

ORDINANCE NUMBER 722

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING THE ZONING MAP OF THE CITY OF COTTONWOOD, ARIZONA, FOR CERTAIN PARCELS OF LAND (SPECIFICALLY, YAVAPAI COUNTY APN 'S 406-36-011, 406-37-242A, AND A PORTION OF 406-37-174) SO AS TO CHANGE THE PRESENT ZONING DESIGNATIONS OF AR-43 (AGRICULTURAL RESIDENTIAL) AND R-4 (SINGLE FAMILY/MULTIPLE FAMILY/MANUFACTURED HOME) FOR THOSE PARCELS TO R-3 (MULTIPLE FAMILY RESIDENTIAL).

WHEREAS, at a public meeting held on September 8, 2022, the Planning & Zoning Commission unanimously voted in support of a proposal to rezone certain land located at 902 North 14th Street (APN'S 406-36-011, 406-37-242A, and a portion of 406-37-174), to allow for the reconfiguration of parcels adjacent to City-owned property; and

WHEREAS, the requirements of A.R.S. § 9-462.04 have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AS FOLLOWS:

Section 1: That the following described parcels of land, APN'S 406-36-011, 406-37-242A, and a portion of 406-37-174, lying within the City of Cottonwood, Yavapai County, Arizona, shall be and is hereby reclassified from AR-43 (Agricultural Residential) and R-4 (Single Family/Multiple Family/Manufactured Home), to R-3 (Multiple Family Residential).

Legal Descriptions

PARCEL 1 (APN 406-36-011); from deed recorded 2019-00597727 Yavapai County.

All that portion of Section 27, Township 16 north, Range 3 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described by metes and bounds as follows:

BEGINNING at the Southeast corner of said Section 27;

Thence Westerly along the Southerly boundary of said Section 27 a distance of 354.96

feet to a point on the Center Line of the Cottonwood Ditch, which point is the TRUE POINT OF BEGINNING;

Thence North $70^{\circ}40'00''$ West along the Center Line of the Cottonwood Ditch, a distance of 454.89 feet to a point;

Thence South $48^{\circ}28'30''$ West, a distance of 227.12 feet to a point on the Southerly boundary of said Section 27;

Thence Easterly along the Southerly boundary of said Section 27 a distance of 599.28 feet to the TRUE POINT OF BEGINNING.

PARCEL 2 (APN 406-37-242A); from deed recorded 2019-00597727, Yavapai County.

A parcel of land being a portion of the Northeast Quarter of Section 34, Township 16 North, Range 3 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, City of Cottonwood, being a portion of the northerly 27 feet more or less of a parcel of land as described in book 249 of Official Records, Pages 296 and 297, Yavapai County, Arizona, more particularly described as follows:

COMMENCING at the locally accepted Northeast corner of Section 34, Township 16 North, Range 3 East, as calculated from previous SEC, Inc. job No. 94-0807CS, monumented by a found 5/8" smooth bar, from which the North Quarter corner of Section 34, as recorded in Book 173 of Land Surveys, page 70 and Book 119 of Land Surveys, page 39, Yavapai County, Arizona lies South $89^{\circ}36'07''$ West a distance of 2,638.60 feet, recorded as South $89^{\circ}36'07''$ West a distance of 2,638.60 feet in ALSA/ACSM Land Title Survey as recorded in Instrument 2012-0071215, Yavapai County, Arizona, and use as Basis for Bearing of this description;

Thence from said Northeast corner of Section 34, South $89^{\circ}36'07''$ West, along the North line of Section 34, a measured distance of 720.10 feet, recorded as West a distance of 720.1 feet in Book 845 of Official Records, Pages 19 and 20, henceforth referred to as (R4), to a set 5/8 inch rebar, an plastic cap stamped "SEC INC LS 40829"; Thence, continuing, South $89^{\circ}36'07''$ West along the north line of said Section 34 and along the north line of said parcel as described in (R4), a measured distance of 150.00 feet, recorded as West a distance of 150.00 feet per (R4), to a point on the North line of said parcel as described in (R4), being a set 5/8 inch rebar and plastic cap stamped "SEC INC LS 40829", at the TRUE POINT OF BEGINNING;

Thence South $24^{\circ}09'09''$ West, along the north line of said parcel as described in (R4), a

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distance of 30.13 feet, to a point 1 foot north of a chain link fence;

Thence South $89^{\circ}20'43''$ West, running parallel to and 1 foot north of a chain link fence, a distance of 75.61 feet, to a point 1 foot north of an angle point in said chain link fence;

Thence North $30^{\circ}22'14''$ West, a distance of 32.03 feet, to a point on the north line of said Section 34 at an approximate point of intersection with the south side of the Cottonwood Ditch as located September 09, 2010;

Thence North $89^{\circ}36'07''$ East, along the north line of said Section 34, a distance of 104.14 feet, bearing recorded as North $89^{\circ}36'07''$ East in ALTA/ASCM Land Title Survey recorded in Instrument 2012-0071275, Yavapai County, Arizona, to the TRUE POINT OF BEGINNING and containing 2,479 square feet / 0.06 acre more or less and being subject to any easements or encumbrances of record.

PARCEL 3: (North 27 feet of City Cemetery APN 406-37-174)

A parcel of land being a portion of the Northeast Quarter of Section 34, Township 16 North, Range 3 East of the Gila and Salt River Meridian, Yavapai County, Arizona, City of Cottonwood, being the northerly 27 feet more or less of a parcel of land as described in Book 845 of Official Records, Pages 19 and 20, Yavapai County, Arizona, henceforth referred to as (R4), more particularly described as follows:

Commencing at the locally accepted Northeast corner of Section 34, Township 16 North, Range 3 East, as calculated from previous SEC, Inc. job no. 94-0807CS, monumented by a found 5/8" smooth bar, from which the North Quarter corner of Section 34, as recorded in Book 173 of Land Surveys, Page 70 and Book 119 of Land Surveys, Page 39, Yavapai County, Arizona, lies South $89^{\circ}36'07''$ West a distance of 2,638.60 feet, recorded as South $89^{\circ}36'07''$ West a distance of 2,638.60 feet in ALTA / ACSM Land Title Survey as recorded in Instrument 2012-0071215, Yavapai County, Arizona, and used as Basis of Bearings of this description;

Thence, from said Northeast corner of Section 34, South $89^{\circ}36'07''$ West, along the north line of Section 34, a measured distance of 720.10 feet, recorded as West a distance of 720.1 feet per (R4), to a set 5/8 inch rebar and plastic cap stamped "SEC INC LS 40829", at the TRUE POINT OF BEGINNING;

Thence, South $03^{\circ}12'00''$ West, along the east line of said parcel as described in (R4), a distance of 26.74 feet, bearing recorded as South $03^{\circ}12'$ West per (R4), to a set 5/8 inch rebar and plastic cap stamped "SEC INC LS 40829";

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Thence, South 89°20' 43" West, running parallel to and 1 foot north of a chain link fence, a distance of 160.84 feet, to a point on the west line of said parcel as described in (R4), being a set 5/8 inch rebar and plastic cap stamped "SEC INC LS 40829";

Thence, North 24°09'09" East, along the west line of said parcel as described in (R4), a measured distance of 30.13 feet, bearing recorded as North 24°09' West per (R4), to a point on the north line of said parcel as described in (R4), and on the north line of said Section 34, being a set 5/8 inch rebar and plastic cap stamped "SEC INC LS 40829";

Thence, North 89°36'07" East, along the north line of said parcel as described in (R4) and the north line of said Section 34, a measured distance of 150.00 feet, recorded as East a distance of 150.0 feet per (R4), to the TRUE POINT OF BEGINNING and containing 4,201 square feet / 0.10 acre more or less and being subject to any easements or encumbrances of record.

Section 2: That at least three (3) copies of the zoning map of the City of Cottonwood, Arizona, as hereby amended be kept in the office of the City Clerk for public use and inspection.

Section 3: Severability: That if any section, subsection, sentence, clause, phrase or portion of this ordinance adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, THIS 18TH DAY OF OCTOBER 2022.



Tim Elinski, Mayor

APPROVED AS TO FORM:



Steve Horton, Esq.
City Attorney

ATTEST:



Marianne Jiménez, City Clerk