

September 8, 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

ORDINANCE 2022-004, South City Annexation

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  
Sierra Vista, AZ 85635

Harter Holdings LLC  
1234 E Fry Blvd  
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:

<b>LAND USE</b>	<b>PARCELS</b>	<b>ACRES</b>	<b>SPECIFIC USES</b>
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	
<b>TOTAL</b>	<b>19</b>	<b>66.62</b>	

Staff requests the City Council’s authorization to annex property within this area in accordance with guidelines set by Council.



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.

<b>RIGHT-OF-WAY</b>	<b>TYPE</b>	<b>STATUS</b>	<b>LENGTH (APPROX. FT)</b>
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 9<sup>th</sup>, 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**

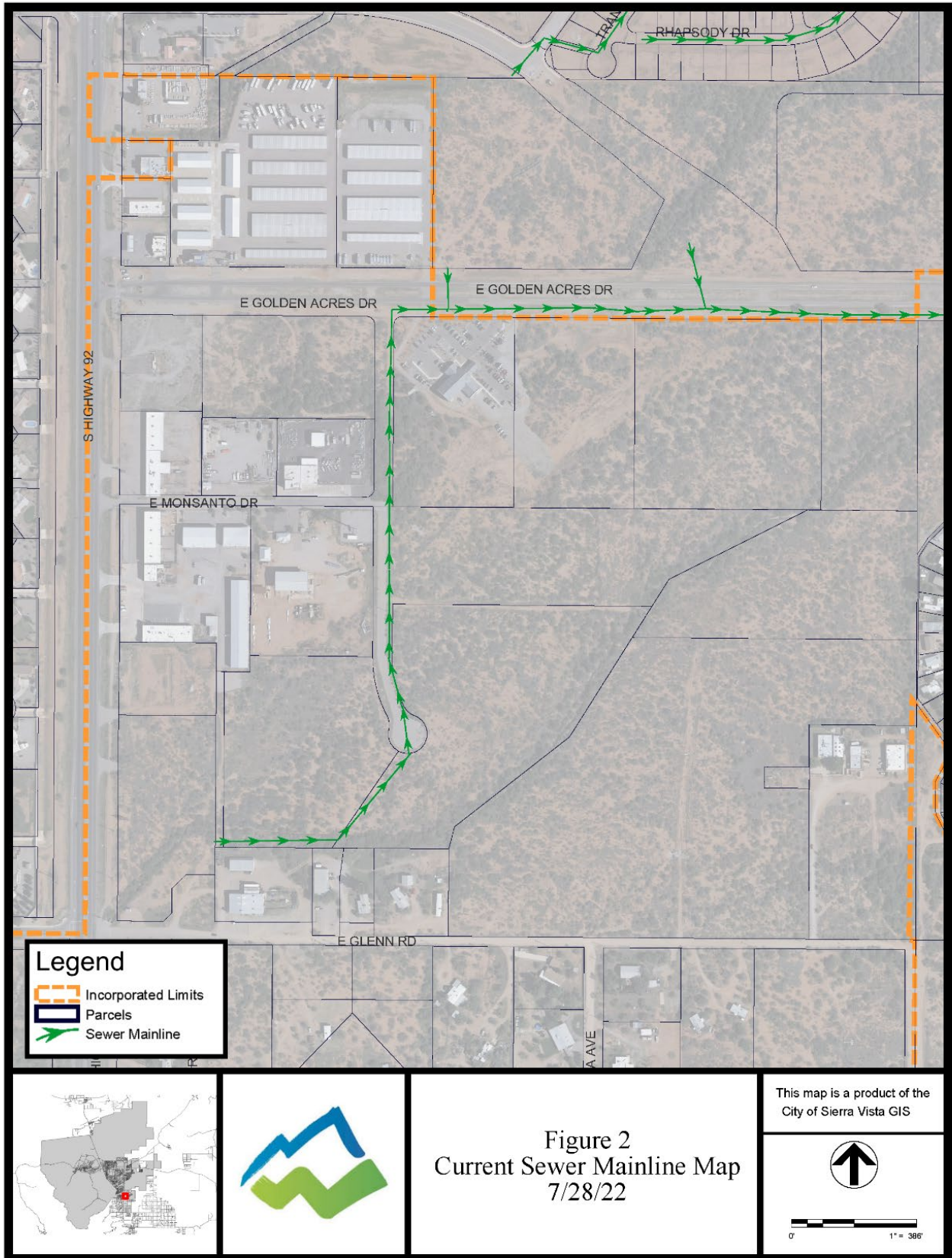
Per the latest Surface Water Plan, there are two tributaries of Garden Canyon Wash that affect the proposed annexation area. The first ends just short of the northern boundary. There is a flood hazard area (zone AE) that extends from the end and affects two of the included properties: Cal-Gas and U-Haul. 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.

**What fiscal impacts are anticipated as a result of annexation?**

Post-annexation, the subject properties are expected to provide approximately \$1,693 in property tax revenue to the City each year. The majority of income related to this annexation is anticipated to derive from rental tax (U-Haul's 915+ storage units, commercial leases) at the current 1% rate and sales tax (Circle-K, Autozone) at a 1.95% rate.

PROCESS

The statutory procedure for the annexation of territory is covered under A.R.S. 9-471. At this juncture, a sufficient quantity of signed petitions have been ascertained to enact a formal annexation ordinance. The following actions have been completed per state law:

1. [7/5/22] File blank petitions with the Cochise County Recorder's Office;
2. [7/22/22] 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;
3. [7/11/22 & 7/13/22] Publish public hearing notice in newspaper;
4. [7/14/22] Post public hearing notice in at least three conspicuous public places in the territory to be annexed;
5. [7/28/22] Public hearing held with request to proceed approved by Council.

Following approval by Council and the required 30-day ordinance waiting period, the annexation officially takes effect. Staff will ensure the County Recorder and other relevant government agencies (as well as affected property owners and businesses) are notified of the change of jurisdiction.

Attachment: ORDINANCE 2022-004: South City Annexation  
Exhibit "A" Legal Description

ORDINANCE 2022-004

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, 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 SIERRA VISTA, ARIZONA; AUTHORIZING 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 ORDINANCE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY

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

SECTION 1

All that certain real property situated in Section 19, Township 22 South, Range 21 East AND 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 in Exhibit A, which contains approximately 66.62 acres of private property (more or less), be and hereby is, annexed to the City of Sierra Vista, Arizona, and that the present corporate limits be and the same hereby are, extended and increased to include the described property included in Exhibit A.

SECTION 2

That the properties described in Exhibit A shall be zoned to the City's zoning district that is the closest density to the County's zoning; the parcels currently zoned General Business (GB) will have a zoning designation of General Commercial (GC). This designation shall be shown on the official Zoning Map until such a time that the property is rezoned.

SECTION 3

That the properties described in Exhibit A shall ascertain the land use designations as already defined within the Vista 2030 General Plan. In accordance with Resolution 4471, the property not defined within the Vista 2030 (Parcel # 107-66-073B) shall receive the designation closest to the County's designation; the subject parcel currently under the Enterprise land use (E) will have a land use designation of Commercial (C). This designation shall be shown on the official Land Use Map 5.

SECTION 4

That a copy of this Ordinance, together with an accurate map of the territory hereby annexed to the City of Sierra Vista, certified by the Mayor of the City, be filed and recorded in the office of the County Recorder of Cochise County, Arizona.

SECTION 5

All other ordinances or parts of ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed.

SECTION 6

Should any section, clause, or provision of this Ordinance be declared by the Courts to be invalid, such invalidity shall not affect other provisions, which can be given effect without the invalid provisions, to this end, the provisions of this Ordinance are declared to be severable.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 8TH DAY OF SEPTEMBER, 2022.

\_\_\_\_\_  
FREDERICK W. MUELLER  
Mayor

Approved As To Form:

Attest:

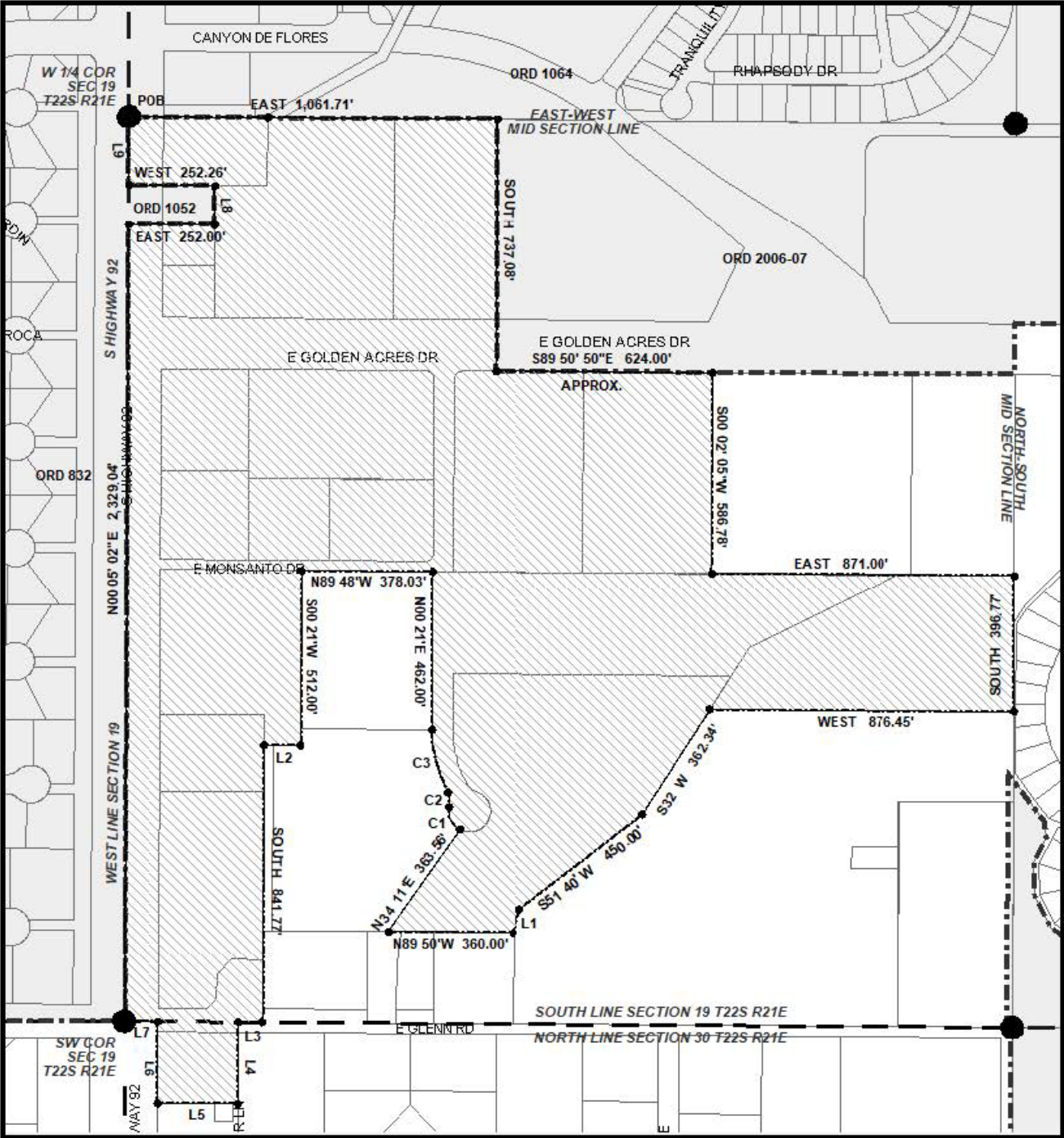
\_\_\_\_\_  
NATHAN WILLIAMS  
City Attorney

\_\_\_\_\_  
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