

## MARANA ORDINANCE NO. 2021.013

RELATING TO DEVELOPMENT; APPROVING THE FINAL PLAT FOR SUMMERSTONE, LOTS 1 THROUGH 150, AND COMMON AREAS "B" - DRAINAGE /DETENTION BASIN, "C"- UTILITY ACCESS, AND "D"- RECREATION, LANDSCAPE, AND BUFFERYARDS, AND BLOCKS 1-3, LOCATED SOUTH AND WEST OF COACHLINE BOULEVARD, NORTH OF TWIN PEAKS ROAD, AND EAST OF SILVERBELL ROAD; APPROVING AN EXCHANGE OF TOWN-OWNED APN 226-05-149B FOR BLOCK 1 DEDICATED BY THE FINAL PLAT; APPROVING AN EXCHANGE OF A 20 FOOT DRAINAGEWAY FOR ALL PUBLIC RIGHTS-OF-WAY, PUBLIC EASEMENTS, AND DRAINAGE EASEMENTS AS SHOWN ON THE SUMMERSTONE PLAT; AND AUTHORIZING THE MAYOR TO SIGN A SPECIAL WARRANTY DEED AND A QUIT CLAIM DEED FOR THE EXCHANGES, TO BE RECORDED IN THE PIMA COUNTY RECORDER'S OFFICE IMMEDIATELY PRIOR TO THE RECORDING OF THE FINAL PLAT

WHEREAS, on April 4, 1961, the Pima County Board of Supervisors approved the final plat for La Puerta Del Norte subdivision (the "Original La Puerta Plat"), which was recorded in the Pima County Recorder's office on April 25, 1961, at Book 15 of Maps and Plats Page 76, whereupon a 20 foot drainageway between lots 4 and 5 was granted or dedicated to the public (the "Drainageway"); and

WHEREAS the Town and Marana Unified School District No. 6 (MUSD) entered into the "La Puerta Del Norte East Pre-Annexation Development Agreement" dated September 1, 2020, and recorded in the Pima County Recorder's office on September 4, 2020 at Sequence 20202480963 (the "PADA"); and

WHEREAS, pursuant to A.R.S. § 9-500.05 paragraph A, the PADA became operative upon completion of the La Puerta Del Norte East Annexation, which was adopted on September 15, 2020, by Marana Ordinance No. 2020.011; and

WHEREAS the PADA contemplated the annexation and residential development of an area referred to in the PADA as the "Replat Area" and the exchange of a Town-owned wellsite within the Replat Area to MUSD or its successor in interest in exchange for land needed to expand an existing Town well and reservoir site along the south boundary of the Replat Area; and

WHEREAS an application for approval of the subdivision of the Replat Area has now been filed, for a new subdivision titled 'Summerstone, Lots 1 through 150, and

Common Areas "B" - Drainage/Detention Basin, "C" - Utility Access, and "D" - Recreation, Landscape, and Bufferyards, and Blocks 1-3' (the "Summerstone Plat"); and

WHEREAS the Summerstone Plat includes various public rights-of-way, public easements, and drainage easements dedicated to the Town of Marana or the public; 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 (i) the lands being exchanged pursuant to this ordinance are of equivalent size and value, (ii) the exchange of land described in this ordinance is in the best interests of the Town of Marana and its citizens, and (iii) the Summerstone Plat 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 titled 'Summerstone, Lots 1 through 150, and Common Areas "B" - Drainage/Detention Basin, "C" - Utility Access, and "D" - Recreation, Landscape, and Bufferyards, and Blocks 1-3' (the "Summerstone Plat") is hereby approved.

SECTION 2. The exchange of "Parcel 1" for "Parcel 2" is hereby approved, as follows:

"Parcel 1" is owned by the Town of Marana and is described as follows: The west 100 feet of the north 100 feet of Lot 147 of La Puerta Del Norte subdivision, according to the plat of record recorded in the office of the Recorder of Pima County, Arizona on April 25, 1961 at Book 15 of Maps and Plats Page 76 (Pima County Assessor's Parcel Number 226-05-149B)

"Parcel 2" is owned by Title Security Agency, LLC, as Trustee under Trust Number 202116-S or its successor in interest and is described as follows: A 10,006 square foot area identified as "Block 1" on the Summerstone Plat.

SECTION 3. The exchange of the 20 foot drainageway between lots 4 and 5 of the Original La Puerte Plat for all public rights-of-way, public easements, and drainage easements as shown on the Summerstone Plat is hereby approved.

SECTION 4. The Mayor is hereby authorized to sign a special warranty deed in substantially the form of Exhibit A, attached to and incorporated herein by this reference, deeding Parcel 1 to Title Security Agency, LLC, as Trustee under Trust Number 202116-S or its successor in interest, and to sign a quit claim deed in substantially the form of Exhibit B, attached to and incorporated herein by this reference, quit claiming the Drainageway to Title Security Agency, LLC, as Trustee under Trust Number 202116-S or its successor in interest.

**SPECIAL WARRANTY DEED**

Exempt: A.R.S. § 11-1134(A)(3)

THE TOWN OF MARANA (the "Grantor"), an Arizona municipal corporation, for the consideration of TEN DOLLARS, and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby convey to TITLE SECURITY AGENCY, LLC, a Delaware limited liability company, as Trustee under Trust Number 202116-S, and not in its corporate capacity (the "Grantee"), the following described real property situated in Pima County, Arizona (the "Property") pursuant to Marana Ordinance No. 2021.\_\_\_\_:

SEE LEGAL DESCRIPTION AND DEPICTION ATTACHED TO THIS INSTRUMENT AS EXHIBITS A AND A-1 RESPECTIVELY AND INCORPORATED HERE BY THIS REFERENCE

SUBJECT TO reservations in patents and all covenants, conditions, restrictions, obligations, and liabilities as may appear of record.

AND THE GRANTOR HEREBY BINDS itself and its successors to warrant and defend the title against all acts of the Grantor, and no other, subject to the matters above set forth.

IN WITNESS WHEREOF, GRANTOR has caused this Special Warranty Deed to be signed by the undersigned duly authorized officer this \_\_\_\_ day of \_\_\_\_\_, 2021.

"GRANTOR":

THE TOWN OF MARANA, an Arizona  
municipal corporation

APPROVED AS TO SUBSTANCE:

By: \_\_\_\_\_  
Ed Honea, Mayor

\_\_\_\_\_  
Keith Brann, Town Engineer

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Cherry L. Lawson, Town Clerk

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

Exhibit A to Marana Ordinance No. 2021.013

STATE OF ARIZONA     )

ss

County of Pima        )

The foregoing instrument was acknowledged before me on \_\_\_\_\_, 2021, by Ed Honea, Mayor of THE TOWN OF MARANA, an Arizona municipal corporation, on its behalf.

(Seal)

\_\_\_\_\_  
Notary Public

**QUIT CLAIM DEED**

Exempt: A.R.S. § 11-1134 (A) (3)

THE TOWN OF MARANA, an Arizona municipal corporation, for ten dollars and such other consideration the receipt and sufficiency of which are hereby acknowledged, hereby quit claims to TITLE SECURITY AGENCY, LLC, a Delaware limited liability company, as Trustee under Trust Number 202116-S, and not in its corporate capacity, any right, title and interest the TOWN OF MARANA may have in the following described real property located in Pima County, Arizona:

SEE LEGAL DESCRIPTION AND DEPICTION ATTACHED TO THIS INSTRUMENT AS EXHIBITS A AND A-1 RESPECTIVELY AND INCORPORATED HERE BY THIS REFERENCE

THIS QUIT CLAIM DEED IS EXECUTED PURSUANT TO Arizona Revised Statutes section 9-407 and Town of Marana Ordinance No. 2021.\_\_\_\_.

DATED \_\_\_\_\_, 2021.

TOWN OF MARANA, ARIZONA

The undersigned hereby accepts the property rights abandoned by this instrument:

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

TITLE SECURITY AGENCY, LLC, a Delaware limited liability company, as Trustee under Trust Number 202116-S, and not in its corporate capacity

ATTEST:  
\_\_\_\_\_  
Cherry L. Lawson, Town Clerk

By: \_\_\_\_\_

APPROVED AS TO FORM:  
\_\_\_\_\_  
Jane Fairall, Town Attorney

Title: \_\_\_\_\_

Exhibit B to Marana Ordinance No. 2021.013

STATE OF ARIZONA )  
                          ) ss.  
County of Pima     )

This instrument was acknowledged before me on \_\_\_\_\_,  
2021, by Ed Honea, Mayor, on behalf of the Town of Marana.

(Seal)

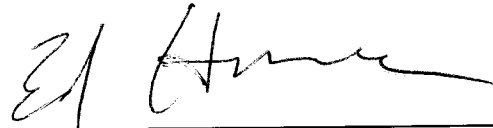
\_\_\_\_\_  
Notary Public

SECTION 5. The special warranty deed and the quit claim deed shall be recorded in the Pima County Recorder's office immediately prior to the recording of the Summerstone Plat.

SECTION 6. 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 7. 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 17th day of August, 2021.




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

ATTEST:

  
\_\_\_\_\_  
Cherry L. Lawson, Town Clerk

APPROVED AS TO FORM:

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