

## MARANA ORDINANCE NO. 2023.024

RELATING TO DEVELOPMENT; APPROVING A REZONING OF APPROXIMATELY 8.7 ACRES OF LAND, GENERALLY LOCATED ON THE NORTH SIDE OF SAGEBRUSH ROAD, APPROXIMATELY 825 FEET WEST OF WENTZ ROAD, FROM ZONE A (SMALL LOT) TO R-144 (RESIDENTIAL) AND APPROVING A MINOR AMENDMENT TO THE MARANA GENERAL PLAN AMENDING THE LAND USE CATEGORY FROM TRADITIONAL NEIGHBORHOOD TO RURAL RESIDENTIAL

WHEREAS Lottie A Kurcz Trust (the "Property Owners") own 8.7 acres of land on a portion of 22.4 acres of land at 14311 N Wentz Road, approximately 825 feet west of Wentz Road, and north of Sagebrush Road, in Section 18, Township 11 South, Range 11 East, described on Exhibit "A" attached to and incorporated in this ordinance by this reference (the "Rezoning Area"); and

WHEREAS the Property Owners have authorized Carlos F and Abigail M Callejas to submit an application to rezone the Rezoning Area from Zone A (Small Lot) to R-144 (Residential) ("this Rezoning"), and to request to a minor amendment to the Marana General Plan changing the land use category designation for the Rezoning Area from Traditional Neighborhood (TN) to Rural Residential (RR); and

WHEREAS the Marana Planning Commission held a public hearing on this Rezoning on July 26, 2023, and voted 6-0, with one Commissioner absent, to recommend that the Town Council approve this Rezoning and minor General Plan amendment, subject to the recommended conditions; and

WHEREAS the Mayor and Marana Town Council held a public hearing on this Rezoning on August 15, 2023 and determined that the requested rezoning and minor General Plan amendment should be approved.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Marana, Arizona, as follows:

**Section 1.** The zoning of the Rezoning Area is hereby changed from Zone A (Small Lot) to R-144 (Residential).

**Section 2.** A minor amendment to the General Plan is hereby approved, changing the General Plan land use designation of the Rezoning Area from Traditional Neighborhood (TN) to Rural Residential (RR).

**Section 3.** This Rezoning is subject to the following conditions, the violation of which shall be treated in the same manner as a violation of the Town of Marana Land

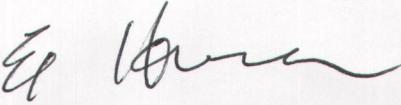
Development Code (but which shall not cause a reversion of this Rezoning), and which shall be binding on the Property Owners, and their successors in interest (all of whom are collectively included in the term "Property Owners" in the following conditions):

1. Compliance with all applicable provisions of the Town's codes and ordinances current at the time of any subsequent development including, but not limited to, requirements for public improvements and payment of application fees and applicable development impact fees.
2. No approval, permit or authorization by the Town of Marana authorizes violation of any federal or state law or regulation or relieves the Property Owners from responsibility to ensure compliance with all applicable federal and state laws and regulations, including the Endangered Species Act and the Clean Water Act. The Property Owners should retain appropriate experts and consult appropriate federal and state agencies to determine any action necessary to assure compliance with applicable laws and regulations.
3. The Property Owners shall transfer to the water provider, by the appropriate Arizona Department of Water Resources form, those water rights being IGR, Type I or Type II for providing designation of assured water supply and water service to the Rezoning Area. If Type I or Type II is needed on the Rezoning Area, the water provider and the Property Owners shall arrive at an agreeable solution to the use of those water rights appurtenant to the affected portion of the Rezoning Area.
4. Prior to the issuance of any grading permits, the Property Owners shall submit evidence to the Town that all federal permit requirements have been met through the Corps of Engineers and the State Historic Preservation Office, if federal permits are required for the development of the Rezoning Area.
5. The Property Owners shall not cause any lot split of any kind without the written consent of the Town of Marana.
6. Upon demand of the Town, the Property Owners shall execute a quitclaim deed, in a form approved by the Town, releasing any interest in West Sagebrush Road along the southern border of Assessor's Parcel Number 217-21-016P.

**Section 4.** All ordinances, resolutions and motions and parts of ordinances, resolutions, and motions of the Marana Town Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

**Section 5.** 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 of this ordinance.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 15th day of August, 2023.



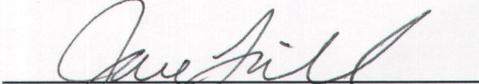
\_\_\_\_\_  
Mayor Ed Honea

ATTEST:



\_\_\_\_\_  
David L. Udall, Town Clerk

APPROVED AS TO FORM:



\_\_\_\_\_  
Jane Fairall, Town Attorney



*Sirathmore*  
WRITING 25% COTTON



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4817 EAST 5TH STREET • TUCSON, ARIZONA 85711

**EXHIBIT A**  
**WEST PARCEL LEGAL DESCRIPTION**  
(amended)

A portion of that certain parcel of land recorded in Docket 11436, Page 2664, being a portion of the Southeast Quarter of Section 18, Township 11 South, Range 11 East, Gila and Salt River Meridian, Pima County, Arizona, more particularly described as follows:

**COMMENCING** at the Southeast corner of the Southeast Quarter of said Section 18, as marked by a two inch brass cap survey monument, from which the Southwest corner of the Southeast Quarter of said Section 18 (South Quarter corner), being a two inch open iron pipe, bears South 89° 51' 50" West (basis of bearings), a distance of 2,637.48 feet;

**THENCE** North 00° 07' 58" West, along the East line of the Southeast Quarter of said Section 18, a distance of 50.00 feet to a point on a line 50.00 feet North of and parallel with the South line of the Southeast Quarter of said Section 18;

**THENCE** South 89° 51' 50" West, along said parallel line, a distance of 110.00 feet to a corner on the South line of said parcel of land recorded in Docket 11436, Page 2664, as marked by a one-half inch rebar, LS 33308;

**THENCE** continue South 89° 51' 50" West, along the South line of said parcel of land recorded in Docket 11436, Page 2664, a distance of 716.29 feet to a one and one half inch aluminum capped pin, LS 50761, and the **POINT OF BEGINNING**;

**THENCE** along the South, West and North lines of said parcel of land recorded in Docket 11436, Page 2664, for the following **FIVE COURSES**:

**THENCE** continue South 89° 51' 50" West, along the line 50.00 feet North of and parallel with the South line of the Southeast Quarter of said Section 18, a distance of 492.65 feet to a point marked by a one and one-half inch open iron pipe, LS 50761;

**THENCE** North 00° 07' 46" West, a distance of 769.99 feet to a point marked by a one-half inch rebar, LS 33308;

**THENCE** North 89° 57' 53" East, a distance of 443.79 feet to a point marked by a one-half inch rebar, LS 50761;

**THENCE** South 00° 07' 58" East, a distance of 5.68 feet to a point marked by a one-half inch rebar, LS 33308;

**THENCE** North 89° 58' 13" East, a distance of 48.86 feet to a point as witnessed by a one and one-half inch aluminum capped pin, LS 50761, stamped "2.00 W.C." (which bears South 00° 07' 46" East, a distance of 2.00 feet to this corner);

**THENCE** departing the North line of said parcel of land recorded in Docket 11436, Page 2664, South 00° 07' 46" East, a distance of 763.44 feet to the **POINT OF BEGINNING**.

**SAID WEST PARCEL** contains **8.6969 acres**, more or less.

**SUBJECT TO** and **TOGETHER WITH** easements and other matters of record.

