

MARANA ORDINANCE NO. 2024.XXX

RELATING TO DEVELOPMENT; APPROVING A MODIFICATION OF A REZONING CONDITION OF MARANA ORDINANCE NO. 2012.05, WHICH REZONED APPROXIMATELY 278 ACRES OF LAND LOCATED GENERALLY NORTHEAST OF I-10, APPROXIMATELY 1.2 MILES NORTHWEST OF THE I-10/TANGERINE ROAD INTERCHANGE, CREATING THE TORTOLITA SHADOWS SPECIFIC PLAN, TO REVISE A PROVISION OF THE ORDINANCE THAT REQUIRED THE DEVELOPER TO DEDICATE TO THE TOWN A 170-FOOT WIDE DRAINAGE EASEMENT TO BE LOCATED ADJACENT TO THE UNION PACIFIC RAILROAD

WHEREAS the Mayor and Council of the Town of Marana adopted Ordinance No. 2012.05 on July 17, 2012, approving a rezoning of approximately 278 acres of land located generally northeast of I-10, approximately 1.2 miles northwest of the I-10/Tangerine Road Interchange, creating the Tortolita Shadows Specific Plan; and

WHEREAS approval of the rezoning was subject to a number of conditions, including condition 8 which provides that the developer shall dedicate to the Town of Marana, at minimum, a 170-foot wide drainage easement to be located adjacent to the Union Pacific Railroad to accommodate the Tangerine Road Traffic Interchange drainage outflow to the Barnett Channel; and

WHEREAS the property owner, CLB Real Property Holding Co, LLC, has applied to the Town to modify condition 8 based on drainage analysis and design completed by the property owner's consultant and accepted by the Town; and

WHEREAS the Mayor and Council find that modification of condition 8 as proposed by this ordinance is insubstantial enough not to require or benefit from Planning Commission consideration, and that this ordinance is in the best interests of the Town and its citizens.

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

Section 1. Section 3, condition 8 of Marana Ordinance No. 2012.05 is hereby revised as follows, with deletions shown with ~~strikeouts~~ and additions shown with double-underlining, and the Tortolita Shadows Specific Plan is hereby amended to conform to this revised condition:

The developer shall ~~dedicate~~ convey to the Town of Marana, at minimum, a ~~170-foot~~ 130-foot wide drainage ~~easement~~ parcel to be located adjacent to the

Union Pacific Railroad to accommodate the Tangerine Road Traffic Interchange drainage outflow to the Barnett Channel. ~~If the Town determines based on additional drainage studies that an easement of this width is insufficient, the owner or developer shall dedicate the width necessary to accommodate the future drainage improvements.~~ The ~~easement~~ drainage parcel shall be ~~dedicated~~ conveyed to the Town by final block plat or within 60 days of demand by the Town of Marana.

Section 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are repealed as of the effective date of this ordinance.

Section 3. 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, the 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 16th day of January 2024.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

David L. Udall, Town Clerk

Jane Fairall, Town Attorney