

ATTACHMENT A

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,
ADOPTED ORDINANCE**

ORDINANCE G-

AN ORDINANCE AMENDING THE STIPULATIONS APPLICABLE TO
REZONING APPLICATION Z-SP-4-11-1 PREVIOUSLY APPROVED BY
ORDINANCE G-5636.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as
follows:

SECTION 1. The zoning stipulations applicable located at the southwest corner of Central Avenue and Misty Willow Lane in a portion of Section 8, Township 4 North, Range 3 East, as described more specifically in Attachment "A", are hereby modified to read as set forth below.

STIPULATIONS:

1. The Special Permit for the mining operation and associated batch plants shall expire ~~ten years from City Council approval~~ ON DECEMBER 31, 2027. No mining excavation shall be done below the average surrounding at-grade property elevation.
2. Prior to redevelopment of the site and submittal for development review, a reuse plan shall be approved by the Planning and Development Department.
3. A completed Form 7460-1 shall be submitted to the FAA and receive a "No Hazard Determination". Documentation that shows a "No Hazard Determination" shall be provided prior to issuance of a building permit.
4. The property owner shall record documents that disclose the existence and operational characteristics of the Deer Valley Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.

5. That an aggregate surface with an approved binding material shall be placed at minimum 3-inch depth on a minimum 24-foot roadway along the south half Street of Misty Willow Lane to connect into the existing pavement approximately 1,300 feet west of the subject site. The applicant shall enter into a private maintenance agreement that will be on file with the Street Transportation Department for the full term of the operation. Upon termination of the site operations, that the aggregate material shall be removed within the 80-foot right-of-way easement as approved by the Street Transportation Department.
6. PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-5636, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-5636 and as modified in Section 1 of this Ordinance. Any violation of the stipulation is a violation of the City of Phoenix Zoning Ordinance. Building permits shall not be issued for the subject site until all the stipulations have been met.

SECTION 3. 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, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 21st day of February ,
2018.

MAYOR

ATTEST:

_____ City Clerk

APPROVED AS TO FORM:

_____ City Attorney

REVIEWED BY:

_____ City Manager

Exhibits:

A - Legal Description (1 Page)

B - Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-SP-4-11-1

The East Half of the North Half of the Southwest Quarter of Section 8, Township 4 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa county, Arizona;

EXCEPT the North 40 feet;

EXCEPT the East 40 feet;

EXCEPT the West 55 feet;

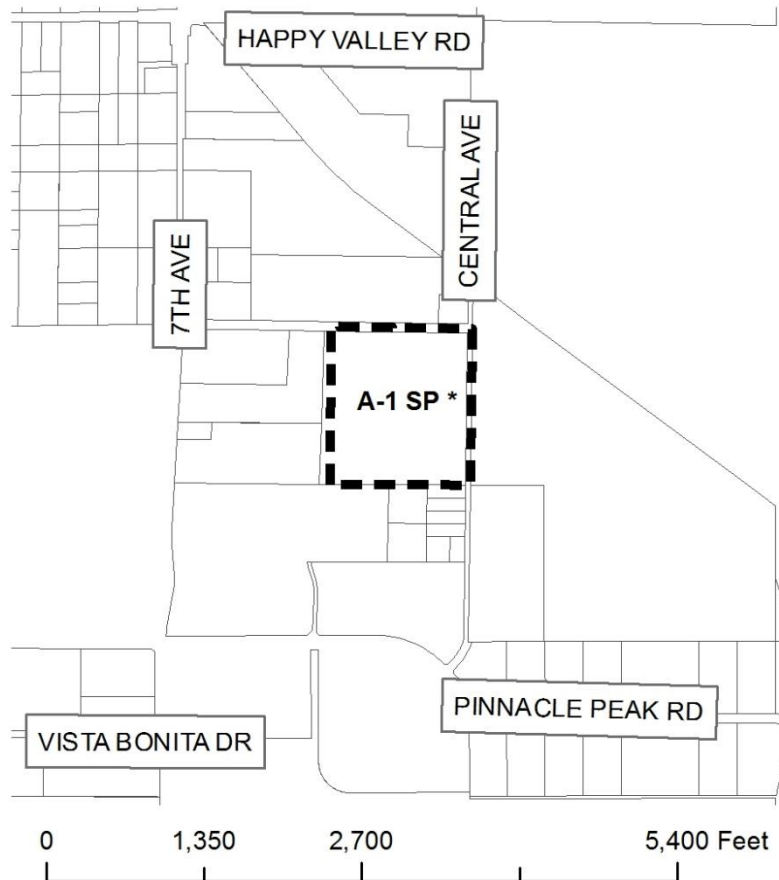
EXCEPT an undivided 1/16 of all oil, gases, and other hydrocarbon substances, coal, stone, metals, minerals, fossils and fertilizer of every name and description and except all uranium, thorium, or any other material which is or may be determined by the laws of the State of Arizona, the United states of America, or decisions of courts to be peculiarly essential to the production of fissionable materials, whether or not of commercial value, as reserved in section 37-231 Arizona Revised statutes.

ORDINANCE LOCATION MAP

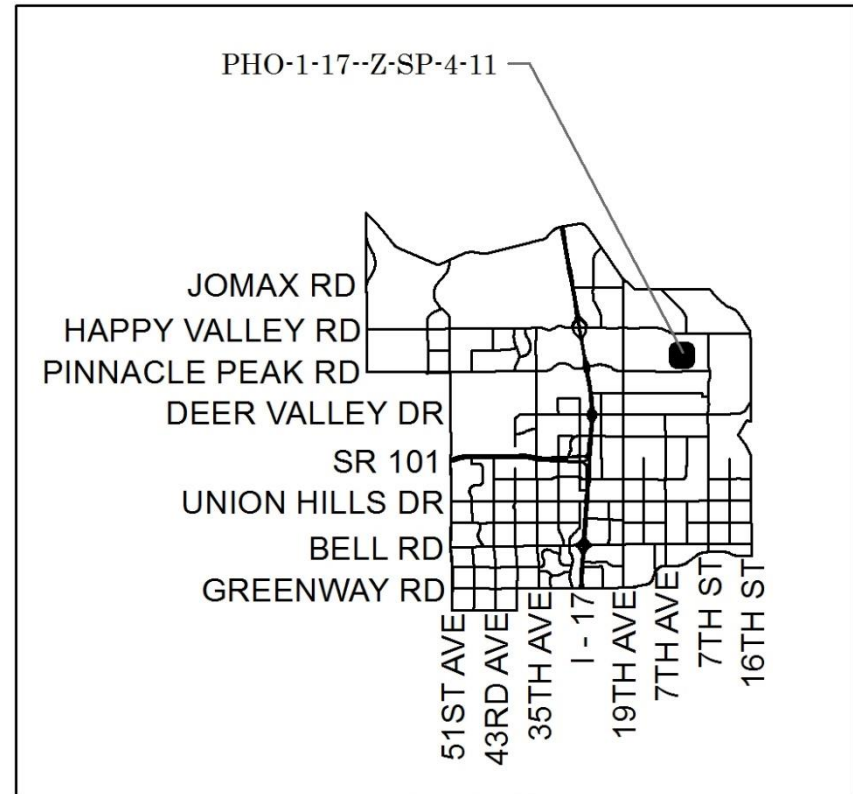
EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■



Zoning Case Number: PHO-1-17--Z-SP-4-11
Zoning Overlay: Deer Valley Airport Overlay District (DVAO)
Planning Village: Deer Valley



NOT TO SCALE



Drawn Date: 1/23/2018