

ORDINANCE NO. 23-21

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, APPROVING AND ADOPTING AN AMENDMENT TO THE CITY'S ZONING MAP TO REZONE APPROXIMATELY 7.18 ACRES OF LAND GENERALLY LOCATED EAST CORNER OF W. HONEYCUTT AVE. AND N. MARICOPA ROAD, WITHIN THE CITY OF MARICOPA INCORPORATED LIMITS, ON PINAL COUNTY PARCELS 510-28-030A, 510-25-009J, 800-30-0110 AND THE UNSUBDIVIDED TAPPS ROAD ALIGNMENT, FROM GENERAL BUSINESS (CB-2) AND UNZONED TO GENERAL COMMERCIAL (GC) AS DESCRIBED IN ZONING CASE #ZON 23-01. THE PARCEL OF LAND IS LOCATED IN A PORTION OF SECTIONS 27 AND 28, TOWNSHIP 4 SOUTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.

WHEREAS, on November 4, 2014, the City adopted as a public record a new zoning code as part of the Maricopa City Code, which has been amended from time to time; and

WHEREAS, the City initiated a Public Participation Plan to inform residents of the proposed rezoning of approximately 7.18 acres from General Business (CB-2) and unzoned to General Commercial (GC), which included a neighborhood meeting, notification letters to nearby property owners, public notice signs, and legal notices as required by law; and

WHEREAS, the City's Planning and Zoning Commission held a public hearing on March 28, 2023 in zoning case #ZON 23-01, in the manner prescribed by law for the purpose of amending the City Zoning Map to rezone the subject property.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Maricopa, Arizona as follows:

Section 1. That the Maricopa Zoning Map is hereby amended by changing the property described in Exhibit A on approximately 7.18 acres from General Business (CB-2) and unzoned to General Commercial (GC). The Development Services Department shall amend the Zoning Map to reflect this amendment and a copy shall remain on file in the office of the City Clerk of the City of Maricopa for examination by the public.

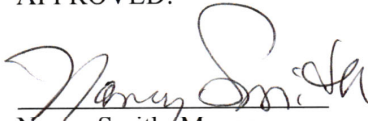
Section 2. Further, those conditions of approval imposed by the Maricopa City Council as part of zoning case ZON 23-01 are hereby expressly incorporated into and adopted as part of this Ordinance by this reference.

Section 3. To the extent of any conflict between other City Ordinances and this Ordinance, this Ordinance shall be deemed to be controlling; provided, however, that this Ordinance is not intended to amend or repeal any existing City Ordinance, Resolution or regulation except as expressly set forth herein.

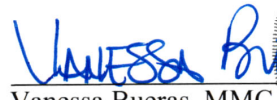
Section 4. This Ordinance shall become effective thirty (30) days from the date of adoption by the City Council for the City of Maricopa.

PASSED AND ADOPTED by the Mayor and City Council of the City of Maricopa, Arizona this 4th day of April, 2023.

APPROVED:


Nancy Smith, Mayor

ATTEST:


Vanessa Bueras, MMC
City Clerk



APPROVED AS TO FORM:

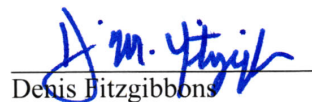

Denis Fitzgibbons
City Attorney

EXHIBIT A
Legal Description

ORD23-21 LEGAL DESCRIPTION:

PINAL COUNTY PARCEL 800-30-0110

LOT 1

A PORTION OF THE JOHN WAYNE PARKWAY, HWY S.R. 347, LOCATED IN SECTION 28, TOWNSHIP 4 SOUTH, RANGE 3 EAST AS ABANDONED TO THE CITY OF MARICOPA BY THE ARIZONA DEPARTMENT OF TRANSPORTATION IN RESOLUTION 2021-01-A-003, RECORDED IN FEE NO. 2021-005955, RECORDS OF PINAL COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT LOCATED ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 4 SOUTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, PINAL COUNTY, ARIZONA FROM WHICH THE EAST QUARTER CORNER THEREOF BEARS N 00°09'00" W, 591.71 FEET;

THENCE N 71°42'47" W, 18.58 FEET TO THE POINT OF BEGINNING;

THENCE S 69°43'42" W, 128.07 FEET TO A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1705.00 FEET, AN ARC LENGTH OF 379.81 FEET, AND A DELTA OF 12°45'49", WITH A CHORD BEARING OF N 20°27'06" W, WITH A DISTANCE OF 379.03 FEET TO A POINT OF NON-TANGENCY;

THENCE N 74°42'40" E, 81.83 FEET TO A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 1382.39 FEET, AN ARC LENGTH OF 96.84 FEET, AND A DELTA OF 4°00'50", WITH A CHORD BEARING OF S 23°07'48" E, WITH A DISTANCE OF 96.82 FEET TO A POINT OF TANGENCY;

THENCE S 25°08'12" E, 149.85 FEET;

THENCE N 64°51'48" E, 25.00 FEET TO A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 1507.39 FEET, AN ARC LENGTH OF 126.76 FEET, AND A DELTA OF 4°49'05", WITH A CHORD BEARING OF S 22°43'39" E, WITH A DISTANCE OF 126.72 FEET TO A POINT OF NON-TANGENCY AND THE POINT OF BEGINNING.

LOT 2

A PORTION OF THE JOHN WAYNE PARKWAY, HWY S.R. 347, LOCATED IN SECTION 28, TOWNSHIP 4 SOUTH, RANGE 3 EAST AS ABANDONED TO THE CITY OF MARICOPA BY THE ARIZONA DEPARTMENT OF TRANSPORTATION IN RESOLUTION 2021-01-A-003, RECORDED IN FEE NO. 2021-005955, RECORDS OF PINAL COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT LOCATED ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 4 SOUTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, PINAL COUNTY, ARIZONA FROM WHICH THE EAST QUARTER CORNER THEREOF BEARS

N 00°09'00" W, 591.71 FEET;

THENCE N 71°42'47" W, 18.58 FEET TO THE POINT OF BEGINNING;

THENCE S 12°22'39" W, 331.24 FEET TO A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1357.39 FEET, AN ARC LENGTH OF 394.90 FEET, AND A DELTA OF 16°40'08", WITH A CHORD BEARING OF N 16°48'08" W, WITH A DISTANCE OF 393.51 FEET TO A POINT OF NON-TANGENCY;

THENCE N 64°51'48" E, 25.00 FEET;

THENCE N 25°08'12" W, 149.85 FEET TO A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 1482.39 FEET, AN ARC LENGTH OF 243.44 FEET, AND A DELTA OF 9°24'33", WITH A CHORD BEARING OF N 20°25'55" W, WITH A DISTANCE OF 243.15 FEET TO A POINT OF NON-TANGENCY;

THENCE N 74°16'21" E, 100.00 FEET TO A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1382.39 FEET, AN ARC LENGTH OF 130.18 FEET, AND A DELTA OF 5°23'43", WITH A CHORD BEARING OF S 18°25'31" E, WITH A DISTANCE OF 130.13 FEET TO A POINT OF NON-TANGENCY;

THENCE S 75°42'40" W, 81.83 FEET TO A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 1705.00 FEET, AN ARC LENGTH OF 379.81 FEET, AND A DELTA OF 12°45'49", WITH A CHORD BEARING OF S 20°27'06" E, WITH A DISTANCE OF 379.03 FEET TO A POINT OF NON-TANGENCY;

THENCE N 69°43'42" E, 128.07 FEET TO THE POINT OF BEGINNING.

PINAL COUNTY PARCEL 510-25-009J

BEING A PORTION OF THE WEST HALF OF SECTION 27 AND THE EAST HALF OF SECTION 28, TOWNSHIP 4 SOUTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA, AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE A.D.O.T. ALUMINUM CAPPED MONUMENT IN HANDHOLE AT THE SOUTHWEST CORNER OF SAID SECTION 27 AS SHOWN ON THE OCTOBER 8, 2003 DESERT CEDARS ALTA SURVEY BY FRED W. KLEIN, III, RLS NO. 36562;

THENCE NORTH 00 DEGREES 08 MINUTES 52 SECONDS WEST, ALONG THE WEST LINE OF SAID SECTION, 2629.17 FEET TO THE 1 ½" IRON PIPE AT THE WEST QUARTER CORNER OF SAID SECTION 27;

THENCE SOUTH 89 DEGREES 46 MINUTES 38 SECONDS EAST, ALONG THE EAST-WEST CENTERLINE OF SAID SECTION, 2654.72 FEET TO THE CENTER OF SAID SECTION AS SHOWN ON SAID ALTA SURVEY;

THENCE SOUTH 00 DEGREES 02 MINUTES 01 SECONDS EAST, ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION, 153.82 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING, SOUTH 00 DEGREES 02 MINUTES 01 SECONDS EAST, ALONG SAID NORTH-SOUTH CENTERLINE, 409.65 FEET;

THENCE DEPARTING SAID NORTH-SOUTH CENTERLINE, SOUTH 89 DEGREES 53 MINUTES 01 SECONDS WEST, 446.60 FEET;

THENCE NORTH 53 DEGREES 53 MINUTES 43 SECONDS WEST, 444.49 FEET TO A NON-TANGENT POINT ON A CURVE CONCAVE NORTHERLY AND HAVING A RADIUS POINT THAT BEARS NORTH 14 DEGREES 50 MINUTES 26 SECONDS WEST, A DISTANCE OF 365.00 FEET;

THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 31 DEGREES 08 MINUTES 52 SECONDS AN ARC LENGTH OF 198.43 FEET;

THENCE NORTH 73 DEGREES 41 MINUTES 34 SECONDS WEST, 302.91 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 365.00 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 33 DEGREES 09 MINUTES 34 SECONDS AN ARC LENGTH OF 211.24 FEET;

THENCE NORTH 49 DEGREES 28 MINUTES 00 SECONDS EAST, A DISTANCE OF 40.00 FEET TO A NON-TANGENT CURVE CONCAVE EASTERLY AND HAVING A RADIUS POINT WHICH BEARS NORTH 49 DEGREES 28 MINUTES 00 SECONDS EAST, A DISTANCE OF 325.00 FEET;

THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 40 DEGREES 48 MINUTES 27 SECONDS AN ARC LENGTH OF 231.47 FEET;

THENCE NORTH 00 DEGREES 16 MINUTES 27 SECONDS EAST, 127.16 FEET TO THE BEGINNING OF A CURVE CONCAVE EASTERLY, AND HAVING A RADIUS OF 325.00 FEET;

THENCE NORTHERLY, ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 37 DEGREES 35 MINUTES 50 SECONDS AND ARC LENGTH OF 213.26 FEET;

THENCE NORTH 52 DEGREES 07 MINUTES 43 SECONDS WEST, 637.06 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 600.00 FEET;

THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 69 DEGREES 45 MINUTES 12 SECONDS AN ARC LENGTH OF 730.46 FEET TO THE POINT OF REVERSE CURVATURE FOR A CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 400.00 FEET;

THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 32 DEGREES 09 MINUTES 22 SECONDS AN ARC LENGTH OF 224.49 FEET;

THENCE NORTH 89 DEGREES 43 MINUTES 33 SECONDS WEST, 87.33 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF JOHN WAYNE PARKWAY (STATE ROUTE 347);

THENCE NORTH 00 DEGREES 16 MINUTES 27 SECONDS EAST, ALONG SAID RIGHT-OF-WAY LINE, 282.30 FEET;

THENCE NORTH 89 DEGREES 48 MINUTES 33 SECONDS EAST, 140.00 FEET;

THENCE NORTH 00 DEGREES 16 MINUTES 27 SECONDS EAST, 150.00 FEET;

THENCE SOUTH 89 DEGREES 24 MINUTES 57 SECONDS EAST, 210.01 FEET;

THENCE NORTH 00 DEGREES 16 MINUTES 27 SECONDS EAST, 275.04 FEET;

THENCE SOUTH 89 DEGREES 40 MINUTES 50 SECONDS EAST, 374.89 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE FOR THE SOUTHERN PACIFIC RAILROAD;

THENCE SOUTH 53 DEGREES 48 MINUTES 45 SECONDS EAST, ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, 1083.93 FEET;

THENCE SOUTH 41 DEGREES 34 MINUTES 46 SECONDS EAST, ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, 276.79 FEET;

THENCE SOUTH 53 DEGREES 48 MINUTES 45 SECONDS EAST, ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, 1421.78 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT THAT PORTION LYING EASTERLY OF THE NEW RIGHT OF WAY LINE AS DESCRIBED IN ORDER FOR IMMEDIATE POSSESSION RECORDED IN FEE NO. 2017-039605, OFFICIAL PINAL COUNTY RECORDS AND DESCRIBED AS FOLLOWS:

COMMENCING AT A 1.5 INCH IRON PIPE PIPE STAMPED "PLS 19817" MARKING THE WEST QUARTER CORNER OF SECTION 27, BEING SOUTH 00 DEGREES 09 MINUTES 32 SECONDS EAST FROM A 3 INCH ADOT BRASS CAP IN HANDHOLE MARKING THE NORTHWEST CORNER OF SAID SECTION 27;

THENCE ALONG THE WEST LINE OF SAID SECTION 27, NORTH 00 DEGREES 09 MINUTES 32 SECONDS WEST, 552.51 FEET;

THENCE FROM A LOCAL TANGENT BEARING OF SOUTH 71 DEGREES 28 MINUTES 08 SECONDS EAST, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 495.00 FEET, A LENGTH OF 159.75 FEET;

THENCE NORTH 00 DEGREES 02 MINUTES 23 SECONDS EAST 5.00 FEET;

THENCE SOUTH 89 DEGREES 57 MINUTES 37 SECONDS EAST 58.93 FEET;
THENCE NORTH 45 DEGREES 02 MINUTES 23 SECONDS EAST 21.21 FEET;
THENCE NORTH 00 DEGREES 02 MINUTES 23 SECONDS EAST 122.72 FEET;
THENCE NORTH 89 DEGREES 57 MINUTES 37 SECONDS WEST 10.00 FEET;
THENCE NORTH 00 DEGREES 02 MINUTES 23 SECONDS EAST 189.00 FEET;
THENCE NORTH 89 DEGREES 57 MINUTES 37 SECONDS WEST 30.00 FEET TO THE POINT OF BEGINNING;
THENCE NORTH 00 DEGREES 02 MINUTES 23 SECONDS EAST 212.32 FEET;
THENCE NORTH 05 DEGREES 37 MINUTES 14 SECONDS WEST 456.26 FEET;
THENCE NORTH 00 DEGREES 02 MINUTES 23 SECONDS EAST 190.55 FEET;
THENCE SOUTH 89 DEGREES 41 MINUTES 51 SECONDS EAST 40.34 FEET TO THE POINT OF ENDING ON
THE EXISTING SOUTHWESTERLY RIGHT OF WAY OF THE UNION PACIFIC RAILROAD COMPANY.

PINAL COUNTY PARCEL 510-28-030A

THAT PORTION OF THE OWNERS' PROPERTY THAT IS DESCRIBED IN THE FOLLOWING PROPERTY DESCRIPTION LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW1/4 NW1/4) OF SECTION 27, TOWNSHIP 4 SOUTH, RANGE 3 EAST, GILA AND SALT RIVER MERIDIAN, PINAL COUNTY, ARIZONA, WHICH LIES BETWEEN THE FOLLOWING DESCRIBED NEW RIGHT OF WAY LINE NO. 1 AND THE FOLLOWING DESCRIBED NEW RIGHT OF WAY LINE NO. 2:

PROPERTY DESCRIPTION:

PARCEL NO. 1:

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER (NW1/4) OF SECTION 27 AND THE NORTHEAST QUARTER (NE1/4) OF SECTION 28, TOWNSHIP 4 SOUTH, RANGE 3 EAST, GILA AND SALT RIVER MERIDIAN, PINAL COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH BEARS SOUTH 4 DEGREES 31 MINUTES 30 SECONDS EAST 1033.00 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 27, SAID POINT BEING FURTHER IDENTIFIED AS BEING THE NORTHWEST CORNER OF THAT PARTICULAR TRACT OF LAND DESCRIBED IN DOCKET 202 AT PAGE 508 IN THE OFFICE OF THE PINAL COUNTY RECORDER;

THENCE SOUTH 89 DEGREES 45 MINUTES EAST 140.00 FEET;

THENCE SOUTH 0 DEGREES 15 MINUTES WEST 75.00 FEET;

THENCE SOUTH 89 DEGREES 45 MINUTES EAST 232.60 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD COMPANY (FORMERLY KNOWN AS SOUTHERN PACIFIC RAILROAD);

THENCE NORTH 53 DEGREES 40 MINUTES WEST ALONG SAID UNION PACIFIC RAILROAD COMPANY RIGHT OF WAY LINE, 326.80 FEET TO THE INTERSECTION OF THE CENTER LINE OF ARIZONA AVENUE (ABANDONED);

THENCE NORTH 89 DEGREES 45 MINUTES WEST ALONG THE CENTER LINE OF ARIZONA AVENUE (ABANDONED), 404.20 FEET MORE OR LESS TO THE EASTERLY RIGHT OF WAY BOUNDARY OF WILLIAMS AVENUE AS PRESENTLY ESTABLISHED;

THENCE ALONG THE EASTERLY BOUNDARY OF WILLIAM AVENUE, 121.90 FEET, MORE OR LESS TO A POINT WHICH LIES NORTH 89 DEGREES 45 MINUTES WEST 330.10 FEET FROM THE POINT OF BEGINNING;

THENCE SOUTH 89 DEGREES 45 MINUTES EAST 330.10 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL NO. 2:

THE UNDERLYING FEE IN AND TO THAT PORTION OF THE RIGHT OF WAY OF THE UNION PACIFIC RAILROAD COMPANY THAT LIES WITHIN THE PROPERTY THAT IS DETERMINED BY TAKING THE PROPERTY LINES OF THE ABOVE DESCRIBED PARCEL AND EXTENDING TO THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID RAILROAD, SAID EXTENDED LINES BEING AT RIGHT ANGLES TO SAID RAILROAD RIGHT OF WAY LINE.

NEW RIGHT OF WAY LINE DESCRIPTION NO. 1:

COMMENCING AT A 3 INCH ADOT BRASS CAP IN HANDHOLE MARKING THE NORTHWEST CORNER OF SAID SECTION 27, BEING NORTH $00^{\circ}09'32''$ WEST 2628.85 FEET FROM A 1.5 INCH IRON PIPE STAMPED "PLS 19817" MARKING THE WEST QUARTER CORNER OF SAID SECTION 27;

THENCE ALONG THE WEST LINE OF SAID SECTION 27, SOUTH $00^{\circ}09'32''$ EAST 2076.34 FEET TO THE POINT OF BEGINNING;

THENCE FROM A LOCAL TANGENT BEARING OF SOUTH $71^{\circ}28'08''$ EAST, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 495.00 FEET, A LENGTH OF 159.75 FEET;