



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

March 18, 2020

DEPARTMENT:

Community Development

DIVISION:

Community Planning

- ☐ Motion
- ☐ Resolution
- ☐ Ordinance - Introduction
- ☒ Ordinance - Adoption
- ☐ Public Hearing

TITLE:

Annexation Area No. ANEX-23670-2018: Trail Estates 1, 2 and 3

SUMMARY RECOMMENDATION:

Authorize annexation of properties generally located at the northwest corner of Avenue 9E and 40th Street. (ANEX-23670-2018). (Community Development) (Jay Simonton)

REPORT:

The annexation area consists of 150 properties and the adjacent Avenue 9E and 40th Street right-of-way. The annexation area totals approximately 52.1 acres.

The annexation area is fully developed with 149 single family homes and one stormwater retention basin owned by Yuma County. The area is served by City of Yuma water and sewer. The Census Bureau identified 454 residents in the 2010 Census.

In accordance with Arizona law, a blank petition with a legal description and a map of the area to be annexed was filed with the County Recorder on February 12, 2019. There was a 30-day waiting period after recording the map and petition with the County Recorder before property owner signatures could be obtained. Within the last 10 days of the 30-day waiting period, a public hearing for annexation ANEX-23670-2018 was held by the City Council on March 6, 2019, which complies with the State annexation law, Section 9-471 of the Arizona Revised Statutes. All appropriate and necessary notice and posting requirements have been met.

After a 30-day waiting period and the public hearing, the following procedures were followed:

1. The signatures of the property owners were obtained such that at least one-half of the value of the real and personal property is represented and such that more than one-half of the parcel owners are represented. No modifications, including increases or decreases to the territory to be annexed, were made after the first property owners in the area signed the annexation petition.

2. Within one year after the last day of the 30-day waiting period, these completed petitions were received and recorded with the office of the Yuma County Recorder.

Following the recording of the completed petitions, an ordinance may be adopted by the City Council changing the City boundaries to include the annexation area and applying the City's zoning classification onto the annexation property consistent with Section 9-471(L), Arizona Revised Statutes.

The area is subject to a Preannexation Development Agreement (Agreement) adopted by the City Council on November 7, 2001 (R2001-74). The Agreement states that the City will provide water and sewer service to the Trail Estates subdivision (despite not having been annexed into the City) in exchange for, among other things, that the "Owner agrees to petition for and consent to annexation of the subject property into the City of Yuma pursuant to A.R.S. §9-471 at the City's request. This agreement and obligation to annex to the City shall run with the land and be binding on all heirs, successors and assigns of the Owner." Additionally, the Agreement required the owner (Albert Trail and his successors and assigns) to provide written notice to all buyers of property within the Trail Estates subdivision that the eventual annexation of the property into the City of Yuma is a contractual obligation imposed on each lot buyer and that every lot buyer be required to execute a special power of attorney, binding on future owners, authorizing the signing of an annexation petition on behalf of the property owner.

The annexation of this area has followed a longer process than typically completed for annexations because of the length of time from the completed Agreement, the full development of the Subdivision and the existence of recorded Powers of Attorney authorizing the City Clerk to sign the annexation petitions for 26 parcels.

Because of the length of time from the approval of the Agreement, City staff pursued a broader outreach program than state statute requires in order to obtain signed annexation petitions. Annexation outreach efforts have included:

- Mailing and Door Hangers – Week of 1/28/19
- Neighborhood Meeting – 2/13/19
- Public Hearing Mailing – 2/26/19
- Public Hearing with City Council – 3/6/19
- Additional Mailings – 3/19/19, 10/15/19, 12/5/19 (English/Spanish) and 2/3/20
- Neighborhood Visits – 11/4/19, 11/12/19, 12/19/19, 1/3/20

The area was undeveloped when the Agreement with Albert Trail was approved by City Council in 2001. From 2003 thru 2004, the subdivision plats for Phases 1, 2 and 3 were approved by Yuma County. Phase 1 of the Subdivision was developed by Albert Trail and Mr. Trail obtained Powers of Attorney authorizing the City Clerk to sign Annexation Petitions for a majority of the parcels within Phase 1. Subdivision Phases 2 and 3 were purchased and the Agreement was transferred to the new owners, HLA Inc. and Trails Estate Development LLC, by City Council action on August 20, 2003 (R2003-56).

As the area developed, each property was connected to City of Yuma water service. Once a sewer interceptor line was available to the subdivision in 2005, each parcel was connected to City sewer. The development has been provided continuous water and sewer service from the City since that time.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP: \$0.00	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input checked="" type="radio"/> Department <input type="radio"/> City Clerk's Office <input type="checkbox"/> Document to be recorded <input type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:			DATE:
	Philip A. Rodriguez			2/26/2020
	REVIEWED BY CITY ATTORNEY:			DATE:
	Richard W. Files			2/25/2020
	RECOMMENDED BY (DEPT/DIV HEAD):			DATE:
Alyssa Linville			2/12/2020	
WRITTEN/SUBMITTED BY:			DATE:	
Jennifer Albers			2/12/2020	