

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATIONS**

**CC:** \_\_\_\_\_  
**Amend No.** \_\_\_\_\_

**Date Prepared:** June 28, 2010      **Council Meeting Date:** August 17, 2010

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**TO:** Carl Swenson, City Manager  
**THROUGH:** Susan J. Daluddung, Deputy City Manager  
**FROM:** Andrew Granger, P. E., Engineering Director  
**SUBJECT:** Right of Way Annexation, Deer Valley Road between 85<sup>th</sup> and 91<sup>st</sup> Avenues

**RECOMMENDATION:**

Discussion and possible action to adopt an Ordinance approving the annexation of Deer Valley Road between 85<sup>th</sup> and 91<sup>st</sup> Avenues.

**SUMMARY:**

On November 20, 2007 Council approved the Intergovernmental Agreement between the City and Maricopa County for the improvements to Deer Valley Road between 83<sup>rd</sup> and 91<sup>st</sup> Avenues. One of the provisions of the Intergovernmental Agreement is that upon completion and acceptance of the street improvements, the City is to annex the remaining portion of the north side of Deer Valley Road between 85<sup>th</sup> and 91<sup>st</sup> Avenues.

The current City limits include portions of Deer Valley Road within the area and the annexation of the remaining portions of this stretch of Deer Valley Road will clarify maintenance and public safety jurisdictional responsibilities.

**FISCAL NOTE:** (if applicable)

Upon completion of the annexation process the City will assume all rights of ownership and responsibility for operation and maintenance.

**ATTACHMENT:** (if applicable)

1. Vicinity Map
2. Location Map
3. Ordinance

**CONTACT:** Angela Manuel, Property Agent, (623) 773-7728

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**CITY CLERK USE ONLY:**

- Consent Agenda
- Carry Over to Date: \_\_\_\_\_
- Approved
- Unfinished Business (Date heard previous: \_\_\_\_\_)
- New Business
- Public Hearing: No Action Taken

**ORD. #** \_\_\_\_\_ **RES. #** \_\_\_\_\_  
**LCON#** \_\_\_\_\_ **LIC. #** \_\_\_\_\_  
**Action Date:** \_\_\_\_\_



NOT TO SCALE

DOVE VALLEY RD

LONE MOUNTAIN RD

MONTGOMERY RD

DIXILETA DR

PEAK VIEW RD

DYNAMITE BL

PINNACLE VISTA DR

JOMAX RD

YEARLING RD

HAPPY VALLEY RD

CALLE LEJOS

PINNACLE PEAK RD

WILLIAMS RD

DEER VALLEY RD

ROSE GARDEN LN

BEARDSLEY RD

UTOPIA RD

UNION HILLS DR

GROVERS AVE

BELL RD

PARADISE LN

GREENWAY RD

ACOMA DR

THUNDERBIRD RD

SWEETWATER AVE

CACTUS RD

CHOLLA ST

PEORIA AVE

MOUNTAIN VIEW RD

OLIVE AVE

BUTLER DR

NORTHERN AVE

### LEGEND

★ Deer Valley Road; 83rd Ave to 91st Ave

115TH AVE  
111TH AVE  
107TH AVE  
103RD AVE  
99TH AVE  
95TH AVE  
91ST AVE  
87TH AVE  
83RD AVE  
79TH AVE  
75TH AVE  
71ST AVE



## VICINITY MAP



WILLIAMS RD

91ST AVE

DEER VALLEY RD

87TH AVE

85TH AVE

LAKE PLEASANT PKWY

**LEGEND**



Annexation



**City of Peoria**  
Deer Valley Road  
85th Ave to 91st Ave  
**Location Map**

ORDINANCE NO. 2010-19

AN ORDINANCE OF THE CITY OF PEORIA, ARIZONA, EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF PEORIA, ARIZONA, MARICOPA COUNTY, STATE OF ARIZONA PURSUANT TO THE PROVISIONS OF TITLE 9, CHAPTER 4, ARTICLE 7, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO, BY ANNEXING THERETO CERTAIN TERRITORY CONTIGUOUS TO THE EXISTING CITY LIMITS OF THE CITY OF PEORIA, AND PROVIDING FOR THE RECORDING OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE FOR THE ANNEXATION.

WHEREAS, the territory described in Exhibit A, attached hereto and incorporated herein by reference thereto, and as illustrated on the map attached hereto as Exhibit B, which is likewise incorporated herein reference thereto, is existing Maricopa County right-of-way (hereafter "right-of-way"), known as Deer Valley Road between 85<sup>th</sup> Avenue and 91<sup>st</sup> Avenue; and

WHEREAS, such right-of-way has no taxable real property located within such right-of-way; and

WHEREAS, the City of Peoria, Arizona is desirous of extending and increasing the corporate limits of the City of Peoria, Arizona to include the right-of-way; and

WHEREAS, the right-of-way is adjacent to the existing corporate limits of the City of Peoria, Arizona for the entire length of the proposed annexation; and

WHEREAS, the governing body of Maricopa County, Arizona has or contemplates giving its mutual consent to the annexation of such territory within the County right-of-way by the City of Peoria, Arizona; and

WHEREAS, by adoption of this ordinance, it is the intent and desire of the Mayor and Council of the City of Peoria, Arizona, to mutually consent to and to annex the right-of-way to the City of Peoria, Arizona, and to give their mutual consent thereto;

Ordinance No. 2010-19  
Annexation Ordinance – Deer Valley Road  
August 17, 2010  
Page 2 of 3 Pages

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Peoria, Arizona as follows:

SECTION 1. That the territory in the Maricopa County right-of-way as described in Exhibits A and B attached hereto is hereby annexed to the City of Peoria, Arizona, and that the present corporate limits of the City of Peoria, Arizona are hereby extended and increased to include the Maricopa County right-of-way described in Exhibits A and B attached hereto, all of which such right-of-way is contiguous for the entire length thereof to the present corporate limits of the City of Peoria, Arizona.

SECTION 2. That a copy of this Ordinance, together with an accurate map of the territory hereby annexed to the City of Peoria, Arizona, certified by the Mayor of said City be forthwith filed and recorded in the office of the County Recorder's of Maricopa County, Arizona.

SECTION 3. The annexation herein provided for shall become effective upon the last of the following to occur:

1. The effective date of this Ordinance, in the manner prescribed by law, or
2. The date that the consent of the governing body of Maricopa County, Arizona consenting the annexation herein enacted shall become effective in the manner provided by law.

SECTION 4. WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Peoria, Arizona that this Ordinance become immediately effective, an emergency is declared to exist, and this Ordinance shall be effective immediately upon its passage and adoption.

Ordinance No. 2010-19  
Annexation Ordinance – Deer Valley Road  
August 17, 2010  
Page 3 of 3 Pages

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,  
Arizona this 17th day of August, 2010.

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Bob Barrett, Mayor

ATTEST:

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Mary Jo Waddell, City Clerk

APPROVED AS TO FORM:

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Stephen M. Kemp, City Attorney

Published in: Peoria Times  
Publication Date(s): August 20, 2010 and August 27, 2010

Effective Date: \_\_\_\_\_



# EXHIBIT A

## LEGAL DESCRIPTION

ANNEXATION OF A PORTION OF DEER VALLEY ROAD RIGHT-OF-WAY BETWEEN 91ST AVENUE AND 85TH AVENUE. THE ABOVE REFERENCED ANNEXATION LIMITS ARE LOCATED WITHIN THE SOUTH HALF OF SECTION 15, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 15 (BRASS CAP IN HANDHOLE ALSO KNOWN AS CITY OF PEORIA CONTROL POINT NO. P-4223) FROM WHICH POINT THE SOUTH QUARTER CORNER THEREOF (BRASS CAP IN HAND HOLE ALSO KNOWN AS CITY OF PEORIA CONTROL POINT NO. P-4222) BEARS N 88°57'48" W A DISTANCE OF 2615.60 FEET;

THENCE N 88°57'48" W, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER, A DISTANCE OF 1634.67 FEET TO THE POINT OF BEGINNING;

THENCE N 88°57'48" W, CONTINUING ALONG SAID SOUTH LINE, A DISTANCE OF 980.93 FEET TO SAID SOUTH QUARTER CORNER THEREOF;

THENCE N 88°57'37" W, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 2574.88 FEET;

THENCE N 00°06'15" W, ALONG A LINE 40.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 55.01 FEET;

THENCE S 88°57'37" E, ALONG A LINE 40.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 15.00 FEET;

THENCE N 00°06'15" W, ALONG A LINE 55.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 40.00 FEET;

THENCE S 44°31'56" E A DISTANCE OF 57.13 FEET;

THENCE S 88°57'37" E, ALONG A LINE 55.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 2465.24 FEET;

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**TITLE: DEER VALLEY ROAD ANNEXATION  
FROM 91ST AVENUE TO 85TH AVENUE**

**Preparing Firm: RITICH-POWELL & ASSOCIATES, INC.**

**Address: 3838 N. CENTRAL AVE., SUITE 1250 PHOENIX, AZ 85012**

**Phone: 602-263-1177**

**Fax: 602-277-6286**



EXPIRES 6/30/2011



# EXHIBIT A

## LEGAL DESCRIPTION

THENCE N 45°39'32" E A DISTANCE OF 21.07 FEET;

THENCE S 89°43'19" E A DISTANCE OF 80.00 FEET;

THENCE S 00°16'41" W A DISTANCE OF 1.06 FEET;

THENCE S 44°20'33" E A DISTANCE OF 21.35 FEET;

THENCE S 88°57'48" E, ALONG A LINE 55.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 15, A DISTANCE OF 926.30 FEET;

THENCE S 00°39'48" W A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING.

EXCEPT ANY PORTION THAT HAS HERETOFORE BEEN ANNEXED BY THE CITY OF PEORIA CONTAINING 197,856 SQUARE FEET OR 4.5422 ACRES OF LAND, MORE OR LESS.

THE BASIS OF BEARING FOR THE ABOVE DESCRIPTION IS N 88°57'48" W FOR THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA & SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA AS SHOWN ON THE DEER VALLEY ROAD 91ST AVENUE TO 83RD AVENUE ROADWAY AND DRAINAGE IMPROVEMENT PLANS PRODUCED BY PREMIER ENGINEERING CORPORATION DATED FEBRUARY 2009. MORE SPECIFICALLY THE GEOMETRY SHEET FROM SAID DEER VALLEY ROAD PLANS (SHEET NO. 5) WERE REFERENCED BEARING THE STAMP OF REGISTERED LAND SURVEYOR JESSE BOYD 42937.

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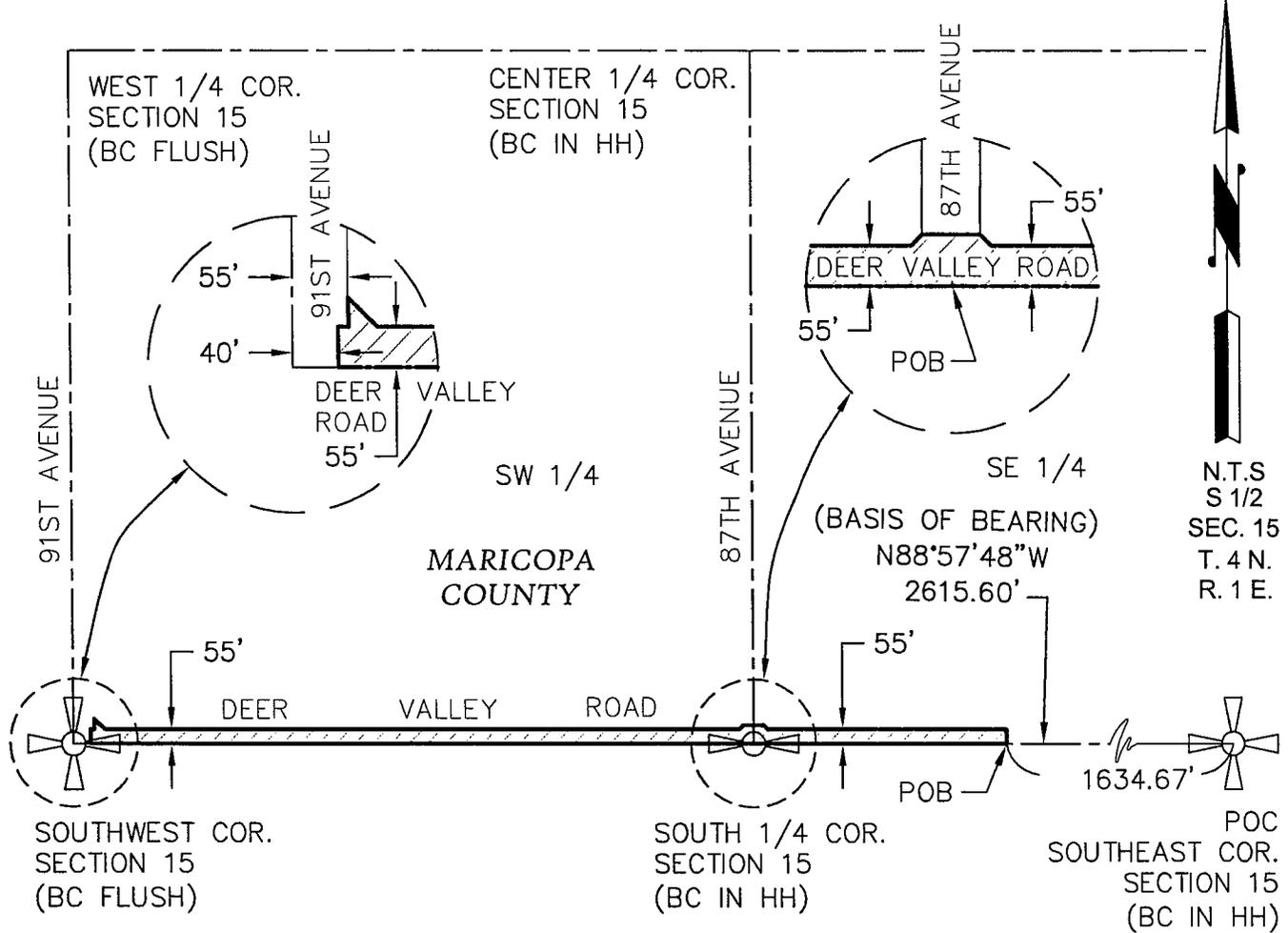


EXPIRES 6/30/2011



# EXHIBIT B SKETCH

NOTE  
HATCHED AREA DELINEATES  
ANNEXATION AREA



N.T.S  
S 1/2  
SEC. 15  
T. 4 N.  
R. 1 E.

TOTAL AREA TO BE ANNEXED TO THE  
CITY OF PEORIA

CITY OF PEORIA

197,856 SQUARE FEET OR 4.5422 ACRES

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FROM 91ST AVENUE TO 85TH AVENUE**

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EXPIRES 6/30/2011