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### Avondale and Litchfield Park work on land swap agreement

by **David Madrid** - Apr. 19, 2012 10:19 AM  
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Avondale and Litchfield Park leaders will have to agree to a land swap and to sharing some sales tax so a landlocked county island can fulfill its wish of becoming part of Avondale.

In 2008, the Wigwam Creek South Community Association, a homeowners association, asked Avondale to be annexed.

Before it can begin collecting the 51 percent of signatures of households to make the annexation legal, Avondale and Litchfield Park must reach agreement and take several legal steps.

The community is surrounded by roads that Litchfield Park strip annexed in the 1980s, when strip annexation was legal. It is no longer legal, but the strip annexations were grandfathered, so they remain.

That means that for Wigwam Creek South to be annexed into Avondale, Litchfield Park would have to withdraw annexation of a strip of road that would allow the community to abut Avondale, a legal requirement for annexation. Wigwam Creek South is between Camelback and Indian School roads and it is east of Dysart Road and west of El Mirage Road.

"Essentially this community is interested in obtaining police and fire service from Avondale," Rogene Hill, Avondale's assistant city manager, told the City Council on Monday.

Wigwam Creek South residents buy fire protection from Rural/Metro Fire Department, and police service is provided by the Maricopa County Sheriff's Office.

If Avondale approved the annexation, it would not take over water or sewer. Wigwam Creek South receives water and sewer service from Liberty Water Co.

Vice Mayor Stephanie Karlin wanted it clear that five years down the road, Avondale will not take over water and sewer service.

"We have no intention of them (community) coming on to the Avondale water, and I just think that needs to be emphasized," Karlin said.

The city would take over sanitation services, which are now purchased by individual homeowners from private haulers. Wigwam Creek South residents would have to buy their trash containers from the city before receiving service, Hill said.

The 2010 estimated population of Wigwam Creek South was 4,051. There are 1,266 single-family homes and a 300-unit apartment complex.

In 2010, Avondale estimated that projected revenues would cover the cost of providing police, fire and sanitation services to the community. The anticipated revenues would also help pay for staffing the Fire Department portion of the Northwest Public Safety Facility, which the city has not been able to open because of the downturn in the economy and because a potential agreement with Litchfield Park fell through.

The shell of the fire station sits on the Estrella Mountain Community College campus awaiting activation. The Police Department portion is active.

An updated revenue and cost analysis will be completed once the annexation petition process is under way and before the Avondale City Council takes action on the proposed annexation, Hill said.

Litchfield Park and Avondale haven't finalized an agreement, so the issue won't come before the Litchfield Park City Council until the agreement details are completed, said Litchfield Park City Manager Darryl Crossman.

The agreement, which is mostly complete, according to Hill, calls for Avondale releasing Post Office Plaza to Litchfield Park so Litchfield Park can annex it. Post Office Plaza is south of Indian School Road and east of Litchfield Road.

In exchange for the post-office parcel, Litchfield Park would release to Avondale, Monument Point Business Park south of Camelback Road and west of El Mirage Road. Avondale would then annex Monument Point Business Park.

The U.S. Postal Service building and property were annexed by Avondale before Litchfield Park was incorporated, so Litchfield Park wasn't able to annex the post office.

Litchfield Park would also retain two commercial corners, one at Dysart and Indian School roads and the second at Camelback and Dysart roads.

The draft agreement requires each city to remit to the other 1.5 percent of construction sales tax collected on any parcel that develops within Post Office Plaza or Monument Point Business Park in the next 25 years.

Hill said the construction tax issue is the only issue in the draft agreement not settled.

Councilman Kenn Weise said he hasn't made up his mind about the annexation, but he said he agrees that Litchfield Park should have its own post office. He said Wigwam Creek South mirrors Avondale neighborhoods, which are similar in makeup.

He said both cities must move forward in good faith.

Councilman Jim Buster said the financial agreements between the cities must be equitable, and he isn't sure if they are yet.

"To me, it looks on its face like sensible annexation. We're not empire building," Buster said. "We're looking at folks who need services (who) have been somewhat orphaned (and) are not getting those services right now. We're looking at stable neighborhoods and large lots, which we have few of now."

In 2008, Wigwam Creek South HOA officers obtained letters of interest in favor of annexation signed by about 51 percent of the property owners.

If the cities reach agreement and proceed, after Litchfield Park withdraws annexation of the Indian School Road strip and the contiguity requirement is satisfied, Avondale would file a petition to open the annexation process. The HOA board would have one year to collect the required property owners' signatures.

If the board doesn't get enough signatures, the annexation process ends, and Litchfield Park can re-establish its strip along Indian School Road.

If the petition drive is successful, the Avondale City Council would then consider the petition. If the council denies the request, the annexation process ends.






If the council approves the annexation, the two cities would take a series of actions to effect the land swaps.

Ken Martin, president of Wigwam Creek South HOA board, said the board must wait until the cities reach an agreement before pursuing signatures. Once an agreement has been reached between the cities and Avondale opens the annexation process, he said volunteers will go door to door and solicit signatures.

Martin said he is hopeful of collecting enough signatures.

"There is still a lot of interest from the people in the HOA as far as being annexed and getting themselves into the city of Avondale and being able to improve the police and fire services and taking advantage of all these other benefits the city might offer," Martin said.

Wigwam Creek South developed in the county in early 2000 with the bulk of the building completed in 2003.

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