

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

cc: 1C  
Amend No. \_\_\_\_\_

**Date prepared:** December 22, 2010      **Council Meeting Date:** February 1, 2011

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**TO:** Carl Swenson, City Manager  
**THROUGH:** Susan J. Daluddung, Deputy City Manager  
**FROM:** Andrew Granger, P. E., Engineering Director  
**SUBJECT:** Annexation, Right of Way, 83<sup>rd</sup> Avenue north of Deer Valley Road to Calle Lejos.

**RECOMMENDATION:**

Discussion and possible action to adopt an Ordinance approving the annexation of 83<sup>rd</sup> Avenue north of Deer Valley Road to Calle Lejos.

**SUMMARY:**

On December 18, 2007 Council approved the Intergovernmental Agreement between the City and Maricopa County for the improvements to 83<sup>rd</sup> Avenue between Williams Road and Calle Lejos. One of the provisions of the Intergovernmental Agreement (IGA) is that upon completion and acceptance of the street improvements, the City is to annex the roadway.

Along with the stretch of 83<sup>rd</sup> Avenue identified in the IGA, the Engineering Department is requesting annexation of 83<sup>rd</sup> Avenue between Williams and Deer Valley Roads. Prior years annexations has left this stretch of roadway within Maricopa County jurisdiction while the surrounding area is within the City's jurisdiction.

Annexation of 83<sup>rd</sup> Avenue 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:** Kris Luna, Sr Real Property Administrator, (623) 773-7199



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

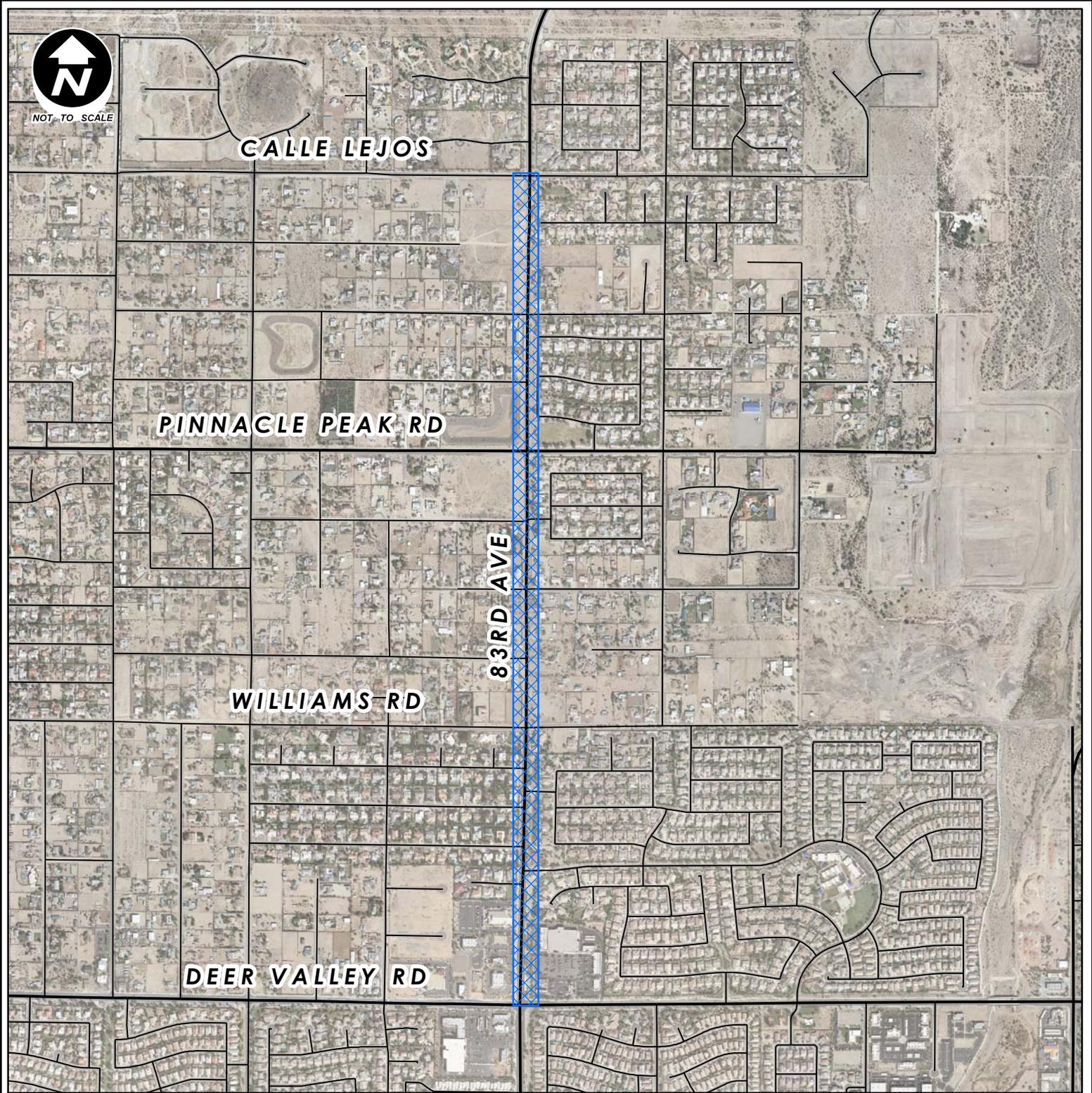
**LEGEND**

 **83rd Avenue Annexation  
Deer Valley Rd to Calle Lejos**

- 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**



**LEGEND**



Annexation

**City of Peoria**  
83rd Avenue  
Deer Valley Rd to Calle Lejos  
**Location Map**



**NOTE:**  
This Map is based on imprecise source data, subject to change and FOR GENERAL REFERENCE ONLY.

ORDINANCE NO. 2011-06

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 83<sup>rd</sup> Avenue north of Deer Valley Road to Calle Lejos; 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. 2011-06  
Annexation Ordinance – 83<sup>rd</sup> Avenue  
February 1, 2011  
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. 2011-06  
Annexation Ordinance – 83<sup>rd</sup> Avenue  
February 1, 2011  
Page 3 of 3 Pages

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,  
Arizona this 1st day of February, 2011.

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Bob Barrett, Mayor

ATTEST:

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Wanda Nelson, City Clerk

APPROVED AS TO FORM:

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Stephen M. Kemp, City Attorney



# EXHIBIT A

## LEGAL DESCRIPTION

ANNEXATION OF A PORTION OF 83RD AVENUE RIGHT-OF-WAY BETWEEN DEER VALLEY ROAD AND CALLE LEJOS. THE ABOVE REFERENCED ANNEXATION LIMITS ARE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING WITHIN THE WEST HALF OF SECTION 14, AND THE EAST 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 01°18'12" E, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 15, A DISTANCE OF 360.17 FEET TO THE POINT OF BEGINNING (POB #1);

THENCE N 01°18'12" E, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 977.43 FEET;

THENCE N 89°10'23" W A DISTANCE OF 40.00 FEET;

THENCE N 01°18'12" E, ALONG A LINE 40.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE, A DISTANCE OF 1337.49 FEET TO A POINT TO BE KNOWN AS POINT "A";

THENCE N 00°02'19" E, ALONG A LINE 40.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 15, A DISTANCE OF 2595.62 FEET;

THENCE S 89°38'00" E A DISTANCE OF 40.00 FEET TO A POINT ON SAID EAST LINE THEREOF SAID POINT TO BE KNOWN AS POINT "B";

Page 1 OF 10

**TITLE: 83RD AVENUE ANNEXATION  
FROM DEER VALLEY ROAD TO CALLE LEJOS**

**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 S 00°02'19" W, ALONG SAID EAST LINE, A DISTANCE OF 1265.42 FEET;  
THENCE N 89°52'52" E A DISTANCE OF 40.00 FEET;  
THENCE S 00°02'19" W, ALONG A LINE 40.00 FEET EAST OF AND PARALLEL WITH SAID EAST LINE, A DISTANCE OF 997.80 FEET;  
THENCE S 89°51'35" W A DISTANCE OF 40.00 FEET TO A POINT ON SAID EAST LINE THEREOF;  
THENCE S 00°02'19" W, ALONG SAID EAST LINE, A DISTANCE OF 332.60 FEET TO THE EAST QUARTER (BRASS CAP IN HAND HOLE) CORNER OF SAID SECTION 15;  
THENCE N 89°51'10" E, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 14, A DISTANCE OF 40.01 FEET TO A POINT TO BE KNOWN AS POINT "C";  
THENCE S 01°18'12" W, ALONG A LINE 40.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 2314.83 FEET;  
THENCE S 89°33'38" W A DISTANCE OF 40.02 FEET TO THE POINT OF BEGINNING (POB #1).  
EXCEPT ANY PORTION THAT HAS HERETOFORE BEEN ANNEXED BY THE CITY OF PEORIA, CONTAINING 289,840 SQUARE FEET OR 6.6538 ACRES OF LAND, MORE OR LESS.  
AND;  
A PARCEL OF LAND LYING WITHIN THE NORTHEAST QUARTER 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 SAID POINT "A";

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# EXHIBIT A

## LEGAL DESCRIPTION

THENCE S 01°18'12" W A DISTANCE OF 0.04 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER;

THENCE N 89°22'46" W, ALONG SAID SOUTH LINE, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING (POB #2);

THENCE N 89°22'46" W, CONTINUING ALONG SAID SOUTH LINE, A DISTANCE OF 30.00 FEET;

THENCE N 45°19'47" E A DISTANCE OF 42.21 FEET;

THENCE S 00°02'19" W, ALONG A LINE 50.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING (POB #2).

EXCEPT ANY PORTION THAT HAS HERETOFORE BEEN ANNEXED BY THE CITY OF PEORIA, CONTAINING 450 SQUARE FEET OR 0.0103 ACRE OF LAND, MORE OR LESS.

AND;

A PARCEL OF LAND LYING WITHIN THE NORTHEAST QUARTER OF SECTION 15, AND THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT SAID POINT "B";

THENCE N 00°02'19" E, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING (POB #3);

THENCE N 89°38'00" W A DISTANCE OF 40.00 FEET;

THENCE N 00°02'19" E, ALONG A LINE 40.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE, A DISTANCE OF 54.94 FEET;

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# EXHIBIT A

## LEGAL DESCRIPTION

THENCE N 00°31'30" E, ALONG A LINE 40.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 40.06 FEET;

THENCE S 89°38'00" E A DISTANCE OF 40.00 FEET TO A POINT ON THE EAST LINE THEREOF SAID POINT TO BE KNOWN AS POINT "D";

THENCE S 00°31'30" W A DISTANCE OF 40.00 FEET TO THE NORTHEAST CORNER (MARICOPA COUNTY BRASS CAP IN HAND HOLE) OF SAID SECTION 15;

THENCE S 00°02'19" W, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING (POB #3).

EXCEPT ANY PORTION THAT HAS HERETOFORE BEEN ANNEXED BY THE CITY OF PEORIA, CONTAINING 3,800 SQUARE FEET OR 0.0872 ACRE OF LAND, MORE OR LESS.

AND;

A PARCEL OF LAND LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT SAID POINT "C";

THENCE N 89°51'10" E, ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING (POB #4);

THENCE N 89°51'10" E, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 15.11 FEET;

THENCE S 00°08'50" E A DISTANCE OF 40.00 FEET;

THENCE S 89°51'10" W, ALONG A LINE 40.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 16.13 FEET;

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# EXHIBIT A

## LEGAL DESCRIPTION

THENCE N 01°18'12" E, ALONG A LINE 50.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 40.01 FEET TO THE POINT OF BEGINNING (POB #4).

EXCEPT ANY PORTION THAT HAS HERETOFORE BEEN ANNEXED BY THE CITY OF PEORIA, CONTAINING 625 SQUARE FEET OR 0.0143 ACRE OF LAND, MORE OR LESS.

AND;

A PARCEL OF LAND LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 10, SOUTHWEST QUARTER OF SECTION 11 AND THE NORTHEAST QUARTER 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 SAID POINT "D";

THENCE N 00°31'30" E, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING (POB #5);

THENCE N 89°38'00" W A DISTANCE OF 50.00 FEET;

THENCE S 00°31'30" W, ALONG A LINE 50.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE, A DISTANCE OF 50.07 FEET;

THENCE S 00°02'19" W, ALONG A LINE 50.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 54.93 FEET;

THENCE N 89°38'00" W A DISTANCE OF 20.25 FEET TO A POINT TO BE KNOWN AS POINT "E";

THENCE N 00°22'00" E A DISTANCE OF 110.20 FEET;

THENCE S 89°38'00" E A DISTANCE OF 7.04 FEET;

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# EXHIBIT A

## LEGAL DESCRIPTION

THENCE N 45°26'45" E A DISTANCE OF 32.64 FEET;

THENCE N 00°31'30" E, ALONG A LINE 40.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 252.81 FEET;

THENCE N 89°36'11" W A DISTANCE OF 15.00 FEET;

THENCE N 00°31'30" E, ALONG A LINE 55.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE, A DISTANCE OF 331.07 FEET;

THENCE S 89°34'22" E A DISTANCE OF 15.00 FEET;

THENCE N 00°31'30" E, ALONG A LINE 40.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE, A DISTANCE OF 1931.10 FEET;

THENCE N 44°25'58" W A DISTANCE OF 21.58 FEET;

THENCE N 00°36'34" E A DISTANCE OF 40.00 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHEAST QUARTER;

THENCE S 89°23'26" E, ALONG SAID NORTH LINE, A DISTANCE OF 55.19 FEET TO THE EAST QUARTER CORNER (MARICOPA COUNTY BRASS CAP IN HAND HOLE) THEREOF;

THENCE N 89°58'10" E, ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 22.00 FEET;

THENCE S 00°31'30" W, ALONG A LINE 22.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 2593.26 FEET;

THENCE S 89°54'33" W A DISTANCE OF 22.00 FEET TO A POINT ON SAID WEST LINE THEREOF;

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# EXHIBIT A

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THENCE S 00°31'30" W, ALONG SAID WEST LINE, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING (POB #5).

EXCEPT ANY PORTION THAT HAS HERETOFORE BEEN ANNEXED BY THE CITY OF PEORIA, CONTAINING 169,205 SQUARE FEET OR 3.8844 ACRES OF LAND, MORE OR LESS.

AND;

A PARCEL OF LAND LYING WITHIN THE NORTHEAST QUARTER 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 SAID POINT "E";

THENCE S 44°47'51" E A DISTANCE OF 21.63 FEET TO THE POINT OF BEGINNING (POB #6);

THENCE N 00°02'19" E, ALONG A LINE 55.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 5.25 FEET;

THENCE S 89°38'00" E A DISTANCE OF 5.00 FEET;

THENCE S 00°02'19" W, ALONG A LINE 50.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE, A DISTANCE OF 10.25 FEET;

THENCE N 44°47'51" W A DISTANCE OF 7.09 FEET TO THE POINT OF BEGINNING (POB #6).

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## LEGAL DESCRIPTION

EXCEPT ANY PORTION THAT HAS HERETOFORE BEEN ANNEXED BY THE CITY OF PEORIA, CONTAINING 39 SQUARE FEET OR 0.0009 ACRE 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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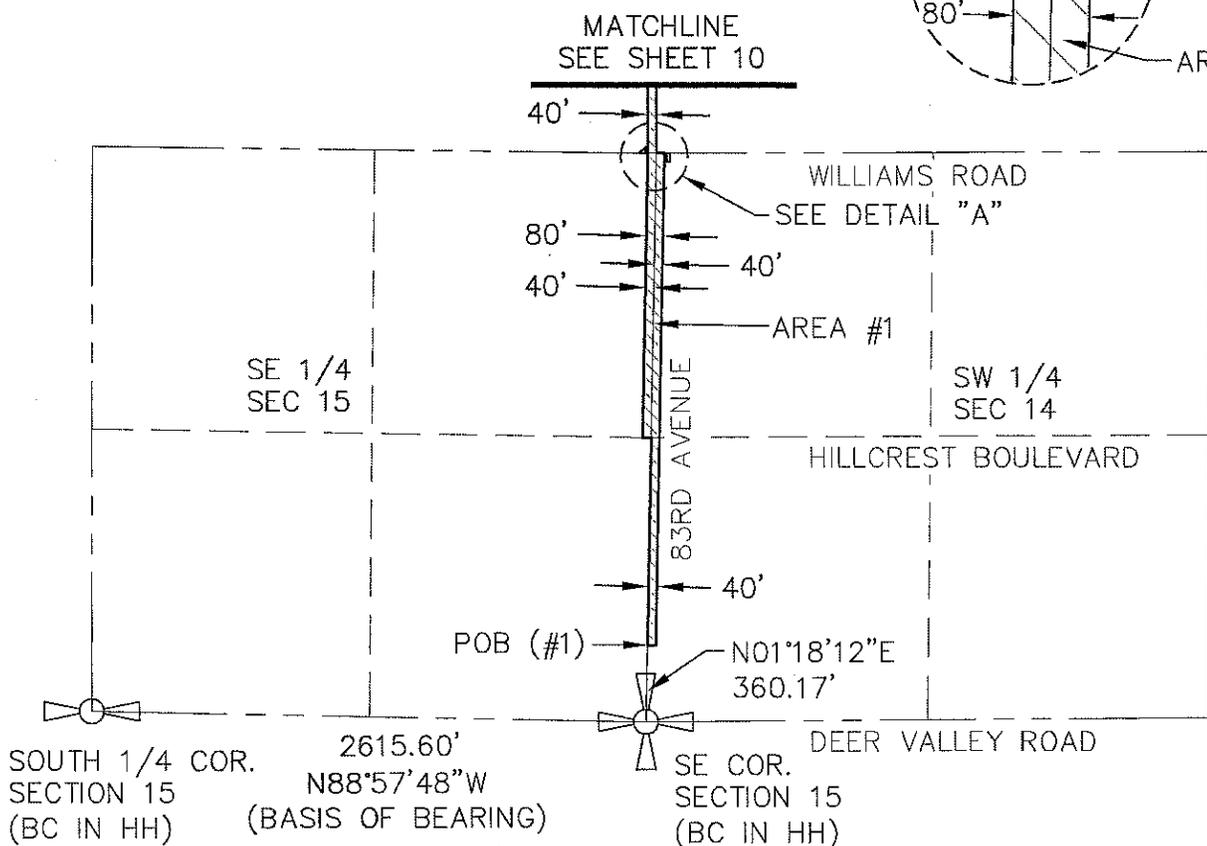
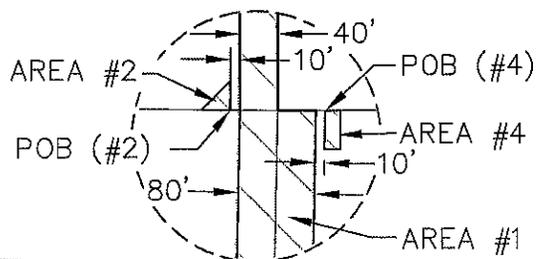


# EXHIBIT B

## SKETCH

NOTE  
 HATCHED AREA DELINEATES  
 ANNEXATION AREA

DETAIL "A"



N.T.S.  
 SE 1/4  
 SEC. 10  
 SW 1/4  
 SEC. 11  
 W 1/2  
 SEC. 14  
 E 1/2  
 SEC. 15  
 T. 4 N.  
 R. 1 E.

- AREA #1 = 289,840 S.F. OR 6.6538 ACRES
- AREA #2 = 450 S.F. OR 0.0103 ACRE
- AREA #3 = 3,800 S.F. OR 0.0872 ACRE
- AREA #4 = 625 S.F. OR 0.0143 ACRE
- AREA #5 = 169,205 S.F. OR 3.8844 ACRES
- AREA #6 = 39 S.F. OR 0.0009 ACRE

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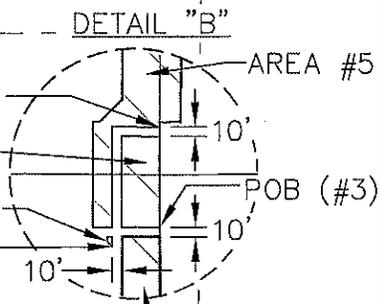
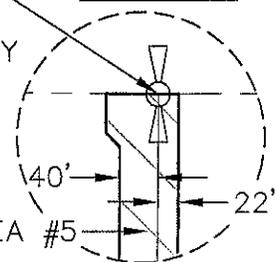
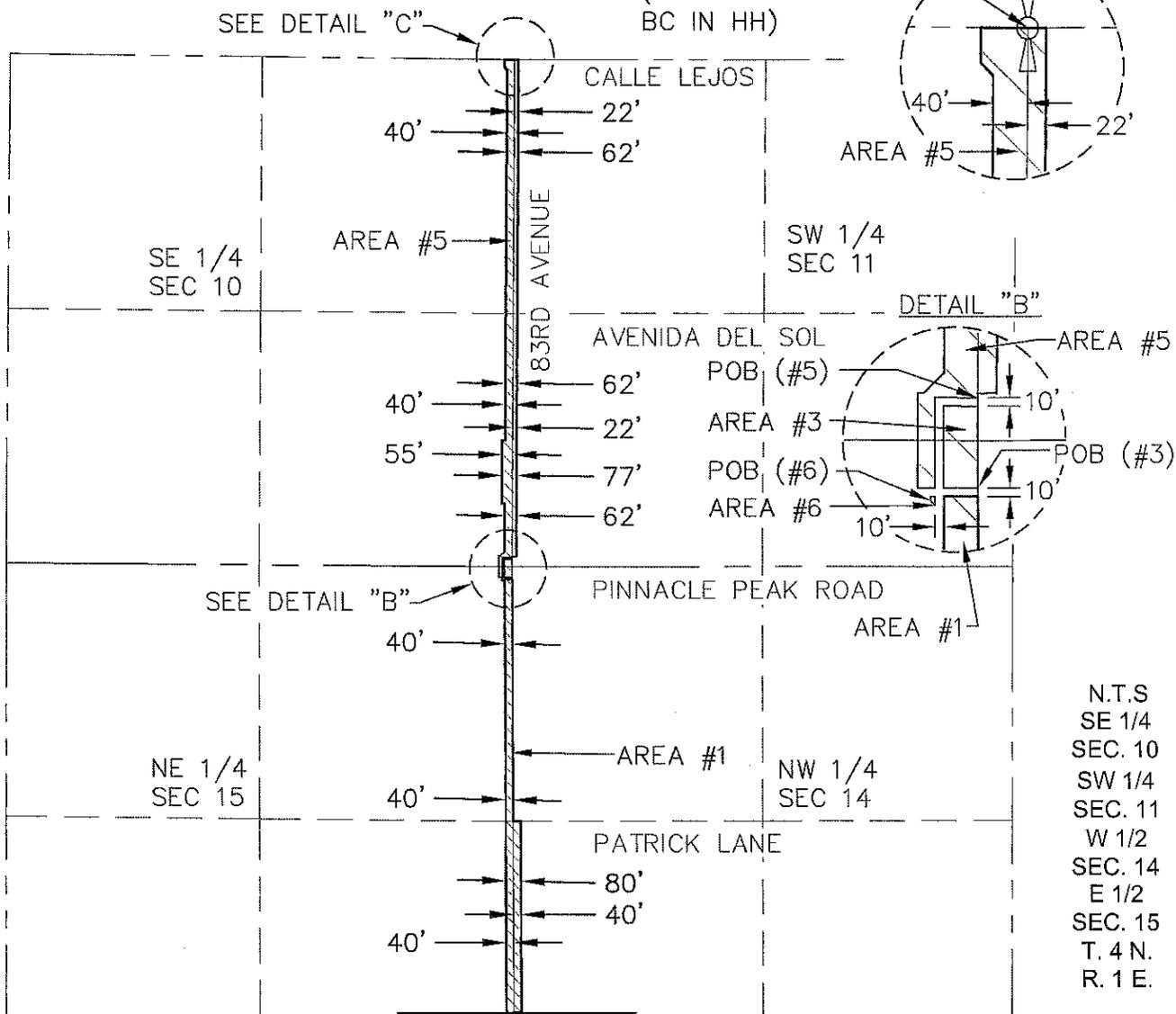


# EXHIBIT B SKETCH

**NOTE**  
HATCHED AREA DELINEATES  
ANNEXATION AREA

EAST 1/4 COR.  
SECTION 10  
(MARICOPA COUNTY  
BC IN HH)

DETAIL "C"



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