

ORDINANCE NO. 2018.015

RELATING TO DEVELOPMENT; APPROVING THE FINAL PLAT FOR GLADDEN FARMS BLOCK 35 LOTS 1-105, BLOCKS A & B & COMMON AREAS “A-1”—“A-9” & “B-1”—“B-7”; APPROVING AN EXCHANGE OF THE REAL PROPERTY DEDICATED BY THE FINAL PLAT IN EXCHANGE FOR ANY RIGHT, TITLE AND INTEREST THE TOWN MAY HAVE IN THE PORTION OF THE SUBDIVISION PLAT IT REPLACES; AND AUTHORIZING THE TOWN ENGINEER TO SIGN A QUIT CLAIM DEED TO BE RECORDED IN THE PIMA COUNTY RECORDER’S OFFICE IMMEDIATELY PRIOR TO THE RECORDING OF THE FINAL PLAT

WHEREAS the Town approved the final plat for Gladden Farms Blocks 35 & 39 Lots 1-205, Blocks A, B, & C & Common Areas “A-1”—“A-17 (Landscape/Utility) “B-1”—“B-12” (Landscape/Drainage/Utility/Recreation) (the “Original Gladden 35/39 Plat”) on June 19, 2012, by the adoption of Marana Resolution No. 2012-039; and

WHEREAS the Original Gladden 35/39 Plat was recorded in the Pima County Recorder’s office on June 22, 2012, at Sequence 20121740308, whereupon all public rights-of-way, public easements, and Blocks A, B, & C as shown on the Original Gladden 35/39 Plat were granted or dedicated to the Town or to the public; and

WHEREAS public sewer easements granted to Pima County by the Original Gladden 35/39 Plat are now owned by the Town as the current operator of the sewer utility and successor in interest to Pima County in the area that includes Gladden Farms; and

WHEREAS the owner of Gladden Farms Block 35 has now filed an application to resubdivide most of Gladden Farms Block 35 into a new subdivision titled ‘Final Plat for Gladden Farms Block 35 Lots 1-105, Blocks A & B & Common Areas “A-1”—“A-9” & “B-1”—“B-7”’ (the “Gladden 35 Replat”); and

WHEREAS the public rights-of-way, public easements, sewer easements, and Blocks A & B as shown on the Gladden 35 Replat are different than the public rights-of-way, public easements, sewer easements, and Block C as shown on the portion of the Original Gladden 35/39 Plat within the area resubdivided by the Gladden 35 Replat, but are of substantially equal value; and

WHEREAS Town staff has determined that the clearest way to replace the dedications made by the Original Gladden 35/39 Plat within the area resubdivided by the Gladden 35 Replat with the dedications as shown on the Gladden 35 Replat is to perform a real estate exchange pursuant to A.R.S. § 9-407; and

WHEREAS A.R.S. § 9-407 requires real estate exchanges to be performed pursuant to ordinance and after published notice; and

WHEREAS notice of the consideration of this ordinance has been published as required by law; and

WHEREAS the Town Council finds that the exchange of real property rights described above is in the best interests of the Town of Marana and that the Gladden 35 Replat complies with all Town ordinances and regulations and should be approved.

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

Section 1. The final plat for Gladden Farms Block 35 Lots 1-105, Blocks A & B & Common Areas “A-1”—“A-9” & “B-1”—“B-7” (the Gladden 35 Replat) is hereby approved.

Section 2. The exchange of the public rights-of-way, public easements, sewer easements, and Block C as shown on the portion of the Original Gladden 35/39 Plat within the area resubdivided by the Gladden 35 Replat for all public rights-of-way, public easements, sewer easements and Blocks A & B as shown on the Gladden 35 Replat is hereby approved.

Section 3. The Town Engineer is hereby authorized to sign a quit claim deed in substantially the form set forth in the agenda materials accompanying this ordinance, quit-claiming to the owner of Gladden Farms Block 35 all public rights-of-way, public easements, sewer easements, and Block C as shown on the portion of the Original Gladden 35/39 Plat within the area resubdivided by the Gladden 35 Replat.

Section 4. The quit claim deed shall be recorded in the Pima County Recorder’s office immediately prior to the recording of the Gladden 35 Replat.

Section 5. 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 this ordinance.

Section 6. This ordinance is administrative and shall be effective upon its passage and adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 4th day of September, 2018.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

Jocelyn C. Bronson, Town Clerk

Frank Cassidy, Town Attorney