

COB1902-15-1-1--
Yorkm

CAPTION HEADING:

Deannexation from the Town of Gilbert
Ordinance No. 2871
and
Annexation to Maricopa County

Reason for recording: Recording Maricopa County approved documents with recorded city ordinance certifying that the Board of Supervisors approved the annexation on Wednesday, August 23, 2023.

(C-06-24-033--02)

DO NOT REMOVE
This is part of the official document

COUNTY OF MARICOPA
State of Arizona

Office of the Clerk
Board of Supervisors

State of Arizona) ss.
County of Maricopa)

I, Juanita Garza, Clerk of the Board of Supervisors, do hereby certify that the following is a true and correct statement of the agenda item and the action taken by the Board of Supervisors at their meeting held on August 23, 2023.

13. DEANNEXATION FROM THE TOWN OF GILBERT ORDINANCE NO. 2871 TO MARICOPA COUNTY

Pursuant to A.R.S. § 9-471.03 convene the scheduled public hearing regarding the de-annexing road right-of-way from Town of Gilbert jurisdiction to Maricopa County.

Right-of-way location: Power Road from Elliot Road to Guadalupe Road. Supervisory District No. 1.

The Board of Supervisors determined at a public hearing on August 9, 2023, that such action would be in the public interest and has complied with the additional requirements of A.R.S. § 9-471.03.

If approved, the Board of Supervisors:

1. Orders that the public right-of-way be returned as specified in Town of Gilbert Ordinance No. 2871, returning the public right-of-way to Maricopa County.
2. Pursuant to ARS § 9-471.02, directs the Clerk of the Board to notify the Town of Gilbert that the Board of Supervisors order regarding the de-annexation of the public right-of-way was approved, and
3. Directs the Clerk of the Board to certify a copy of the order of the Board and file it for record in the Office of the County Recorder.

Legal description of the roadway being de-annexed, identified as [Exhibit "A"], is attached.

MCDOT Analysis: The existing roadway is owned/operated/maintained by MCDOT. The property adjacent to the eastern right-of-way is developing requiring roadway improvements. These improvements require deannexation to accommodate an arterial roadway This action will ensure the roadway is fully within unincorporated Maricopa County and reduce conflict of liability. The roadway improvements are a necessary improvement to the traveling public.

Financial Status: Cost of the roadway(s) development falls to the developer with no initial cost to Maricopa County. Cost of maintenance moving forward is typical of roadway maintenance cost and will be the responsibility of Maricopa County. The cost of roadway maintenance provides a benefit to the traveling public.

The Board action will result to add 0.0025 square miles of right of way to County ownership and enable the County to assume responsibility for road maintenance.

[Attach adjacent property owner list and any other documents pertaining to item]
(C-08-24-033-X-02)

Motion to approve by Supervisor Jack Sellers, seconded by Supervisor Thomas Galvin

Ayes: Clint Hickman, Jack Sellers, Thomas Galvin, Bill Gates, Steve Gallardo



*IN WITNESS WHEREOF, I have hereunto set
my hand and affixed the Official Seal of the
County of Maricopa. Done at Phoenix, the
County Seat, on August 23, 2023*

Juanita Gray

Clerk of the Board of Supervisors

File

RESOLUTION AND ORDER

C-06-24-033-X-02

WHEREAS, pursuant to A.R.S. § 9-471.02, the Town of Gilbert passed and adopted Ordinance No. 2871 declaring the deannexation of the territory described as follows:

Right-of-way location: Power Road from Elliot Road to Guadalupe Road.
Supervisory District No. 1.

WHEREAS, Maricopa County passed and adopted an Ordinance annexing the same territory described above; and

WHEREAS, the aforesaid Ordinances were filed with the Maricopa County Board of Supervisors; and

WHEREAS, after such notice as was appropriate and legally required, the Maricopa County Board of Supervisors scheduled a hearing on the matter on August 23, 2023; and

WHEREAS, it was determined at such hearing that the requirements of Section 9-471.02, Arizona Revised Statutes, have been satisfied; and

WHEREAS, no protests were filed before the Board of Supervisors,

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the territory be deannexed from the Town of Gilbert and that the same territory be annexed to Maricopa County; and

BE IT FURTHER RESOLVED that a copy of this order be filed with the Recorder's Office of Maricopa County.

DATED this 23 day of August 2023.



Clint Hickman
Chairman, Board of Supervisors

ATTEST:



Juanita Garza, Clerk of the Board

ORDINANCE NO. 2871

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF GILBERT, MARICOPA COUNTY ARIZONA, DECREASING THE CORPORATE LIMITS OF THE TOWN OF GILBERT, BY DEANNEXING AND SEVERING CERTAIN RIGHT-OF-WAY ALONG THE WEST SIDE OF POWER ROAD BETWEEN ELLIOT ROAD AND THE EAST MARICOPA FLOODWAY, CONTINGENT UPON THAT SAME RIGHT-OF-WAY BEING ACCEPTED BY MARICOPA COUNTY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY.

WHEREAS, the owners of certain properties to the north of Elliot Road have dedicated a strip of new right-of-way, approximately ten to twenty feet in width, along the west side of Power Road between Elliot Road and the East Maricopa Floodway. Dedications are provided on plats and other MCR documents, as shown on Exhibit A: Book 1666, Page 32; Book 1420, Page 39; Book 670, Page 42; document 85-0537831; and Book 1344, Page 36; and

WHEREAS, Power Road in this area is currently maintained by the Maricopa County Department of Transportation; and

WHEREAS, Arizona Revised Statutes Section 9-471.03 provides for right-of-way to be deannexed and severed from a municipality to a county; and

WHEREAS, the Town of Gilbert desires to deannex, sever, and return the newly dedicated right-of-way, contingent upon the acceptance of such right-of-way by Maricopa County, in the public interest and to ensure efficient maintenance of Power Road.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section I. In General.

- A. The foregoing recitals are incorporated as though fully set forth herein.
- B. The Town of Gilbert hereby declares the deannexation, severing, and return of that portion of right-of-way described and depicted on Exhibit A from the Town of Gilbert to Maricopa County, contingent upon the approval of the Maricopa County Board of Supervisors and the fulfillment of all other conditions set forth in Arizona Revised Statutes Section 9-471.03.
- C. The Mayor, the Town Manager, the Town Clerk, and the Town Attorney are hereby authorized and directed to forward a certified copy of this Ordinance to the Board of Supervisors of Maricopa County, Arizona, and to take all other steps necessary to further the intent of this Ordinance and the return of the aforementioned right-of-way to Maricopa County.

Section II. Providing for 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. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, 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 Common Council of the Town of Gilbert, Arizona, this 20th day of June, 2023.

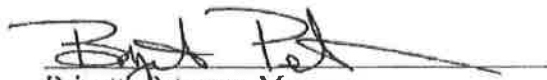
AYES: Anderson, Bongiovanni, Buchli, Koprowski, Peterson, Tilque, Torgeson

NAYS: _____

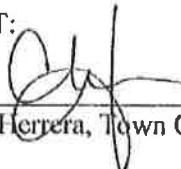
ABSENT: _____

EXCUSED: _____

ABSTAINED: _____

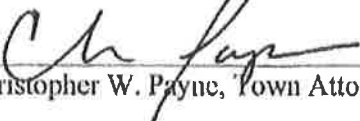

Brigette Peterson, Mayor

ATTEST:



Chaveli Herrera, Town Clerk

APPROVED AS TO FORM:



Christopher W. Payne, Town Attorney

I, CHAVELI HERRERA, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 2871 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 20th DAY OF JUNE, 2023, WAS POSTED IN THE ONE PLACE ON THE 21ST DAY OF JUNE, 2023



Chaveli-Herrera, Town Clerk

The following exhibits are attached hereto and incorporated herein:

- 1. Exhibit A – Legal Description & Map

EXHIBIT "A"
POWER ROAD DE-ANNEXATION
MARICOPA COUNTY

THAT PORTION OF THE EAST HALF OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 6 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 12, BEING MARKED BY A BRASS CAP IN HANDHOLE, FROM WHICH THE SOUTH QUARTER CORNER OF SAID SECTION 12, BEING MARKED BY BRASS CAP IN HANDHOLE, BEARS SOUTH 89 DEGREES 26 MINUTES 49 SECONDS WEST, 2593.17 FEET;

THENCE SOUTH 89 DEGREES 26 MINUTES 49 SECONDS WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 12, 55.44 FEET;

THENCE DEPARTING SAID SOUTH LINE, NORTH 00 DEGREES 33 MINUTES 11 SECONDS WEST, 65.00 FEET TO A LINE 65.00 FEET NORTH OF AND PARALLEL TO SAID SOUTH LINE AND THE **POINT OF BEGINNING**;

THENCE SOUTH 89 DEGREES 26 MINUTES 49 SECONDS WEST, ALONG SAID PARALLEL LINE, 60.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF POWER ROAD, AS SHOWN IN "POWER COMMERCE PARK", A FINAL PLAT, RECORDED IN BOOK 1666, PAGE 32, MARICOPA COUNTY RECORDS, (M.C.R.);

THENCE NORTH 44 DEGREES 15 MINUTES 16 SECONDS EAST, ALONG SAID RIGHT-OF-WAY LINE, 56.38 FEET;

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE, NORTH 00 DEGREES 56 MINUTES 18 SECONDS WEST, 459.49 FEET;

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE, NORTH 89 DEGREES 03 MINUTES 42 SECONDS EAST, 10.00 FEET;

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE, NORTH 00 DEGREES 56 MINUTES 18 SECONDS WEST, 315.46 FEET;

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE, SOUTH 89 DEGREES 26 MINUTES 49 SECONDS WEST, 5.00 FEET;

THENCE CONTINUING ALONG THE WEST RIGHT-OF-WAY LINE OF POWER ROAD AS SHOWN IN "SAN TAN CHARTER HIGH SCHOOL", A FINAL PLAT, RECORDED IN BOOK 1420, PAGE 39, M.C.R., NORTH 00 DEGREES 56 MINUTES 18 SECONDS WEST, 1748.65 FEET TO THE EAST-WEST MID-SECTION LINE OF SAID SECTION 12;

THENCE CONTINUING ALONG THE WEST RIGHT-OF-WAY LINE OF POWER ROAD AS SHOWN IN "LA ALDEA", A FINAL PLAT, RECORDED IN BOOK 670, PAGE 42, M.C.R., NORTH 00 DEGREES 57 MINUTES 54 SECONDS WEST, 1315.79 FEET TO THE NORTH LINE OF SAID PLAT;

THENCE CONTINUING ALONG THE WEST RIGHT-OF-WAY LINE OF POWER ROAD ACCORDING TO DOCUMENT 85-0537831 M.C.R., NORTH 89 DEGREES 39 MINUTES 39 SECONDS EAST, 5.00 FEET

THENCE CONTINUING ALONG WEST RIGHT OF WAY, NORTH 00 DEGREES 57 MINUTES 54 SECONDS WEST, 270.02 FEET;

THENCE CONTINUING ALONG WEST RIGHT OF WAY, SOUTH 89 DEGREES 39 MINUTES 49 SECONDS WEST 5.00 FEET;

THENCE CONTINUING ALONG THE WEST RIGHT-OF-WAY LINE OF POWER ROAD AS SHOWN IN "ARCADIA COMMONS", A FINAL PLAT, RECORDED IN BOOK 1344, PAGE 36, M.C.R., NORTH 00 DEGREES 57 MINUTES 54 SECONDS WEST, 397.30 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE ROOSEVELT WATER CONSERVATION DISTRICT CANAL AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY, FROM WHICH THE CENTER BEARS NORTH 56 DEGREES 54 MINUTES 15 SECONDS EAST, 1688.50 FEET;

THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE, ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 00 DEGREES 56 MINUTES 41 SECONDS, AN ARC LENGTH OF 27.84 FEET TO THE WEST LINE OF THE EAST 55.00 FEET OF SAID SECTION 12, AS SHOWN IN "ROAD DECLARED", A PLAT RECORDED IN BOOK 14, PAGE 80, M.C.R.;

THENCE DEPARTING SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, SOUTH 00 DEGREES 57 MINUTES 54 SECONDS EAST, ALONG SAID WEST LINE, 1959.73 FEET TO SAID EAST-WEST MID-SECTION LINE;

THENCE CONTINUING ALONG SAID WEST LINE, SOUTH 00 DEGREES 56 MINUTES 18 SECONDS EAST, 2563.71 FEET TO SAID POINT OF BEGINNING.

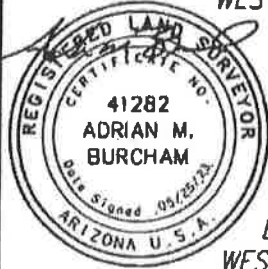
SAID PARCEL CONTAINS 68,396 SQUARE FEET, OR 1.5702 ACRES MORE OR LESS.





HUBBARD
ENGINEERING
www.hubbardengineering.com

1201 S. Alma School Rd.
Suite 12000
Mesa, AZ 85210
Ph: 480.692.3313



DOC. 2001-1026983, M.C.R.
WESTERN IB HUNT GROVES L P
APN: 304-16-004D

ARCADIA COMMONS
BK. 1344, PG. 36, M.C.R.

DOC. 2001-1026983, M.C.R.
WESTERN IB HUNT GROVES L P
APN: 304-16-004D

LOT 1
BK. 1420, PG. 39, M.C.R.
MORRISON RANCH COMMUNITY COUNCIL
APN: 304-16-951

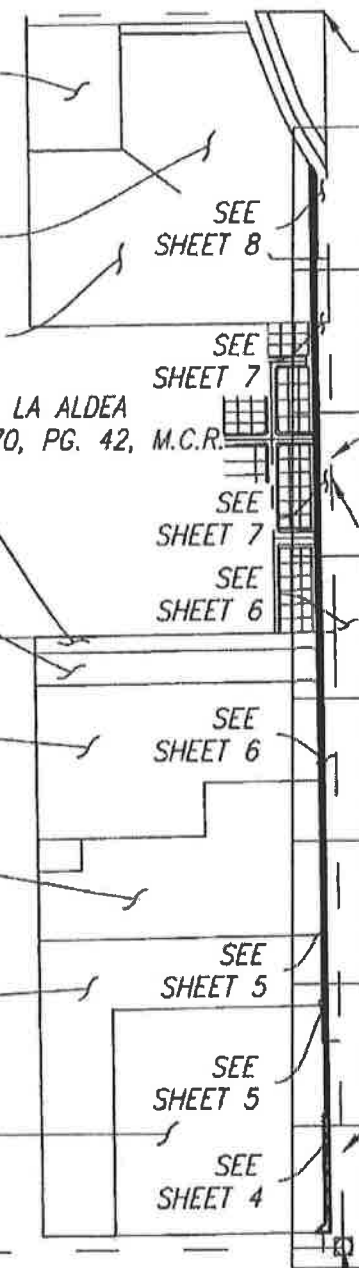
LOT 2
BK. 1420, PG. 39, M.C.R.
SAN TAN MONTESSORI SCHOOL INC
APN: 304-16-952

LOT 3
BK. 1420, PG. 39, M.C.R.
SAN TAN MONTESSORI SCHOOL INC
APN: 304-16-953

LOT 1
BK. 1666, PG. 32, M.C.R.
SAN TAN MONTESSORI SCHOOL INC
APN: 304-16-956

LOT 3
BK. 1666, PG. 32, M.C.R.
MBR LAND I LLP/MBR LAND II
APN: 304-16-958

LOT 4
BK. 1666, PG. 32, M.C.R.
FRED MEYER STORES INC
APN: 304-16-959



NE CORNER,
SEC. 12, T1S, R6E,
FND. NOTHING

E. LINE, NE 1/4,
SEC. 12, T1S, R6E

E. 1/4 CORNER,
SEC. 12, T1S, R6E,
FND. NOTHING

E. LINE, SE 1/4, SEC. 12, T1S, R6E

S. POWER RD.



S. 1/4 CORNER,
SEC. 12, T1S, R6E,
FND. BCHH

S. LINE, SE 1/4, SEC. 12, T1S, R6E
E. ELLIOT RD.

SE CORNER,
SEC. 12, T1S, R6E,
FND. BCHH

TOWN OF GILBERT
POWER RD.
DE-ANNEXATION
EXHIBIT "A"

Town of Gilbert, Maricopa County, Arizona

Project No.
23129

Date
05/25/23

Project Manager
ADRIAN BURCHAM

Project Eng.

Sht: 3 of 8

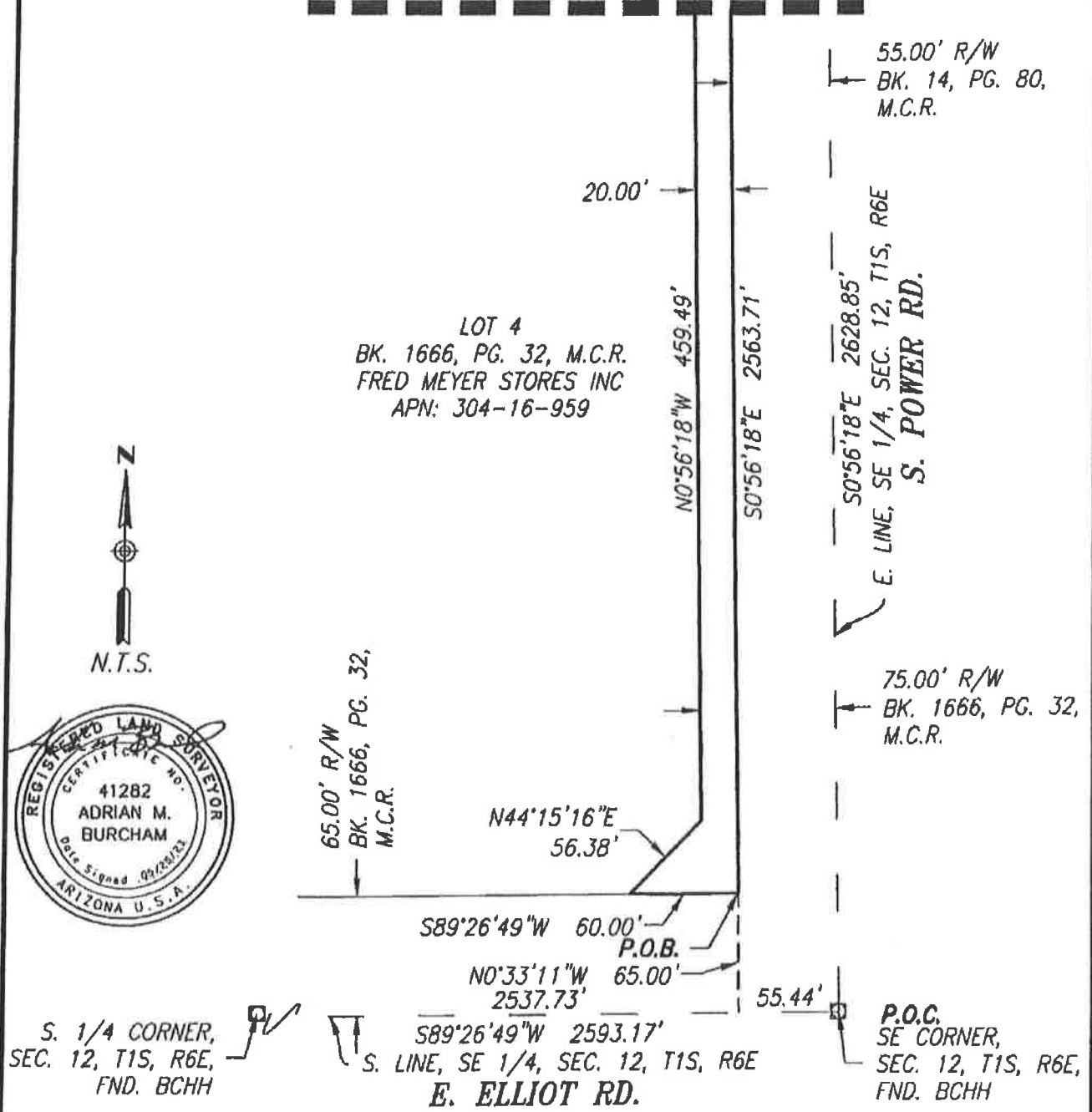


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Mesa, AZ 85210
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MATCH SHEET 5



TOWN OF GILBERT
POWER RD.
DE-ANNEXATION
EXHIBIT "A"
Town of Gilbert, Maricopa County, Arizona

Project No. 23129	Date 05/25/23	Sht: 4 of 8
Project Manager ADRIAN BURCHAM	Project Eng.	

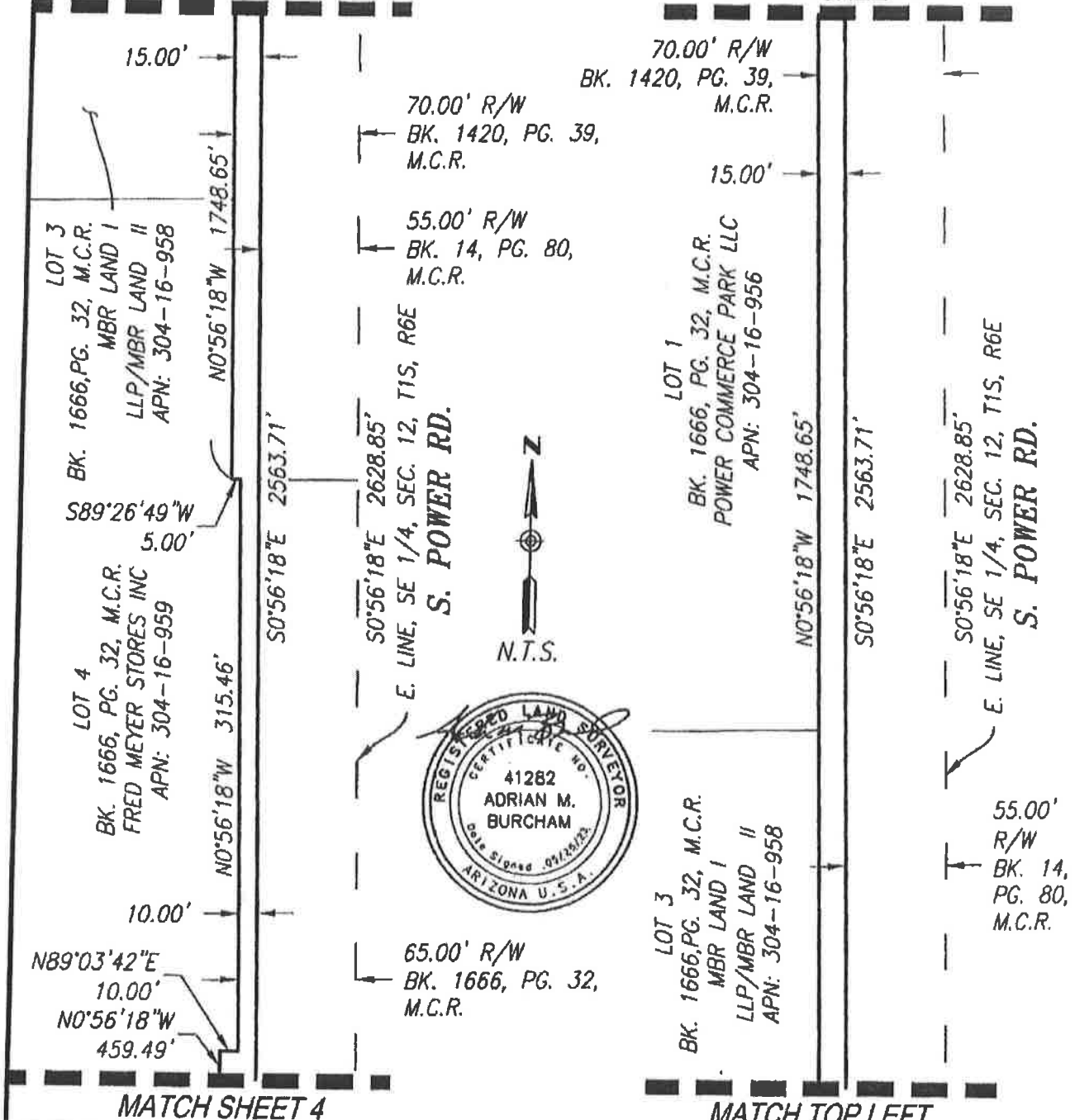


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MATCH BOTTOM RIGHT

MATCH SHEET 6



MATCH SHEET 4

MATCH TOP LEFT

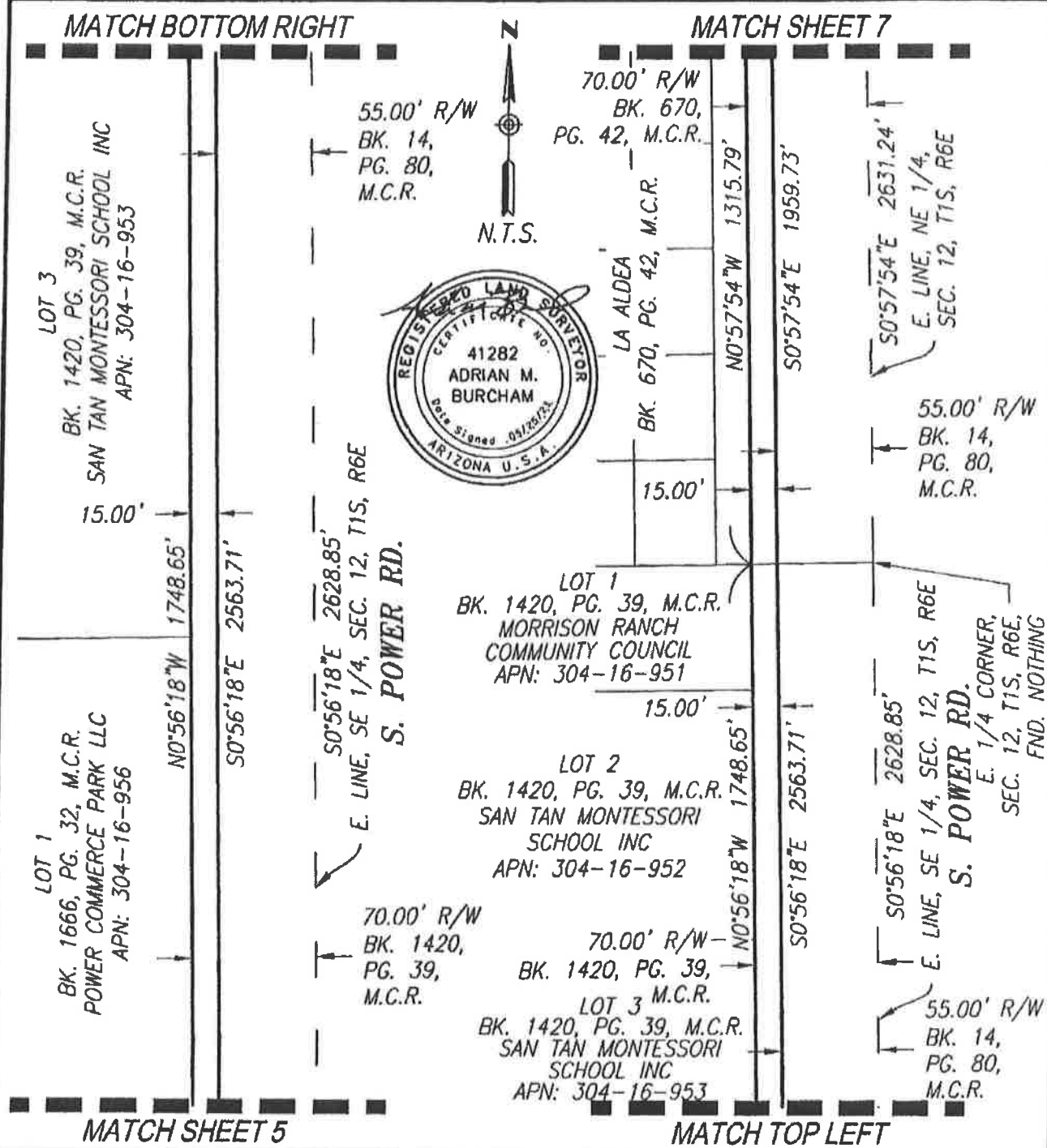
TOWN OF GILBERT
POWER RD.
DE-ANNEXATION
EXHIBIT "A"
Town of Gilbert, Maricopa County, Arizona

Project No. 23129	Date 05/25/23	Sht. 5 of 8
Project Manager ADRIAN BURCHAM	Project Eng.	



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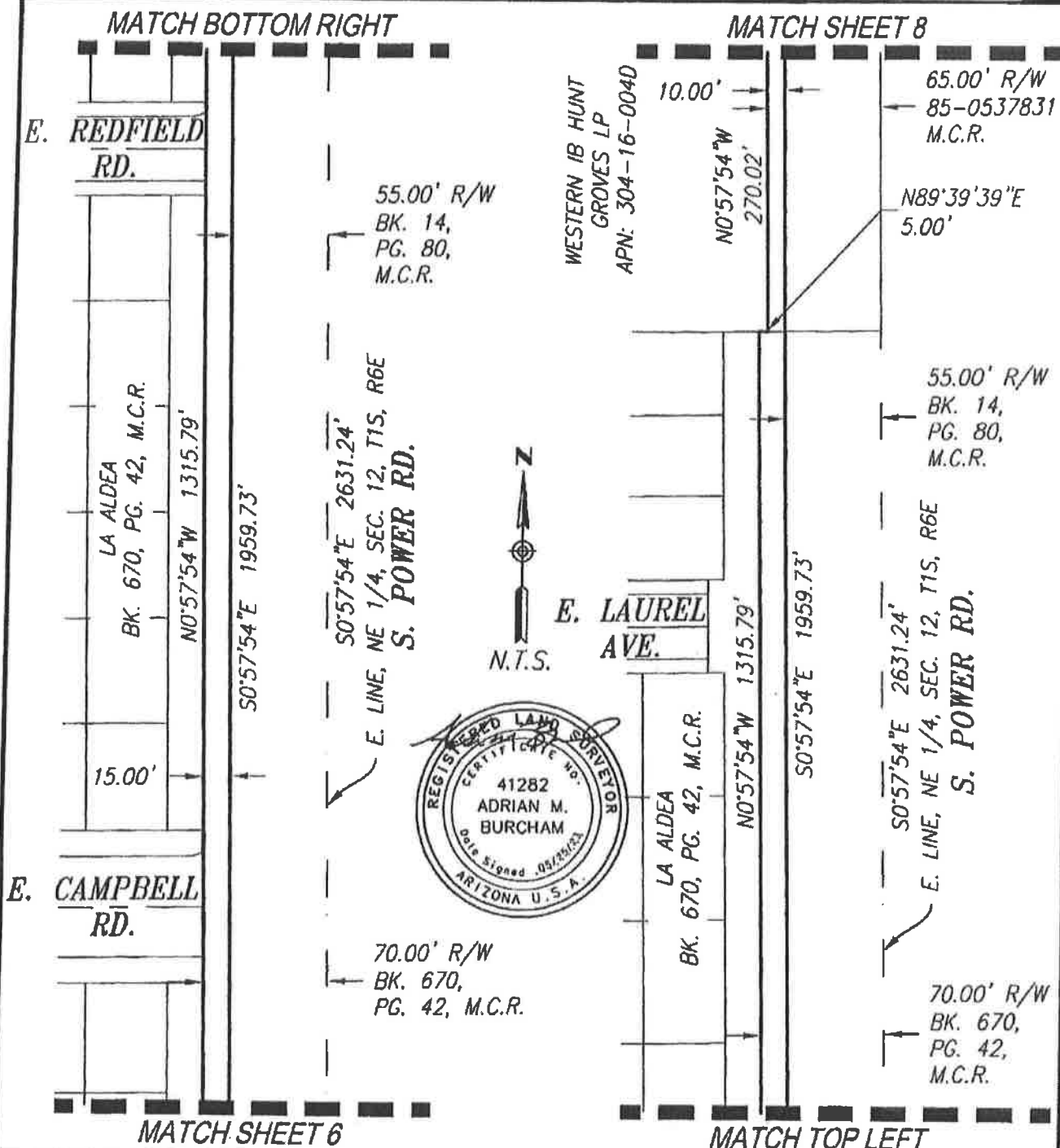
TOWN OF GILBERT
POWER RD.
DE-ANNEXATION
EXHIBIT "A"
Town of Gilbert, Maricopa County, Arizona

Project No. 23129	Date 05/15/23	Sht. 6 of 8
Project Manager ADRIAN BURCHAM	Project Eng.	



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TOWN OF GILBERT
POWER RD.
DE-ANNEXATION
EXHIBIT "A"
Town of Gilbert, Maricopa County, Arizona

Project No. 23129	Date 05/25/23	Sht. 7 of 8
Project Manager ADRIAN BURCHAM	Project Eng.	



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Mesa, AZ 85210
Ph: 480.892.3313

NE CORNER,
SEC. 12, T1S, R6E,
END. NOTHING

R.W.C.D.

$\Delta=0^{\circ}56'41''$,
 $R=1688.50'$,
 $L=27.84'$

55.00' R/W
BK. 14,
PG. 80,
M.C.R.

70.00' R/W
BK. 1344, PG. 36, M.C.R.

ARCADIA COMMONS
BK. 1344, PG. 36,
M.C.R.

N0°57'54"W 397.30'
S0°57'54"E 1959.73'

S0°57'54"E 2631.24'
E. LINE, NE 1/4, SEC. 12, T1S, R6E
S. POWER RD.



N.T.S.



25.00' R/W PER
DOC. 06-1346421, M.C.R.

15.00'

WESTERN IB HUNT
GROVES LP
APN: 304-16-004D

S89°39'49"W
5.00'

65.00' R/W
85-0537831
M.C.R.

N0°57'54"W
270.02'
10.00'

MATCH SHEET 7

TOWN OF GILBERT
POWER RD.
DE-ANNEXATION
EXHIBIT "A"

Town of Gilbert, Maricopa County, Arizona

Project No.
23129

Date
05/25/23

Project Manager
ADRIAN BURCHAM

Project Eng.

Sht: 8 of 8

ORDINANCE
C-06-24-033-X-01

WHEREAS, A.R.S. § 9-471.02 and 9-471.03 provide a method for deannexation of land from a municipality to a county; and

WHEREAS, pursuant to A.R.S. § 9-471.03(C), the Town of Gilbert passed and adopted Ordinance No. 2871 declaring the deannexation of the territory described as follows:

A portion of the East half of section 12, Township 1 South, Range 6 East of the Gila and Salt River Meridian, Maricopa County, Arizona.

WHEREAS, it is the desire of Maricopa County to receive the certain deannexed territory now within the corporate limits of the Town of Gilbert; and

WHEREAS, the territory proposed to be severed and returned to Maricopa County meets the conditions outlined in A.R.S. § 9-471.03, and

WHEREAS, Maricopa County Department of Transportation conducted an analysis of the impact of the Deannexation as follows:

The existing roadway is owned/operated/maintained by MCDOT. The property adjacent to the eastern right-of-way is developing requiring roadway improvements. These improvements require deannexation to accommodate fully with an arterial roadway. This action will ensure the roadway is fully within unincorporated Maricopa County and reduce conflict of liability. The roadway improvements are a necessary improvement to the traveling public.

WHEREAS, after such notice as was appropriate and legally required, the Maricopa County Board of Supervisors scheduled a hearing on the matter on August 9, 2023; and

WHEREAS, it was determined at such hearing that requirements pursuant to A.R.S. § 9-471.03 (C, D and E) have been satisfied; and

WHEREAS, it is the determination of the Board of Supervisors that the public interest is served by the deannexation; and

WHEREAS, no protests were filed before the Board of Supervisors,

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Maricopa County, Arizona, that the territory earlier described in Town of Gilbert Ordinance No. 2871 is hereby declared to be returned to Maricopa County contingent on the remaining requirements of A.R.S. § 9-471.03 including the final public hearing scheduled for August 23, 2023.

PASSED AND ADOPTED by the Board of Supervisors of Maricopa County, Arizona, this 9th day of August 2023.



Clint Hickman, Chairman of the Board of Supervisors

ATTEST:



Juanita Garza, Clerk of the Board