

## **ORDINANCE NO. 2017.012**

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Relating to development; Approving the final plat of Gladden Farms Blocks 7 & 13 Lots 1 – 76, Block A & common areas “A-1”—“A-9”, “B-1”—“B-4”; Approving an exchange of the real property dedicated by the final plat in exchange for any right, title, and interest the Town may have in the subdivision plat it replaces; And authorizing the town engineer to sign a quit claim deed to be recorded in the Pima County Recorder’s Office immediately prior to the recording of the final plat.

WHEREAS the Town approved the original final plat of Gladden Farms Blocks 7 & 13 (the “Original Gladden 7/13 Plat”) on November 6, 2007, by the adoption of Resolution No. 2007-189; and

WHEREAS the Original Gladden 7/13 Plat was recorded in the Pima County Recorder’s office at Book 63 of Maps and Plats, Page 24 (Sequence 20072170311); whereupon all public rights-of-way, public easements, and Block A as shown on the Original Gladden 7/13 Plat were granted or dedicated to the public; and

WHEREAS public sewer easements granted to Pima County by the Original Gladden 7/13 Plat are now owned by the Town as the current operator of the sewer utility and successor in interest to Pima County in the area that includes Gladden Farms Blocks 7 & 13; and

WHEREAS the owner of Gladden Farms Blocks 7 & 13 has now filed an application to resubdivide Gladden Farms Blocks 7 & 13 into a new subdivision titled ‘Final Plat of Gladden Farms Blocks 7 & 13 Lots 1 – 76, Block A & Common Areas “A-1”—“A-9”, “B-1”—“B-4”’ (the “Gladden 7/13 Replat”); and

WHEREAS the public rights-of-way, public easements, and Block A as shown on the Gladden 7/13 Replat are slightly different than those shown on the Original Gladden 7/13 Plat, but are of substantially equal value; and

WHEREAS Town staff has determined that the clearest way to replace the Original Gladden 7/13 Plat’s dedications with the Gladden 7/13 Replat’s dedications is to perform a real estate exchange pursuant to A.R.S. § 9-407; and

WHEREAS A.R.S. § 9-407 requires real estate exchanges to be performed pursuant to ordinance and after published notice; and

WHEREAS notice of the consideration of this ordinance has been published as required by law; and

WHEREAS the Town Council finds that the exchange of real property rights described above is in the best interests of the Town of Marana and that the Gladden 7/13 Replat complies with all Town ordinances and regulations and should be approved.

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

Section 1. The final plat of Gladden Farms Blocks 7 & 13 Lots 1 – 76, Block A & Common Areas “A-1”—“A-9”, “B-1”—“B-4” (the Gladden 7/13 Replat) is hereby approved.

Section 2. The exchange of all public rights-of-way, public easements, and Block A as shown on the Original Gladden 7/13 Plat for all public rights-of-way, public easements, and Block A as shown on the Gladden 7/13 Plat is hereby approved.

Section 3. The Town Engineer is hereby authorized to sign a quit claim deed in substantially the form set forth in the agenda materials accompanying this ordinance, quit-claiming to the owner of Gladden Farms Blocks 7 & 13 all public rights-of-way, public easements, and Block A as shown on the Original Gladden 7/13 Plat.

Section 4. The quit claim deed shall be recorded in the Pima County Recorder’s office immediately prior to the recording of the Gladden 7/13 Replat.

Section 5. The Town’s Manager and staff are hereby directed and authorized to undertake all other and further tasks required or beneficial to carry out the terms, obligations, and objectives of this ordinance.

Section 6. This ordinance is administrative and shall be effective upon its passage and adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 16th day of May, 2017.

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Mayor Ed Honea

APPROVED AS TO FORM:

ATTEST:

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Frank Cassidy, Town Attorney

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Jocelyn C. Bronson, Town Clerk