

MARANA ORDINANCE NO. 2018.021

RELATING TO DEVELOPMENT; CONFIRMING THE VILLAGES OF TORTOLITA DEVELOPMENT AGREEMENT AND THE VILLAGES OF TORTOLITA SPECIFIC PLAN BY DELETING SECTION 2, PARAGRAPH 5 OF MARANA ORDINANCE NO. 2017.023 AS AMENDED BY MARANA ORDINANCE NOS. 2017.028 AND 2018.009; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS Marana Ordinance No. 2007.09 adopted The Villages of Tortolita Specific Plan, governing land uses on approximately 1,780 acres of land located on the east side of Interstate 10 from about Marana Road on the south to about two-thirds of a mile north of the Pinal County line; and

WHEREAS Marana Ordinance No. 2017.023 was adopted on November 7, 2017, amending The Villages of Tortolita Specific Plan and authorizing the Mayor to sign The Villages of Tortolita Development Agreement; and

WHEREAS Section 2, paragraph 5 of Marana Ordinance No. 2017.023 (i) required TMR INVESTORS, LLC ("TMR") to sign and return The Villages of Tortolita Development Agreement to the Town Clerk for recording within 60 days, (ii) required the execution and return of Private Property Rights Protection Act waivers to the Town Clerk within 60 days, and (iii) provided for reversion of Section 2 paragraphs 1 and 4 of Ordinance No. 2017.023 if the signed development agreement and waivers were not timely submitted; and

WHEREAS Marana Ordinance No. 2017.028 was adopted on December 19, 2017, extending the waiver submission deadline to April 4, 2018; and

WHEREAS Marana Ordinance No. 2018.009 was adopted on April 3, 2018, waiving the 60-day period for TMR's submission of The Villages of Tortolita Development Agreement, authorizing its signing by the Mayor on the Town's behalf and its recording, and extending the waiver submission deadline to August 8, 2018; and

WHEREAS The Villages of Tortolita Development was recorded in the Pima County Recorder's office on April 16, 2018, at Sequence 20181060069, and was recorded in the Pinal County Recorder's office on April 17, 2018, at Fee Number 2018-028230; and

WHEREAS TMR continued to encounter unanticipated difficulties obtaining the waivers associated with one particular parcel, eventually resulting in TMR's acquisition of that parcel as evidenced by a deed recorded in the Pima County Recorder's office on August 24, 2018, at Sequence 20182360559; and

WHEREAS the Mayor and Council are satisfied that TMR did everything reasonably within its power to satisfy the requirements of Section 2, paragraph 5 of Marana Ordinance No. 2017.023 as amended by Marana Ordinance Nos. 2017.028 and 2018.009; and

WHEREAS the Mayor and Council find that the Town has no further need for Section 2, paragraph 5 of Marana Ordinance No. 2017.023 as amended by Marana Ordinance Nos. 2017.028 and 2018.009, and that its deletion will provide evidence of the Town's confirmation of the continued validity of The Villages of Tortolita Development Agreement and The Villages of Tortolita Specific Plan.

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

Section 1. Section 2, paragraph 5 of Marana Ordinance No. 2017.023 as amended by Marana Ordinance Nos. 2017.028 and 2018.009 is hereby deleted.

Section 2. This ordinance addresses an administrative issue associated with Marana Ordinance No. 2017.023 as amended by Marana Ordinance Nos. 2017.028 and 2018.009, and is therefore effective immediately upon its adoption.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 23rd day of October, 2018.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

Hilary C. Hiser, Interim Town Clerk

Frank Cassidy, Town Attorney