

RESOLUTION NO. 2014-07

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE TOWN OF FOUNTAIN HILLS GENERAL PLAN 2010 REGARDING THE LAND-USE DESIGNATION FOR APPROXIMATELY 80 ACRES GENERALLY LOCATED ALONG EAGLE RIDGE DRIVE AS SHOWN IN CASE NO. GPA2013-01.

WHEREAS, the Town of Fountain Hills General Plan 2010 (the “General Plan”) was adopted by the Mayor and Council of the Town of Fountain Hills (the “Town Council”) on January 7, 2010, and ratified by the qualified electors of the Town of Fountain Hills (the “Town”) on May 18, 2010; and

WHEREAS, Figure 11 of the General Plan (the “Land Use Plan”) sets forth the land-use designations for all real property within the corporate limits of the Town; and

WHEREAS, the General Plan establishes the authority and procedures for amendments to the General Plan land-use designations; and

WHEREAS, the Town Council desires to amend the General Plan to change the land-use designation on the Land Use Plan for approximately 80 acres generally located along Eagle Ridge Drive as shown in Case No. GPA2013 from Single Family/Very Low to a combination of Single Family/Medium Density Residential, Multi-Family/Medium Density Residential and Multi-Family/High Density Residential (the “General Plan Amendment”); and

WHEREAS, pursuant to ARIZ. REV. STAT. § 9-461.06 and the General Plan, the Town has consulted with, advised and provided the opportunity for public comment on the General Plan Amendment; and

WHEREAS, pursuant to ARIZ. REV. STAT. § 9-461.06 and the General Plan, the Town Planning and Zoning Commission (i) held a public hearing on the proposed General Plan Amendment on February 13, 2014, and (ii) provided notice of such hearing by publication in the *Fountain Hills Times* on January 22, 2014, and January 29, 2014; and

WHEREAS, pursuant to ARIZ. REV. STAT. § 9-461.06 and the General Plan, the Town Council (i) held a public hearing on the proposed General Plan Amendment on May 1, 2014 and (ii) provided notice of such hearing by publication in the *Fountain Hills Times* on April 16, 2014; and

WHEREAS, the Town Council finds and determines that (i) proper notice of the proposed General Plan Amendment has been given in a manner required by ARIZ. REV. STAT. § 9-461.06 *et seq.* and (ii) each of the required publications have been made.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The General Plan is hereby amended to change the land-use designation on the Land Use Plan for approximately 80 acres generally located along Eagle Ridge Drive as shown in Case No. GPA2013, as more particularly described and depicted on Exhibit A, attached hereto and incorporated herein by reference, from Single Family/Very Low to a combination of Single Family/Medium Density Residential, Multi-Family/Medium Density Residential and Multi-Family/High Density Residential.

SECTION 3. If any provision of this Resolution is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provision and such holding shall not affect the validity of the remaining portions of this Resolution.

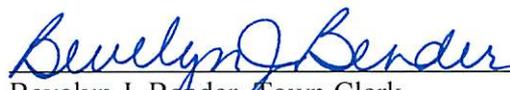
SECTION 4. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills, May 1, 2014.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:


Linda M. Kavanagh, Mayor


Bevelyn J. Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:


Kenneth W. Buchanan, Town Manager

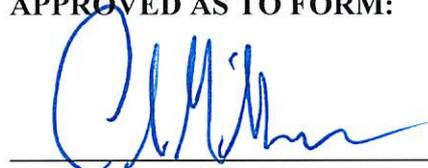

Andrew J. McGuire, Town Attorney

EXHIBIT A
TO
RESOLUTION NO. 2014-07

[General Plan Amendment Legal Description and Map]

See following pages.

Adero Canyon PAD Legal Description

Adero Canyon PAD Area

Commencing at a GLO Brass Cap at the Northwest Corner of Section 17, Township-3-North, Range-6-East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, which is the Point of Beginning;

thence S 89°53'25" W, a distance of 162.69 feet;

thence N 17°37'39" W, a distance of 235.86 feet;

thence N 19°08'15" W, a distance of 188.09 feet;

thence N 26°45'55" W, a distance of 405.46 feet;

thence N 59°23'01" W, a distance of 391.44 feet;

thence N 30°52'15" W, a distance of 411.95 feet;

thence N 44°10'32" E, a distance of 72.17 feet;

thence N 35°05'58" E, a distance of 486.04 feet;

thence S 65°21'48" E, a distance of 136.48 feet;

thence S 48°27'16" E, a distance of 723.50 feet;

thence S 28°47'22" E, a distance of 521.43 feet;

thence S 79°47'41" E, a distance of 276.70 feet;

thence S 48°15'21" E, a distance of 366.99 feet;

thence S 66°29'43" E, a distance of 148.14 feet;

thence S 01°17'20" W, a distance of 250.46 feet;

thence S 55°26'42" E, a distance of 164.36 feet;

thence S 79°03'00" E, a distance of 440.08 feet;

thence S 40°20'05" E, a distance of 231.03 feet;

thence S 01°11'09" W, a distance of 276.29 feet;

thence S 41°49'37" W, a distance of 128.49 feet;

thence S 28°54'30" W, a distance of 205.00 feet;

thence S 43°06'08" W, a distance of 120.82 feet;

thence N 86°55'29" E, a distance of 154.35 feet; to a tangent curve concave southwesterly with a radius of 500.00 feet;

thence through said curve an arc length of 521.97 feet, a delta angle of 59°48'50";

thence S 33°15'41" E, a distance of 458.83 feet; to a tangent curve concave northeasterly with a radius of 500.00 feet;

thence through said curve an arc length of 103.59 feet, a delta angle of 11°52'12";

thence S 44°54'11" W, a distance of 549.72 feet;

thence S 26°22'38" E, a distance of 79.43 feet; to a non-tangent curve concave southwesterly with a radial bearing of S 57°42'50" W and with a radius of 941.03 feet;

thence through said curve an arc length of 21.08 feet, a delta angle of 01°17'01";

thence through said curve an arc length of 125.67 feet, a delta angle of 07°39'07";

thence S 63°37'22" W, a distance of 76.85 feet; to a non-tangent curve concave westerly with a radial bearing of S 65°32'36" W and with a radius of 865.00 feet;

thence through said curve an arc length of 265.06 feet, a delta angle of 17°33'24";

thence S 06°54'00" E, a distance of 48.00 feet;

thence N 39°14'11" W, a distance of 180.33 feet;

thence N 22°01'13" W, a distance of 518.76 feet;

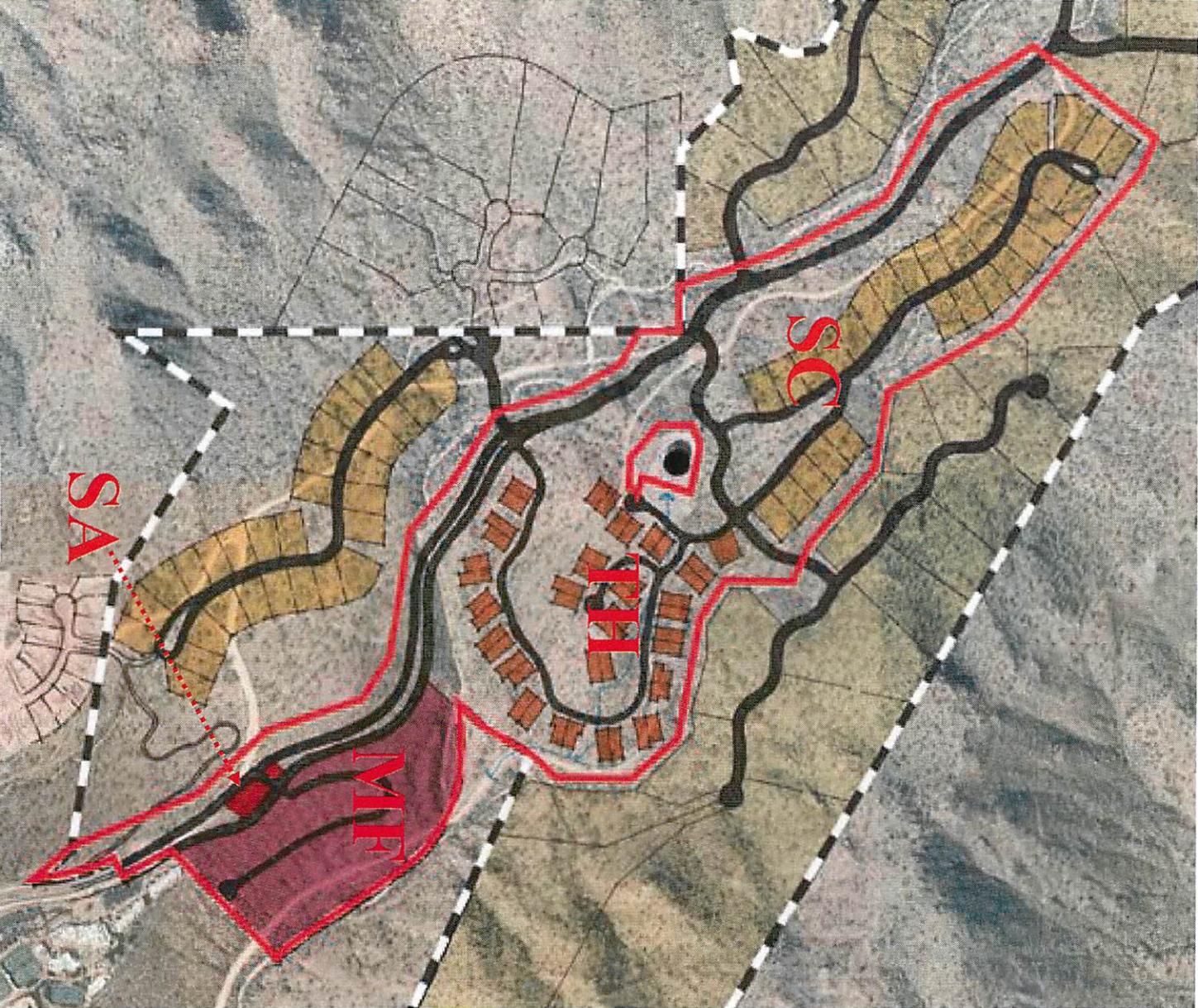
thence N 41°06'07" W, a distance of 339.40 feet;

thence N 18°18'49" W, a distance of 371.42 feet;
thence N 56°00'07" W, a distance of 183.78 feet;
thence N 80°37'56" W, a distance of 455.43 feet;
thence N 53°14'25" W, a distance of 536.86 feet;
thence N 15°00'08" W, a distance of 285.85 feet;
thence N 27°12'16" W, a distance of 209.34 feet;
thence N 58°25'53" W, a distance of 142.26 feet;
thence N 00°07'50" W, a distance of 146.16 feet; which is the Point of Beginning, having an area of 3,529,185.23 square feet, or 81.0189 acres.

Exception to the Boundary EPCOR Revised Reservoir Site No. 6

Commencing at a GLO Brass Cap at the Northwest Corner of Section 17, Township-3-North, Range-6-East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;
thence S 76°48'30" E, a distance of 349.51 feet to the Point of Beginning;
thence N 00°00'00" W, a distance of 123.95 feet;
thence N 64°25'00" E, a distance of 76.25 feet;
thence S 77°24'01" E, a distance of 88.80 feet;
thence S 77°24'01" E, a distance of 86.88 feet;
thence S 16°39'33" W, a distance of 188.32 feet;
thence S 73°20'27" E, a distance of 61.13 feet; to a non-tangent curve concave southeasterly with a radial bearing of S 17°38'05" E and with a radius of 35.50 feet;
thence through said curve an arc length of 42.76 feet, a delta angle of 69°01'09";
thence N 86°39'14" W, a distance of 105.31 feet;
thence N 47°36'09" W, a distance of 155.72 feet; which is the Point of Beginning, having an area of 47,180.46 square feet, or 1.0831 acres.

Total for the Adero Canyon PAD area is 3,482,004.77 square feet, or 79.9358 acres.



Adero Canyon PAD District Map