

ORDINANCE NO. 960

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, COUNTY OF MARICOPA, STATE OF ARIZONA, AMENDING THE CODE OF THE TOWN OF WICKENBURG, CHAPTER 2 MAYOR AND COUNCIL, ARTICLE 2-7 ANNEXATION POLICY, REFORMATTING THE ENTIRE ARTICLE, AMENDING SECTION 2-7-3 RIGHT TO REFUSE TO ANNEX TERRITORY; AND, BY ADDING A NEW RESIDENTIAL RURAL ROAD IMPROVEMENT STANDARD FOR NEWLY ANNEXED TERRITORY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR PENALTIES

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Wickenburg, County of Maricopa, Arizona, as follows:

SECTION I. In General.

The Wickenburg Town Code, Chapter 2, MAYOR AND COUNCIL, Article 2-7 Annexation Policy is hereby amended as follows:

(Code portion being repealed/reformatted shown in ~~strikeout~~; new Code Section in CAPS)

ARTICLE 2-7 ANNEXATION POLICY

- ~~A. Any person, firm, partnership or corporation which desires to annex real property into the Town may, upon certification by the Planning Director that the property is eligible for annexation, request the Town to provide one (1) or more of the following services without cost or monetary obligation to the applicant. Such services may be furnished at the option of the Town and are as follows:~~
- ~~1. The preparation of all maps and petitions required to accomplish the requested annexation.~~
 - ~~2. Personnel costs and attendant fees incurred by the Town to utilize Town employees or other methods to circulate the Petition on behalf of the applicant.~~
 - ~~3. Processing applications for a change in the zoning classification, which may include Planned Area developments on the property being annexed in accordance with State and local statutes, provided that the request for the zone change is applied for simultaneously with the request for annexation and has been completed within two (2) years after the date of application.~~
- ~~B. Upon annexation as determined by adoption of the appropriate ordinance, and subject to approval by the Mayor and Council, all existing development within the area so annexed will be included in the Town's current Capital Improvement Program and those street improvements along with sewer and water line extensions normally provided by the Town will be scheduled for construction.~~
- ~~C. Nothing in this Article shall be construed to require the Mayor and Council or the Town to, in fact, annex any property or territory otherwise sought to be annexed and, accordingly, the Town expressly reserves the right to refuse to pass an annexation ordinance if the Mayor and Council feel that in so doing it would be impractical, not economical, or not in the best interest of the Town.~~

ARTICLE 2-7 ANNEXATION POLICY

2-7-1 REQUEST SERVICES FROM TOWN

2-7-2 INCLUSION IN CAPITAL IMPROVEMENT PROGRAM

2-7-3 RIGHT TO REFUSE TO ANNEX TERRITORY

2-7-4 RESIDENTIAL RURAL ROAD IMPROVEMENT STANDARD

SECTION 2-7-1 REQUEST SERVICES FROM TOWN

ANY PERSON, FIRM, PARTNERSHIP OR CORPORATION WHICH DESIRES TO ANNEX REAL PROPERTY INTO THE TOWN MAY, UPON CERTIFICATION BY THE TOWN PLANNER THAT THE PROPERTY IS ELIGIBLE FOR ANNEXATION, REQUEST THE TOWN TO PROVIDE ONE (1) OR MORE OF THE FOLLOWING SERVICES WITHOUT COST OR MONETARY OBLIGATION TO THE APPLICANT. SUCH SERVICES MAY BE FURNISHED AT THE OPTION OF THE TOWN AND ARE AS FOLLOWS:

1. THE PREPARATION OF ALL MAPS AND PETITIONS REQUIRED TO ACCOMPLISH THE REQUESTED ANNEXATION.
2. PERSONNEL COSTS AND ATTENDANT FEES INCURRED BY THE TOWN TO UTILIZE TOWN EMPLOYEES OR OTHER METHODS TO CIRCULATE THE PETITION ON BEHALF OF THE APPLICANT.
3. PROCESSING APPLICATIONS FOR A CHANGE IN THE ZONING CLASSIFICATION, WHICH MAY INCLUDE PLANNED AREA DEVELOPMENTS ON THE PROPERTY BEING ANNEXED IN ACCORDANCE WITH STATE AND LOCAL STATUTES, PROVIDED THAT THE REQUEST FOR THE ZONE CHANGE IS APPLIED FOR SIMULTANEOUSLY WITH THE REQUEST FOR ANNEXATION AND HAS BEEN COMPLETED WITHIN TWO (2) YEARS AFTER THE DATE OF APPLICATION.

SECTION 2-7-2 INCLUSION IN CAPITAL IMPROVEMENT PROGRAM

UPON ANNEXATION AS DETERMINED BY ADOPTION OF THE APPROPRIATE ORDINANCE, AND SUBJECT TO APPROVAL BY THE MAYOR AND COUNCIL, ALL EXISTING DEVELOPMENT WITHIN THE AREA SO ANNEXED WILL BE INCLUDED IN THE TOWN'S CURRENT CAPITAL IMPROVEMENT PROGRAM AND THOSE STREET IMPROVEMENTS ALONG WITH SEWER AND WATER LINE EXTENSIONS NORMALLY PROVIDED BY THE TOWN WILL BE SCHEDULED FOR CONSTRUCTION.

SECTION 2-7-3 RIGHT TO REFUSE TO ANNEX TERRITORY

~~NOTHING IN THIS ARTICLE SHALL be construed to REQUIRE THE MAYOR AND COUNCIL or the Town to, in fact, TO ANNEX ANY property or TERRITORY otherwise sought to be annexed and, accordingly, the Town expressly reserves the right to refuse to pass an annexation ordinance if the Mayor and Council feel that in so doing it would be impractical, not economical, or not in the best interest of INTO THE TOWN.~~

SECTION 2-7-4 RESIDENTIAL RURAL ROAD IMPROVEMENT STANDARD

ALL NEWLY ANNEXED PRIVATE ROADS SHALL COMPLY WITH THIS SECTION IN ORDER TO BE CONSIDERED FOR ACCEPTANCE BY THE MAYOR AND COUNCIL:

1. THE PROPERTY OWNERS ADJACENT TO THE ROAD SHALL CAUSE TO BE PREPARED A MAP AND LEGAL DESCRIPTION OF THE ROAD PROPOSED TO BE DEDICATED CONTAINING THE SEAL OF A REGISTERED SURVEYOR.
2. A RESIDENTIAL ROAD REQUIRES A FIFTY FOOT (50') WIDE AREA TO BE DEDICATED TO THE TOWN.
3. THE ROAD SHALL MEET THE RESIDENTIAL RURAL ROAD IMPROVEMENT STANDARD AS SET FORTH IN TABLE I.
4. THE MAYOR AND COMMON COUNCIL SHALL REVIEW ALL REQUESTS FOR DEDICATION AND MAKE A DECISION ON ACCEPTING THE ROADWAY AS A PUBLIC ROAD. UPON ACCEPTANCE, THE TOWN SHALL ASSUME THE MAINTENANCE OF THE ROADWAY.

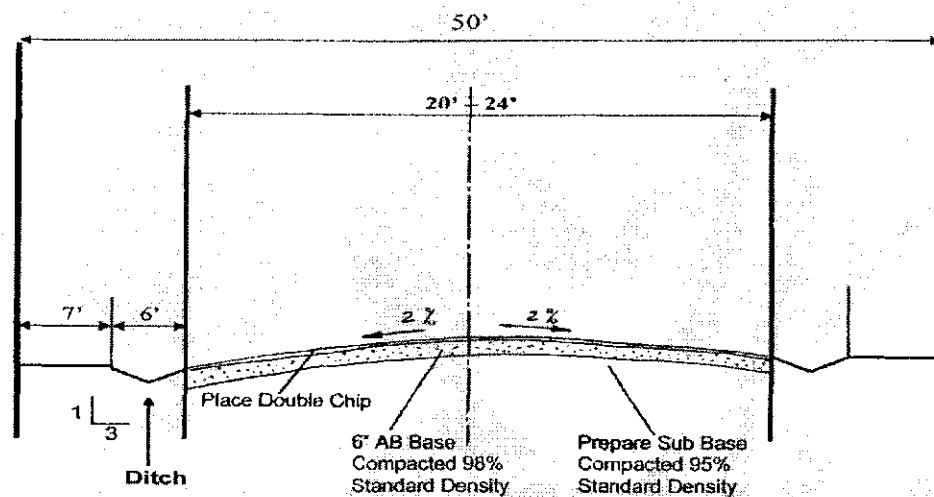


TABLE I – RESIDENTIAL RURAL ROAD IMPROVEMENT STANDARD

SECTION II. Repeal of Conflicting Ordinances

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

SECTION III. Severability Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is 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.

SECTION IV. Penalties Clause

Any person found guilty of violating any provision of this Ordinance shall be subject to the violations and penalty provisions of Section 1-8 of the Wickenburg Town Code.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, STATE OF ARIZONA, ON THIS 3 DAY OF April 2006.



R.R. BADOWSKI, MAYOR

ATTEST:



Donna Riffel, Town Clerk

APPROVED AS TO FORM:



Curtis, Goodwin, Sullivan, Udall & Schwab, PLC

By: _____

Number of Councilmembers Present: 5

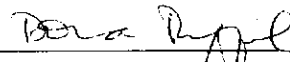
Number of Votes For: 5

Number of Votes Against: 0

Number of Abstentions: 0

CERTIFICATION

I, Donna Riffel, the duly appointed and qualified Town Clerk of the Town of Wickenburg, an Arizona Corporation, do hereby Certify that the foregoing Ordinance Number ~~960~~ ⁴⁰⁰ was duly passed, approved and adopted by the Common Council of the Town of Wickenburg, Arizona, at a regular meeting held on the 3 day of April 2006, and that a quorum was present at the meeting.



Donna Riffel, Town Clerk