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JAN 31 2008



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MEMORANDUM **Planning and Development - Staff Memo No. CC 07-269**

DATE: JANUARY 17, 2008

TO: MAYOR AND CITY COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER
 DOUG BALLARD, PLANNING AND DEVELOPMENT DIRECTOR
 JEFF KURTZ, ASSISTANT PLANNING AND DEVELOPMENT DIRECTOR
 BOB WEWORSKI, PLANNING MANAGER

FROM: RON MARTIN, INTERIM PLANNER

SUBJECT: ANNEXATION – SOUTHEAST CORNER OF ARIZONA AVENUE
 AND GERMANN ROAD
 Introduction and Tentative Adoption Ordinance No. 3856

Request: Annexation of approximately 4.9 acres

Location: Southeast Corner of Arizona Avenue and Germann Road

Applicant: Interra-Vision Development, LLC

SUMMARY / RECOMMENDATION

The City Council held a public hearing on this requested annexation on September 28, 2006. Staff has received the original signed petition from the property owner. The request has been processed in compliance with State Statutes governing annexations. Staff recommends approval.

BACKGROUND

The subject 4.9 acre parcel, located at the southeast corner of Arizona Avenue and Germann Road is zoned C-3 Commercial within the County. The Chandler Airpark Area Plan designates the area for Commercial/Office/Business Park with a Light Rail Corridor Overlay Planning Area (Potential Mixed Use). The applicant will be seeking rezoning to accommodate a small retail development.

EXISTING CONDITIONS

The property is vacant undeveloped land bordered by commercial and industrial zoned and developed properties within County jurisdiction on the south and east, Rural-43 zoned property within County jurisdiction and C-2 Commercial zoned property within the City of Chandler on the north (across Germann Road), and PAD Retail Commercial zoned property within the City of Chandler to the west (across Arizona Avenue). The property is not under an aircraft noise contour or within a designated flood plain.

EXISTING UTILITIES

Available city utilities include dual 16-inch water mains within the Arizona Avenue right-of-way and dual 12-inch water mains within the Germann Rd. right-of-way. A 10-inch sewer main is located within the Germann Road right-of-way west of Arizona Avenue.

PROPOSED MOTION

Move to Introduce and Tentatively Adopt Ordinance No. 3856 annexing approximately 4.9 acres of land described in said Ordinance, also known as the Southeast Corner of Arizona Avenue and Germann Road.

Attachment

1. Ordinance No. 3856
2. Location Map

ORDINANCE NO. 3856

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 GERMANN 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 August 31, 2006 with the County Recorder, that a Public Hearing was held on September 28, 2006 after proper notice was given, that the thirty day waiting period ended on September 30, 2006 and that the petition was circulated thereafter and signed on September 19, 2007; 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:

A PORTION OF THE NORTHWEST QUARTER OF SECTION 10, 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 BRASS CAP IN HAND HOLE AT THE NORTHWEST CORNER OF SAID SECTION 10, FROM WHICH A BRASS CAP IN HAND HOLE AT THE NORTH QUARTER CORNER OF SAID SECTION 10, BEARS NORTH 88 DEGREES 54 MINUTES 38 SECONDS EAST, A DISTANCE OF 2644.68 FEET;

THENCE NORTH 88 DEGREES 54 MINUTES 38 SECONDS EAST, ALONG THE NORTH SECTION LINE OF THE NORTHWEST QUARTER OF SECTION 10, A DISTANCE OF 438.72 TO THE **POINT OF BEGINNING** OF THE PARCEL HEREIN DESCRIBED;

THENCE NORTH 88 DEGREES 54 MINUTES 38 SECONDS EAST, CONTINUING ALONG SAID NORTH SECTION LINE OF THE NORTHWEST QUARTER OF SECTION 10, A DISTANCE OF 222.55 FEET;

THENCE SOUTH 00 DEGREES 29 MINUTES 01 SECONDS EAST, LEAVING SAID NORTH SECTION LINE OF THE NORTHWEST QUARTER OF SECTION 10, A DISTANCE OF 330.67 FEET;

THENCE SOUTH 88 DEGREES 54 MINUTES 45 SECONDS WEST, A DISTANCE OF 661.07 FEET TO A POINT ON THE WEST SECTION LINE OF THE NORTHWEST QUARTER OF SAID SECTION 10;

THENCE NORTH 00 DEGREES 31 MINUTES 05 SECONDS WEST, ALONG SAID WEST SECTION LINE OF THE NORTHWEST QUARTER OF SECTION 10, A DISTANCE OF 275.64 FEET;

THENCE NORTH 88 DEGREES 54 MINUTES 38 SECONDS EAST, LEAVING SAID WEST SECTION LINE OF THE NORTHWEST QUARTER OF SECTION 10, A DISTANCE OF 438.72 FEET;

THENCE NORTH 00 DEGREES 31 MINUTES 05 SECONDS WEST, A DISTANCE OF 55.00 FEET TO THE **POINT OF BEGINNING** OF THE PARCEL HEREIN DESCRIBED;

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 _____, 2008.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council this _____ day of _____, 2008.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

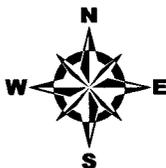
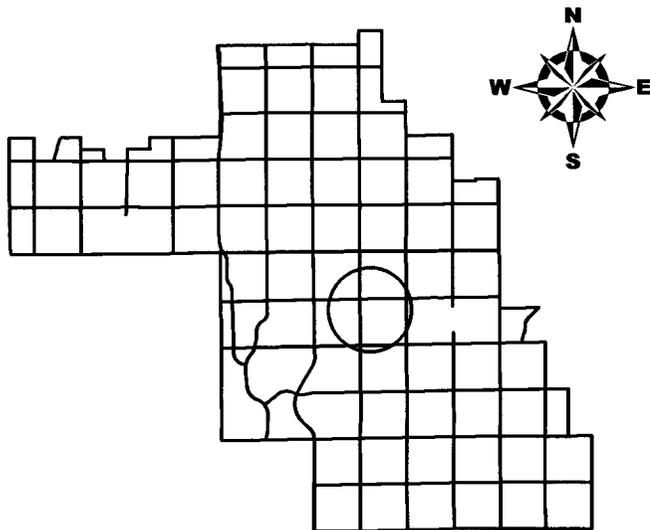
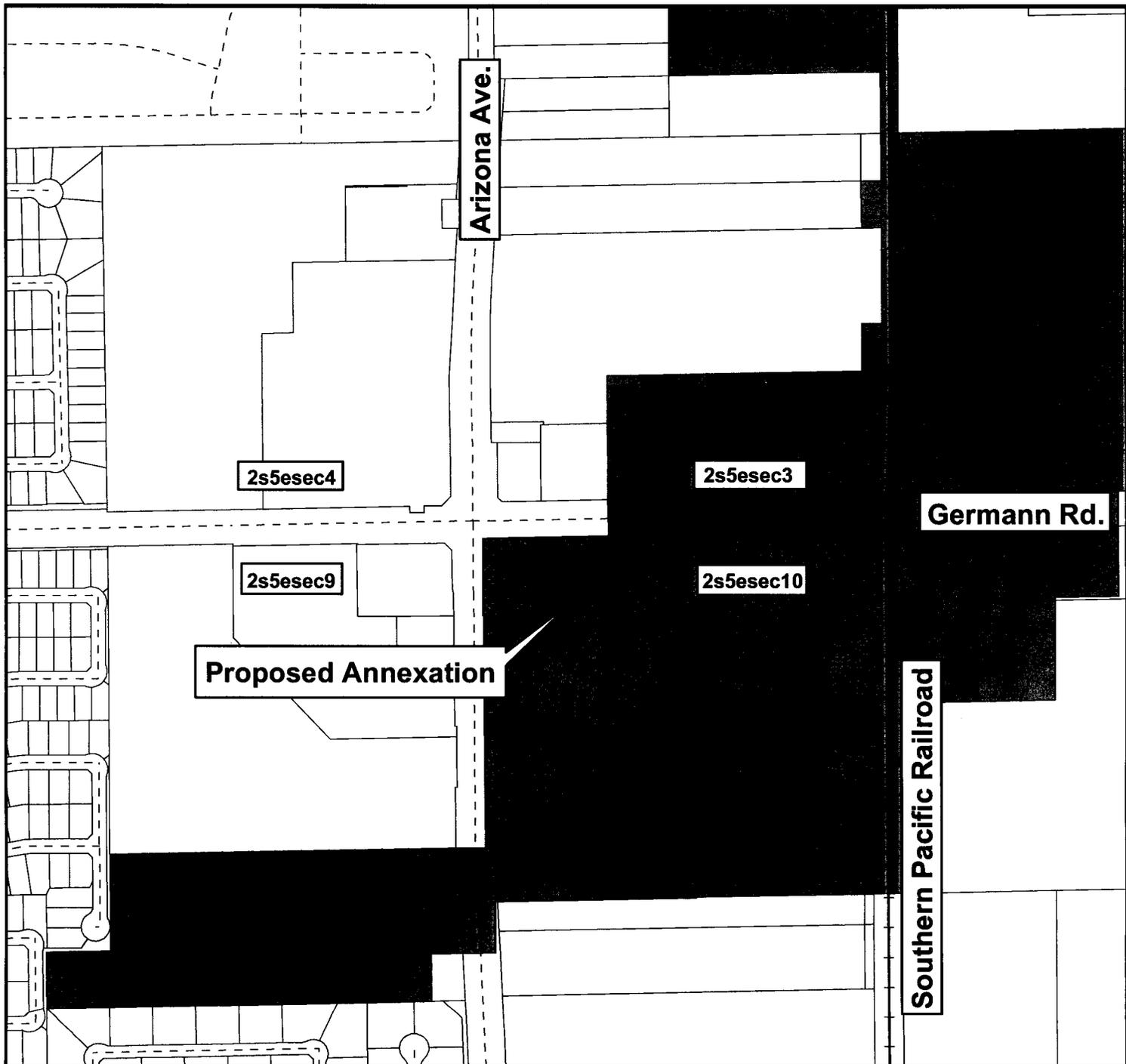
I HEREBY CERTIFY that the above and foregoing Ordinance No. 3856 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2008, and that a quorum was present thereat.

APPROVED AS TO FORM:

CITY ATTORNEY *LAB*

CITY CLERK

PUBLISHED:



Annexation Map

Ordinance No. 3856

 Proposed Annexation

Southeast Corner of Arizona Avenue and Germann Road

 Incorporated Area

 Unincorporated Area



Exhibit B