ORDINANCE NO. 832

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DEANNEXING CERTAIN LAND IN THE SOUTH WEST QUARTER OF SECTION 36 (IN APPROXIMATELY THE EAST 2900 BLOCK OF THE POSEY COURT ALIGNMENT) TO THE TOWN OF STAR VALLEY PURSUANT TO A.R.S. §9-471.02.

WHEREAS, the border between Payson and Star Valley generally runs on the east line of Range 10E; and

WHEREAS, there is a small area of Star Valley that protrudes into Section 36 and the corporate limits of the Town of Payson in the general area of the Posey Court alignment ("the Notch"); and

WHEREAS, for historical reasons, the area in the Notch was never annexed by Payson, but was included in Star Valley when Star Valley incorporated in 2005; and

WHEREAS, when Star Valley incorporated, it included in its incorporation a strip of land on the South side of the Notch approximately 40 feet by 362 feet that was within the corporate limits of Payson ("Strip A"); and

WHEREAS, Payson desires to deannex Strip A to allow the parcel containing Strip A to be located in only one municipality and to clarify any uncertainty created by Star Valley's incorporation over land previously annexed by Payson; and

WHEREAS, in 2008, a property owner within the Notch purchased a strip of land (approximately 40 feet by 328 feet) within the territorial boundaries of Payson ("Strip B), creating a parcel of land that is within both Payson and Star Valley; and

WHEREAS, Payson desires to deannex Strip B to allow the parcel containing Strip B to be located in only one municipality; and

WHEREAS, Star Valley has agreed to annex Strip A and Strip B; and

WHEREAS, Payson and Star Valley desire to follow the procedures set forth in A.R.S. §9-471.02 to accomplish this deannexation/annexation,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. The Town of Payson hereby intends to deannex Strips A and B so that the Town of Star Valley may annex Strips A and B. A legal description of Strips A and B is attached as Exhibit A. A map showing the Notch and Strips A and B is attached as Exhibit B.

MAY 16 2013 D.3

FIRST READING AND PUBLIC HEARING

SECOND READING AND PUBLIC HEARING JUN 06 2013 G.6

Section 2. The deannexation set forth in Section 1 is contingent upon the fulfillment of all of the conditions of A.R.S. §9-471.02 prior to December 31, 2013.

Section 3. The Clerk of the Town of Payson is directed, upon receipt of an approved Ordinance from the Town of Star Valley agreeing to annex the areas deannexed by this Ordinance, to file a copy of this Ordinance with the Gila County Board of Supervisors.

Section 4. That the Town of Payson, acting through its appropriate officers, employees, and officials, is hereby authorized to take all other actions necessary or appropriate to carry out the purposes of this Ordinance.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this _____ day of _____, 2013, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

_____
Kenny J. Evans, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Timothy M. Wright, Town Attorney

Exhibit A
to
Ordinance 832

LEGAL DESCRIPTION

PARCEL 1 – STRIP 'A'
A parcel of property located in the Southwest ¼ of Section 36, T 10 N, R 10 E, G&SRM, Gila County, Arizona, more particularly described as follows:

Commencing at the East ¼ Corner of or Section 36, T 10 N, R 10 E, G&SRM, Gila County, Arizona, said corner also being Corner Number 10 of Homestead Entry Survey (HES) No. 420;

THENCE, S 89°57'00"W along the east-west mid-section line of Said Section 36 and along the south line of said HES No. 420 a distance of 1408.54 feet to the northeast corner of Small Tracts Act Survey AZ. No. 014, said point being the TRUE POINT OF BEGINNING;

THENCE, S 00°05'34"W along the said east line of said Small Tracts Act Survey AZ. No. 014 a distance of 40.00 feet to the southeast corner of said Small Tracts Act Survey AZ. No. 014, said point also being on the south line of the Wilderness Rim Final Plat recorded as Map No. 793, Gila County Recorder's Office, Gila County, Arizona;

THENCE, S 89°57'00"W along the south line of said Small Tracts Act Survey AZ. No. 014, and along the south line of said Wilderness Rim Final Plat a distance of 362.00 feet to the southwest corner of said Small Tracts Act Survey AZ. No. 014, and the southwest corner of said Wilderness Rim Final Plat;

THENCE, N 00°03'00"E along the west line of said Small Tracts Act Survey AZ. No. 014, and along the west line of said Wilderness Rim Final Plat, a distance of 40.00 feet to the northwest corner of said Small Tracts Act Survey AZ. No. 014, said point being on the south line of said HES No. 420, and said point also being the east-west mid-section line of said Section 36;

THENCE, N 89°57'00"E along the north line of said Small Tracts Act Survey AZ. No. 014, and along the east-west mid-section line of said Section 36, and along the south line of said HES No. 420 a distance of 362.00 feet to the TRUE POINT OF BEGINNING.

PARCEL 1 – STRIP 'B'
A parcel of property located in the Southwest ¼ of Section 36, T 10 N, R 10 E, G&SRM, Gila County, Arizona, more particularly described as follows:

Commencing at the East ¼ Corner of or Section 36, T 10 N, R 10 E, G&SRM, Gila County, Arizona, said corner also being Corner Number 10 of Homestead Entry Survey (HES) No. 420;

THENCE, S 89°57'00"W along the east-west mid-section line of Said Section 36 and along the south line of said HES No. 420 a distance of 1080.54 feet to a point on the east line of the Wilderness Rim Final Plat recorded as Map No. 793, Gila County Recorder's Office, Gila County, Arizona, said point being the TRUE POINT OF BEGINNING;

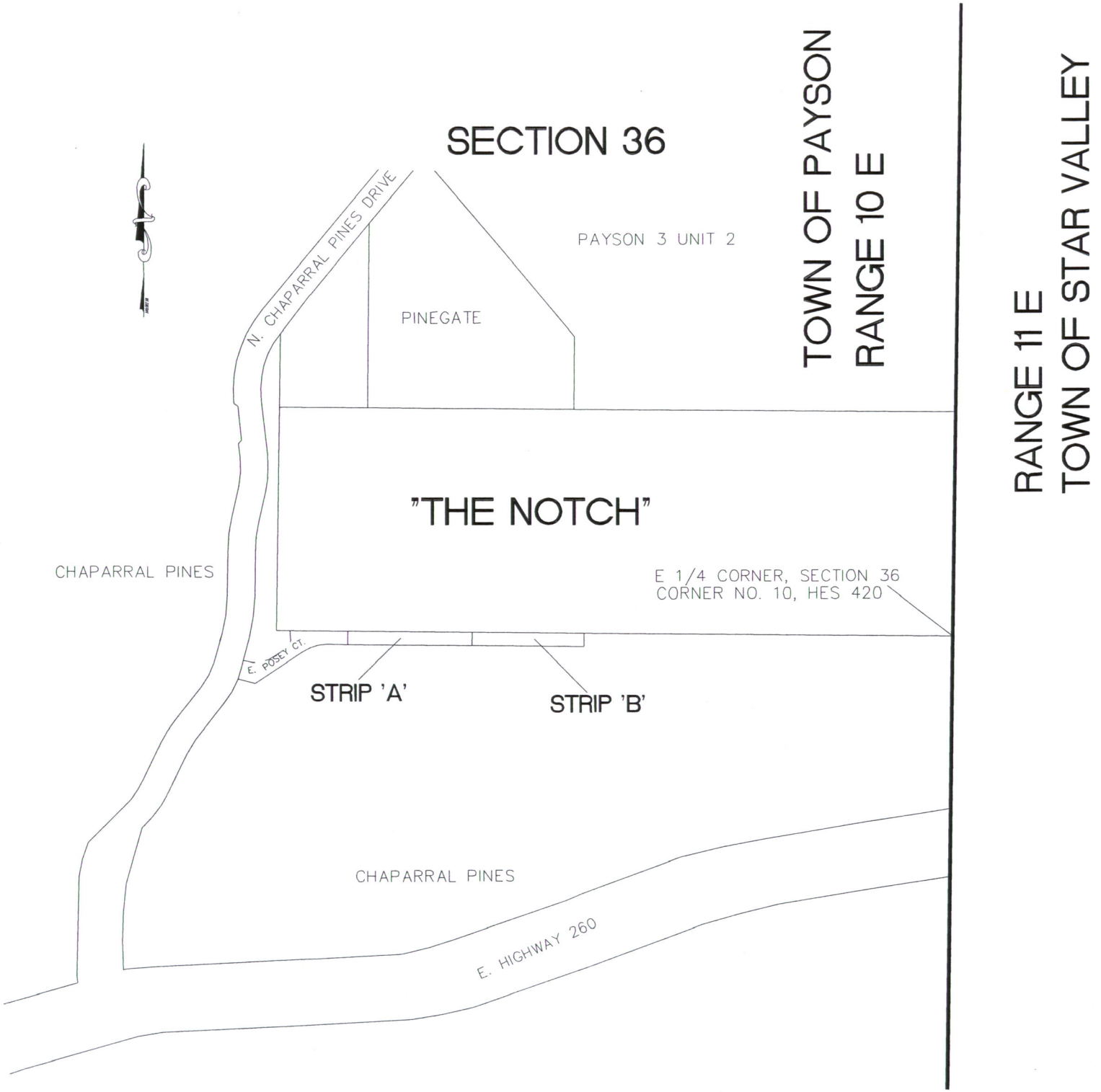
THENCE, S 00°05'34"W along the said east line of said Wilderness Rim Final Plat a distance of 40.00 feet to the southeast corner of said Wilderness Rim Final Plat;

THENCE, S 89°57'00"W along the south line of said Wilderness Rim Final Plat a distance of 328.00 feet to the southeast corner of Small Tracts Act Survey AZ. No. 014;

THENCE, N 00°05'34"E along the east line of said Small Tracts Act Survey AZ. No. 014 a distance of 40.00 to a point the east-west mid-section line of said Section 36, said point also being on the south line of said HES No. 420;

THENCE, N 89°57'00"E along the east-west mid-section line of said Section 36, and along the south line of said HES No. 420 a distance of 328.00 feet to the TRUE POINT OF BEGINNING.

Exhibit B
to
Ordinance 832


SECTION 36
TOWN OF PAYSON
RANGE 10 E
RANGE 11 E
TOWN OF STAR VALLEY
PAYSON 3 UNIT 2
PINEGATE
N. CHAPARRAL PINES DRIVE
"THE NOTCH"
CHAPARRAL PINES
E 1/4 CORNER, SECTION 36
CORNER NO. 10, HES 420
E. POSEY CT.
STRIP 'A'
STRIP 'B'
CHAPARRAL PINES
E. HIGHWAY 260