

RESOLUTION NO. 2799

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF PAYSON, ARIZONA, SETTING FORTH THE TOWN'S POSITION AS TO THE POTENTIAL ANNEXATION AND REZONING OF REAL PROPERTY TO THE EAST OF PAYSON, COMMONLY KNOWN AS THE FOX FARM.

WHEREAS, approximately three quarters of a mile to the east of Payson's eastern boundary, there is an 80 acre parcel of land commonly referred to as the Fox Farm ("the Property"); and

WHEREAS, the Property is located in the unincorporated portion of the County, utilizes the unimproved portion of Granite Dells Road for access, is residentially zoned, and is surrounded by National Forest Land on all sides; and

WHEREAS, the Town of Payson ("the Town") has been approached by the owner of the Property ("the Owner") asking that the Town annex the Property and rezone the Property to allow manufacturing; and

WHEREAS, although annexation and rezoning (and their associated processes) are governed by State Law and the Town cannot guarantee the outcome of such processes, the Town desires to move forward to annex the Property and following annexation, rezone the Property to allow manufacturing uses; and

WHEREAS, the Town desires to set forth its position related to the Property,

NOW, THEREFORE, THE MAYOR AND TOWN COUNCIL OF PAYSON, ARIZONA, RESOLVE AS FOLLOWS:

Section 1. Town staff is directed to initiate the process to annex the Property. In addition to all other State Law requirements, the Owner shall, prior to completion of the annexation process, execute a Proposition 207 waiver and agree to utilize only water from the Town's municipal water system on the Property.

Section 2. If the Property is annexed and appropriate water infrastructure is constructed connecting the Property to the Town's existing water system (at no cost to the Town), the Town will provide water service to the Property in accordance with the Town Code and all other Town Water Division regulations and policies.

Section 3. If the Property is annexed and access to the Property is improved to the Town's roadway standards (at no cost to the Town), the Town will provide Police and Fire Services to the Property.

Section 4. If the Property is annexed, Town staff is directed to initiate a rezoning application for the Property to allow manufacturing. If the County or the Owner initiates a rezoning application for the Property to allow manufacturing prior to annexation, Town staff is directed to support such rezoning.

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Section 5. The Town will work with Arizona Public Service, as needed, to facilitate adequate electric power supply to the Property.

Section 6. The Town will assist the Owner or the Owner's designee in attempting to secure various State, County or other employment or economic incentives. This assistance shall not require the Town to provide any direct economic incentives to the Owner.

Section 7. The Town will coordinate with and assist the Owner in obtaining any necessary Forest Service easements and/or permits required for the improvement of Granite Dells Road.

Section 8. The Town will assist the Owner with investigating the process and opportunity for the Owner to seek financial assistance from the Arizona Commerce Authority for the required improvements related to access to the Property.

Section 9. If the Property is annexed, Town staff is directed to negotiate a draft Development Agreement related to the Property that will be submitted to the Council for consideration.

Section 10. Nothing in this Resolution shall be construed as (a) committing the Town to any action in contravention of State law, any process established by State law, or Payson's Town Code; or (b) requiring the Town to expend any Town monies without Council approval.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this _____ day of _____, 2014, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:



Silvia Smith, Town Clerk

Timothy M. Wright, Town Attorney