

When Recorded Return To:
Town of Prescott Valley FOLDER

ORDINANCE NO. 915

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, ANNEXING THERETO CERTAIN REAL PROPERTY (ANX22-001) CONTAINING APPROXIMATELY 866,844 SQUARE FEET LYING IN SECTION 10 TOWNSHIP 14 NORTH, RANGE 1 WEST, OF THE GILA & SALT RIVER MERIDIAN, YAVAPAI COUNTY, ARIZONA; CLASSIFYING ALL THE ANNEXED PROPERTY FOR ZONING PURPOSES AS RCU-70 (BEING CONSISTENT WITH THE PRESENT YAVAPAI COUNTY ZONING CLASSIFICATION OF RCU-2A); PROVIDING THAT THE OFFICIAL TOWN MAP AND THE TOWN ZONING MAP BE APPROPRIATELY AMENDED AND THAT A COPY OF THIS ORDINANCE, ALONG WITH A CERTIFIED ANNEXATION MAP, BE RECORDED IN THE OFFICE OF THE YAVAPAI COUNTY RECORDER; AND DECLARING THIS ORDINANCE TO BE AN EMERGENCY MEASURE PURSUANT TO ARS §19-142(B) AND §2-05-060 OF THE PRESCOTT VALLEY TOWN CODE.

WHEREAS, on October 14, 2022, a blank annexation petition was filed in the Office of the Yavapai County Recorder pursuant to ARS §9-471(A)(1) that included a narrative description and an accurate map of the exterior boundaries of certain real property contiguous to the Town [in compliance with the "shape" requirements of ARS §9-471(K)] and proposed to be annexed to the Town; and

WHEREAS, said annexation was designated as ANX22-001 [the annexation territory including approximately 866,844 square feet of real property]; and

WHEREAS, notice and a copy of the filing dated October 14, 2022, was delivered to the Clerk of the Yavapai County Board of Supervisors and to the Yavapai County Assessor as set forth in ARS §9-471(A)(1). All the information included in the filing was subsequently given to the Chairman of the Board of Supervisors by letter dated October 14, 2022; and

WHEREAS, on October 23, 2022, notice of a public hearing to be held November 10, 2022 on proposed annexation ANX22-001 was published in the *Daily Courier*, said notice being at least fifteen (15) days before the end of the thirty (30) day waiting period after filing the blank annexation petition on October 14, 2022 (being at least six (6) days before the required public hearing), all pursuant to ARS §9-471(A)(3) and (A)(3)(a); and

WHEREAS, notice of said public hearing was also posted in at least three (3) conspicuous places in the annexation territory (said notice being at least 6 days before the public hearing), pursuant to ARS §9-471(A)(3) and (A)(3)(b); and

WHEREAS, notice of the public hearing included an accurate map of the annexation territory, and was sent by first-class mail to the Chairman of the Yavapai County Board of Supervisors on November 01, 2022 (said notice being at least 6 days before the public hearing), pursuant to ARS §9-471(A)(3) and (A)(3)(c); and

WHEREAS, notice of the public hearing (including an accurate map of the annexation territory) was sent on November 01, 2022 by first-class mail to the owners of real and personal property within the annexation territory (as shown on lists provided by the Arizona Department of Revenue and the Yavapai County Assessor's Office), said properties being subject to taxation by the Town in the event of annexation (and said notice being at least 6 days before the public hearing), pursuant to ARS §9-471(A)(3) and (A)(3)(d); and

WHEREAS, a public hearing on proposed annexation ANX22-001 was held November 10, 2022 by the Prescott Valley Town Council, in accordance with ARS Title 38, Chapter 3, Article 3.1 (said hearing being held within the last ten (10) days of the 30-day waiting period), after the blank petition had been filed on October 14, 2022 (all according to ARS §9-471(A)(3)); and

WHEREAS, after the 30-day waiting period (pursuant to ARS §9-471(A)(2)), written petitions (including a narrative description and an accurate map of the exterior boundaries of the annexation territory) were signed by a) the owners of one-half (1/2) or more in value of the real and personal property in said annexation territory, and b) more than one-half (1/2) of the persons owning real and personal property in the annexation territory (pursuant to ARS §9-471(A)(4), (E) & (F)), said properties being subject to taxation by the Town in the event of annexation (as shown by the records of the Yavapai County Assessor and the Department of Revenue, as supplemented by a map of survey and observations of the property by Town staff); and

WHEREAS, said petitions were filed on November 18, 2022, in the Office of the Yavapai County Recorder (being within one (1) year after the last day of the 30-day waiting period that was November 14, 2022), pursuant to ARS §9-471(A)(4); and

WHEREAS, the Town received information from the Yavapai County Development Services Department that the Yavapai County zoning classification for the proposed annexation territory is RCU-2A; and

WHEREAS, the new Prescott Valley zoning classification for the annexation territory would be RCU-70 (being the Prescott Valley zoning district most comparable to the Yavapai County zoning classification); and

WHEREAS, no alterations increasing or reducing the territory sought to be annexed as ANX22-001 have been made after said petitions were signed by any owner of real and/or personal property therein, pursuant to ARS §9-471(A)(5);

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Prescott Valley, as follows:

Section 1. That the following-described real property be, and the same hereby is, annexed to the Town of Prescott Valley, Arizona, and that the present Prescott Valley corporate limits be, and the same hereby are, extended and increased to include the following-described real property:

[As described and shown in Exhibit “A” being attached hereto and expressly made a part hereof.]

Section 2. That the new Prescott Valley zoning classifications for the above-described real property within the annexation territory shall be RCU-70 (being the Prescott Valley classification most consistent with Yavapai County's classification of RCU-2A).

Section 3. That the official map of the Town of Prescott Valley be amended to include the new territory annexed hereby, and that the official zoning map be amended to show the territory's new Town zoning classifications. Furthermore, that a copy of this Ordinance, together with an accurate map of the real property hereby annexed to the Town, certified by the Mayor (or, in his absence, the Vice-Mayor) and by the Town Clerk (or her assistant), be forthwith recorded in the Office of the Yavapai County Recorder.

Section 4. That, inasmuch as it is necessary for the peace, health and safety of the Town of Prescott Valley that this Ordinance be effective immediately upon its passage and approval according to ARS §19-142(B) and Town Code §2-05-060 (due to the need to facilitate the planning of development in the annexation territory), this Ordinance is hereby declared to be an emergency measure and effective upon its passage and approval.

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 8th day of December, 2022.

Kell Palguta, Mayor

ATTEST:

Fatima Fernandez, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney

EXHIBIT “A”

Description