

OFFICIAL RECORDS OF
YUMA COUNTY RECORDER
SUSAN MARLER

WHEN RECORDED MAIL TO:

CITY OF SAN LUIS
ATTN: CITY CLERK
P.O. BOX 1170
SAN LUIS, AZ 85349



FEE #: 2008 -- 25227

08/26/2008 01:06 PAGES: 0011
FEES: 6.00 4.00 1.00 .00 .00
REQ BY: CITY OF SAN LUIS
REC BY: Margie Gamache

CAPTION HEADING:

Ordinance No. 268

RECEIVED
2008 SEP - 8 PM 3: 42
CITY OF SAN LUIS
OFFICE OF THE CITY CLERK



OFFICE OF THE
MAYOR
CITY OF SAN LUIS

Ordinance

ORDINANCE NO. 268

AN ORDINANCE EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF SAN LUIS, YUMA COUNTY, STATE OF ARIZONA. PURSUANT TO THE PROVISIONS OF TITLE 9, CHAPTER 4, ARTICLE 7, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO, BY ANNEXING THERETO CERTAIN TERRITORY CONTIGUOUS TO THE EXISTING CITY LIMITS OF THE CITY OF SAN LUIS; APPROVING INFRASTRUCTURE AND SERVICE PLAN; AND ADOPTING ZONING CLASSIFICATIONS FOR SAID TERRITORY; AND PROVIDING FOR SEVERABILITY

WHEREAS, a petition in writing, accompanied by a map of said real property, having been filed and presented to the Mayor and Council of the City of San Luis, 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 San Luis, Arizona, in the event of annexation within the territory and land hereinafter described as shown by the last assessment of said property, which said territory is contiguous to the City of San Luis, Arizona, and not now embraced within its limits, asking that the property more particularly hereinafter described be annexed to the City of San Luis, Arizona, and to extend an increase the corporate limits of the City of San Luis, Arizona, so as to embrace the same; and

WHEREAS, the Mayor and Council of the City of San Luis, Arizona, are desirous of complying with said petition and extending and increasing the corporate limits of the City of San Luis, Arizona, to include said territory; and

WHEREAS, the said petition sets forth a true and correct description of all the exterior boundaries of the entire area proposed to be annexed to the City of San Luis, Arizona, and had attached thereto at all times an accurate map of the territory desired to be annexed; and

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

WHEREAS, the provisions of ARS § 9-471, and amendments thereto, have been fully observed; and

WHEREAS, ARS §9-471.L provides that a city annexing an area shall adopt zoning classifications which permit densities and uses no greater than those permitted by the county immediately before annexation; and

WHEREAS a portion of the territory proposed to be annexed by this ordinance is zoned as Light Industrial (L-I) by Yuma County and the closest zoning classification in the San Luis Zoning Code, as amended, to said classification without permitting densities and uses greater than that permitted immediately prior to annexation pursuant to this ordinance is the classification Light Industrial (L-I) ; and

WHEREAS for the remaining portion of the territory being annexed by this ordinance is zoned as Rural Area – 10 acre minimum (RA-10) in Yuma County and the closest zoning classification in the San Luis Zoning Code, as amended, to said classification without permitting densities and uses greater than that permitted immediately prior to annexation pursuant to this ordinance is the classification Rural Area – 10 acre minimum (RA-10); and

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 San Luis, Arizona, together with a true and correct copy of the original petition referred to herein, which is on file in the Office of the Yuma County Recorder.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, AS FOLLOWS:

SECTION 1: That the following described territory be, in the same hereby is, annexed to the City of San Luis, Arizona, and that the present corporate limits be, and the same hereby are, extended and increased to include the following territory contiguous to the present City limits, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN AS THOUGH FULLY SET FORTH AGAIN IN FULL

SECTION 2: That a copy of this ordinance, together with an accurate map of the territory hereby annexed to the City of San Luis, Arizona, shown in Exhibit "B" hereto, certified by the Mayor of said City, be forthwith filed and recorded in the Office of the County Recorder of Yuma County, Arizona.

SECTION 3: That the following described territory being zoned Light Industrial (L-I) by Yuma County immediately before annexation by this ordinance, is hereby zoned and classified as Light Industrial (L-I):

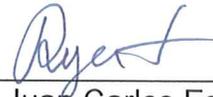
APN 767-05-008A Gila KS AZ Corp.
APN 767-05-008B Gold Dredge CA LLC (1/2) and Jason & Carol Morehouse Jt (1/2)
APN 767-05-009 Gold Dredge CA LLC (1/2) and Jason & Carol Morehouse Jt (1/2)

SECTION 4: The remaining portion of the territory being annexed is hereby zoned as classification Rural Area – 10 acre minimum (RA-10) for the reason that it is the district that is the least dense and the most restrictive of all zoning classifications existing pursuant to the San Luis Zoning Code, as amended.

SECTION 5: Attached hereto, marked Exhibit "C", and which by this reference is incorporated as though fully set forth again in full, is the plan and policy of the City of San Luis to provide the territory annexed herein with appropriate levels of infrastructure and services to serve anticipated new development. .

SECTION 6: If any section, subsection, sentence, phrase, clause or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Council of the City of San Luis, Arizona, this 13th day of August, 2008.



Juan Carlos Escamilla, Mayor

ATTEST:



Sonia Cuello, City Clerk

APPROVED AS TO FORM:



Glenn Gimbut, City Attorney

CITY OF SAN LUIS ANNEXATION

LEGAL DESCRIPTIONS

APN- 767-05-005

The Southeast quarter of the Northwest quarter and the South half of the Northeast quarter and the East half of the Southwest quarter of section 25, Township 10 South, Range 25 West, Gila and Salt River Base and Meridian, Yuma County, Arizona.

APN- 767-05-006

The Southeast quarter of Section 25, Township 10 South, Range 25 West of the Gila and Salt River and Meridian, Yuma County, Arizona.

APN- 767-05-008A

The South 466 feet of the West 466 feet of the South half of the West half of the Southwest quarter of Section 25, Township 10 South, Range 25 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona.

EXCEPT the West 100 feet of the South 466 feet of the Southwest quarter of Section 25, Township 10 South, Range 25 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona, as described in Fee No.1998-28657, records of Yuma County, Arizona.

APN- 767-05-008B

The South half of the West half of the Southwest quarter of Section 25, Township 10 South, Range 25 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona.

EXCEPT the South 466 feet of the West 466 feet thereof, and EXCEPT those portions of the Southwest quarter of Section 25, Township 10 South, Range 25 West, Gila and Salt River Meridian, Yuma County, Arizona, hereinafter defined as Tract No. 1 and Tract No. 2, which are described as follows:

Tract No. 1

The West 83.00 feet of said Southwest quarter.

EXCEPT therefrom any portion situated within the South 466 feet of the West 466 feet of the Southwest quarter of said Section.

Tract No. 2

Commencing at the West quarter corner of said Section 25, being the Northwest corner of Tract No. 1 (previously described herein)

Thence along the North line of said Southwest quarter, South 89°36'18" East 128.18 feet to the POINT OF BEGINNING.

Thence perpendicular to the aforesaid North line, South 00°23'42" West 40.00 feet;

Thence South 45°16' 02" West 63.50 feet to the East line of the aforesaid Tract No. 1;

Thence along said East line, North 00°08'23" East 85.00 feet to the aforesaid North line of said Southwest quarter.

Thence along the aforesaid North line South 89°36'18" East 45.18 feet to the POINT OF BEGINNING.

SUBJECT TO Existing Road Right of Way traversing the North 40.00 feet of said Southwest quarter, as described in Docket 2018, page 510, records of Yuma County, Arizona.

APN- 767-05-009

The North half of the West half of the Southwest quarter of section 25, Township 10 South, Range 25 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona.

EXCEPT those portions of the Southwest quarter of Section 25, Township 10 South, Range 25 West, Gila and Salt River Meridian, Yuma County, Arizona, hereinafter defined as Tract No. 1 and Tract No. 2, which are described as follows:

Tract No. 1

The West 83.00 feet of said Southwest quarter.

EXCEPT therefrom any portion situated within the South 466 feet of the West 466 feet of the Southwest quarter of said Section.

Tract No. 2

Commencing at the West quarter corner of said Section 25, being the Northwest corner of Tract No. 1 (previously described herein)

Thence along the North line of said Southwest quarter, South 89°36'18" East 128.18 feet to the POINT OF BEGINNING.

Thence perpendicular to the aforesaid North line, South 00°23'42" West 40.00 feet;

Thence South 45°16' 02" West 63.50 feet to the East line of the aforesaid Tract No. 1;

Thence along said East line, North 00°08'23" East 85.00 feet to the aforesaid North line of said Southwest quarter.

Thence along the aforesaid North line South 89°36'18" East 45.18 feet to the POINT OF BEGINNING.

SUBJECT TO Existing Road Right of Way traversing the North 40.00 feet of said Southwest quarter, as described in Docket 2018, page 510, records of Yuma County, Arizona.

APN- 768-01-006

The Southwest quarter of Section 30, Township 10 South, Range 24 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona.

APN- 768-33-003A

That portion of the East half of the Northwest quarter of Section 31, Township 10 South, Range 24 West, of the Gila and Salt River Base and Meridian, Yuma County, Arizona, lying South and East of the centerline of the Main Drain.

APN- 768-33-003B

That portion of the Northwest quarter and the Northwest quarter of the Northeast quarter of section 31, Township 10 South, Range 24 West, Gila and Salt River Base and Meridian, Yuma County, Arizona, Lying North and West of the centerline of main drain.

APN- 768-33-004A

The East 200.0 feet of the Southwest quarter of the Southeast quarter of Section 31, Township 10 South, Range 24 West, of the Gila and Salt River Base and Meridian, Yuma County, Arizona.

APN- 768-33-008

The East 200.0 feet of the Northwest quarter of the Southeast quarter and the South half of the Northeast quarter of Section 31, Township 10 South, Range 24 West, Gila and Salt River Base and Meridian, Yuma County, Arizona.

EXCEPT the Northwest quarter of the Southwest quarter of the Northeast quarter of said section 31, Township 10 South, Range 24 West, Gila and Salt River Base and Meridian, Yuma County, Arizona.

APN- 768-33-009A

That portion of the Northwest quarter of the Southwest quarter of the Northeast quarter of section 31, Township 10 South, Range 24 West, Gila and Salt River Base and Meridian, Yuma County, Arizona, lying South and East of the centerline of Main Drain.

APN- 768-33-009B

That portion of the Northwest quarter of the Southwest quarter of the Northeast quarter of section 31, Township 10 South, Range 24 West, Gila and Salt River Base and Meridian, Yuma County, Arizona, lying North and west of the centerline of Main Drain.

APN- 776-01-006A

The East 200.0 feet of the Northwest quarter of the Southeast quarter of Section 6, Township 11 South, Range 24 West, of the Gila and Salt River Base and Meridian, Yuma County, Arizona.

APN- 776-01-014

The East 200.0 feet of the Southwest quarter of the Northeast quarter of Section 6, Township 11 South, Range 24 West, of the Gila and Salt River Base and Meridian, Yuma County, Arizona.

APN- 776-01-015

The East 200.0 feet of the Northwest quarter of the Northeast quarter of Section 6, Township 11 South, Range 24 West, of the Gila and Salt River Base and Meridian, Yuma County, Arizona.

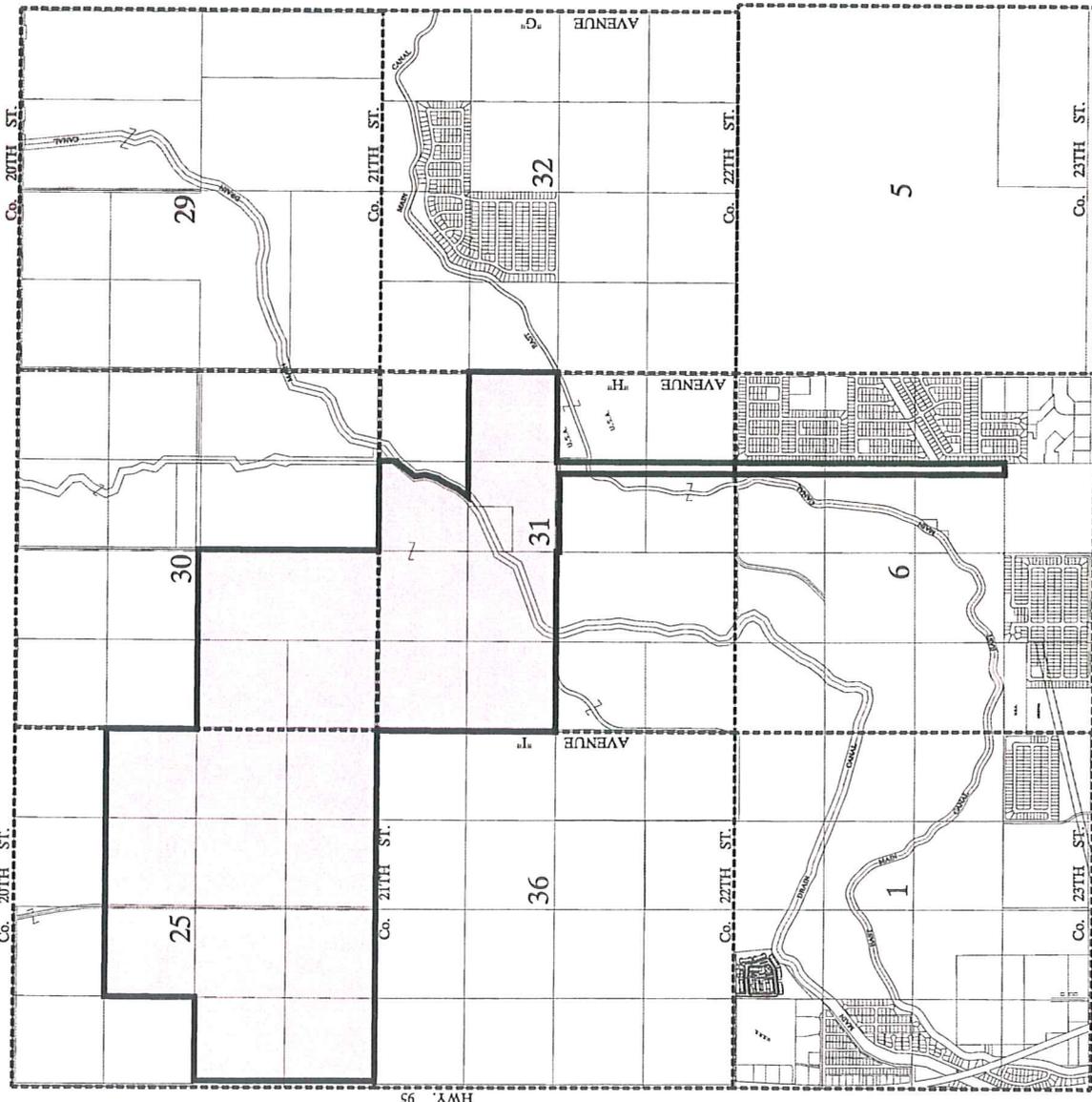
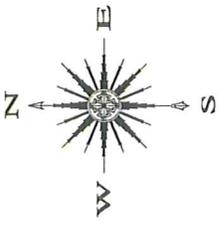


EXHIBIT B



SCALE: NTS

CITY OF SAN LUIS
ANNEXATION NO. 2008-02

In addition to the territory shown on this map, shaded in grey, the proposed annexation includes any and all county rights-of-way and roadways with no taxable value that are within or contiguous to the exterior boundaries of shaded area and said rights of way and roadways are part of the territory proposed to be annexed and will be included in any ordinance of annexation adopted as a result of this petition.

CERTIFICATION OF MAP
MAP OF AREA TO BE ANNEXED

I, Juan Carlos Escamilla, Mayor of the City of San Luis, Arizona, do hereby certify that the foregoing map is a true and correct map of the territory annexed under and by virtue of the petition of the real and personal property owners in the said territory and by the Ordinance No. 268, annexing the territory described in Ordinance No. 268, and as shown on said map as a part of the territory to be included within the corporate limits of the City of San Luis, Arizona.

[Signature]
City Clerk

[Signature]
Mayor

EXHIBIT C

INFRASTRUCTURE AND SERVICE PLAN FOR ANNEXED TERRITORY

The City of San Luis hereby declares this to be its plan for providing the territory annexed pursuant to the terms of this ordinance with appropriate levels of infrastructure and services for ten years after the date when the annexation becomes final.

The area is presently in agriculture production with the exception of the industrial facility known as the Meadowcraft facility. There is currently sufficient infrastructure to serve the uses within the territory for the next ten years as they presently exist.

With respect to possible future development, the City has adopted subdivision regulations and a General Plan, together with a program of development fees, connections fees, and utility rates which provide sources of funding for the development of infrastructure. The City has a policy of development paying its own way. Therefore, conditions may be placed on any rezoning, as well as utilization of special districts such as street lighting improvement districts, community facilities districts, and enhanced municipal services districts to ensure that as the property is developed, proper infrastructure will be constructed to service the development. Rezoning or other forms of discretionary development approval will not be given unless appropriate levels of infrastructure and/or services to serve this territory either exist, or provision is made to provide for said infrastructure or services. Speculative rezoning will be discouraged so that careful review can occur at the time of actual development to determine what is needed to service the use, and provision is made for the infrastructure and services that might be needed. Development agreements, prior to rezoning and/or development which make provision for appropriate levels of infrastructure and/or services to serve the area will be encouraged.