

**APR 08 2015**

**Town of Marana  
Clerk's Office**

**MARANA ORDINANCE NO. 2015.009**

RELATING TO REAL ESTATE; APPROVING AN EXCHANGE OF REAL PROPERTY LOCATED ON THE EAST SIDE OF BIG SKY RANCH DRIVE, SOUTH OF CAMINO DE MAÑANA IN THE TOWN OF MARANA, PIMA COUNTY; SPECIFICALLY, PARCEL "A" OF SKY RANCH SUBDIVISION AS DESCRIBED IN THE PLAT RECORDED IN THE OFFICE OF THE PIMA COUNTY RECORDER AT BOOK 58 OF MAPS AND PLATS, PAGE 58, FOR A PARCEL OF SUBSTANTIALLY EQUAL VALUE LOCATED IN THE TRIANGLE OF LAND BOUNDED BY TANGERINE ROAD, CAMINO DE MAÑANA, AND CAMINO DE OESTE IN THE TOWN OF MARANA, PIMA COUNTY, FOR PURPOSES OF CONSTRUCTION OF A PROPOSED TANGERINE CORRIDOR COMMUNITY PARK SITE; APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A REAL ESTATE EXCHANGE AND PURCHASE AGREEMENT AND ANY DEEDS AND OTHER DOCUMENTS NECESSARY TO ACCOMPLISH THE EXCHANGE AND PURCHASE; AND DECLARING AN EMERGENCY

WHEREAS the Town of Marana owns Parcel "A" of Sky Ranch subdivision as described in the plat recorded in the office of the Pima County Recorder at Book 58 of Maps and Plats, Page 58 (the "Town Parcel"); and

WHEREAS the Town and the original developer of Sky Ranch intended the Town Parcel to be used as a "children's desert educational center" as described in paragraph 3.4 of the Sky Ranch Development Agreement recorded June 25, 2004 at Docket 12331, Page 4286, Pima County Recorder's office; and

WHEREAS the children's desert educational center was not built and is no longer anticipated to be built on the Town Parcel; and

WHEREAS the Town of Marana desires to establish and construct a community park in the northeast Town limits, but finds that the Town Parcel is not optimal due to its relatively small size of 7.3 acres and its sole vehicular access from a private street; and

WHEREAS the Sky Ranch Homeowners Association (the "HOA") owns Sky Ranch Common Area B Open Space as described in the Sky Ranch subdivision plat, including a 35.21-acre portion of Sky Ranch Common Area B Open Space, bounded by Tangerine Road to the north, Camino de Mañana to the southeast, and Camino de Oeste to the west (the "HOA Property"); and

WHEREAS the HOA has received authorization from its members to convey a portion of the HOA Property to the Town, via exchange and/or sale, for a future community park site of 18 acres, more or less, in the triangle of land bounded by Tangerine Road, Camino de Mañana, and Camino de Oeste; and

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WHEREAS on January 7, 2014, the Town Council adopted Resolution No. 2014-002 authorizing Town staff to initiate the possible exchange of properties for the proposed community park site; and

WHEREAS the Town is willing to transfer title to the Town Parcel to the HOA in exchange for a portion of the HOA Property of substantially equal value to the Town Parcel; and

WHEREAS the HOA is willing to sell an additional portion of the HOA Property to the Town for cash; and

WHEREAS the property being exchanged by the Town and the property being received from the HOA, via exchange and purchase, are specifically described in a Real Estate Exchange and Purchase Agreement presented to Council concurrently with this ordinance; and

WHEREAS the parcels of land being exchanged are of substantially equal value; and

WHEREAS A.R.S. § 9-407 requires land exchanges to be authorized by ordinance; and

WHEREAS the Town Council finds that exchange and purchase of the real property in question is in the best interests of the Town of Marana.

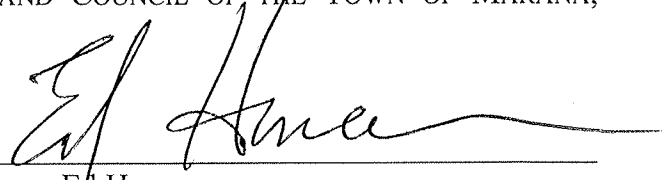
NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, as follows:

SECTION 1. The exchange of property as set forth in the Real Estate Exchange and Purchase Agreement between the Town of Marana and the Sky Ranch HOA, attached to and incorporated by this reference in this resolution as Exhibit A, is hereby authorized pursuant to the terms and conditions set forth in the Agreement, the Agreement is hereby approved, and the Mayor is hereby authorized to execute it and any and all deeds and other related documents necessary to carry out the terms of the Agreement for and on behalf of the Town of Marana.

SECTION 2. The Town's Manager and staff are hereby directed and authorized to undertake all other and further tasks required or beneficial to carry out the terms, obligations, and objectives of the Agreement.

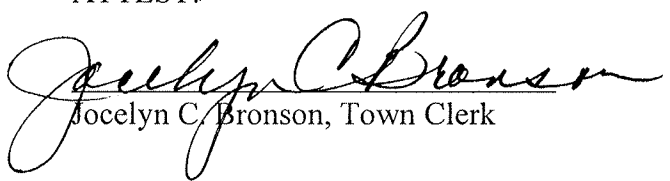
SECTION 3. It is necessary for the preservation of the peace, health, and safety of the Town of Marana that this ordinance become immediately effective; therefore, an emergency is hereby declared to exist and this ordinance shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 7th day of April, 2015.



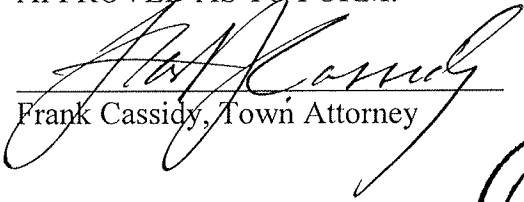
Mayor Ed Honea

ATTEST:



Jocelyn C. Bronson, Town Clerk

APPROVED AS TO FORM:



Frank Cassidy, Town Attorney

