

RESOLUTION NO. 3874 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING THE "ANNEXATION POLICY FOR THE CITY OF GLENDALE"; AND SETTING FORTH AN EFFECTIVE DATE.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

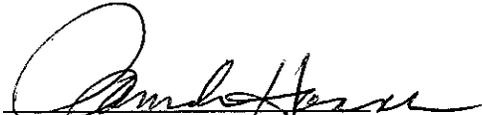
SECTION 1. That the certain document entitled "Annexation Policy for the City of Glendale, Amended July 12, 2005," three copies of which are on file in the office of the City Clerk, is hereby adopted and said copies are ordered to remain on file with the City Clerk.

SECTION 2. That the amended Annexation Policy for the City of Glendale shall become effective upon passage of this resolution by the Glendale City Council.

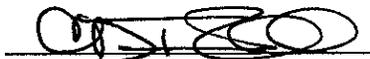
PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 12th day of July, 2005.


MAYOR

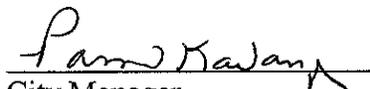
ATTEST:


City Clerk (SEAL)

APPROVED AS TO FORM:


City Attorney

REVIEWED BY:


City Manager



ANNEXATION POLICY

Adopted by
Glendale City Council
December 16, 2003
- Amended: July 12, 2005 -

Prepared by the Glendale Planning Department



ANNEXATION POLICY

PREFACE

From humble beginnings on June 18, 1910 when the City of Glendale was incorporated to present day, the City of Glendale has grown from 1.01 square miles to approximately 56 square miles in size. Glendale's Municipal Planning Area (MPA) is approximately 100 square miles in size. The MPA includes all of the area in the existing city limits plus the area inside the strip annexation boundaries.

Glendale began as a result of the agricultural activity in the area. The Beet Sugar Factory is exemplary of a significant milestone in the development of Glendale. The completion of Roosevelt Dam in 1911 provided the solution to the valley's unpredictable supply of water and provided a level of stability for area farmers reliant upon irrigation for successful crop growth. In the years since 1910, the City has changed from the agricultural center that it once was into a diverse community that includes agricultural activity, a variety of post secondary educational opportunities, employment cores, a significant medical industry and a variety of housing and recreational opportunities.

The City continues to grow and mature, and has reached a number of important development milestones in the last few years. After years of planning and twenty years of development Arrowhead Ranch is nearing completion. The North Valley Specific Area plan, which includes regional retail development on the north and south sides of Bell Road between Loop 101 and 67th Avenue, is approaching build-out. The Agua Fria Freeway, commonly know as Loop 101, has been completed and the last segment was opened in Glendale in fall 2000. As a result of the completion of the Loop 101 the Agua Fria Town Center is under development and a mixed-use development that includes a multi-purpose arena that will be home to the National Hockey League's Coyotes franchise. Major corporate headquarters are choosing to locate in Glendale due to the amenities the City has to offer and the high quality of life that residents enjoy.

The opening of Loop 101 in 2001, heightened interest in annexation of the remaining unincorporated parcels located east of 115th Avenue. Annexation in the City had occurred sporadically and without the benefit of a written policy or process prior to December 2003. December 16, 2003 marked the adoption of Glendale's first Annexation Policy.

CITY OF GLENDALE ANNEXATION POLICY

AMENDED July 12, 2005

Prepared by Glendale Planning Department

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The amendments to the 2003 Annexation Policy are a result of a City Council Workshop series that discussed the future disposition of Glendale's "strip annexation area". The workshop series concluded at a special Saturday workshop on February 12, 2005. At this Special Workshop the Glendale City Council gave three specific points of direction:

1. Viable private companies will provide water and sewer service for any annexed area located beyond the city's existing service area.
2. The City will proactively pursue voluntary annexation in the Loop 303 Corridor.
3. Consideration will be given to annexation requests submitted from any location within the Glendale Municipal Planning Area.

GROWTH MANAGEMENT

Growth management is one of the key areas of emphasis in the State of Arizona's 1998 and 2000 Growing Smarter Legislation. Glendale 2025, the City's General Plan, addresses this concept in Goal 3 of the Growth Areas Element, "Manage growth to achieve reasonable, responsible urban development."

Annexation is a tool that can be used by a city to direct and manage growth.

Annexation is defined as the process by which cities increase their geographical area. There are both benefits and costs associated with annexation. When considering annexation it is imperative that not only the short-term costs be identified but also the long-term benefits. It should be noted that annexations that occur in the near future would result in less short-term costs and greater long-term benefits compared to waiting a number of years to "close-up" the jurisdictional boundaries located east of 115th Avenue.

There are a number of reasons that a city may want to incorporate new areas into its boundaries (long-term benefits), such as:

- Effectively managing urban development
- Allowing for the efficient planning and provision of services
- Creation of a stronger community
- Social and economic benefit to the City
- Increasing the City's economic base and providing additional sources of revenue
- Management and implementation of the City's Transportation Plan
- Assuring high quality development in accordance with City standards

Annexation has costs associated with it as well. These "short-term" costs can include:

- Upgrading service levels in the newly annexed area(s) to the same level and quality that current residents of the City already receive.
- Establishing or extending infrastructure, such as police and fire protection, streets, water and sewer service to the newly annexed area(s). The costs of upgrading infrastructure for developed parcels, once they are annexed, can be addressed through existing City programs for infrastructure improvement or the formation of an improvement district. Undeveloped parcels will include the necessary infrastructure improvements during planning, design and construction of the project. This exemplifies the concept of "making development pay for itself".

ANNEXATION POLICY AND PROCESS

The purpose of developing an annexation policy for the City of Glendale is to provide a rational and consistent methodology for making annexation decisions. By employing a prescribed process, the City Council will use consistent criteria provided to use in determining whether or not an individual annexation request will be in the best interest of the City of Glendale.

Glendale is beset with a unique set of circumstances. First, there is the portion of the city that has been incorporated but contains county islands. This area is located east of 115th Avenue, with the exception of Luke Air Force Base. The area up to 115th Avenue has been included in the long-range planning efforts since the 1980's to provide water and sewer services, sanitation services, police and fire protection and other City services and amenities – i.e. library services and parks. Secondly, the Municipal Planning Area (MPA) includes the area west of 115th, which extends from 115th Avenue west to Perryville Road and is generally bounded by Camelback Road on the south and Peoria Avenue on the north. The area west of 115th is delineated by a strip annexation that was completed in 1978.

ANNEXATION TYPES The Annexation Policy outlines the policy and process for two distinct types of annexation requests. The two types of annexation requests are undeveloped areas and developed areas. Consideration will be given to annexation requests submitted from any location within the Glendale Municipal Planning Area.

TYPE ONE: UNDEVELOPED AREA

- ✓ Annexation requests for undeveloped land with or without development master plans previously approved by Maricopa County.

TYPE TWO: DEVELOPED AREAS

- ✓ Annexation requests for existing residential parcels, subdivisions or non-residential sites that have been developed according to Maricopa County requirements. Property owners desiring annexation will be asked to submit written documentation that indicates that a majority of the affected property owners are interested in annexation.

The intent for both types of annexation request is to facilitate annexation of all sites by working with the respective property owners.

LOOP 303 CORRIDOR

The City will proactively pursue voluntary annexation in the Loop 303 Corridor. The Loop 303 Corridor is bounded by Peoria Avenue on the north, Sarival Avenue on the east, Camelback Road on the south and Cotton Lane on the west.

Proactive pursuit of voluntary annexation means that:

- The City will initiate contact with the property owners in this corridor; and
- Information will be provided to the owners about what it would mean to them to annex into Glendale.

Annexation processes, as outlined in pages 11 to 15 of this policy, will be followed for properties within the Loop 303 Corridor. All other aspects of the Annexation Policy apply to this emphasis area as well.

WATER AND SEWER SERVICE

Viable private companies will provide water and sewer service for any annexed area located beyond the city's existing service area. The City's service area ends at 115th Avenue. This policy is applicable to all annexations that may occur west of 115th Avenue in the area generally referred to as the "strip annexation area". The general boundaries of the strip annexation area are Peoria Avenue, 115th Avenue, Camelback Road and Perryville Road.

DISCLOSURE STATEMENT

The City of Glendale is committed to providing a wide range of publicly funded services to all of the City's residents. In addition to these services a number of improvement programs are available to the City's residents to be used to upgrade existing infrastructure and enhance neighborhoods. In an effort to ensure that property owners annexing into the City have a clear understanding of the services to be provided and programs available an Annexation Disclosure statement has been prepared. The Annexation Disclosure Statement will be provided to the property owners within the proposed annexation area throughout the annexation process. The purpose of the Annexation Disclosure Statement is to provide information regarding the following:

1. Notification to developed areas interested in annexing into the City that infrastructure improvements and the payment of the Municipal Service Fee are required prior to annexation. A Pre-Annexation

Agreement is required to outline the specific improvements and fee for each developed area requesting annexation.

2. Clarification of the scope of services to be provided by the City of Glendale at the time of annexation.
3. Providing general information on improvement programs administered by the City that are available to residents of the City of Glendale for upgrading infrastructure or enhancing neighborhoods.
4. The process followed to bring newly annexed properties into compliance with the adopted codes and ordinances of the City of Glendale.

INFRASTRUCTURE IMPROVEMENTS AND MUNICIPAL SERVICE FEE – DEVELOPED AREAS

All **developed** areas requesting annexation will be required to:

1. Upgrade the proposed annexation area's existing infrastructure to comply with the current City of Glendale standards before the adoption of the annexation ordinance, and
2. Pay a Municipal Service Fee (MSF) equal to one year of the City's current property tax based on the assessed valuation of the proposed annexation area. The MSF would include the current primary and secondary property taxes levied by the City.
3. Enter into a Pre-Annexation Agreement with the City of Glendale. The purpose of this Agreement is to clarify the extent of the infrastructure improvements to be accomplished and the amount of the MSF to be paid.

The Council has the authority to waive the MSF and/or selected improvements, which may be accomplished through improvement programs administered by the City, if the annexation is in the best interest of the City. This allows the Council some flexibility so that each developed area requesting annexation can be evaluated on a case-by-case basis.

The intent of the MSF based on the Glendale property tax rates is to try to address the "lag time" encountered between the time an annexation is effective and the provision of city services commences and the first property tax revenue

that the City receives. This "lag time" can range from a number of months to perhaps more than one year.

PRE-ANNEXATION OR DEVELOPMENT AGREEMENT

In situations where the City determines that an undeveloped annexation area warrants an agreement that contains more specific information than contained in the Annexation Disclosure Statement, a Pre-Annexation or Development Agreement may be used. The necessity of a Pre-Annexation or Development Agreement will be determined on a case-by-case basis.

A Pre-Annexation Agreement will be required for developed areas requesting annexation. The purpose of the Agreement is to specifically address the infrastructure improvements that must be completed and MSF that must be paid prior to the annexation of the developed area.

COMPLIANCE WITH CITY CODES

Upon annexation into the City of Glendale all properties must comply with the adopted Codes and Ordinances of the City. Code compliance issues are a main area of concern when considering the annexation of developed properties into the City. As part of the Annexation Analysis for a developed area an evaluation of existing code violations would be completed by the City's Code Compliance Department. Once the initial evaluation has been completed the property owners within the proposed annexation area are informed of the specific violations that exist on their respective properties. All properties within the proposed annexation area must be brought into compliance within one year of the effective date of the annexation. An initial 6-month "grace period" will be allotted to all property owners to voluntarily address the code violations that were identified during the Annexation Analysis. At the end of the "grace period" the properties will be re-inspected and property owners will be cited for any code violation(s) that exist. The property owners will have until the one-year anniversary of the annexation to correct all violations. After that anniversary date the Code Compliance Department will take the appropriate corrective action, generally this means that the issue will go to court.

ANNEXATION PROCESS

TYPE ONE: UNDEVELOPED AREAS

1. **Annexation Pre-application Meeting** – A pre-application meeting similar to those used for other types of planning cases. Actual staff participants may include the planning director, deputy city manager, senior planner/annexation coordinator, and other staff as necessary. The function of this meeting is to make an initial determination regarding whether or not the annexation will meet statutory requirements and to discuss potential development implications associated with annexation. Additionally, at this first meeting the Annexation Disclosure Statement is presented to the property owner/applicant interested in annexation.
2. **Annexation Application**– To initiate the formal review of an area interested in annexation into the City of Glendale the property owner(s) shall submit an Annexation Application to the Planning Department.
3. **Property Acquisition/Annexation Team** – Review of new annexation requests and on-going annexation activity occurs monthly. The purpose of this Team review will be to identify potential impacts that a requested annexation may have on provision of city services, infrastructure, and other city liability issues. This information is used as the basis for the Annexation Analysis.
4. **Annexation Analysis** - An analysis of all potential short-term and long-term costs and long-term benefits of any annexation request will be performed at Council's request. Arizona Revised Statutes annexation criteria are also included as part of the formal analysis. The necessity of a Pre-Annexation or Development Agreement is reviewed at this point and a recommendation is prepared.
5. **City Manager/Management Team (CM/MT) Briefing** – The annexation analysis and the staff recommendation regarding the necessity of a Pre-Annexation Agreement is presented to the CM/MT along with staff and Property Acquisition/Annexation Team comments prior to the annexation request being scheduled for a City Council Workshop.

6. **If a Pre-Annexation or Development Agreement** is deemed necessary, that Agreement is developed prior to the City Council Workshop.
7. **City Council Workshop** – The City Council will be briefed at a workshop study session on the annexation request. Direction will be requested from the City Council regarding the Pre-Annexation or Development Agreement (if applicable), and whether or not to record the blank petition that formally initiates the annexation process.
8. **Pre-Annexation or Development Agreement** (if applicable) is to be finalized and prepared for approval by the City Council.
9. **Recordation of Blank Petition** for Annexation
10. **Public Hearing on the Blank Petition**, within the last 10 days of the required 30-day waiting period.
11. **Collection of Signatures**, after the 30-day waiting period has expired.
12. **Verification** of signatures and assessed valuation percentages [50% +1]
13. **City Council adoption of the Annexation Ordinance.**

TYPE TWO: DEVELOPED AREAS

When dealing with developed areas and potentially large numbers of property owners, the process for annexation is quite different than it is for undeveloped properties. Annexation of developed areas also tends to take significantly longer to accomplish.

1. **Annexation Interest/Disclosure Statement** - Information and education are the initial steps in responding to a developed area that is interested in annexation. Meeting(s) with the property owners of a developed area interested in annexation are the first step. It is vital that the Annexation Disclosure Statement is provided at the first inquiry made and subsequent meetings so that the property owners have accurate information to allow them to reach an informed decision about whether or not to proceed with an annexation request.

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2. **Self-Inventory Packet** - The developed area requesting annexation will be required to complete a Self-Inventory Packet to provide an overview of the existing development. The Packet will contain a wide range of questions such as construction date of the subdivision [if applicable], number of existing dwelling units, number of vacant lots, water provider, sewer provider or septic tanks, does the development contain curb, gutter, sidewalks, streetlights and pavement, and other similar questions that will give a general overview of the existing infrastructure.
3. **Neighborhood meeting(s)** are organized when at least 70 percent of the property owners in the developed area are interested in annexation. The number of neighborhood meetings necessary to address property owners' questions and concerns vary greatly and are determined on a case-by-case basis. The Annexation Disclosure Statement is presented to the attendees of these meetings as well as mailed out to all property owners within the proposed annexation area in an effort to educate property owners about the annexation process for developed areas.
4. **Property Management Team** – Review of city owned property and annexation activity occurs monthly. The Team will review the Self-Inventory Packets and provide a preliminary list of infrastructure improvements that would need to be completed by the proposed annexation area.
5. **Annexation Analysis** - An analysis of all potential short-term and long-term costs and long-term benefits of any annexation request. Arizona Revised Statutes annexation criteria are also included as part of the formal analysis. This does not include a complete Code Compliance evaluation at this point in the process. The Code Compliance evaluation will be completed after the infrastructure improvements have been done.
6. **City Manager/Management Team (CM/MT) Briefing** – Presentation and discussion of the annexation request for a developed area, the results of the Property Management Team evaluation of the Self-Inventory Packet and other pertinent information from the Annexation Analysis. CM/MT will provide direction to either proceed to a City Council workshop or to obtain additional information before specific direction can be provided.

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7. **City Council Workshop** – The City Council will be briefed at a workshop on the annexation request. Direction will be requested from the City Council regarding the preparation of a Pre-Annexation Agreement and initiation of the formal annexation process, as outlined in the Arizona Revised Statutes.
8. **Pre-Annexation Agreement** - Prepare and present the Pre-Annexation Agreement for approval by the City Council. The Agreement shall include at a minimum: a listing of infrastructure improvements required, verify receipt of payment of the Municipal Service Fee, details on design and constructions standards to be met, how inspection of the improvements will be accomplished, and who the review, permitting, and inspection entity will be for this area.
9. **Infrastructure Improvements** - After the Pre-Annexation Agreement has been fully executed the developed area will proceed and pay for all design, engineering, and construction of the required infrastructure improvements.
10. **Recordation of Blank Petition**
11. **Public Hearing on the Blank Petition**, within the last 10 days of the required 30-day waiting period.
12. **Collection of Signatures**, after the 30-day waiting period has expired.
13. **Verification** of signatures and assessed valuation percentages [50% +1]
14. **City Council adoption of the Annexation Ordinance.**