

ORDINANCE # 2016-33

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A REZONE OF 8.1 ACRES KNOWN AS BOLA TIE FROM RURAL RESIDENTIAL TO BUSINESS PARK GENERALLY LOCATED ON THE WEST SIDE OF LITCHFIELD ROAD APPROXIMATELY 2,500 FEET NORTH OF PEORIA AVENUE.

WHEREAS, this Ordinance was properly noticed for public hearing and the necessary hearings and opportunity for public input were completed;

WHEREAS, the subject site is located on the west side of Litchfield Road approximately 2,500 feet north of Peoria Avenue;

WHEREAS, the subject site is currently zoned Rural Residential (RR);

WHEREAS, any use of the subject site requires modification of the applicable zoning designation;

WHEREAS, all uses must be deemed compatible with military operations of the Luke Air Force Base as defined in Arizona Revised Statutes ARS 28-8481(K);

WHEREAS, the proposed Rezone to Business Park (BP) satisfies the requirements set forth in Chapter 122 of the Surprise Municipal Code;

WHEREAS, this Rezone is in harmony with the purposes and intent of the Zoning Ordinance and the Surprise General Plan; and

WHEREAS, on November 3, 2016, the Planning and Zoning Commission recommended approval of the Bola Tie Rezone.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows:

Section 1. The parcel legally described on Exhibit A and depicted on Exhibit B, known as "Bola Tie 8.1 Acres" is rezoned from Rural Residential (RR) to Business Park (BP) subject to the following stipulations:

- A. Development and use of the site shall be in conformance with the project narrative entitled "Bola Tie, LLC" consisting of 26 pages dated September 15, 2016 and stamped received October 20, 2016.

- B. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the provisions of Article XIV of the Surprise Unified Development Code.
- C. The Property owner and successors waive claim for diminution of in value if the City takes action to rescind approval of this zone change request due to non-compliance with the stipulations of approval.

Section 2. No Codification. This Ordinance is not of a general nature and shall not be codified.

Section 3. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed, upon the effective date of this Ordinance.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 5. Effective Date. This ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED this ____ day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A BOLA TIE 8.1 ACRES

LEGAL DESCRIPTION

THAT PORTION OF THE EAST HALF OF SECTION 21, TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 21, WHICH IS THE NORTHEAST CORNER OF PARCEL ONE OF THE GIFT DEED DATED MAY 24, 1994, AND RECORDED IN DOCUMENT 94-0419715, HEREIN REFERRED TO AS "PARCEL ONE OF THE GIFT DEED";

THENCE SOUTH 00°06'00" EAST (BASIS OF BEARINGS), 2529.33 FEET (SOUTH 00°06'00" EAST, 2529.94 FEET MEASURED), ALONG THE EAST LINE OF SECTION 21, TO THE SOUTHEAST CORNER OF PARCEL ONE OF THE GIFT DEED, ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00°06'00" EAST, 105.11 FEET, ALONG THE EAST LINE OF SECTION 21, TO THE EAST QUARTER CORNER OF SECTION 21;

THENCE SOUTH 00°00'00" EAST, 169.89 FEET (SOUTH 00°06'12" EAST, 169.89 FEET MEASURED), ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 21, TO THE NORTHEAST CORNER OF PARCEL TWO OF THE GIFT DEED DATED MAY 24, 1994, AND RECORDED IN DOCUMENT 94-0419715, HEREIN REFERRED TO AS "PARCEL 2 OF THE GIFT DEED";

THENCE NORTH 89°45'07" WEST, 1307.11 FEET (NORTH 89°51'21" WEST, 1307.23 FEET MEASURED), A LONG SAID NORTH LINE OF PARCEL 2 OF THE GIFT DEED TO THE NORTHWEST CORNER OF PARCEL 2 OF THE GIFT DEED;

THENCE NORTH 00°34'48" WEST, 278.38 FEET (NORTH 00°36'36" WEST, 278.36 FEET MEASURED), TO THE SOUTHWEST CORNER OF PARCEL 1 OF THE GIFT DEED;

THENCE SOUTH 89°36'19" EAST, 1309.76 FEET (SOUTH 89°42'30" EAST, 1276.76 FEET MEASURED), ALONG THE SOUTH LINE OF PARCEL 1 OF THE GIFT DEED TO THE TRUE POINT OF BEGINNING.

CONTAINS 352,927 SQUARE FEET OR 8.10 ACRES, MORE OR LESS.



EXPIRES: 09/30/2012

EXHIBIT B – DEPICTION OF THE PROPERTY TO BE RE-ZONED

