

ORDINANCE # 2021-20

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF SURPRISE, MARICOPA COUNTY, STATE OF ARIZONA PURSUANT TO THE PROVISIONS OF ARIZONA REVISED STATUTES TITLE 9 CHAPTER 4 ARTICLE 7 AND AMENDMENTS THERETO BY ANNEXING THERETO CERTAIN TERRITORY CONTIGUOUS TO THE EXISTING CITY LIMITS OF THE CITY OF SURPRISE, CONSISTING OF 19.89 ACRES LOCATED IN A PORTION OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE GILA RIVER BASE AND MERIDIAN, MARICOPA COUNTY, STATE OF ARIZONA, AND ESTABLISHING EQUIVALENT CITY OF SURPRISE ZONING.

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 Surprise, 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 Surprise in the event of annexation within the territory and land hereinafter described in the attached **Exhibit A** (the "**Annexation Area**") and as shown by the last assessment of said property which said Annexation Area is contiguous to the City of Surprise, and not now embraced within its limits, asking that the Annexation Area be annexed to the City of Surprise, and to extend and increase the corporate limits of the City of Surprise so as to embrace the same;

WHEREAS, the Mayor and City Council of the City of Surprise, Arizona are desirous of accepting said petition and extending and increasing the corporate limits of the City of Surprise to include said territory;

WHEREAS, the said petition sets forth a true and correct description of all the exterior boundaries of the entire Annexation Area proposed to be annexed to the City of Surprise and had attached thereto at all times an accurate map of the Annexation Area, as shown in **Exhibit B**, desired to be annexed;

WHEREAS, no alterations increasing or reducing the territory sought to be annexed have been made after the said petition had been signed by any owner of real and personal property within the Annexation Area;

WHEREAS, the provisions of A.R.S. § 9-471, and amendments thereto, have been fully observed;

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 Surprise, Arizona, together with a true and correct copy of the original petition referred to herein, which is on file in the office of the County Recorder for Maricopa County, Arizona;

WHEREAS, the Annexation Area described in **Exhibit A** and depicted on **Exhibit B** includes approximately 19.89 acres of improved property owned by Xander Lander, LLC and Red Leaf Holdings, LLC;

WHEREAS, the subject property is within the Annexation Area having Rural-43 (RU-43) zoning in Maricopa County, as shown in **Exhibit C**, the Mayor and City Council, pursuant to A.R.S. § 9-471(L), shall adopt and apply to this area the City of Surprise Rural Residential (RR) zoning district that permits densities and uses no greater than those permitted by the Maricopa County zoning immediately before annexation;

WHEREAS, the City Council has reviewed the Staff Reports and supporting materials which discuss the proposed annexation to be considered by the Council, and now finds that the annexation of the Annexation Area would be beneficial to Surprise by ensuring that all future development would be controlled by and be consistent with the objectives and policies of the Surprise General Plan 2035, the requirements of the Surprise Land Development Ordinance ("**LDO**"), all future land development ordinances, and all other applicable City of Surprise codes and regulations; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Surprise, Arizona, as follows:

Section 1. That the Annexation Area described in the attached **Exhibit A** be and the same hereby is annexed to the City of Surprise and that the present corporate limits be and the same hereby are extended and increased to include the Annexation Area described in **Exhibit A** contiguous to the present City limits.

Section 2. That a copy of this Ordinance, together with an accurate map of the territory hereby annexed as shown in **Exhibit B**, as certified by the Mayor of the City of Surprise, shall be recorded in the office of the County Recorder of Maricopa County, Arizona, and that a copy of this ordinance shall be provided to the Clerk of the Board of Supervisors of Maricopa County, Arizona.

Section 3. That the property described in **Section 1** of this Ordinance with Maricopa County zoning as shown in **Exhibit C** shall be designated with equivalent City of Surprise zoning as shown in **Exhibit C** upon the effective date of this Ordinance.

Section 4. That the City of Surprise zoning map is herewith amended to reflect the change in districts referred to in **Section 3**, above.

Section 5. This Ordinance shall take effect, and the annexation of the subject property shall become final, thirty days after this Ordinance is adopted.

Section 6. This Ordinance is not of general application throughout the City and therefore is not required to be codified.

Section 7. That the provisions of this Ordinance are not severable, and the entirety of this Ordinance shall become null and void and of no effect in the event any provision is finally determined to be illegal or invalid by a court of competent jurisdiction or if any provision should be invalidated by a referendum vote.

PASSED AND ADOPTED this 19 day of October, 2021.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

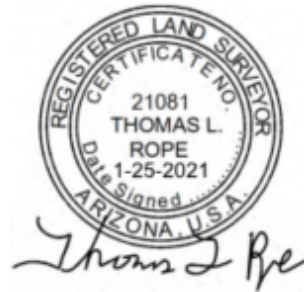
EXHIBIT A

LEGAL DESCRIPTION

The South half of the Northeast quarter of the Southwest quarter of Section 5, Township 4 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described by metes and bounds as follows:

Commencing at the West quarter corner of said Section 5, from whence the Southwest corner of Section 5 bears South 00° 08' 49" West a distance of 2639.35 feet;
Thence South 89° 41' 02" East along the North line of the Southwest quarter of Section 5 a distance of 1309.67 feet to the Northwest corner of the Northeast quarter of Section 5;
Thence South 00° 05' 23" West along the West line thereof a distance of 660.20 feet to the Northwest corner of the South half of the Northeast quarter of the Southwest quarter of Section 5 and the **POINT OF BEGINNING**;
Thence South 89° 40' 04" East along the North line thereof a distance of 1310.32 feet to the Northeast corner of the South half of the Northeast quarter of the Southwest quarter of Section 5;
Thence South 00° 02' 07" West along the East line thereof a distance of 660.57 feet to the Southeast corner of the Northeast quarter of the Southwest quarter of Section 5;
Thence North 89° 39' 08" West along the South line thereof a distance of 1310.95 feet to the Southwest corner of the Northeast quarter of the Southwest quarter of Section 5;
Thence North 00° 05' 23" East along the West line thereof a distance of 660.20 feet to the **POINT OF BEGINNING**.

Containing 19.8964 acres



Land Survey Services PLC
20651 W. Pasadena Avenue
Buckeye, AZ 85396-1255

Job No. 21007

Parcel Map Check Report

Date: 1/25/2021 2:17:22 PM

Parcel Name: APN 503-54-004A

Description: S1/2, NE1/4, SW1/4 SEC 5, T4N, R1W

Process segment order counterclockwise: False

Enable mapcheck across chord: False

North: 988,744.0331' East: 555,968.8663'

Segment# 1: Line

Course: S89°40'04"E Length: 1,310.32'

North: 988,736.4354' East: 557,279.1643'

Segment# 2: Line

Course: S0°02'07"W Length: 660.57'

North: 988,075.8656' East: 557,278.7576'

Segment# 3: Line

Course: N89°39'08"W Length: 1,310.95'

North: 988,083.8228' East: 555,967.8317'

Segment# 4: Line

Course: N0°05'23"E Length: 660.20'

North: 988,744.0220' East: 555,968.8656'

Perimeter: 3,942.04'

Area: 19.8694Acre

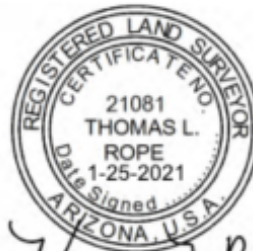
Error Closure: 0.0111

Course: S3°54'45"W

Error North : -0.01112

East: -0.00076

Precision 1: 355,138.74



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20651 W. Pasadena Avenue
Buckeye, AZ 85396-1255

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EXHIBIT B

MAP

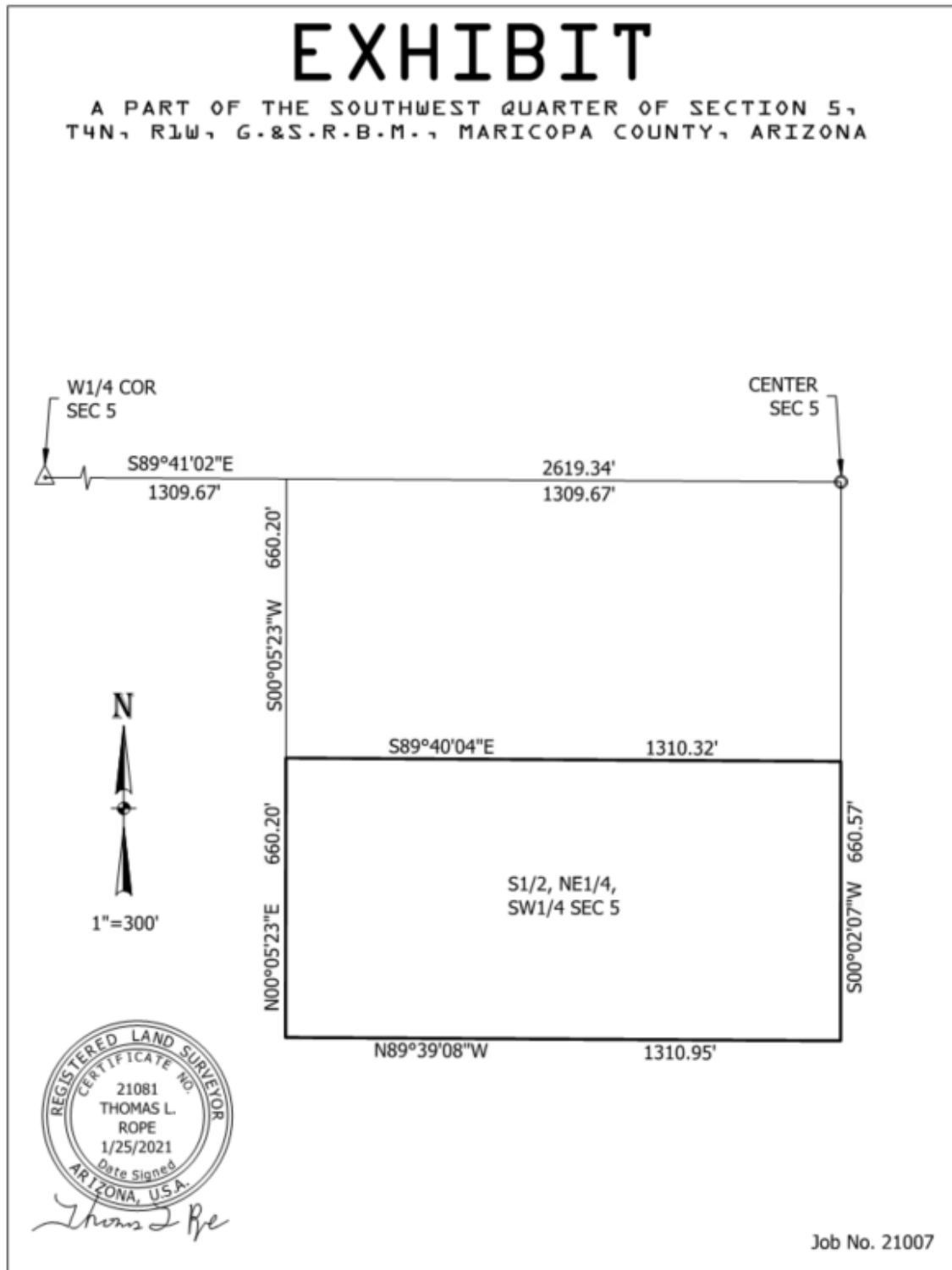


EXHIBIT C

Zoning Table

| APN | Owners | Pre-annexation Maricopa County Zoning | Post-annexation Surprise Zoning |
|-------------|--|---|------------------------------------|
| 503-54-004A | Xander Lander, LLC Red Leaf Holdings, LLC | Rural-43 (RU-43) | Rural Residential (RR) |