



# Staff Report

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**Agenda Item:**           **CONSIDERATION OF THE ANNEXATION OF FOREST LANDS  
PROPOSED BY THE CITY OF COTTONWOOD**

**Staff Contact:**           Gayle Mabery, Town Manager

**Meeting Date:**           October 14, 2008

**Background:**           The City of Cottonwood held a Special Meeting on Thursday, October 9<sup>th</sup> at 6:00 pm in their Council Chambers in order to hold a Public Hearing regarding the proposed annexation of 8 ½ square miles of Forest Service land located north of the City.

Mayor Von Gausig, Town Manager Mabery and several other Council Members were in attendance at the Cottonwood City Council Meeting and will provide further input to the Clarkdale Town Council at the October 14<sup>th</sup> meeting.

Attached is a letter that Mayor Von Gausig delivered to the Cottonwood City Council, and read into their record at the October 9<sup>th</sup> meeting. By statute, Cottonwood can take action to approve the annexation anytime between October 18, 2008 and October 18, 2009.

The following documents are attached for your reference:

- The Public Notice regarding the annexation Public Hearing (which includes a map of the annexation area)
- A copy of the background material and staff report from Cottonwood's Public Hearing
- The Annexation Petition and Affidavit Regarding Annexation filed with the County Recorder by the City of Cottonwood on September 18, 2008
- A copy of the email and letter that Mayor Von Gausig sent to Mayor Jones and the Cottonwood City Council on October 8<sup>th</sup>

**Recommendation:** Staff is still formulating a recommendation for the Council at this time, and will offer additional information at the Council Meeting.

all applicable laws, ordinances and regulations; or if Town's facilities create an immediate safety hazard, Grantee retains the right to remove or correct Town's facilities.

Section 18. - Adoption: We, the undersigned, have adopted this document on the dates written below, in accordance with the provisions of the Charter of the City of Cottonwood, Arizona.

Este documento ha sido adoptado por nosotros, firmantes de las copias, en las fechas y en las carreteras en la Ciudad de Clarkdale, Arizona (denominada en lo sucesivo la

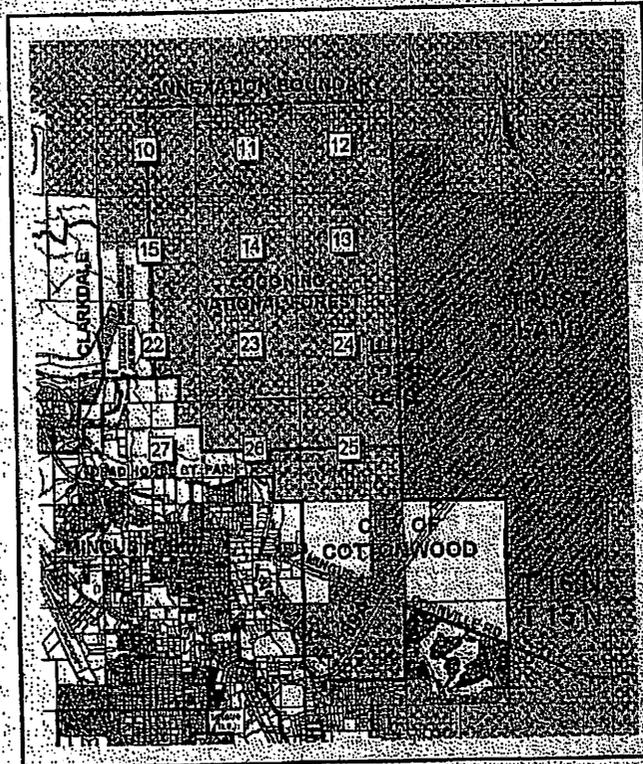


# ANNEXATION

## LEGAL NOTICE

The City of Cottonwood City Council will hold a public hearing at 6:00 P.M. on Thursday, October 9, 2008 in the City Council Chambers, located at 826 North Main Street. The agenda will include a public hearing to discuss the possible annexation of about 8-1/2 square miles of Coconino National Forest lands, located north of Dead Horse Ranch State Park, east of Tuzigoot National Monument and west of nearby State Trust lands.

### Exhibit A: Map of the Annexation Territory



### Exhibit B: Legal Description

A territory of land located in the T16N, R3E, G&SRB&M, Yavapai County, Arizona, more particularly described as follows: Sections 11, 12, 13, 14, 23, 24; and the north 1/2 of Section 25; and the north 1/2 of Section 26; and the east 1/2 of Section 10; and the east 1/2 of Section 15; and that portion of Sections 22 and 27 lying in the Coconino National Forest.

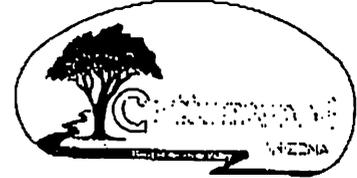
All interested persons are invited to attend these hearings. Material relating to the above is available for review from 8:00 AM to 5:00 PM, Monday through Friday, at the City of Cottonwood Community Development Department at 821 N. Main Street, Cottonwood, Arizona 86326, or call (928) 634-5505. This department will accept written comments regarding the requests up to 3 days prior to the scheduled hearing.

PUBLISH VERDE INDEPENDENT, October 1, 2008

George Gehles, Community Development Director (TVIPublish: October 1, 2008)



City of Cottonwood, Arizona  
City Council Agenda Communication



Meeting Date: October 9, 2008  
Subject: **Public Hearing for Proposed Coconino Forest Annexation**  
Department: Community Development  
From: George Gehlert, Director 

**REQUESTED ACTION**

This is a public hearing to satisfy statutory requirements for annexation covered under ARS § 9-471. No action is necessary.

**BACKGROUND**

On September 16, 2008, the City Council directed staff to begin the process of annexing the Forest Service lands defined by the attached map and legal description, as well as the adjacent State Trust lands block. The State Trust lands annexation will require approval by the State Selection Board (tentatively mid-2009). On Sept, 17<sup>th</sup>, Staff filed a blank petition with the County Recorder's office for the annexation of the Forest Service lands. The filing commenced a 30-day waiting period before signatures may be obtained. The City must hold a public hearing within the last 10 days of the waiting period. Ultimately, the Council would be required to adopt an annexation ordinance which also addresses zoning and a 10-year plan for the extension of infrastructure and services to the area. In the past, these have been adopted in the form of a generalized "commitment to extend infrastructure." As the current annexation includes only USFS lands, this would not be an issue unless exchanged for private development.

The annexation process is set out under Arizona Revised Statutes § 9-471. An outline of the process and boundary parameters is attached for your information. Annexation is a petition driven process in Arizona. It involves the identification of an annexation boundary and securing petitions with signatures of 51% of the property owners of the annexation territory representing also 51% of the real and personal property within the territory. In this instance, only USFS lands are involved. The State also has boundary rules which govern the required configuration of the annexation territory. Staff believes this territory is compatible with those rules.

**ISSUE**

- **Annexation Policy:** Some communities have adopted annexation policies which address annexation strategies demonstrating areas where annexation should be encouraged and other areas where it should be discouraged. The City has no such policy. The General Plan makes some basic statements about annexation but with no specific reference to this area.
- **Zoning and General Plan issues:** The City can continue County zoning for 6 months, or adopt compatible City zoning districts simultaneously with the annexation ordinance. Rezoning to a non-compatible district may involve a simultaneous amendment to the General Plan (requiring more time). As this area is all Forest Lands, Staff anticipates eventual zoning to the NF (National Forest) district. This use district was designed to accommodate prior forest annexations, basically allowing all current Forest Service activities.

**PROS AND CONS:**

**Pros:** Opportunity for public comment. Fulfills statutory requirement for public hearing at this time.

**Cons:** None.

**RECOMMENDATION**

Staff recommends the Council take public comment at this time.

City Manager Recommendation:

  
Concur

\_\_\_\_\_  
Non-Concur

City Attorney Approval: \_\_\_\_\_

**IMPLEMENTATION**

N/A

**ATTACHMENTS**

- Filing affidavit
- Blank annexation petition, map and legal description.
- Outline of annexation process and parameters

## ANNEXATION PROCESS

1. Identify the boundary. Any later changes may require that the process be started over.
2. Direct staff to review / report to Council on issues. Direct Staff to revise and/or move forward with the process / establish the annexation timeline and calendar.
3. Staff requests ownership / valuation info from the County Assessor and the Department of Revenue (allow 60 days to receive).
4. File a blank annexation petition including request, signature blocks, map and legal description of the boundary; together with a sworn affidavit of that there is no other current filing on this property. Copy the Clerk of the Board of Supervisors, the City Clerk and the County Assessor's office. This action begins a 30 day waiting period which must be exhausted before circulating petitions for signatures.
5. Publish a notice 15 days before the end of the waiting period regarding a public hearing to discuss the annexation (publication must also be a minimum of 6 days before the hearing).
6. Make all related materials available for public review.
7. Post the hearing notice in at least three conspicuous locations within the Annexation territory (at least 6 days before the hearing). File posting affidavit.
8. Send notices to the property owners and the County Board of Supervisors Chairman (at least 6 days before the hearing).
9. Have a public hearing (within the last 10 days of the waiting period).
10. Obtain signatures after 30 day period ends. The City has one year to obtain them beginning on the last day of the waiting period.
11. File the signed petitions with the County Recorder and City Clerk.
12. Have a public hearing to adopt the annexation ordinance, 10-year facilities plan and address City zoning. The ordinance takes effect 30 days later.
13. Publish ordinance. Send copies to DES, DOR, Census Bureau, NACOG, Assessor, Treasurer and others.

## BOUNDARY PARAMETERS

- The contiguous City boundary must be at least 300 feet; or the area is already surrounded on three sides by the City.
- The annexation area must be at least 200 feet wide at all points (excluding ROWs).
- Length no more than twice the width; or be surrounded on three sides by the City.
- Can't result in the creation of a County island.

RECORDED

NAME: George Gehlert  
ADDRESS: City of Cottonwood  
PHONE: 634-5505

**RECEIPT**

YAVAPAI COUNTY RECORDER  
1015 FAIR STREET  
PRESCOTT, AZ 86301  
(520) 771-3244  
DATE: 9-18-08

NUMBER		REFERENCE	\$ AMOUNT
	RECORDING		
	RECORDING		
	RECORDING		
	SUBDIVISION MAP		
	LAND SURVEY		
	VOTER REG.		
	MISC. COPIES		
<u>1</u>	<u>Filing</u>	<u>Affidavit Regarding Annexation</u>	<u>\$ 0</u>
TOTAL			<u>\$ 0</u>

PAID

CHECK

CASH

DEPUTY RECORDER

*[Handwritten Signature]*

The contents of Legal Instruments are the responsibility of the customer.



AFFIDAVIT REGARDING ANNEXATION

Personally appears before me, George Gehlert, who, first being duly sworn, deposes and says as follows:

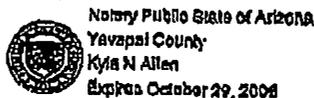
- 1. I make this affidavit of my own personal knowledge.
2. I am the duly appointed Community Development Director of the City of Cottonwood, Arizona, and I am qualified to execute this affidavit on behalf of and for the City of Cottonwood, pursuant to action by the City Council at a special meeting on September 16, 2008, and to prepare and file a petition for annexation on behalf of the City.
3. Concurrent with this Affidavit there will be presented to the Yavapai County Recorder a blank annexation petition, boundary map and legal description for the proposed 89A / Coconino Forest Annexation, including only U.S Forest Service / Coconino National Forest land.
4. I have made a diligent search of the records of the Office of the Clerk of the City of Cottonwood and of the Office of the Yavapai County Recorder for any annexation filing which might involve territory sought to be annexed in the Cottonwood Annexation Petition, which is filed herewith, with exhibits, in the Office of the Yavapai County Recorder.
5. I hereby affirm, pursuant to A.R.S. § 9-471(A)(6), that no part of the territory for which the attached annexation petition is filed is already subject to an earlier filing for annexation.

Signature of Affiant: [Handwritten Signature]
George Gehlert, Community Development Director, City of Cottonwood

Subscribed and sworn to before me this 17th day of September, 2008.

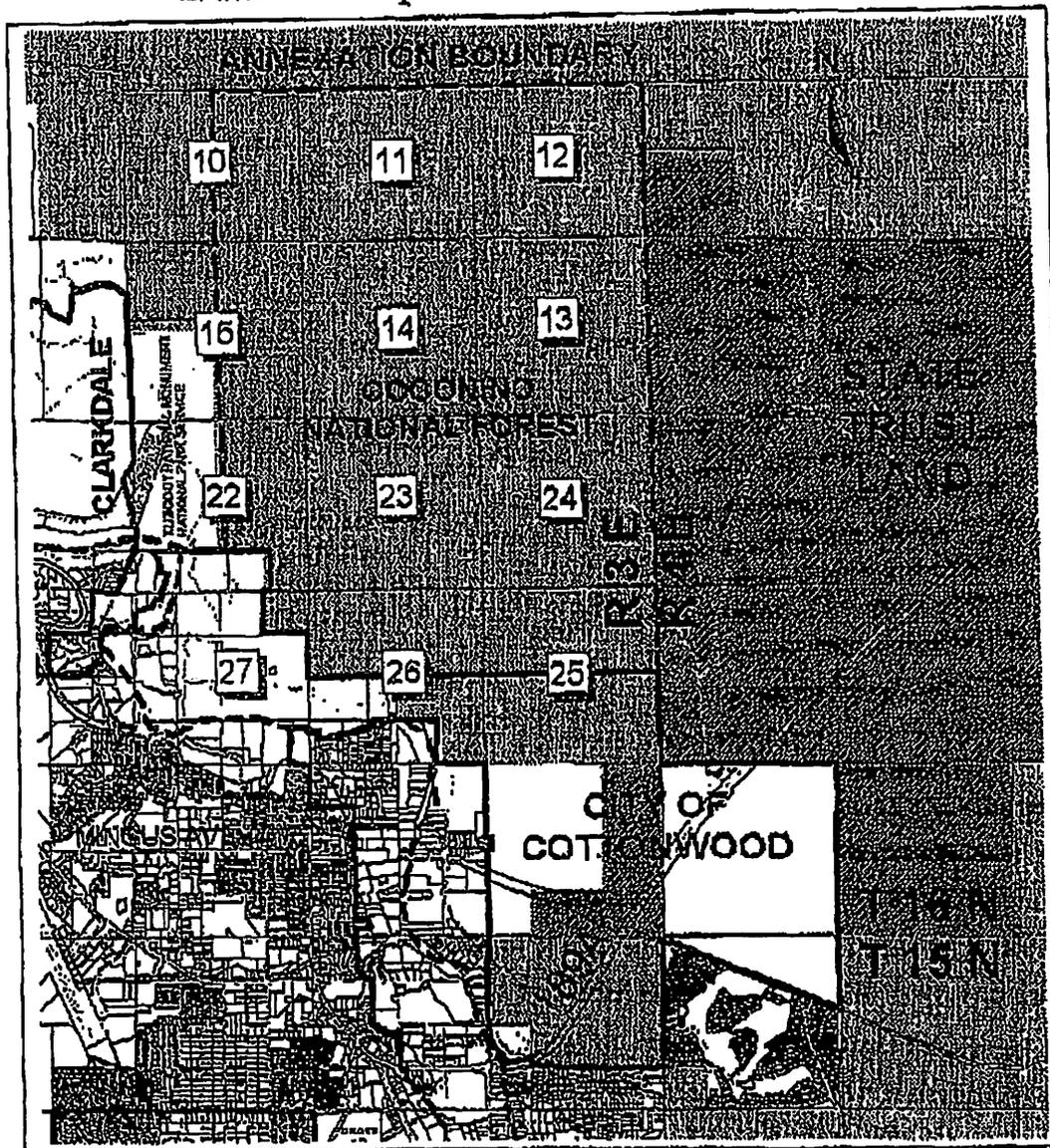
[Handwritten Signature]
Notary Public

My Commission Expires on the 29th day of October, 2008.





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### Exhibit B: Legal Description

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Sections 11, 12, 13, 14, 23, 24; and the north ½ of Section 25; and the north ½ of Section 26; and the east ½ of Section 10; and the east ½ of Section 15; and that portion of Sections 22 and 27 lying in the Coconino National Forest.

## Gayle Mabery

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**From:** Doug Von Gausig [dougvg@commspeed.net]  
**Sent:** Wednesday, October 08, 2008 3:25 PM  
**To:** Diane Joens; rokapie@aspect1.net; tim@verdebuilder.com; james.chapman93@yahoo.com; dukirby@peoplepc.com; linjono@cableone.net; Quixote51@hotmail.com  
**Cc:** Records; Doug Bartosh; Gayle Mabery  
**Subject:** Forest Lands Annexation  
**Attachments:** 100808 ltr to Mayor Joens.doc; ATT00001.txt

Hello Mayor Joens and Cottonwood Councilors,

I have attached a copy of a letter that I would like to read into the record for your consideration at tomorrow's special public hearing on the annexation of Forest Service lands adjacent to Clarkdale's northern and eastern borders. I would like the opportunity to have discussions with your City, our Town, the Forest Service and Yavapai County to determine if there is a way to accomplish your stated goal of protecting these lands as open space without the complications and expense of annexation. I believe there are ways that we can work together regionally to see that our borders and open spaces are protected.

Thank you very much and I look forward to seeing you all tomorrow night.

Sincerely,

Doug Von Gausig

All messages created in this system belong to the Town of Clarkdale and should be considered a public record subject to disclosure under the Arizona Public Records Law (A.R.S. 39-121). Town employees, Town public officials, and those who generate email to them, should have no expectation of privacy related to the use of this technology.

In addition, to ensure compliance with the Open Meeting Law, Council or Board/Commission members who are recipients of this message should not forward it to other members of the Council or Board/Commission of the Town of Clarkdale. Council Members or Board/Commission Members may reply to a staff member regarding this message, but they should not send a copy of a reply to other Council or Board Members.



Town of Clarkdale  
P.O. Box 308  
Clarkdale, AZ 86324  
(928) 639-2400 voice  
(928) 639-2409 fax  
[www.clarkdale.az.us](http://www.clarkdale.az.us)

Wednesday, October 08, 2008

Mayor Diane Joens  
City of Cottonwood Council Members  
827 North Main Street  
Cottonwood, AZ 86326

Dear Mayor Joens and Council Members;

On September 19<sup>th</sup> the Cottonwood City Council voted to pursue annexation of approximately 8½ square miles of Coconino National Forest located north of Cottonwood and adjacent to Clarkdale's eastern boundary. Upon hearing of this from Mayor Joens, Clarkdale's Town Manager, Gayle Mabery and I asked for a meeting to discuss this annexation with her and Mr. Bartosh. That meeting is scheduled to be held on October 20<sup>th</sup> at 3 pm.

I am concerned that the annexation of these sensitive open spaces may be rushed and the annexation ordinance could be adopted before more attractive alternatives are considered. I would like to ask that no action be taken on this matter until Mayor Joens, Mr. Bartosh, Ms. Mabery and I have had our meeting and discussed possible alternatives to an expensive annexation.

I would also like to propose that the City, the Town, Yavapai County and representatives of Coconino National Forest meet as soon as possible to discuss ways that we could satisfy our mutual desire to retain these lands to our north and east as open spaces. As you are all aware, annexations of Forest lands can become an expensive proposition for your citizens, as Cottonwood would be responsible for providing services to these 8½ square miles. It may serve us all to explore alternatives that would cost nothing, but be priceless in their impact on our future quality of life.

It is worth noting that no Clarkdale Council, including the current council, has ever indicated a desire to annex these lands. I am certain that the goal of the City of Cottonwood and the Town of Clarkdale regarding this forest land are identical, that these lands remain as they are today – open space. I am also confident that there are ways that this goal can be accomplished without an annexation by Cottonwood.

Thank you for your consideration,

Doug Von Gausig  
Mayor

The Historic Town of Clarkdale, Arizona  
[www.clarkdale.az.us](http://www.clarkdale.az.us)