



#4

FEB 14 2013



MEMORANDUM Transportation & Development – CC Memo No. 13-003

DATE: JANUARY 25, 2013

TO: MAYOR AND CITY COUNCIL

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

FROM: ERIK SWANSON, CITY PLANNER *ES*

SUBJECT: ANNEXATION – SOUTHEAST CORNER OF ARIZONA AVENUE AND RIGGS ROADS
 Introduction and Tentative Adoption of Ordinance No. 4422

Request: Annexation of approximately 2.1 acres

Location: Southeast corner of Arizona Avenue and Riggs Road

Applicant: David Cisiewski; David Cisiewski, PLLC

BACKGROUND

The subject site is approximately 2.1-acres located at the southeast corner of Arizona Avenue and Riggs Road. The Chandler Land Use Element of the General Plan and the Southeast Chandler Area Plan both designate the area for Commercial and/or Employment type uses.

The subject site is located at the immediate corner and is currently zoned in the County Commercial (C-1) and Industrial (IND-2). An existing electric company is adjacent to the east and vacant land to the south; both properties are within the jurisdiction of the County and zoned IND-2. West, across Arizona Avenue is a commercial center within the jurisdiction of the County. North of Riggs Road is vacant land within the jurisdiction of Chandler currently zoned I-2.

Council held a public hearing for the subject site at their December 13, 2012 meeting. The request has been processed in compliance with State Statutes governing annexations. Staff has

received the signed petition from the property owner, and recommends approval of this annexation request.

UTILITY SERVICES

Existing municipal services are located in Arizona Avenue and Riggs Road and include sewer (12" and 12"), water (16" and 16"), and reclaimed water (12" in Riggs Road) services.

STAFF COMMENTS

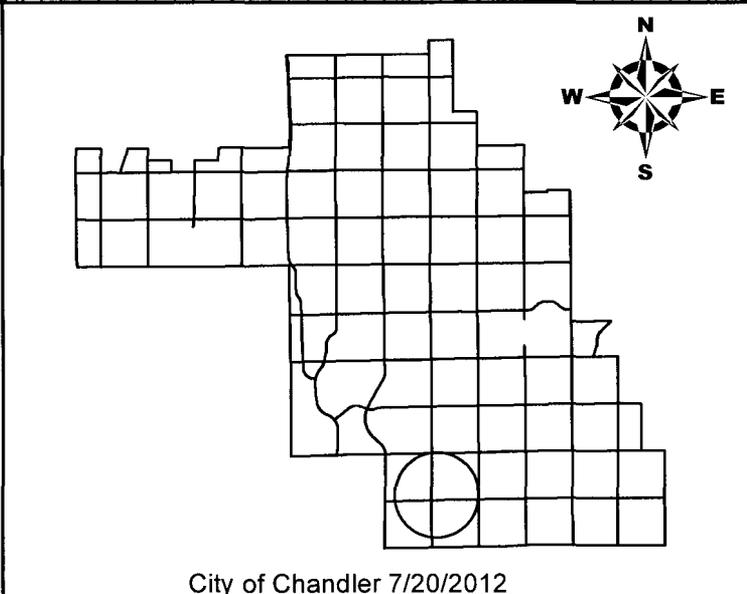
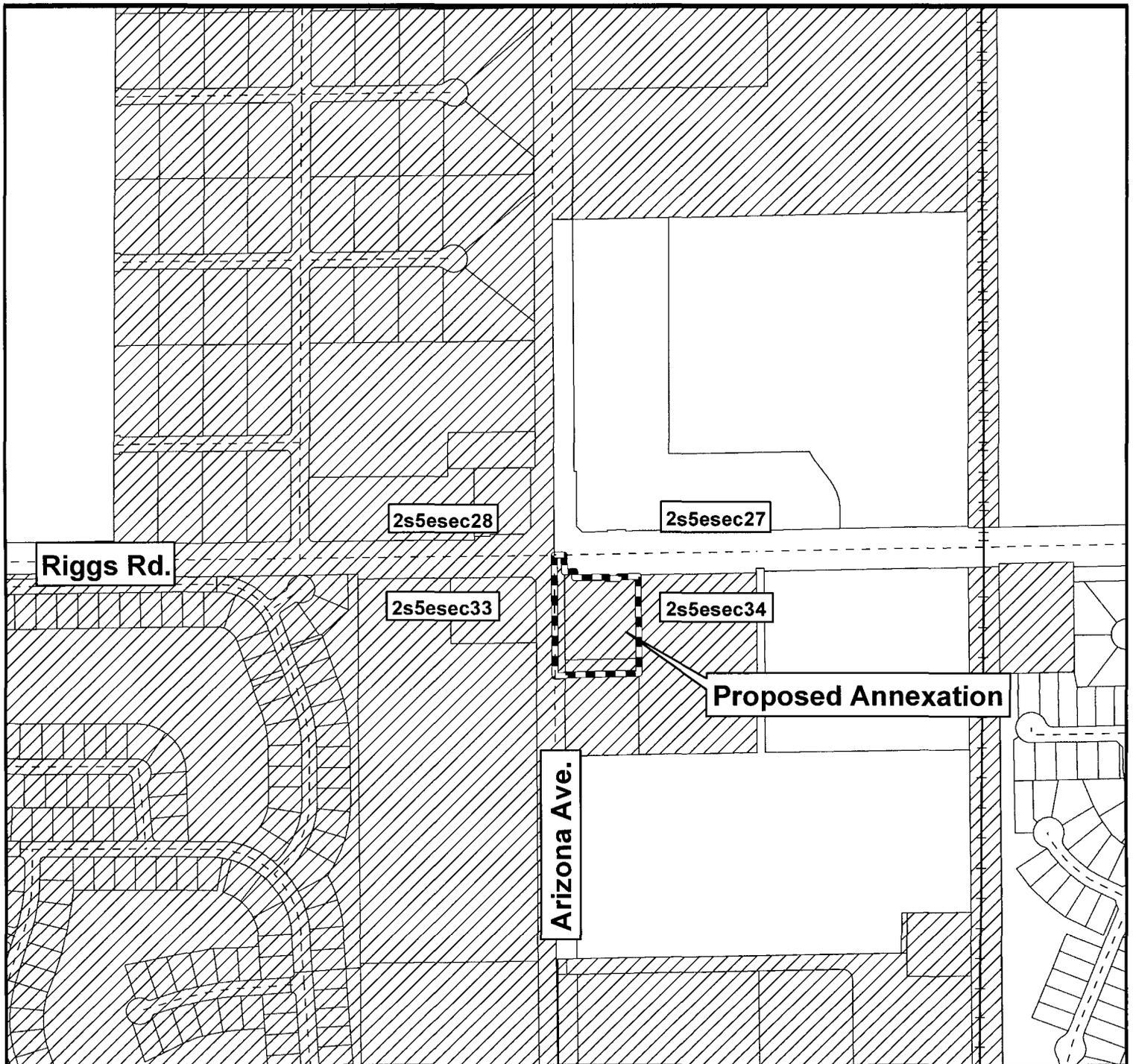
Staff circulated this request among City Departments and received no negative comments relative to the property's annexation; however Staff has heard from the Sun Lakes Fire District (SLFD) regarding the annexation of the property due to the site being located within the SLFD. The SLFD believes that the site does not meet State requirements for annexation. City legal staff reviewed the annexation and has determined that the site meets the State requirements. The SLFD opposes the annexation, but will not challenge the annexation. A letter from the SLFD is attached. Additionally, the SLFD and the City of Chandler have executed the required intergovernmental agreement.

RECOMMENDATION

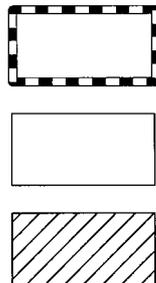
Move to Introduce and Tentatively Adopt Ordinance No. 4422, annexing approximately 2.1 acres of land described in said Ordinance, also known as SOUTHEAST CORNER OF ARIZONA AVENUE AND RIGGS ROAD, as recommended by Staff.

Attachments

1. Location Map
2. Sun Lakes Fire District Letter of Opposition
3. Ordinance No. 4422



Annexation Map



- Proposed Annexation**
Southeast Corner of Arizona Avenue
and Riggs Road
- Incorporated Area**
- Unincorporated Area**

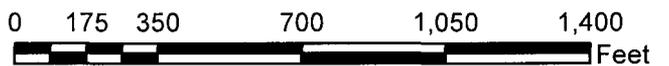
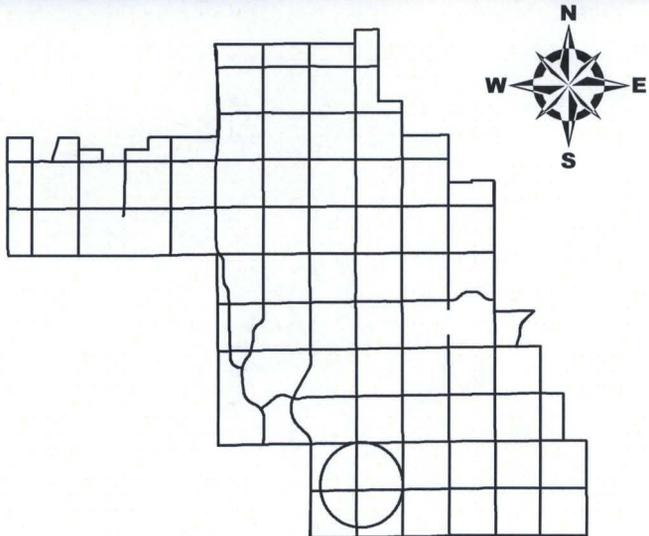


Exhibit A



Annexation Map

-  **Proposed Annexation**
Southeast Corner of Arizona Avenue
and Riggs Road
-  **Incorporated Area**
-  **Unincorporated Area**

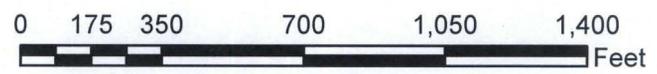


Exhibit A



Sun Lakes Fire District

January 15, 2013

Mr. Erik Swanson, City Planner
City of Chandler - Transportation & Development
215 E. Buffalo Street
Chandler AZ. 85225

Re: DVR12-0046 - Proposed City of Chandler Annexation -
S/E Corner of S. Arizona Avenue and E. Riggs Road

Dear Mr. Swanson,

The Sun Lakes Fire District (District), a special district organized under A.R.S. 805, provides fire protection and emergency medical services to the S/E corner of South Arizona Ave. and East Riggs Road.

The District does not believe the annexation of the above property is permitted by A.R.S. 9-471, as the subject property does not have the qualifying contiguous borders with the City of Chandler.

The District is opposed to the annexation, due to the loss of tax base for the District.

The availability of domestic water is an extenuating circumstance for the proposed development. Pima Utilities (the provider of domestic water for the Sun Lakes community) does not have available domestic water to the referenced location. Based on this mitigating factor, the District understands the developer's reason for the proposed annexation into the City of Chandler.

The District will not challenge the proposed annexation.

Respectfully,

A handwritten signature in black ink, appearing to read "Paul S. Wilson".

Paul S. Wilson
Fire Chief

C.c. Fire District Board of Directors
Fire District Attorney, Denise Blommel

ORDINANCE NO. 4422

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, (SOUTHEAST CORNER OF ARIZONA AVENUE AND RIGGS ROAD) 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 21, 2012 with the County Recorder, that a Public Hearing was held on December 13, 2012 after proper notice was given, that the thirty day waiting period ended on December 21, 2012 and that the petition was circulated thereafter and signed; 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;

WHEREAS, the City may elect to provide regular fire department services to a newly annexed area under A.R.S. § 48-813(A); and

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:

See Attached Exhibit 'A'

SECTION 2. Pursuant to A.R.S. § 48-813(A), the property depicted in Exhibit A is hereby placed under the City's fire, emergency medical and police protection generally provided to other residents within the city. The services shall take effect on the date on which this annexation becomes final as set forth in Section 6 below, without further action by the City Council.

SECTION 3. 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 4. 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 5. 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.

SECTION 6. This ordinance shall take effect, and the annexation of the subject property shall become final, thirty days after this Ordinance is adopted.

INTRODUCED AND TENTATIVELY APPROVED by the City Council this ____ day of

_____, 2013.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council this _____ day of _____, 2013.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4422 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2013, and that a quorum was present thereat.

APPROVED AS TO FORM:

CITY ATTORNEY *LAG*

CITY CLERK

PUBLISHED:

Legal Description
Annexation
EXHIBIT "A"

A portion of land situated in the Northwest Quarter of Section 34, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Commencing at a Found Brass Cap Flush at the Northwest Corner of said Section 34, from which a Found Brass Cap Flush at the North Quarter Corner of said Section 34 bears North 88 degrees 54 minutes 46 minutes East, a distance of 2647.13 feet;

Thence North 88 degrees 54 minutes 46 seconds East, along the North line of the Northwest Quarter of said Section 34, a distance of 33.00 feet, to the Northwest corner of that property described in City of Chandler Annexation #4220;

Thence along the Westerly and Southerly perimeter of said Annexation, the following eight courses:

Thence South 00 degrees 17 minutes 15 seconds East, parallel with and 33.00 feet East of the West line of the Northwest Quarter of said Section 34, a distance of 55.01 feet;

Thence North 88 degrees 54 minutes 46 seconds East, parallel with and 55.00 feet South of the North line of the Northwest Quarter of said Section 34, a distance of 34.01 feet;

Thence South 00 degrees 17 minutes 15 seconds East, a distance of 20.00 feet;

Thence North 88 degrees 54 minutes 46 seconds East, parallel with and 75.00 feet South of the North line of the Northwest Quarter of said Section 34, a distance of 108.66 feet;

Thence South 01 degrees 05 minutes 14 seconds East, a distance of 6.00 feet;

Thence North 88 degrees 54 minutes 46 seconds East, parallel with and 81.00 feet South of the North line of the Northwest Quarter of said Section 34, a distance of 34.00 feet;

Thence North 01 degrees 05 minutes 14 seconds West, a distance of 6.00 feet;

Thence North 88 degrees 54 minutes 46 seconds East, parallel with and 75.00 feet South of the North line of the Northwest Quarter of said Section 34, a distance of 65.34 feet;

Any modification to or omission from this description completely
absolves the surveyor from any liability for this description.

Thence South 00 degrees 17 minutes 15 seconds East, parallel with and 275.00 feet East of the West line of the Northwest Quarter of said Section 34, a distance of 318.03 feet;

Thence South 88 degrees 54 minutes 46 seconds West, parallel with and 393.00 feet South of the North line of the Northwest Quarter of said Section 34, a distance of 275.02 feet, to a point on the West line of the Northwest Quarter of said Section 34;

Thence North 00 degrees 17 minutes 15 seconds West, along said West line, a distance of 393.04 feet, to the **POINT OF BEGINNING**.

Encompassing 90,409 square feet or 2.076 acres, more or less.

Any modification to or omission from this description completely
absolves the surveyor from any liability for this description.