

## MARANA ORDINANCE NO. 2024.005

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RELATING TO DEVELOPMENT; APPROVING A MODIFICATION OF A REZONING CONDITION OF MARANA ORDINANCE NO. 2009.02, WHICH REZONED APPROXIMATELY 342 ACRES LOCATED NORTH AND NORTHWEST OF THE INTERSTATE 10 AND TANGERINE ROAD TRAFFIC INTERCHANGE, CREATING THE MANDARINA SPECIFIC PLAN, TO DELETE A PROVISION OF THE ORDINANCE THAT REQUIRED THE DEVELOPER TO INSTALL A NON-POTABLE WATER SYSTEM TO SERVE THE COMMON OPEN SPACE AREAS AND OTHER LANDSCAPED AMENITIES AND APPROVING AND AUTHORIZING THE MAYOR TO SIGN THE FIRST AMENDMENT TO MANDARINA DEVELOPMENT AGREEMENT

WHEREAS the Mayor and Council of the Town of Marana adopted Ordinance No. 2009.02 on February 17, 2009, approving a rezoning of approximately 342 acres of land located north and northwest of the Interstate 10 and Tangerine Road traffic interchange to "F - Specific Plan" creating the Mandarinina Specific Plan ("Mandarina"); and

WHEREAS approval of the rezoning was subject to a number of conditions, including condition 10 which provides that the developer shall install a non-potable water system to serve the common open space areas and other landscaped amenities of Mandarinina (the "Non-Potable Water Condition"); and

WHEREAS the Town and the then-owner of Mandarinina, Mandarinina, LLC, entered into the "Mandarina Development Agreement," recorded in the Pima County Recorder's office on December 4, 2020, at Sequence 20203390091 (the "Original DA"); and

WHEREAS the current beneficial owner of Mandarinina, Mandarinina Holdings, LLC, is the successor in interest to Mandarinina LLC; and

WHEREAS the Original DA acknowledges that the Cortaro-Marana Irrigation District ("CMID") is the only plausible provider of non-potable water to Mandarinina, and provides that if the Developer is unable to receive non-potable water service from CMID in an economically feasible manner, Town staff will schedule for Council consideration an ordinance to remove or modify the Non-Potable Water Condition; and

WHEREAS the developer was unable to receive non-potable water service from CMID in an economically feasible manner; and

WHEREAS Town staff has negotiated the terms of a First Amendment to the Original DA with Mandarin Holdings, LLC to address the Non-Potable Water Condition and other matters, including transportation, drainage, and park improvements and reimbursements; and

WHEREAS the Mayor and Council find that the First Amendment to the Mandarin Development Agreement is consistent with the Marana General Plan, the Mandarin Specific Plan and all other applicable Town regulations and policies; and

WHEREAS the Mayor and Council find that deletion of the Non-Potable Water Condition is insubstantial enough not to require or benefit from Planning Commission consideration, and that this ordinance is in the best interests of the Town and its citizens.

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

**Section 1.** The First Amendment to the Mandarin Development Agreement is hereby approved in the form provided in the agenda materials associated with this Council agenda item, and the Mayor is hereby authorized and directed to sign it for and on behalf of the Town of Marana.

**Section 2.** Section 3, condition 10 of Marana Ordinance No. 2009.02 is hereby deleted and the Mandarin Specific Plan is hereby amended, as and if necessary, to conform to the deletion of the condition.

**Section 3.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are repealed as of the effective date of this ordinance.

**Section 4.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 16th day of January 2024.



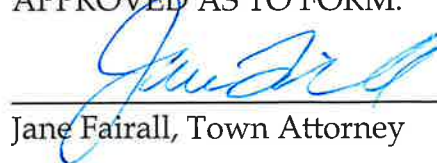
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Mayor Ed Honea

ATTEST:



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David L. Udall, Town Clerk

APPROVED AS TO FORM:



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Jane Fairall, Town Attorney