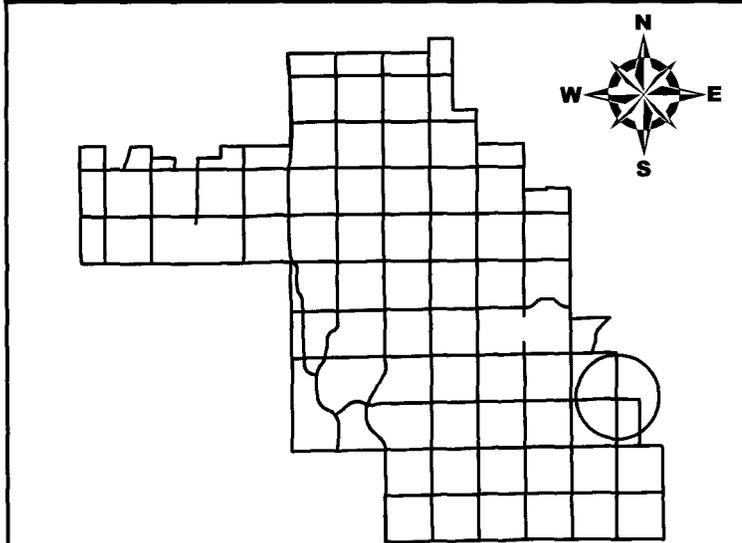
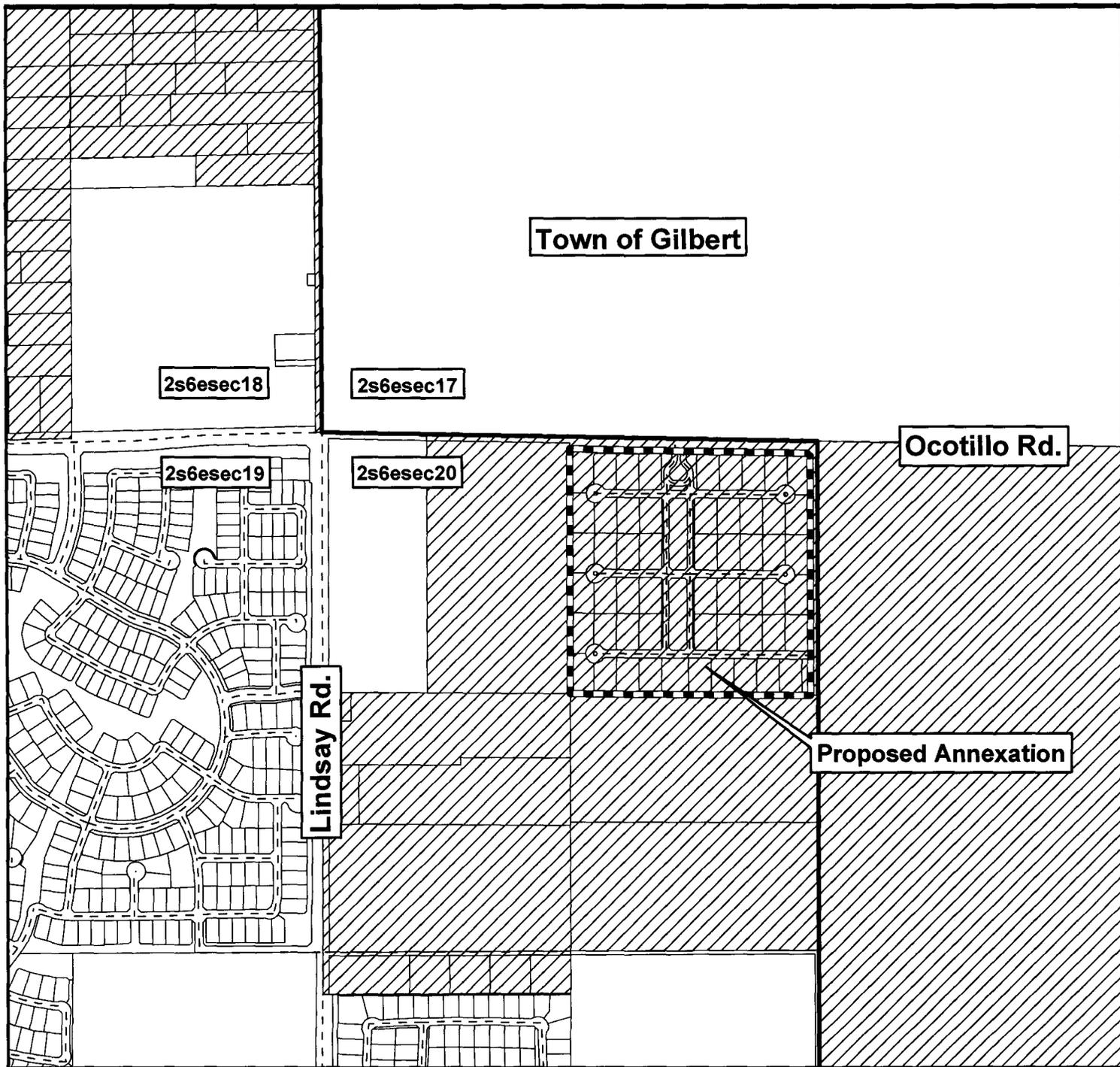
Staff circulated this request among City Departments and received no negative comments relative to the property's annexation.

#### **PROPOSED MOTION**

Move to introduce and tentatively adopt Ordinance No.4339, annexing approximately 40.8 acres of land described in said Ordinance, also known as Southwest Corner of Ocotillo Road and 148<sup>th</sup> Street, as recommended by Staff.

#### **Attachment**

1. Location Map
2. Ordinance No. 4339



# Annexation Map

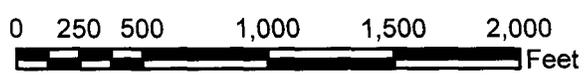
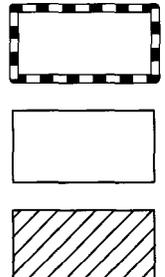
**Ordinance No. 4339**

**Proposed Annexation**

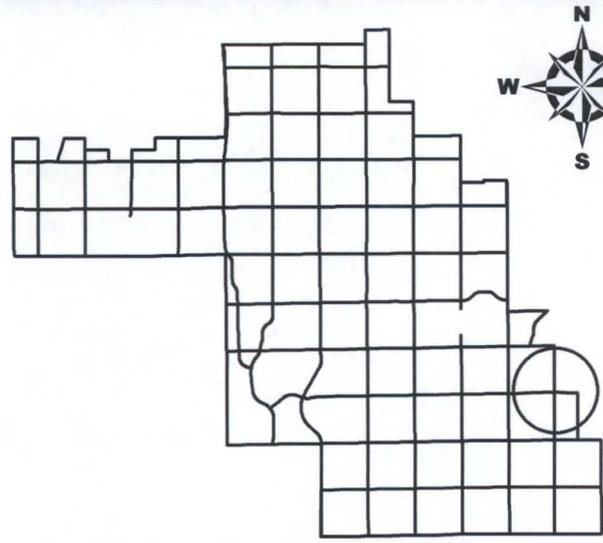
Southwest Corner of Ocotillo Road  
and 148th Street

**Incorporated Area**

**Unincorporated Area**



**Exhibit A**



# Annexation Map

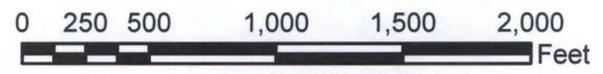
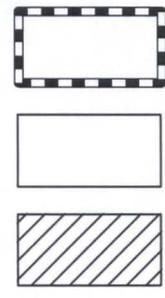
**Ordinance No. 4339**

**Proposed Annexation**

Southwest Corner of Ocotillo Road  
and 148th Street

**Incorporated Area**

**Unincorporated Area**



**Exhibit A**

ORDINANCE NO. 4339

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF CHANDLER, MARICOPA COUNTY, STATE OF ARIZONA, (SOUTHWEST CORNER OF OCOTILLO ROAD AND 148TH STREET) PURSUANT TO THE PROVISIONS OF TITLE 9, CHAPTER 4, ARTICLE 7, ARIZONA REVISED STATUTES, BY ANNEXING THERETO CERTAIN TERRITORY CONTIGUOUS TO THE EXISTING CITY LIMITS OF THE CITY OF CHANDLER.

WHEREAS, a petition has been presented in writing to the City Council of the City of Chandler, Arizona, signed by the property owners of at least one-half of the value of the real and personal property as would be subject to taxation by the City of Chandler in the event of annexation and by more than one-half of the property owners within the territory and land hereinafter described as shown by the last assessment of said property, said territory being contiguous to the City of Chandler and not now embraced within its limits, asking that the property more particularly hereinafter described be annexed to the City of Chandler so as to embrace the same; and

WHEREAS, a blank petition was filed on November 15, 2011 with the County Recorder, that a Public Hearing was held on December 12, 2011 after proper notice was given, that the thirty day waiting period ended on December 15, 2011 and that the petition was circulated thereafter and signed on or by January 2, 2012; and,

WHEREAS, the City Council of the City of Chandler, Arizona, is desirous of complying with said petition and extending and increasing the corporate limits of the City of Chandler to include said territory; and,

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

WHEREAS, no additions or alterations increasing the territory sought to be annexed have been made after the said petition had been signed by any owner of real and/or personal property in such territory; and,

WHEREAS, no alterations decreasing the territory sought to be annexed have been made and therefore the territory to be annexed is the territory hereinafter described; and

WHEREAS, proper and sufficient certification and proof and the foregoing facts are now on file in the Office of the City Clerk of the City of Chandler, Arizona, together with the original petition referred to herein;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

SECTION 1.

That the following described territory be and the same hereby is annexed to the City of Chandler and that the present corporate limits be and the same hereby are extended and increased to include the following described territory contiguous to the present City limits:

Finisterra, a subdivision, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 919, Page 47, except that portion of right-of-way dedicated for Ocotillo Road and 148th Street with said plat of record, and being more particularly described as follows:

Parcel 1 (Subdivision):

Commencing at the Northwest Corner of Section 20, Township 2 South, Range 6 East;

Thence S89°00'01"E, along the North line of said Section 20, a distance of 1313.74 feet;

Thence S00°00'59"E a distance of 65.01 feet to a point on the South right-of-way line of Ocotillo and the POINT OF BEGINNING;

Thence continuing S00°00'59"E a distance of 1296.11 feet;

Thence S89°37'43"E a distance of 1273.78 feet to a point on the West right-of-way line of 148th Street;

Thence N00°01'32"W, along said West right-of-way line, a distance of 1267.15 feet;

Thence N44°30'47"W a distance of 21.40 feet to a point on the South right-of-way line of Ocotillo Road;

Thence N89°00'01"W, along said South right-of-way line, a distance of 1258.74 feet to the POINT OF BEGINNING;

Containing 1,641,779.96 square feet, or 37.6901 acres.

Parcel 2 (Ocotillo Road Right-of-way):

The South 32 feet of the North 65 feet of the Northeast Quarter of the Northwest Quarter of said Section 20;

Except the East 55 feet thereof;

Containing an area of 40,279.7 Square Feet or 0.92 Acres, more or less.

SECTION 2. Upon adoption of this annexation ordinance, and in no event for longer than six (6) months after the effective date of this annexation ordinance, the county zoning for said property shall continue in effect, unless and until the City of Chandler has established City zoning for said property.

SECTION 3. The Clerk of this City is hereby instructed to file and record a copy of this Ordinance, together with an accurate map of said annexed territory, certified by the Mayor of said City, in the Office of the County Recorder of Maricopa County, Arizona.

SECTION 4. The Planning and Development Department of the City of Chandler is hereby directed to enter such changes and amendments as may be necessary upon the Zoning Map of said Zoning Code in compliance with this ordinance.

INTRODUCED AND TENTATIVELY APPROVED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

PASSED AND ADOPTED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4339 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, and that a quorum was present thereat.

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY *CAB*

\_\_\_\_\_  
CITY CLERK

PUBLISHED: