

ORDINANCE # 2024-41

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 APPROXIMATELY 10.84 ACRES LOCATED IN THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, 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 one-half or more 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 as shown by the last assessment of the property, and lying within the territory and land hereinafter described in the attached **Exhibit A** (the "Annexation Area"), 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 10.84 acres of real property;

WHEREAS, the subject property is within the Annexation Area having 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 zoning districts that permit 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 2040, 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**, is 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 17th day of December, 2024.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney

EXHIBIT A LEGAL DESCRIPTION

EXHIBIT "A"

DESCRIPTION

ANNEXATION

A portion of that real property described in Warranty Deed 1996-0040121 and a portion of that real property described in Warranty Deed 2019-0301258, records of Maricopa County, Arizona being located in the Northwest Quarter of Section 18, Township 4 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona described as follows:

COMMENCING at the Northwest Corner of said Section 18 from which the West Quarter Corner of said Section lies South 00°10'13" West 2633.87 feet;

Thence along the north line of said Northwest Quarter of Section 18 South 89°48'52" East 574.70 feet;

Thence departing said line South 00°12'07" East 40.00 feet to the southeast corner of that real property as described in the City of Surprise Annexation Ordinance 20-10 recorded as Instrument 2020-00435965, records of said County, being a point on the east line of said real property described in Warranty Deed 1996-040121 and the POINT OF BEGINNING;

Thence along said east line South 00°16'05" East 619.48 feet to the southeast corner of said real property and the northeast corner of said real property described in Warranty Deed 2019-0301258;

Thence along the east line of last said real property South 00°16'05" East 283.91 feet to the southeast corner of said real property, being also the most westerly northeast corner of that real property described in the City of Surprise Annexation Ordinance 2022-04 recorded as Instrument 2022-0287430, records of said County;

Thence along the south line of said real property described in Warranty Deed 2019-0301258 and the north line of last said Annexation Ordinance North 89°49'47" West 526.87 feet to a point on the east line of that real property described in the City of Surprise Annexation Ordinance 88-24 recorded as Instrument 1988-594510, records of said County;

Thence along said east line North 00°10'13" East 284.49 feet to the common line between said real property described in Warranty Deed 1996-0040121 and said real property described in Warranty Deed 2019-0301258;

Thence continuing along said east line North 00°10'13" East 584.00 feet to the southwest corner of said real property described in the City of Surprise Annexation Ordinance 20-10;

Thence along the southerly lines of said Annexation Ordinance 20-10 the following four courses;

Thence North 45°10'39" East 42.42 feet;

Thence South 89°48'52" East 15.00 feet;

Thence North 00°10'13" East 5.00 feet;

Thence South 89°48'52" East 474.96 feet to the POINT OF BEGINNING.

Containing 10.84 acres, more or less.

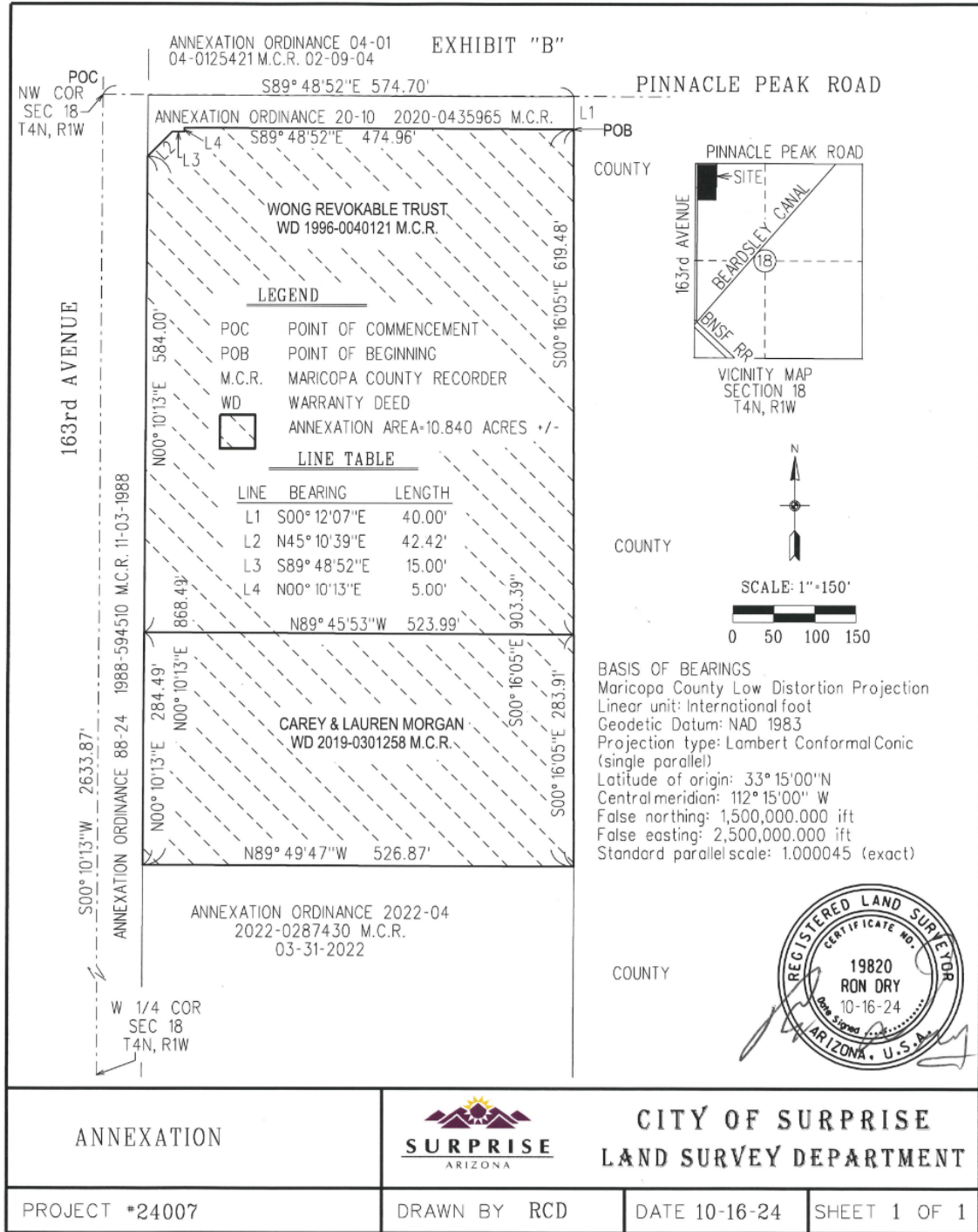
Attached is EXHIBIT "B" and by this reference is made a part hereof.

End of description



EXHIBIT B

MAP



Ordinance No. 2024-41
RFLS # 9749
Rev 10/24

EXHIBIT C
ZONING TABLE

APN	Owner	Pre-annexation Maricopa County Zoning	Post-annexation Surprise Zoning
503-57-008H	Walter Ong and Shirley O. Wong, co-trustees of the Wong Revocable Living Trust dated April 13, 1995; Richard and Irene O. Huey, co-trustees of the Richard G. Huey and Irene O. Huey Revocable Family Trust; Phillip O. Wong; and Jackie O. Wong	Rural-43 (RU-43)	Rural Residential (RR)
503-57-008G	Carey D. & Lauren L. Morgan	Rural-43 (RU-43)	Rural Residential (RR)