

## ORDINANCE 584

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, APPROVING A REQUEST TO REZONE ASSESSOR'S PARCEL NUMBERS 123-07-024A, 123-07-024B, 123-07-024C, 123-07-024D, 123-07-024E, 123-07-024F, 123-07-024G, 123-07-024H, 123-07-007A, 123-07-007B, 123-07-007C, 123-48-003A, 123-48-004R, 123-48-004S, 123-48-004T, 123-26-001F, 123-26-002A, 123-07-025, FROM A ZONING DISTRICT OF HEAVY INDUSTRIAL (I-2) TO A COMBINATION OF SINGLE FAMILY RESIDENTIAL (R-1-43) AND MULTI-FAMILY RESIDENTIAL (R-2)**

WHEREAS, the City desires to encourage residential development in the above named area which is currently zoned Heavy Industrial (I-2); and,

WHEREAS, San Pedro Real Estate, L.L.C. and the City of Benson, the owners of the property, more specifically described on Exhibit A, attached hereto and incorporated herein by this reference (the "Property"), have requested that the City change the zoning of the Property from Heavy Industrial (I-2) to a combination of Single Family Residential (R-1-43) and Multi-Family Residential (R-2); and

WHEREAS, rezoning the Property from Heavy Industrial (I-2) to Single Family Residential (R-1-43) and Multi-Family Residential (R-2) is in accordance with the City of Benson General Development Plan as it proposes land uses, densities or intensities within the range of identified uses, densities and intensities of the land use element of the General Development Plan; and

WHEREAS, after providing notice to the public in accordance with A.R.S. § 9-462.03 and A.R.S. § 9-462.04, the Planning and Zoning Commission held a citizen review hearing on the matter on September 27, 2106 and thereafter recommended the rezoning as hereinafter set forth; and

WHEREAS, the City Council has received the written transmittal of recommendation from the Planning and Zoning Commission, has heard from the representative of the owner, City staff and members of the public during a properly-noticed public hearing at the regular City Council meeting held November 14, 2016 and has determined that the rezoning request is in conformance with the General Development Plan and should be approved.

BE IT NOW HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, that the Benson Zoning Regulations, Ordinance No. 243, as amended, be hereby further amended to rezone the Property currently zoned Heavy Industrial (I-2) to Single Family Residential (R-1-43) and Multi-Family Residential (R-2), subject to the following conditions:

1. That San Pedro Real Estate, LLC, or any successors, must subject the "remainder" area of the Property to conservation measures for the uses described by the application within 2 years and prior to any physical development of the Property.

2. The applicant must execute a waiver of any and all claims against the City pursuant to Proposition 207, A.R.S. § 12-1131 et seq.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, this 14th day of November, 2016.



TONEY D. KING, Mayor

ATTEST:



VICKI L. VIVIAN, CMC, City Clerk

APPROVED AS TO FORM:

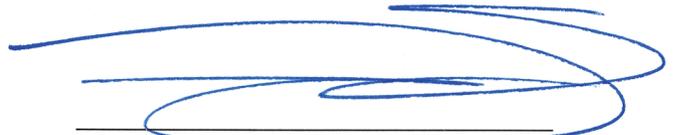


MESCH CLARK ROTHSCHILD  
By GARY J. COHEN  
City's Attorney

**CERTIFICATION OF MAP  
OF AREA TO BE REZONED**

I, TONEY D. KING, Mayor of the City of Benson, Arizona, do hereby certify that the foregoing map as shown on Exhibit "A", is a true and correct map of the area to be rezoned by Ordinance 584, as shown on said map.

CERTIFIED this 16th day of November, 2016.



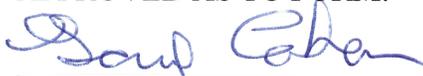
TONEY D. KING, Mayor

ATTEST:



VICKI L. VIVIAN, CMC, City Clerk

APPROVED AS TO FORM:



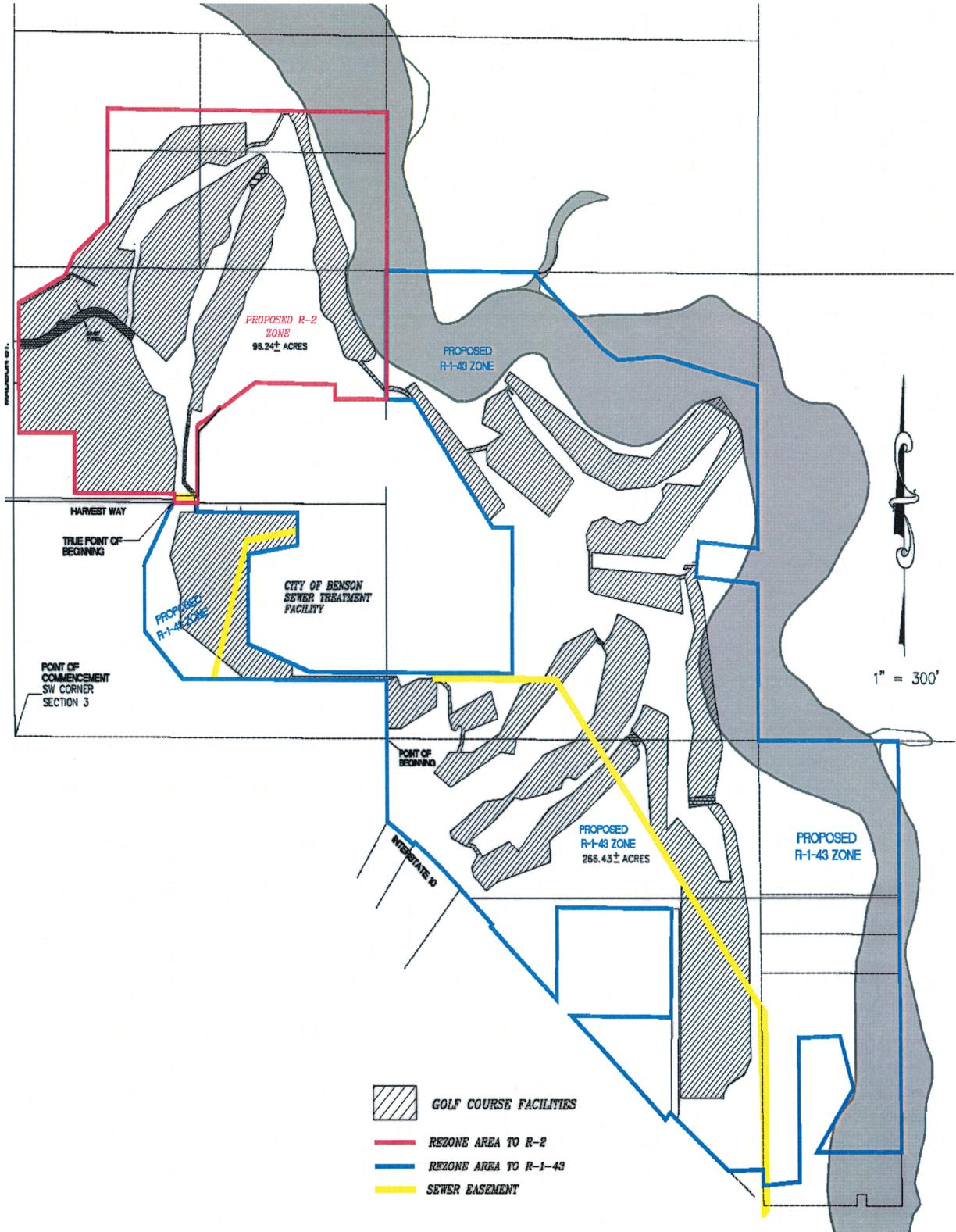
MESCH CLARK ROTHSCHILD  
By GARY J. COHEN  
City's Attorney

Exhibit A

APN 123-07-024A, 123-07-024B, 123-07-024C, 123-07-024D, 123-07-024E,  
123-07-024F, 123-07-024G, 123-07-024H, 123-07-007A, 123-07-007B, 123-07-007C,  
123-48-003A, 123-48-004R, 123-48-004S, 123-48-004T, 123-26-001F, 123-26-002A,  
123-07-025

See attached final rezone boundary map and legal descriptions

# Total Rezone Area Map



## LEGAL DESCRIPTION - R-1-43 ZONE

Portions of Sections 3, 10, and 11, Township 17 South, Range 20 East of the Gila and Salt River Meridian, County of Cochise, State of Arizona, more particularly described as follows:

**Commencing** at the Southwest corner of said Section 3 being a 2" capped pipe; thence along the West line of said Section 3, North 00°06'40" West, 1324.39 feet; thence leaving said line, South 89°38'04" East, 1129.62 feet to the **True Point of Beginning**;

**Thence** S89°38'04"E for 171.43 feet;  
thence S0°22'00"W for 51.30 feet;  
thence S89°38'04"E for 708.42 feet;  
thence S0°21'56"W for 180.51 feet;  
thence S81°23'43"W for 350.00 feet;  
thence S0°30'56"W for 507.06 feet;  
thence S70°09'59"E for 461.25 feet;  
thence S89°38'57"E for 1429.83 feet;  
thence N0°18'04"E for 824.45 feet;  
thence S89°51'48"W for 138.11 feet;  
thence N37°57'18"W for 907.99 feet;  
thence N89°32'25"W for 196.59 feet;  
thence N0°00'15"W for 730.97 feet;  
thence S89°32'31"E for 1065.40 feet;  
thence S24°04'40"W for 19.00 feet;  
thence S48°36'20"E for 633.00 feet;  
thence S59°19'20"E for 128.00 feet;  
thence N86°07'40"E for 300.00 feet;  
thence S76°21'20"E for 706.00 feet to a point on the East line of said Section 3;  
thence along said line, S0°05'57"W for 913.50 feet;  
thence leaving said line, N84°39'35"W for 419.50 feet;  
thence S5°20'25"W for 200.00 feet;  
thence S84°39'35"E for 437.84 feet to a point on said East line of Section 3;  
thence along said line, S0°05'57"W for 882.80 feet to the corner common to Sections 2, 3, 10 and 11;  
thence along the North line of said Section 11, S89°46'56"E for 986.91 feet;  
thence leaving said line, S0°21'05"E for 2333.97 feet to a point on the boundary line of land according to Record of Survey Map Book 11, page 92;  
thence along said boundary, N89°46'06"W for 597.17 feet;  
thence N35°29'32"E for 443.80 feet;  
thence N1°19'14"W for 312.40 feet;  
thence S87°42'43"W for 203.96 feet;  
thence S89°29'34"W for 86.59 feet;  
thence S0°07'23"E for 818.63 feet;

thence S85°29'04"W for 258.55 feet to a point on the East line of said Section 10;  
thence along said line, N0°30'26"W for 91.01 feet;  
thence leaving said line, S88°09'44"W for 242.55 feet to a point on the Northeasterly  
right-of-way line of Interstate 10;  
thence along said line, N51°21'44"W for 527.61 feet;  
thence S41°49'31"W for 50.00 feet;  
thence N48°10'29"W for 888.92 feet;  
thence leaving said right-of-way, S89°27'05"11E for 707.15 feet;  
thence N0°32'55"E for 614.00 feet;  
thence N89°27'05"W for 810.44 feet;  
thence S0°32'55"W for 523.33 feet to a point on said Northeasterly right-of-way line of  
Interstate 10;  
thence along said line, N48°10'29"W for 623.64 feet;  
thence N41°49'31"E for 16.00 feet;  
thence N48°10'29"W for 300.03 feet to the beginning of a tangent 4753.66 foot radius  
curve concave Southwesterly;  
thence Northwesterly along the arc of said curve through a central angle of 05°00'00", a  
distance of 414.83 feet; thence on a radial line to said curve, S36°49'31"W, 16.00 feet to  
the beginning of a tangent 4737.66 foot radius curve concave Southwesterly;  
thence Northwesterly along the arc of said curve through a central angle of 02°43'55", a  
distance of 225.89 feet;  
thence leaving said right-of-way line, and non-tangent to said curve, N00°08'13"W,  
467.73 feet to an ADOT brass cap monument at the South quarter corner of said Section  
3;  
thence N0°00'15"W for 330.00 feet;  
thence N89°43'37"W for 1436.98 feet;  
thence N44°49'06"W for 380.83 feet;  
thence N0°00'07"W for 380.00 feet;  
thence N30°36'02"E for 398.16 feet;  
thence S89°38'04"E for 1.92 feet to the **True Point of Beginning**;

Contains 266.43 acres, more or less.



**LEGAL DESCRIPTION - TOTAL R-2 REZONE**

Portions of Sections 3, 10, and 11, Township 17 South, Range 20 East of the Gila and Salt River Meridian, County of Cochise, State of Arizona, more particularly described as follows:

**Commencing** at the Southwest corner of said Section 3 being a 2" capped pipe; thence along the West line of said Section 3, North 00°06'40" West, 1324.39 feet; thence leaving said line, South 89°38'04" East, 1129.62 feet to the **True Point of Beginning;**

**Thence** North 00°21'56" East, 50.00 feet; thence North 89°38'04" West, 703.02 feet; thence North 00°06'40" West, 334.01 feet; thence North 89°38'04" West, 394.01 feet to a point lying 33.00 feet Easterly of said West line of Section 3; thence along a line parallel with said West line, 33.00 feet distant therefrom, North 00°06'40" West, 737.30 feet; thence leaving said line, North 64°56'36" East, 357.46 feet; thence North 28°50'02" East, 137.42 feet; thence North 52°28'19" East, 295.85 feet; thence North 00°01'15" West, 642.68 feet; thence South 89°24'37" East, 1974.97 feet; thence South 00°00' 15" East, 1623.08 feet;  
thence N89°32'25"W for 368.17 feet;  
thence N0°27'35"E for 80.00 feet;  
thence N88°58'35"W for 561.65 feet;  
thence S59°24'26"W for 285.47 feet;  
thence S49°48'29"W for 201.37 feet;  
thence S0°22'00"W for 398.40 feet;  
thence N89°38'04"W for 171.43 feet to the **True Point of Beginning;**

Contains 96.40 acres, more or less.

