

July 28, 2022

MEMORANDUM TO: Honorable Mayor and City Council

THROUGH: Charles P. Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Matt McLachlan, AICP, Community Development Director

FROM: Blake Fisher
Planner I

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT

RESOLUTION 2022-054
Reaffirmation to Continue Annexation Proceedings

RECOMMENDATION

The City Manager recommends approval.

The Assistant City Manager recommends approval.

The Director of Community Development recommends approval.

INITIATED BY:

Staff, in coordination with:

AREC 15 LLC
PO Box 29046
Phoenix, AZ 85038

Berg Enterprises Inc
4109 E Monsanto Dr
Sierra Vista, AZ 85650

Moscal Partners LLC
1700 S Hwy 92 Ste E-100

Harter Holdings LLC
1234 E Fry Blvd
Sierra Vista, AZ 85635

Sierra Vista, AZ 85635
Park Avenue Properties LLC
PO Box 13205
Tucson, AZ 85732

Crawford Philip E & Kathy K
4899 S Calle Encina
Sierra Vista, AZ 85650

Nieuwenhuis Properties LLC
10362 E Sixto Molina Ln
Tucson, AZ 85747

Altaland Development Corporation
PO Box 13205
Tucson, AZ 85732

BACKGROUND

In 2008, the Mayor and City Council adopted an annexation policy and map to guide future decisions on changes to the City's corporate boundary (*Resolution 2008-149*). The goal of the policy is "to provide for an effective distribution of City services and the incorporation of quality, urban development standards" and thus to "proactively pursue and continuously process annexations throughout the year". Areas defined for future annexation via the Long-Term Annexation Map (as referenced from *Resolution 2008-149* – see Figure 1), include "Enclave" and "Undeveloped Areas", which are to be sought via Proactive Annexation, and "Previously Developed Commercial/Industrial" and "Residential Areas", which are to be considered based on ability to annex, service potential, strategic value, and required staff resources.

Over the course of the past year, Staff has contacted property owners south of Golden Acres Drive and east of State Route 92 to measure and assess interest in annexation. Staff's outreach was prompted by the sewer line extension being constructed to service the Veritas Christian Community School.

Through these contacts, Staff was able to secure ten signed Pre-Annexation and Development Agreements (PADAs) covering twelve tax parcels as shown in Exhibit "A" to this memorandum. The most common reasons cited by property owners for signing the PADAs were property tax savings and ability to connect to sewer.

Upon an evaluation of the properties in the area and applicable statutory requirements for annexation, Staff has delineated a compact, continuous, logical extension of the municipal boundary that provides the most strategic economic value to the City and can be accomplished with the PADAs that have been received, subject to the Council's acceptance and the Mayor's approval. For reference purposes, this area is termed the "South City Annexation Area" which consists of 19 commercially zoned tax parcels totaling 67-acres of land.

The existing land use pattern within the South City Annexation is a mix of retail, office, industrial, storage, quasi-public (non-profit) and utility uses. The specific breakdown of the 19 tax parcels is as follows:

LAND USE	PARCELS	ACRES	SPECIFIC USES
RETAIL/OFFICE	6	9.39	Autozone, City Creek Furniture, Pima Plaza, Harter Plaza, Circle K
MINI-STORAGE	2	10.23	U-Haul
INDUSTRIAL	2	2.92	Landmark Metal Builders, Berg's HVAC
QUASI-PUBLIC	3	13.92	Veritas Christian Community School, Thunder Mountain Community Church
UTILITY	1	1.38	Cal-Gas
UNDEVELOPED	5	28.78	
TOTAL	19	66.62	

Staff requests the City Council's authorization to proceed with the annexation of property within this area in accordance with guidelines set by Council.

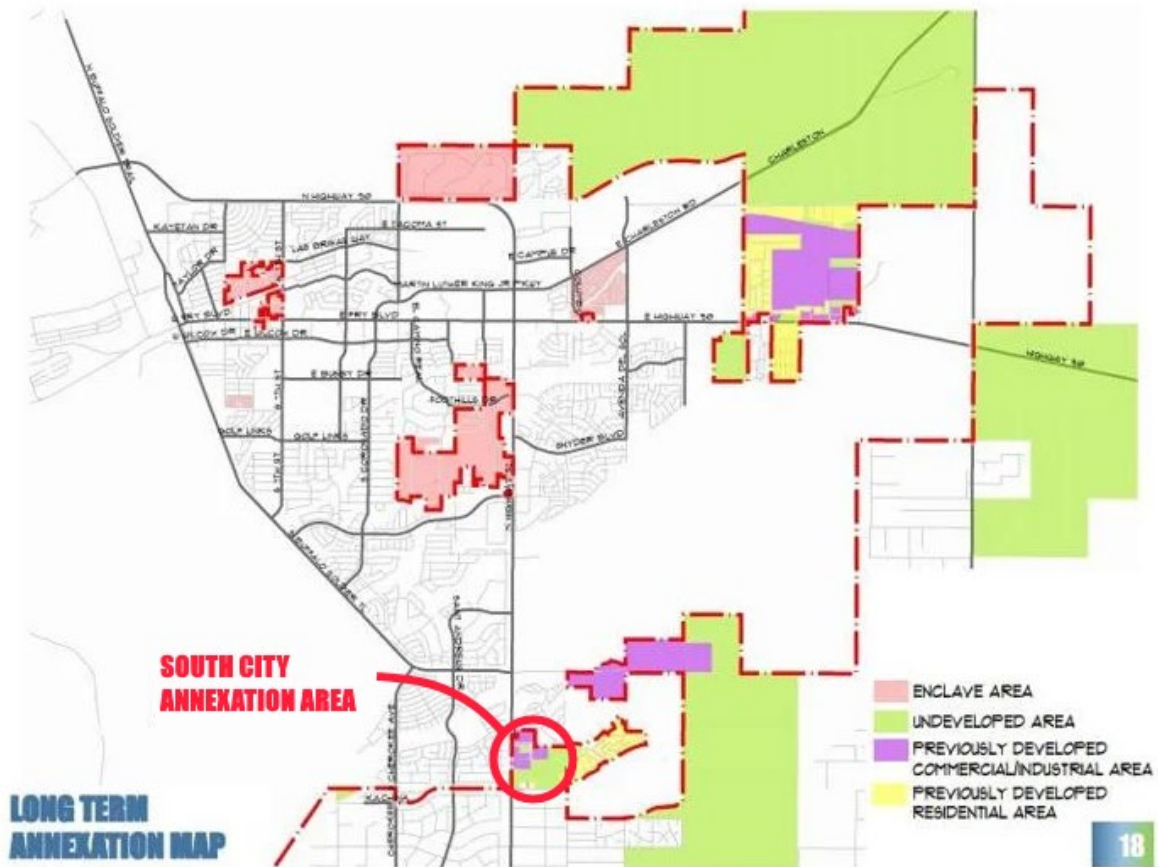


Figure 1: Map of established proactive annexation areas, with the South City Annexation Area annotated in red

EXISTING CONDITIONS AND ABILITY TO SERVE

The background information being provided for this annexation is for the property and right-of-way in its current condition as of July 20th, 2022.

Land Use Plan

Land Use Map 5 of the VISTA 2030 identifies the annexation area's corresponding land use, which consists primarily of Commercial uses, with some Low Density Residential designations for five of the parcels near the Golden Acres Subdivision. The current County Land Use designation for the entirety of the annexation area is Enterprise, the closest equivalent to the City's Commercial designation.

Existing Zoning Designation and Closest Equivalent

All properties located within the annexation area are currently zoned General Business (GB). Upon formal adoption of ordinance, the properties will be converted to the closest applicable City zoning, which is General Commercial (GC).

Existing Traffic Plan

In addition to the described parcels, several pieces of right-of-way have been included in the annexation area. This includes East Monsanto Drive, a portion of East Glenn Road and East Golden Acres Drive, as well as the eastern half of a portion of Highway 92. There is also a 60 ft wide section of undeveloped right-of-way that connects East Golden Acres Drive to the end of East Monsanto Drive.

RIGHT-OF-WAY	TYPE	STATUS	LENGTH (APPROX. FT)
E MONSANTO DR	LOCAL	IMPROVED	840
E GLENN RD	COLLECTOR	IMPROVED	370
E GOLDEN ACRES DR	COLLECTOR	IMPROVED	1030
S HWY 92*	PRINCIPAL ARTERIAL	IMPROVED	2530
MONSANTO TO GOLDEN ACRES CONNECTION	UNDEVELOPED	UNDEVELOPED	600

* Highway 92 is maintained and managed by the Arizona Department of Transportation (ADOT)

Emergency Response

On June 9th, 2022, Community Development staff requested comments from the City's Fire and Police departments concerning the proposed annexation and potential ability to serve. No objections have been raised.

Existing Surface Water Plan

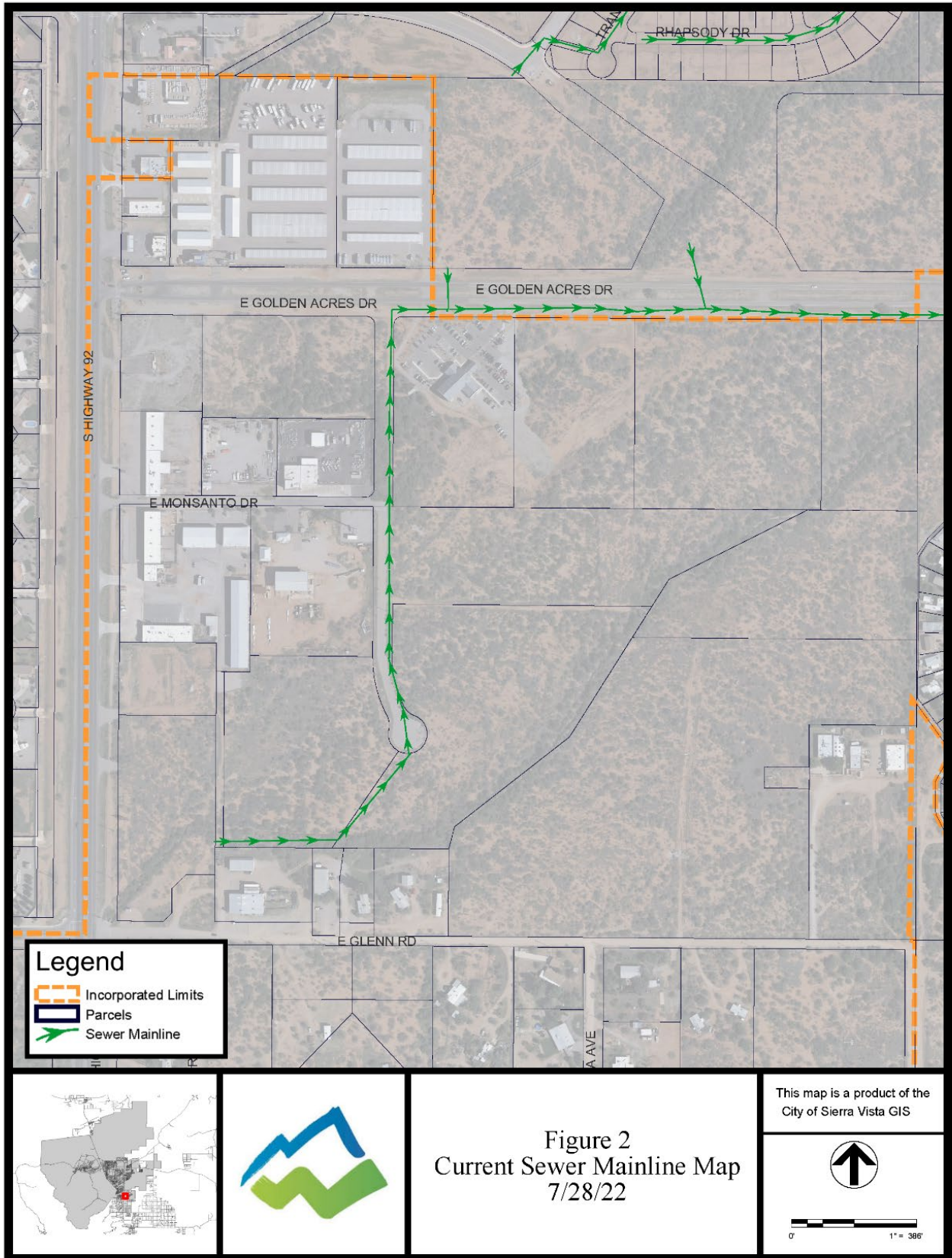
Per the latest Surface Water Plan, there are two tributaries of Garden Canyon Wash that affect the proposed annexation area. The first ends just short of the northern boundary. There is a flood hazard area (zone AE) that extends from the end and affects two of the included properties: Cal-Gas and U-Haul. The second tributary to Garden Canyon Wash runs through four annexation area parcels (Veritas Christian Community School and three undeveloped properties). No part of the second tributary to be annexed is currently defined as a flood hazard area.

Existing Parks Plan

All properties within the annexation area are commercial in zoning. In the event of rezoning, mixed-use, and/or multi-family residential development, the western half of the subject properties will be located within a 0.5 mile distance of the nearby Garden Canyon Linear Park (an approximate 15 minute walk). The proposed Roadrunner Park will also be within the half-mile region of these properties.

Existing Sewer Plan

Developed by the Veritas Christian Community School, an 8" sewer mainline has recently been installed from East Golden Acres Drive down to the school itself. The line is in close proximity to businesses currently on septic systems and undeveloped land that may seek to connect in the future. Beyond Veritas, staff has received no immediate requests to connect to City sewer. No objections were provided following Community Development staff's request for comments from the Public Works Department. Commercial refuse loads and increased sewer volume are anticipated to be minimal, per the Director of Public Works.



Note: This document is a graphic representation only of best available sources. City of Sierra Vista assumes no responsibility for any errors.

Are there any agreements or issues with the county concerning the subject properties?

No.

Are there any agreements made with the city regarding the subject properties?

Eight pre-annexation agreements have been secured for properties within the annexation area.

PROCESS

The statutory procedure for the annexation of territory is covered under A.R.S. 9-471. At this juncture, state law requires that Council holds a public hearing to discuss the annexation prior to circulating petitions for signatures. The following actions have been completed per state laws:

1. File blank petitions with the Cochise County Recorder's Office (recorded 7/5/22);
2. Mail public hearing notice and annexation map to all real property owners within the annexation area and the Chairman of the Cochise County Board of Supervisors (sent 7/22/22);
3. Publish public hearing notice in newspaper (7/11/22 for public postings, 7/13/22 for newspaper legal ad);
4. Post public hearing notice in at least three conspicuous public places in the territory to be annexed (posted 7/14/22);

For the annexation to be successful, staff is required to collect the minimum required signatures 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, that would be subject to taxation by the City (as shown by the last assessment of the property) by August 4th, 2023. Following approval of the proposed reaffirmation, the City possesses a sufficient number of pre-annexation agreements to formally annex the area depicted in Exhibit A at the next available City Council meeting.

Attachment: RESOLUTION 2022-054
Reaffirmation to Continue Annexation Proceedings
Exhibit "A" Legal Description
Exhibit "B" Proposed Boundary Reference Map

RESOLUTION 2022-054

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRM THEIR AUTHORIZATION OF STAFF TO PROCEED WITH THE COLLECTING OF SIGNATURES FOR THE ANNEXATION OF THE SUBJECT PROPERTIES AS SHOWN ON EXHIBIT A; AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY, OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS, TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the City of Sierra Vista (hereinafter referred to as the City) wishes to promote the harmonious and unified growth of the community to include areas within the City and the developing areas surrounded by or adjacent to the City; and

WHEREAS, the City wishes to encourage the development of the urbanized community to consistent and harmonious urban standards that reflect the high standard of development and quality of life desired by its citizens; and

WHEREAS, the City wishes to avoid the problems experienced by urban communities that are divided under several governmental jurisdictions with conflicting policies, procedures, revenue sources, and interests; and

WHEREAS, the City wishes to expand its urban limits in order to guide, control, and assure its destiny through orderly, planned growth and redevelopment with undesirably increasing the financial burden for residents; and

WHEREAS, said property to be annexed is contiguous with or surrounded by the City; and

WHEREAS, the Mayor and City Council affirmed their desire to continue with the annexation process of the defined annexation area; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1

By continuing with the processing of this annexation, the goals of Vista 2030, the City of Sierra Vista General Plan, are reaffirmed.

SECTION 2

That it is the intent of the Mayor and City Council to annex the properties, as described in the attached legal description (Exhibit A).

SECTION 3

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA THIS 28th DAY OF JULY, 2022.

FREDERICK W. MUELLER
Mayor

APPROVED AS TO FORM:

ATTEST:

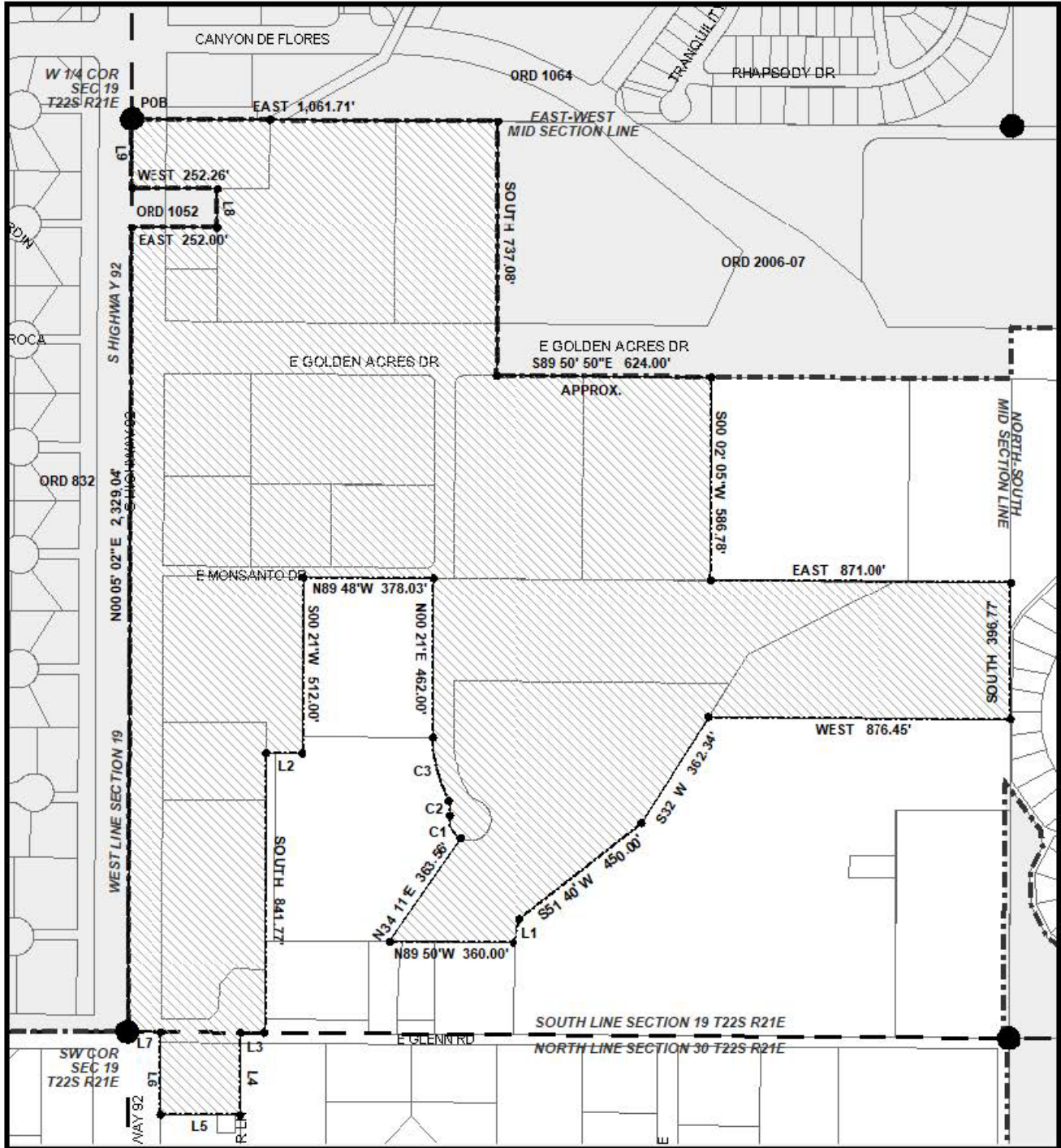
NATHAN WILLIAMS
City Attorney

JILL ADAMS
City Clerk

PREPARED BY:

Blake Fisher
Planner I

EXHIBIT A - MAP



LINE #	BEARING & DISTANCE
L1	S14°W 70.00'
L2	N89°48'W 104.00'
L3	WEST 50.00'
L4	SOUTH 230.00'
L5	WEST 250.00'
L6	NORTH 230.00'
L7	WEST 100.00'
L8	NORTH 118.81'
L9	N00°05'02"E 200.00'

CURVE #	BEARING & DISTANCE
C1	NORTHWESTERLY 77.23'
C2	NORTHERLY 43.36'
C3	NORTHERLY 190.30'

**LEGAL DESCRIPTION OF LAND IN SECTIONS 19 AND 30 T22S, R21E,
AND MAP OF AREA SOUGHT TO BE ANNEXED**

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 22 SOUTH, RANGE 21 EAST, AND IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 22 SOUTH, RANGE 21 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, COCHISE COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE WEST QUARTER CORNER OF SECTION 19, AND THE CITY LIMITS BOUNDARY LINE AS ESTABLISHED BY CITY ORDINANCE NUMBER 1064, THENCE EAST, COINCIDENT WITH THE EAST-WEST, MID-SECTION LINE OF SAID SECTION 19, AND SOUTH BOUNDARY LINE OF SAID CITY LIMITS LINE, A DISTANCE OF 1,061.71 FEET TO THE NORTHWEST CORNER OF THE CITY LIMITS BOUNDARY AS ESTABLISHED BY CITY ORDINANCE NUMBER 2006-07;

THENCE SOUTH ALONG THE WEST LINE OF SAID CITY LIMITS BOUNDARY, A DISTANCE OF 737.08 FEET TO THE SOUTHWEST CORNER OF SAID CITY LIMITS ORDINANCE NUMBER 2006-07 AND THE SOUTHERLY RIGHT OF WAY LINE OF GOLDEN ACRES DRIVE AS SHOWN ON RECORD OF SURVEY BOOK 34 PAGE 42, IN THE COCHISE COUNTY RECORDER'S OFFICE;

THENCE SOUTH 89 DEGREES 50 MINUTES 50 SECONDS EAST, A DISTANCE OF APPROXIMATELY 624.00 FEET TO THE NORTHEAST CORNER OF PARCEL DESCRIBED IN SAID RECORD OF SURVEY BOOK 34 PAGE 42;

THENCE SOUTH 00 DEGREES 02 MINUTES 05 SECONDS WEST, A DISTANCE OF 586.78 FEET, TO THE SOUTHEAST CORNER OF SAID PARCEL;

THENCE EAST, A DISTANCE OF APPROXIMATELY 871.00 FEET TO A POINT ON THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 19;

THENCE SOUTH ALONG SAID NORTH-SOUTH MID-SECTION LINE, A DISTANCE OF 396.77';

THENCE WEST, A DISTANCE OF 876.45 FEET;

THENCE SOUTH 32 DEGREES WEST, A DISTANCE OF 362.34 FEET;

THENCE SOUTH 51 DEGREES 40 MINUTES WEST, A DISTANCE OF 450.00 FEET;

THENCE SOUTH 14 DEGREES WEST, A DISTANCE OF 70.00 FEET;

THENCE NORTH 89 DEGREES 50 MINUTES WEST, A DISTANCE OF 360.00 FEET;

THENCE NORTH 34 DEGREES 11 MINUTES EAST, A DISTANCE OF 363.56 FEET;

THENCE NORTHWESTERLY ALONG A NON-TANGENT CURVE TO THE RIGHT, A DISTANCE OF 77.23 FEET;

THENCE NORTHERLY ALONG A TANGENT CURVE TO THE LEFT, A DISTANCE OF 43.36 FEET;

THENCE NORTHERLY ALONG A TANGENT CURVE TO THE RIGHT, A DISTANCE OF 190.30 FEET;

THENCE NORTH 00 DEGREES 21 MINUTES EAST, A DISTANCE OF 462.00 FEET;

THENCE NORTH 89 DEGREES 48 MINUTES WEST, A DISTANCE OF 378.03 FEET;

THENCE SOUTH 00 DEGREES 21 MINUTES WEST, A DISTANCE OF 512.00 FEET;

THENCE NORTH 89 DEGREES 48 MINUTES WEST, A DISTANCE OF 104.00 FEET;

THENCE SOUTH, A DISTANCE OF 841.77 FEET TO THE SOUTH LINE OF SAID SECTION 19;

THENCE WEST ALONG SAID SOUTH LINE OF SAID SECTION 19, A DISTANCE OF 50.00 FEET;

THENCE SOUTH, A DISTANCE OF 230.00 FEET;

THENCE WEST, A DISTANCE OF 250.00 FEET;

THENCE NORTH, A DISTANCE OF 230.00 FEET TO SAID SOUTH LINE OF SECTION 19;

THENCE WEST ALONG SAID SOUTH LINE OF SECTION 19, A DISTANCE OF 100.00 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 19 AND THE CITY LIMITS BOUNDARY LINE AS ESTABLISHED BY CITY ORDINANCE 832;

THENCE NORTH 00 DEGREES 05 MINUTES 02 SECONDS EAST ALONG THE WEST LINE OF SAID SECTION 19, AND SAID CITY LIMITS BOUNDARY LINE, A DISTANCE OF 2,329.04 FEET TO THE SOUTHWEST CORNER OF THE CITY LIMITS BOUNDARY LINE AS ESTABLISHED BY CITY ORDINANCE 1052;

THENCE EAST ALONG SAID CITY LIMITS BOUNDARY LINE, A DISTANCE OF 252.00 FEET;

THENCE NORTH ALONG SAID CITY LIMITS BOUNDARY LINE, A DISTANCE OF 118.81 FEET;

THENCE WEST ALONG SAID CITY LIMITS BOUNDARY LINE, A DISTANCE OF 252.26 FEET TO THE WEST LINE OF SAID SECTION 19;

THENCE NORTH 00 DEGREES 05 MINUTES 02 SECONDS EAST ALONG SAID WEST LINE OF SECTION 19, A DISTANCE OF 200.00 FEET TO THE **TRUE POINT OF BEGINNING.**

SAID PREVIOUSLY DESCRIBED AREA CONTAINS 78.05 ACRES, MORE OR LESS

Legend
City Limits

Area Parcels - Annexation Inquiry Response

- Pre-Annexation Agreement
- Unknown / Undecided
- Not Interested
- Non-profit
- N/A
- Proposed Annexation Boundary

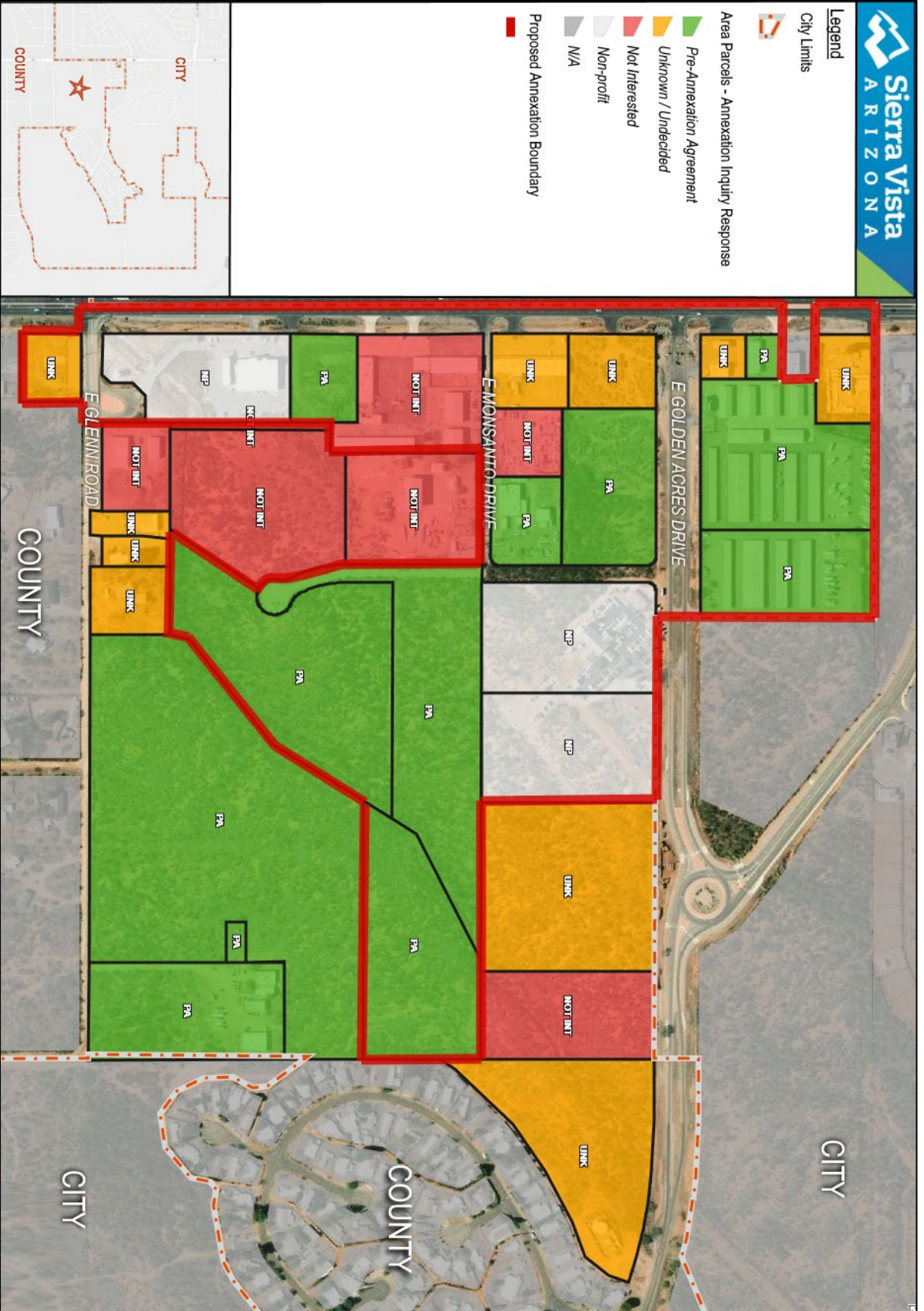


Exhibit B: Proposed annexation boundary and survey response map