

ORDINANCE 552-14

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AMENDING CHAPTER 14, ARTICLE 3 OF THE QUEEN CREEK TOWN CODE, "SCALLOPED STREETS" BY EXEMPTING THE TOWN'S REDEVELOPMENT AREA FROM THE APPLICATION OF SUCH CHAPTER.

WHEREAS, the Town of Queen Creek Council adopted Ordinance 470-10 to provide for the development of streets and the assessment of the cost thereof against adjacent property owners; and

WHEREAS, in 2005 the Town Council adopted Ordinance 517-05 in conformance with state statute, finding that due to defective or inadequate street layout, faulty lot layout, in relation to size, adequacy, accessibility or usefulness deterioration of properties and the deterioration of certain properties and other conditions a redevelopment area should be created, and creating such Area; and

WHEREAS, Arizona Revised Statutes, Title 36, Chapter 12, in recognition of the special needs applicable to redevelopment areas, grants the Town broad authority in contracting or arranging for services, works, streets, roads, public utilities and other facilities for or in connection with a redevelopment area; and

WHEREAS, the Town Council finds that in order to encourage redevelopment in the Town's redevelopment area, it is appropriate to exempt the Redevelopment Area from the application of Ordinance 470-10, Scalloped Streets.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the Town of Queen Creek, Arizona, as follows:

Section 1. That Article 14, Chapter 3, Section 14-3-2 "Exemptions" is hereby amended to read:

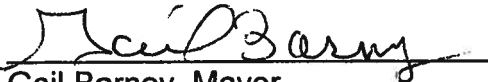
Section 14-3-2 Exemptions

- (a) Street improvements otherwise required by this article shall not be required where the construction, alteration or addition consists solely for installation or replacement of mechanical equipment.
- (b) **THE TOWN'S REDEVELOPMENT AREA, ESTABLISHED BY ORDINANCES 517-05 AND 518-05, AS AMENDED, IS EXEMPT FROM THE APPLICATION OF THIS ARTICLE, PROVIDED HOWEVER THAT WHERE DEEMED APPROPRIATE BY THE TOWN COUNCIL ON A CASE BY CASE BASIS, STREET IMPROVEMENTS MAY BE REQUIRED PURSUANT TO THE TOWN'S ZONING AUTHORITY.**

Section 2. 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, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Queen Creek, this 6th day of August 2014.

FOR THE TOWN OF QUEEN CREEK:


Gail Barney, Mayor

ATTESTED TO:


Jennifer F. Robinson, Town Clerk

REVIEWED BY:


John Kross, Town Manager

APPROVED AS TO FORM:


Dickinson Wright, PLLC
Attorneys for the Town