

## ORDINANCE NO. 08-39

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, A MUNICIPAL CORPORATION OF ARIZONA, DECLARING THE DEANNEXATION AND ANNEXATION OF CERTAIN DESCRIBED PROPERTY LOCATED WITHIN THE TOWN OF DEWEY-HUMBOLDT BUT IMMEDIATELY ADJACENT TO THE TOWN OF PRESCOTT VALLEY, IN ACCORDANCE WITH A.R.S. §9-471.02; PROVIDING THAT THIS ORDINANCE SHALL BE FILED WITH THE YAVAPAI COUNTY BOARD OF SUPERVISORS FOR THE PURPOSE OF HOLDING A PUBLIC HEARING, AND PROVIDING FOR NOTICE TO AFFECTED PROPERTY OWNERS OF SAID HEARING; AND PROVIDING THAT THIS ORDINANCE SHALL BE AN EMERGENCY MEASURE IN ACCORDANCE WITH A.R.S. §19-142(B).

WHEREAS, in 2003 the Dewey-Humboldt Community Organization ("DHCO") developed its campaign to incorporate the Town of Dewey-Humboldt ("Dewey-Humboldt"); and

WHEREAS, A.R.S. §9-101.01 requires approval from existing municipalities prior to incorporation of new communities located within 6 miles of the existing municipality; and

WHEREAS, after considerable discussion between community leaders, the Council of the Town of Prescott Valley ("Prescott Valley") adopted Resolution No. 1255 on March 11, 2004 declaring its support of the proposed Dewey-Humboldt incorporation, contingent upon the necessary petition signatures being obtained for a public vote; and

WHEREAS, after DHCO advised it had obtained the necessary signatures, the Prescott Valley Town Council adopted Resolution No. 1271 on June 24, 2004 approving the proposed incorporation; and

WHEREAS, on November 2, 2004, the qualified electors approved the proposed incorporation and the Yavapai County Board of Supervisors subsequently ordered the incorporation of Dewey-Humboldt on December 20, 2004; and

WHEREAS, when DHCO representatives and Prescott Valley Town staff worked together on the boundary description for the new community, it was agreed to leave a 200-foot strip as unincorporated land on the east side of State Route 69 (between Dewey-Humboldt and Prescott Valley) in order not to create a prohibited County island; and

WHEREAS, this unfortunately resulted in certain parcels having the same owners but being located in different jurisdictions [Exhibit "A" attached hereto and expressly made a part hereof]; and

WHEREAS, a portion of the 200-foot strip has subsequently been annexed by Prescott Valley, which has perpetuated the result of certain parcels being under the same ownership but in different jurisdictions; and

WHEREAS, one of those owners (Michael and Francis Siavelis) subsequently approached both Dewey-Humboldt and Prescott Valley about the possibility of the two

communities working cooperatively to deannex a portion of their property in order for it to be located entirely within Prescott Valley; and

WHEREAS, in October of 2007 the Dewey-Humboldt Town Council adopted Resolution No. 07-46 approving deannexation of Parcel No. 402-02-518, contingent upon annexation by Prescott Valley of necessary adjacent parcels then located in Yavapai County; and

WHEREAS, whereas the necessary annexations were accomplished by Prescott Valley on January 1, 2008 and February 14, 2008; and

WHEREAS, Cheryl Lewis, owner of a nearby parcel in Dewey-Humboldt, has subsequently requested to be included in the deannexation process with regard to a small sliver of her property (Parcel No. 402-02-519); and

WHEREAS, A.R.S. §9-471.02(B) requires the governing body of a city or town which intends to deannex property to, by ordinance, set forth a legal description of the property and declare the deannexation (contingent upon fulfillment of certain conditions); and

WHEREAS, A.R.S. §9-471.02(C) requires the governing body of the city or town which intends to annex property which has been deannexed to, by ordinance, set forth the legal description and declare the annexation (contingent upon fulfillment of certain conditions); and

WHEREAS, A.R.S. §9-471.02(D) requires these ordinances to be filed with the County Board of Supervisors and for the Supervisors to set a hearing date of not less than thirty (30) nor more than sixty (60) days from the date of the filing; and

WHEREAS, A.R.S. §9-471.02(E) requires notice of the hearing to the owners of the property to be deannexed within twenty (20) days of the hearing date; and

WHEREAS, after the hearing, A.R.S. §9-471.02 authorizes the Supervisors to order the deannexation and annexation and to file a certified copy of the order in the office of the County Recorder;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Dewey-Humboldt, as follows:

Section 1. That this Ordinance declares the intent of the Town of Dewey-Humboldt for the property described in **Exhibit A** (attached hereto and expressly made a part hereof) and shown in **Exhibit B** (attached hereto and expressly made a part hereof) to be deannexed from Dewey-Humboldt and annexed into Prescott Valley.

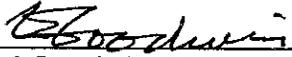
Section 2. That this Ordinance shall be filed with the Yavapai County Board of Supervisors for the purpose of setting a public hearing before that Board, and providing that Town staff shall ensure that required notice of the hearing is provided to the owners of the described property.

Section 3. That, subject to approval of the deannexation and annexation of the described property by the Yavapai County Board of Supervisors (and upon the recording of the order of approval in accordance with A.R.S. §9-471.02(I)), it is

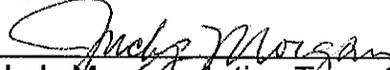
understood that the zoning classification for the property shall be R1L-70 (Residential; Single-Family Limited), as currently designated in Dewey-Humboldt.

Section 4. That, inasmuch as it is necessary for the peace, health and safety of the Town of Dewey-Humboldt that this Ordinance be effective immediately upon its passage and approval according to A.R.S. §19-142(B) (due to the need to facilitate the land uses proposed for the described property), this Ordinance is hereby declared to be an emergency measure and effective upon its passage and approval.

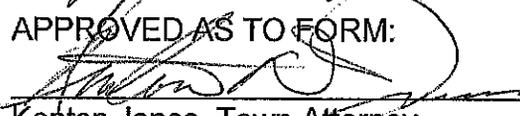
PASSED AND APPROVED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 10<sup>th</sup> day of May 2008.

  
\_\_\_\_\_  
Earl Goodwin, Mayor

ATTEST:

  
\_\_\_\_\_  
Judy Morgan, Acting Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kenton Jones, Town Attorney

**Exhibit "A" (Descriptions)**

**APN 402-02-518**

A portion of Section 3, Township 13 North, Range 1 East of the Gila and Salt River Meridian, Yavapai County, Arizona, described as follows:

That parcel recorded in Book 4226 of Official Records, Page 314 in the Yavapai County Recorder's Office.

**EXCEPTING THEREFROM** the northerly 200.00 feet of said parcel as measured perpendicularly to the north line of said parcel.

Containing approximately 2.5 acres.

**APN 402-02-519**

A portion of Section 3, Township 13 North, Range 1 East of the Gila and Salt River Meridian, Yavapai County, Arizona, described as follows:

That parcel recorded in Book 4525 of Official Records, Page 846 in the Yavapai County Recorder's Office.

**EXCEPTING THEREFROM** any portion lying northerly of a line 200.00 feet southerly of and parallel with the northerly line of said parcel.

Containing approximately 0.1 acres.

**Exhibit "B" (Map)**

