

ORDINANCE NO. 23-32

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 100 ACRES OF LAND GENERALLY LOCATED AT THE SOUTHEAST CORNER OF PORTER ROAD AND WEST MARICOPA-CASA GRANDE HIGHWAY, WITHIN THE CITY OF MARICOPA INCORPORATED LIMITS, FROM EXISTING GENERAL RURAL (GR) AND INDUSTRIAL (CI-2) TO THE KELLY RANCH PLANNED AREA DEVELOPMENT (PAD) AS DESCRIBED IN ZONING CASE #PAD 22-19. THE LAND IS LOCATED IN A PORTION OF SECTION 4, TOWNSHIP 5 SOUTH, RANGE 4 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 applicant initiated a Public Participation Plan to inform residents of the proposed rezoning of approximately 100 acres from existing General Rural (GR) and Industrial (CI-2) to the Kelly Ranch Planned Area Development (PAD), 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 May 22, 2023 in zoning case #PAD22-19, 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 100 acres from the existing General Rural (GR) and Industrial (CI-2) to the Kelly Ranch Planned Area Development (PAD). 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 PAD 22-19 are hereby expressly incorporated into and adopted as part of this Ordinance by this reference.

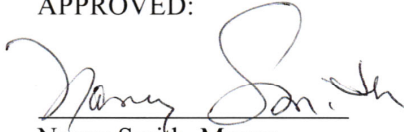
Section 3. To the extent of any conflict between other City Ordinances and this Ordinance, this Ordinance shall be deemed to be controlling; provided, however, that this Ordinance is not intended to amend or repeal any existing City Ordinance, Resolution or regulation except as expressly set forth herein.

Section 4. This Ordinance shall become effective thirty (30) days from the date of

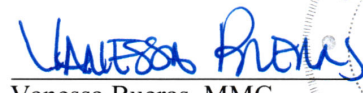
adoption by the City Council for the City of Maricopa.

PASSED AND ADOPTED by the Mayor and City Council of the City of Maricopa, Arizona this 20th day of June, 2023.

APPROVED:



Nancy Smith, Mayor

ATTEST:


Vanessa Bueras, MMC
City Clerk



APPROVED AS TO FORM:


Denis Fitzgibbons
City Attorney

Pursuant to A.R.S. 9-802(A), EXHIBIT A is on file at:

**Office of the City Clerk, City of Maricopa and
www.maricopa-az.gov.**

EXHIBIT A
Legal Description

{00214530,
{00234564}

LEGAL DESCRIPTION EXHIBIT¹

PARCEL NO. 1:

That portion of the Southwest quarter lying Southwesterly of the center line of the Casa Grande - Maricopa Highway of Section 36, Township 4 South, Range 3 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, more particularly described as follows:

BEGINNING at the Southwest corner of said Section 36;
Thence North 01° 12' 36" East along the said West line, a distance of 2354.56 feet to the center line of said Casa Grande - Maricopa Highway;
Thence South 54° 36' 36" East along said center line, a distance of 3165.08 feet;
Thence South 00° 54' 04" East, a distance of 549.33 feet to the South quarter corner of said Section 36;
Thence North 89° 23' 12" West along the said South line of Section 36, a distance of 2638.78 feet to the point of BEGINNING;

EXCEPT all oil, gas, other hydrocarbon substances, helium or other substances of a gaseous nature, coal, metals, minerals, fossils, fertilizers of every name and description, together with all uranium, thorium or any other material which is or may be determined by the laws of the united states, or of this state, or decisions of the court, to be peculiarly essential to the production of fissionable materials, whether or not of commercial value as reserved by the state of Arizona in the patent to said land.

PARCEL NO. 2:

That portion of the Southeast quarter of Section 35, Township 4 South, Range 3 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona and also being a portion of the map of dedication of Santa Rosa Springs in Cabinet E, Slide 085 on file in the Pinal County Recorder's Office and being described as follows:

Commencing at the Southeast corner of the Southeast quarter of said Section 35;
Thence North 00° 36' 42" East along the East line of said Southeast quarter, 1327.47 feet to the TRUE POINT OF BEGINNING;
Thence departing said East line, North 19° 18' 09" West, 262.11 feet to the beginning of a curve concave easterly and having a radius of 675.00 feet;
Thence Northerly along the arc of said curve, 534.98 feet through a central angle of 45° 24' 38";
Thence North 26° 06' 29" East, 17.16 feet to a Northerly line of said plat;
Thence South 53° 53' 31" East along said Northerly line of said plat, 69.41 feet to the East line of said Southeast quarter;
Thence South 00° 36' 42" West along the East line of said Southeast quarter, 742.08 feet to the POINT OF BEGINNING;

EXCEPT that portion thereof lying within the streets dedicated on map of dedication recorded in Cabinet E, Slide 085 records of Pinal County, Arizona; and also

EXCEPT that portion thereof lying within the following described parcel:

Commencing at the Southeast corner of said Section 35;
Thence North 01° 12' 36" East, a distance of 77.50 feet to the TRUE POINT OF BEGINNING;
Thence South 89° 44' 11" West, a distance of 660.00 feet;
Thence North 01° 12' 36" East, a distance of 1320.00 feet;
Thence North 89° 44' 11" East, a distance of 660.00 feet;
Thence South 01° 12' 36" West, a distance of 1320.00 feet to the POINT OF BEGINNING;
and also

EXCEPT half of all oil, gas and other minerals as reserved in instrument recorded in Book 85 of Deeds, page 228.

1. EXHIBIT/SKETCH EXCERPTED FROM ALTA SURVEY (JOB NO. 20013) DATED 10/26/2022, BASED ON TITLE COMMITMENT PREPARED BY THOMAS TITLE AND ESCROW AGENCY, FILE NO. 5171TAZ DATED 10/13/2022.

PARCEL NO. 3:

That part of Section One (1), Township Five (5) South, Range Three (3) East of the Gila and Salt River Base and Meridian, lying North of existing storm drain and South of the Southern Pacific Railroad;

EXCEPTING: the following described property, to-wit:

BEGINNING at the North quarter corner of said Section 1 (identical with the South quarter corner of Section 36, Township 4 South, Range 3 East);
Thence North 89° 58' East along the North line of said Section 1, 221.27 feet to a point on the Southwesterly right-of-way line of the Southern Pacific Railroad;
Thence South 53° 51' 30" East along said South-westerly right-of-way line 2982.18 feet to a point on the East line of said Section 1;
Thence South 0° 13' West along the East line of said Section 1, 2392.15 feet to a point on the center line of a wash from which the Southeast corner of said Section 1 bears South 0° 13' West 1253.79 feet;
Thence along the following courses and distances and along the center line of a wash:
North 80° 50' 20" West 495.48 feet;
North 67° 33' 20" West 245.15 feet;
Thence North 58° 34' 20" West 313.39 feet;
North 48° 22' 00" West 756.83 feet;
North 43° 53' 00" West 569.99 feet;
North 34° 40' 00" West 615.95 feet;
North 32° 28' 20" West 378.38 feet;
North 30° 56' 00" West 751.97 feet to a point on the center line of aforementioned wash;
Thence North 0° 07' East 1430.63 feet to point on the North line of said Section 1;
Thence South 89° 57' East along the North line of said Section 1, 260.00 feet to the POINT OF BEGINNING.

EXCEPTING, the rights of J.N. Barber, his heirs and assigns, in and to one-half of all oil, gas and other minerals in and under or that may be produced from the above described property, as excepted in Deed to Chester H. Nall, et al., recorded June 8, 1948 in Book 85 of Deeds, page 228, records of Pinal County, Arizona.

PARCEL NO. 3A:

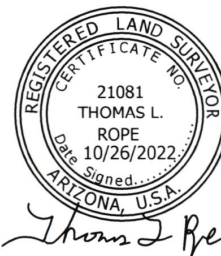
An easement as created in Instrument No. 2002-047280, for vehicular and pedestrian ingress, egress, public utilities, and appurtenances thereto over the South 30 feet of the Southwest quarter of Section 36, Township 4 South, Range 3 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona.

CERTIFICATION

To First American Title Insurance Company, Thomas Title and Escrow Agency and Strategic Capital Management, L.L.P., an Arizona limited liability company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 7(a), 8, 9, 11, 17, and 19 from Table A thereof. The field work was completed on February 25, 2020 and updated October 15, 2022.

Thomas L. Rope, R.L.S. No. 21081



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LEGAL DESCRIPTION SKETCH¹

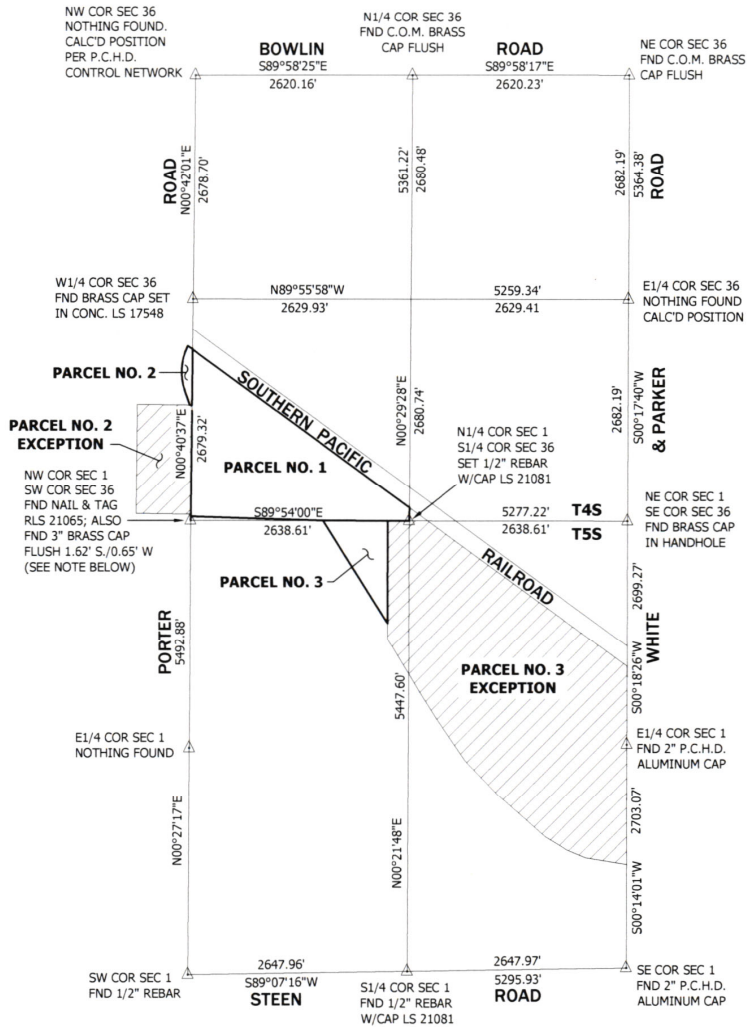
SEC 36, T4S, R3E & SEC 1, T5S, R3E

- LEGEND**
- △ SECTION CORNER
 - BRASS CAP FLUSH
 - SET REBAR W/CAP LS 21081 UNLESS NOTED OTHERWISE
 - ⊙ SANITARY SEWER MANHOLE
 - ⊕ COMMUNICATION MANHOLE
 - ⊖ SEWER CLEANOUT
 - WM WATER METER
 - ⊖ WATER VALVE
 - ⊖ WATER MANHOLE
 - ⊖ FIRE HYDRANT
 - EM ELECTRIC METER
 - ⊖ GAS TEST STATION
 - ⊖ ELECTRICAL JUNCTION BOX
 - ⊖ LIGHT POLE
 - ⊖ STREET LIGHT
 - ⊖ TELEPHONE BOX
 - ⊖ POWER POLE
 - ⊖ GUY WIRE
 - ⊖ SIGN
 - ⊖ CONCRETE
 - ① SCHEDULE B ITEM NO.
 - (C) CALCULATED
 - (M) MEASURED
 - (R1) RECORD PER PAR. 1 LEGAL DESC.
 - (R2) RECORD PER PAR. 2 LEGAL DESC.
 - (R3) RECORD PER PAR. 3 LEGAL DESC.
 - ▨ MASONRY WALL
 - EDGE OF PAVEMENT
 - - - EDGE OF DIRT ROAD/DITCH
 - - - EDGE OF EAVE/CANOPY
 - - - EASEMENT LINE
 - OE — OVERHEAD ELECTRIC
 - x - x - FENCE
 - + + + CENTERLINE RR TRACKS

AREAS

Parcel No. 1:	87.8981 gross acres 66.6154 *net acres
Parcel No. 2:	1.5625 gross acres
Parcel No. 3:	<u>11.0782 gross acres</u>
Total Area:	100.5388 gross acres 79.2561 *net area

*Net area for Parcel No. 1 is gross area less R/W for South Pacific Railroad, Casa Grande Maricopa Highway and Maricopa Flood Control District Easement



NOTE: The found brass cap flush appears to have been set by Edward Vincent, R.L.S. 17548 per Record of Survey, Fee No. 2010-116895 but was not accepted as the section corner by this surveyor.

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