

WHEN RECORDED RETURN TO:

City of Tolleson
ATTN: Crystal Zamora, City Clerk
9555 West Van Buren Street
Tolleson, Arizona 85353

OFFICIAL RECORDS OF MARICOPA
COUNTY RECORDER HELEN PURCELL
20160425770, 06/17/2016 4:54 P.M.
ELECTRONIC RECORDING
Ord563NSCh6Trcks91st-2-1-1--N

ORDINANCE NO. 563 N.S.

AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF TOLLESON, ARIZONA, AMENDING THE CITY CODE, CHAPTER 6, TRAFFIC CODE, ARTICLE 6-5, TRUCKS, SECTION 2, USE OF 91ST AVENUE, TO ALLOW TRUCK TRAFFIC ON 91ST AVENUE FROM LATHAM TO THE FREEWAY INTERCHANGE

WHEREAS, on November 12, 1991, the City adopted an ordinance prohibiting truck traffic on 91st Avenue without a permit; and

WHEREAS, properties located adjacent to and near 91st Avenue and Latham are zoned industrial and commercial, both of which will generate truck traffic that need access to the 91st Avenue and I-10 interchange; and

WHEREAS, federal law preempts local laws to the extent they prevent ingress and egress to and from federally funded freeway interchanges; and

WHEREAS, TR West Limited Partnership commenced a legal action against the City of Tolleson seeking to declare the City's ordinance unlawful; and

WHEREAS, the adoption of this minor amendment will allow freeway access to the freeway interchange from Latham and still protect the remainder of 91st Avenue from truck traffic without a permit.

BE IT ORDAINED, BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TOLLESON, ARIZONA as follows:

Section 1. Section 6-5-2 (A) of the Tolleson City Code is amended to read as follows:

§ 6-5-2 – USE OF 91st AVENUE.

- (A) Drivers of trucks shall not use 91st Avenue **SOUTH OF LATHAM** within the city unless it is for the purpose of delivery or pickup of merchandise, materials, furnishing equipment going to or from a specific location on 91st Avenue within the city or on a collector or local street, which it is reasonably necessary to access from 91st Avenue. A driver of a truck needing to use 91st Avenue under the circumstances described here shall first apply to the city and receive a permit allowing the proposed use. The permit shall allow the driver of a truck to use 91st Avenue on a specific day for the limited purpose stated herein.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance by reference is for any reason to be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 3. The Mayor, City Manager and City Attorney are hereby authorized to take whatever steps may be necessary to implement this ordinance, including stipulating to the dismissal of the law suit filed by TR West Limited Partnership and agreeing to a mutual release of any and all claims between the City of Tolleson and TR West Limited Partnership relating to TR West's access to Interstate 10.

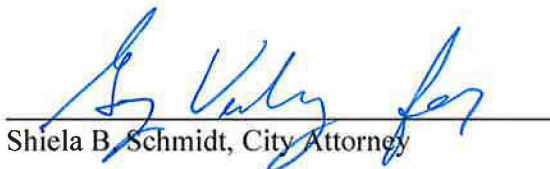
PASSED AND ADOPTED by the Mayor and City Council of the City of Tolleson, Arizona, this 14th day of June, 2016.


Adolfo P. Gámez, Mayor

ATTEST:


Crystal Zamora, City Clerk

APPROVED AS TO FORM:


Shiela B. Schmidt, City Attorney