RESOLUTION NO. 3202

A RESOLUTION OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, ESTABLISHING THE GILBERT HERITAGE ARTS, CULTURE AND ENTERTAINMENT DISTRICT, AN ENTERTAINMENT DISTRICT IN ACCORDANCE WITH ARIZONA REVISED STATUTES SECTION 4-207(C)(4); PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Mayor and Common Council of the Town of Gilbert seek to promote the downtown business community and create an environment where a variety of jobs, services, and uses attract people to the Heritage District in historic downtown Gilbert; and

WHEREAS, Arizona Revised Statutes Section 4-207 prohibits the issuance of a retail liquor license for premises within three hundred horizontal feet of a church, public or private school, or fenced recreational area adjacent to such a school building; and

WHEREAS, new businesses desiring to locate within the Heritage District may be prevented from locating there because of the three hundred foot separation requirement; and

WHEREAS, Arizona Revised Statutes Section 4-207(C)(4) permits the governing body of a city or town to approve, on a case by case basis, an exemption from the distance restrictions applicable to a church or public or private school for a retailer's liquor license in a designated an entertainment district; and

WHEREAS, the Town Council has determined that the area to be established as the Gilbert Heritage Arts, Culture and Entertainment District consists of no more than one square mile, is no less than one-eighth of a mile in width and contains a significant number of entertainment, artistic and cultural venues, including theaters, museums, galleries, studios, restaurants, bars and other related facilities; and

WHEREAS, the Town Council has determined that the creation of an entertainment district within Gilbert's downtown Heritage District will support local businesses by establishing a focused cultural, creative, and entertainment core that encourages greater commercial density, provides additional exposure and use of public amenities, and enhances community safety by providing a more active setting to welcome people to downtown Gilbert;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the Town of Gilbert, Arizona that the Gilbert Heritage Arts, Culture and Entertainment District, as legally described and shown on the map in Exhibit 1, is hereby established and approved pursuant to and as defined in Arizona Revised Statutes Section 4-207.

BE IT FURTHER RESOLVED that all resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed.

Resolution No. $\frac{3202}{\text{Page 2}}$

BE IT FURTHER RESOLVED that if any section, subsection, sentence, clause, phrase or portion of this Resolution 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 thereof.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA THIS $3^{\rm RD}$ DAY OF OCTOBER, 2013.

John W. Lewis, Mayor

ATTEST:

Catherine A. Templeton, Town Clerk

APPROVED AS TO FORM:

L. Michael Hamblin Town Attorney

I hereby certify the above foregoing Resolution No. $\frac{3202}{}$ was duly passed by the Council of the Town of Gilbert, Arizona, at a regular meeting held on October 3rd, 2013, and that quorum was present thereat and that the vote thereon was $\frac{5}{}$ ayes and $\frac{2}{}$ nays and $\frac{0}{}$ abstentions.

O Council members were absent or excused.

For Catherine Templeton, Town Clerk, CMC
Town of Gilbert

The following exhibits are attached hereto and incorporated herein:

1. Legal Description and Map

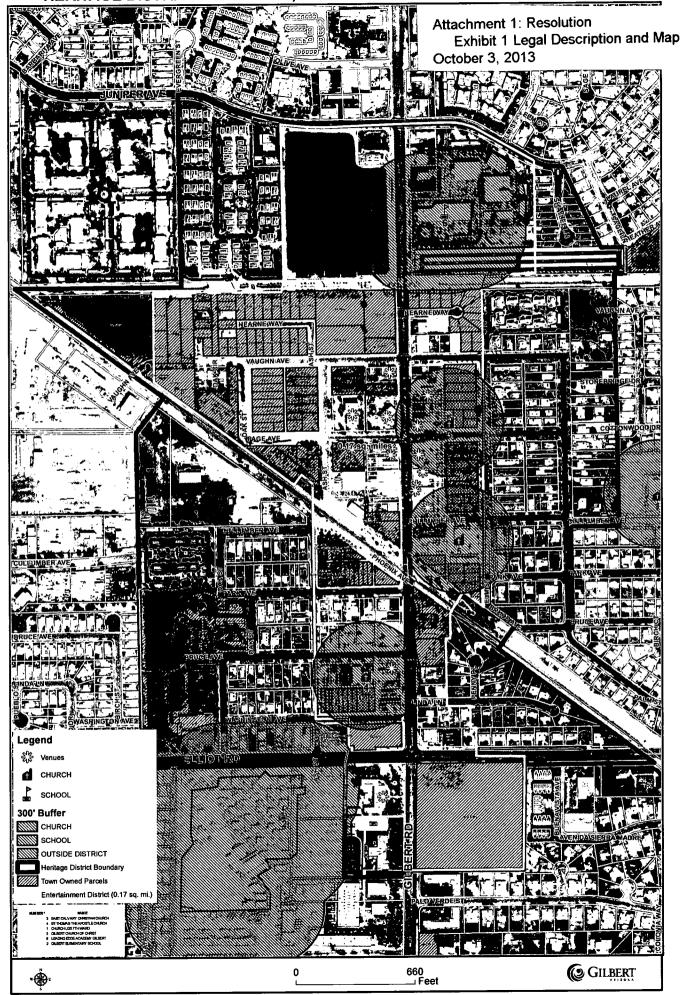


EXHIBIT "A"

THOSE PORTIONS OF THE WEST HALF OF SECTION 7, THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 1 SOUTH, RANGE 6 EAST AND THE EAST HALF OF SECTION 12 AND THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 1 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 12, BEING MARKED BY A MARCIOPA COUNTY ALUMINUM CAPPED REBAR, FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION 12 BEARS SOUTH 00 DEGREES 54 MINUTES 51 SECONDS EAST, 2629.12 FEET;

THENCE ALONG THE EAST-WEST MID-SECTION LINE OF SAID SECTION 12, SOUTH 89 DEGREES 27 MINUTES 36 SECONDS WEST, 655.08 FEET TO THE SOUTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED IN DOCUMENT NUMBER 1987-0297831, MARICOPA COUNTY RECORDER (M.C.R.) AND THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID MID-SECTION LINE AND ALONG THE WEST LINE OF SAID PARCEL OF LAND NORTH 00 DEGREES 57 MINUTES 08 SECONDS WEST, 887.69 FEET TO THE CENTERLINE OF JUNIPER AVENUE AS SHOWN ON THE PLAT OF LA VIDA SERENA SQUARE, RECORDED AT BOOK 171 PAGE 39, M.C.R. AND A NON-TANGENT CURVE, CONCAVE NORTHEASTERLY, WHOSE CENTER BEARS NORTH 08 DEGREES 50 MINUTES 19 SECONDS EAST, 1280.00 FEET;

THENCE ALONG SAID CENTERLINE OF JUNIPER AVENUE AND CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 09 DEGREES 47 MINUTES 43 SECONDS, AND AN ARC LENGTH OF 218.83 FEET;

THENCE CONTINUING ALONG SAID CENTERLINE OF JUNIPER AVENUE NORTH 89 DEGREES 02 MINUTES 36 SECONDS EAST, 437.23 FEET TO THE CENTERLINE OF GILBERT ROAD;

THENCE CONTINUING ALONG SAID CENTERLINE OF JUNIPER AVENUE AS SHOWN ON THE PLAT OF GILBERT COMMERCE CENTER RECORDED AT BOOK 955 PAGE 15, M.C.R., NORTH 89 DEGREES 02 MINUTES 36 SECONDS EAST, 270.47 FEET TO A TANGENT CURVE, CONCAVE SOUTHWESTERLY, WHOSE RADIUS IS 350.00 FEET:

THENCE ALONG SAID CENTERLINE OF JUNIPER AVENUE AND CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 31 DEGREES 30 MINUTES 12 SECONDS, AND AN ARC LENGTH OF 192.44 FEET;

THENCE CONTINUING ALONG SAID CENTERLINE OF JUNIPER AVENUE SOUTH 59 DEGREES 27 MINUTES 12 SECONDS EAST, 282.88 FEET TO A TANGET CURVE, CONCAVE NORTHEASTERLY, WHOSE RADIUS IS 350.00 FEET;

THENCE ALONG SAID CENTERLINE OF JUNIPER AVENUE AND CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 10 DEGREES 58 MINUTES 21 SECONDS, AND AN ARC LENGTH OF 67.03 FEET;

THENCE DEPARTING SAID CENTERLINE OF JUNIPER AVENUE, SOUTH 19 DEGREES 34 MINUTES 27 SECONDS WEST, 30.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF JUNIPER AVENUE AS DEDICATED PER SAID GILBERT COMMERCE CENTER PLAT;

THENCE ALONG THE EAST LINE OF SAID GILBERT COMMERCE CENTER PLAT AND THE SOUTHERLY PROLONGATION OF SAID EAST LINE, SOUTH 00 DEGREES 57 MINTUES 25 SECONDS EAST, 623.00 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 7 AS DESCRIBED IN DOCUMENT NUMBER 2007-0038986, M.C.R.;

THENCE ALONG SAID SOUTH LINE OF THE NORTHWEST QUARTER, SOUTH 89 DEGREES 30 MINUTES 36 SECONDS WEST, 304.71 FEET;

THENCE SOUTH 00 DEGREES 57 MINUTES 00 SECONDS EAST, 50.47 FEET TO THE NORTHEAST CORNER OF HEARNE ADDITION AS RECORDED AT BOOK 38 PAGE 28, M.C.R.;

THENCE ALONG THE EAST LINE OF SAID PLAT OF HEARNE ADDITION SOUTH 00 DEGREES 57 MINUTES 00 SECONDS EAST, 334.33 FEET TO THE NORTH RIGHT OF WAY LINE OF VAUGHN AVENUE;

THENCE CONTINUING SOUTH 00 DEGREES 57 MINUTES 00 SECONDS EAST, 40.00 FEET TO A POINT AT THE INTERSECTION OF VAUGHN AVENUE AND ELM STREET;

THENCE ALONG THE CENTERLINE OF ELM STREET AS SHOWN ON THE GILBERT PLAT RECORDED AT BOOK 7 PAGE 13, M.C.R., SOUTH 00 DEGREES 56 MINUTES 32 SECONDS EAST, 898.03 FEET TO THE INTERSECTION OF SAID ELM STREET CENTERLINE AND CULLUMBER AVENUE CENTERLINE;

THENCE CONTINUING ALONG SAID CENTERLINE OF ELM STREET SOUTH 00 DEGREES 56 MINUTES 10 SECONDS EAST, 507.47 FEET TO THE NORTH RIGHT OF WAY LINE OF THE SOUTHERN PACIFIC RAILROAD WHICH IS SHOWN AS ARIZONA EASTERN RAILROAD ON SAID GILBERT PLAT:

THENCE ALONG SAID NORTH RAILROAD RIGHT OF WAY LINE NORTH 53 DEGREES 36 MINUTES 05 SECONDS WEST, 159,28 FEET:

THENCE SOUTH 36 DEGREES 23 MINUTES 55 SECONDS WEST, 133.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF SAID RAILROAD AND THE NORTHERLY MOST CORNER OF LOT 6 AS SHOWN ON THE PLAT OF GREENHAW PLACE, RECORDED AT BOOK 45 PAGE 43, M.C.R.,

THENCE ALONG THE WEST LINE OF SAID LOT 6, SOUTH 00 DEGREES 54 MINUTES 51 SECONDS EAST, 142.37 FEET;

THENCE SOUTH 89 DEGREES 36 MINUTES 41 SECONDS WEST, 28.06 FEET TO THE NORTHERLY MOST CORNER OF LOT 5 OF SAID PLAT;

THENCE ALONG THE WEST LINES OF LOT 5, LOT 4, LOT 3 AND LOT 2 SOUTH 00 DEGREES 54 MINUTES 51 SECONDS EAST, 318.09 FEET TO THE NORTH RIGHT OF WAY LINE OF LINDA LANE AS SHOWN ON SAID PLAT;

THENCE SOUTH 00 DEGREES 54 MINUTES 51 SECONDS EAST, 50.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF LINDA LANE AS SHOWN ON SAID PLAT;

THENCE ALONG SAID SOUTH RIGHT OF WAY LINE NORTH 89 DEGREES 36 MINUTES 41 SECONDS EAST, 128.01 FEET TO THE NORTHEAST CORNER OF LOT 17 AS SHOWN ON SAID PLAT;

THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE AND ALONG THE EAST LINE OF SAID LOT 17 SOUTH 00 DEGREES 54 MINUTES 51 SECONDS EAST 120.01 FEET TO THE SOUTH BOUNDARY LINE OF SAID PLAT;

THENCE ALONG SAID SOUTH BOUNDARY LINE NORTH 89 DEGREES 36 MINUTES 41 SECONDS EAST, 30.00 FEET TO THE NORTHEAST CORNER OF LOT 1 AS SHOWN ON THE PLAT OF HAZELWOOD TERRACE, RECORDED AT BOOK 71 PAGE 30, M.C.R.;

THENCE ALONG THE EAST LINE OF SAID LOT 1 SOUTH 00 DEGREES 54 MINUTES 51 SECONDS EAST, 125.01 FEET TO THE NORTH RIGHT OF WAY LINE OF ELLIOT ROAD;

THENCE CONTINUING SOUTH 00 DEGREES 54 MINUTES 51 SECONDS EAST, 33.00 FEET TO THE CENTERLINE OF ELLIOT ROAD, SAID CENTERLINE ALSO BEING THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 7;

THENCE ALONG SAID CENTERLINE AND SAID SOUTH LINE NORTH 89 DEGREES 36 MINUTES 41 SECONDS EAST, 267.30 FEET;

THENCE DEPARTING SAID CENTERLINE AND SAID SOUTH LINE, SOUTH 00 DEGREES 36 MINUTES 41 SECONDS WEST, 50.01 FEET TO THE SOUTH RIGHT OF WAY LINE OF ELLIOT ROAD AND THE NORTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED IN DOCUMENT NUMBER 1997-0436630, M.C.R.;

THENCE ALONG THE EAST LINE OF SAID PARCEL SOUTH 00 DEGREES 36 MINUTES 41 SECONDS WEST, 580.32 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL OF LAND;

THENCE DEPARTING SAID EAST LINE SOUTH 89 DEGREES 44 MINTUES 30 SECONDS WEST 599.69 FEET ALONG THE SOUTH LINE OF SAID PARCEL TO THE EAST RIGHT OF WAY LINE OF GILBERT ROAD;

THENCE SOUTH 89 DEGREES 44 MINUTES 30 SECONDS WEST, 66.01 FEET TO THE WEST RIGHT OF WAY LINE OF GILBERT ROAD;

THENCE ALONG SAID WEST RIGHT OF WAY LINE, NORTH 00 DEGREES 49 MINUTES 49 SECONDS EAST, 298.50 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED IN DOCUMENT NUMBER 1986-0264142, M.C.R.;

THENCE DEPARTING SAID WEST RIGHT OF WAY LINE AND ALONG THE SOUTH LINE OF SAID PARCEL SOUTH 89 DEGREES 13 MINUTES 02 SECONDS WEST, 335.13 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL;

THENCE DEPARTING SAID SOUTH LINE AND ALONG THE WEST LINE OF SAID PARCEL NORTH 00 DEGREES 49 MINUTES 49 SECONDS EAST, 297.12 FEET TO THE SOUTH RIGHT OF WAY LINE OF ELLIOT ROAD;

THENCE NORTH 00 DEGREES 46 MINUTES 58 SECONDS WEST, 33.00 FEET TO THE CENTERLINE OF ELLIOT ROAD, SAID CENTERLINE ALSO BEING THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 12;

THENCE ALONG SAID CENTERLINE AND SAID SOUTH LINE NORTH 89 DEGREES 13 MINUTES 02 SECONDS EAST, 24.34 FEET;

THENCE DEPARTING SAID CENTERLINE AND SAID SOUTH LINE NORTH 00 DEGREES 59 MINTUES 07 SECONDS WEST, 65.00 FEET TO THE NORTH RIGHT OF WAY LINE OF ELLIOT ROAD AND A POINT ON THE EAST LINE OF LOT 6, BLOCK 4 OF LACY TRACT AS RECORDED AT BOOK 8 PAGE 15, M.C.R.;

THENCE ALONG SAID EAST LINE OF LOT 6 NORTH 00 DEGREES 59 MINUTES 07 SECONDS WEST, 117.97 FEET TO THE SOUTH RIGHT OF WAY LINE OF WASHINGTON AVENUE AS SHOWN ON SAID PLAT;

THENCE NORTH 00 DEGREES 59 MINUTES 07 SECONDS WEST, 35.03 FEET TO THE CENTERLINE OF WASHINGTON AVENUE AS SHOWN ON SAID PLAT;

THENCE ALONG SAID CENTERLINE OF WASHINGTON AVENUE SOUTH 89 DEGREES 13 MINUTES 02 SECONDS WEST, 179.52 FEET TO THE INTERSECTION OF WASHINGTON AVENUE AND ASH STREET WHICH IS SHOWN AS FLORENCE STREET ON SAID PLAT;

THENCE DEPARTING SAID WASHINGTON AVENUE CENTERLINE NORTH 00 DEGREES 54 MINUTES 51 SECONDS WEST, 1312.13 FEET ALONG SAID CENTERLINE OF ASH STREET AND THE NORTHERLY PROLONGATION THEREOF TO THE NORTH RIGHT OF WAY LINE OF SAID RAILROAD RIGHT OF WAY AS SHOWN ON SAID GILBERT PLAT;

THENCE ALONG SAID RAILROAD RIGHT OF WAY LINE NORTH 53 DEGREES 33 MINUTES 14 SECONDS WEST, 59.94 FEET;

Project No.: 13100 Town of Gilbert Hubbard Engineering (Mesa, AZ)

THENCE CONTINUING ALONG SAID RAILROAD RIGHT OF WAY LINE SOUTH 36 DEGREES 25 MINUTES 16 SECONDS WEST. 67.05 FEET:

THENCE CONTINUING ALONG SAID RAILROAD RIGHT OF WAY LINE NORTH 53 DEGREES 34 MINTUES 44 SECONDS WEST, 968.52 FEET TO THE WEST LINE OF THE PARCEL OF LAND DESCRIBED IN DOCUMENT NUMBER 02124-0186, M.C.R.;

THENCE ALONG THE WEST LINE OF SAID PARCEL AND ALSO ALONG THE WEST LINE OF THE PARCELS OF LAND DESCRIBED IN DOCUMENT 1999-0050221, M.C.R., NORTH 00 DEGREES 55 MINUTES 54 SECONDS WEST, 489.27 FEET TO THE NORTH LINE OF AYERS SUBDIVISION AS RECORDED AT BOOK 8 PAGE 17, M.C.R.;

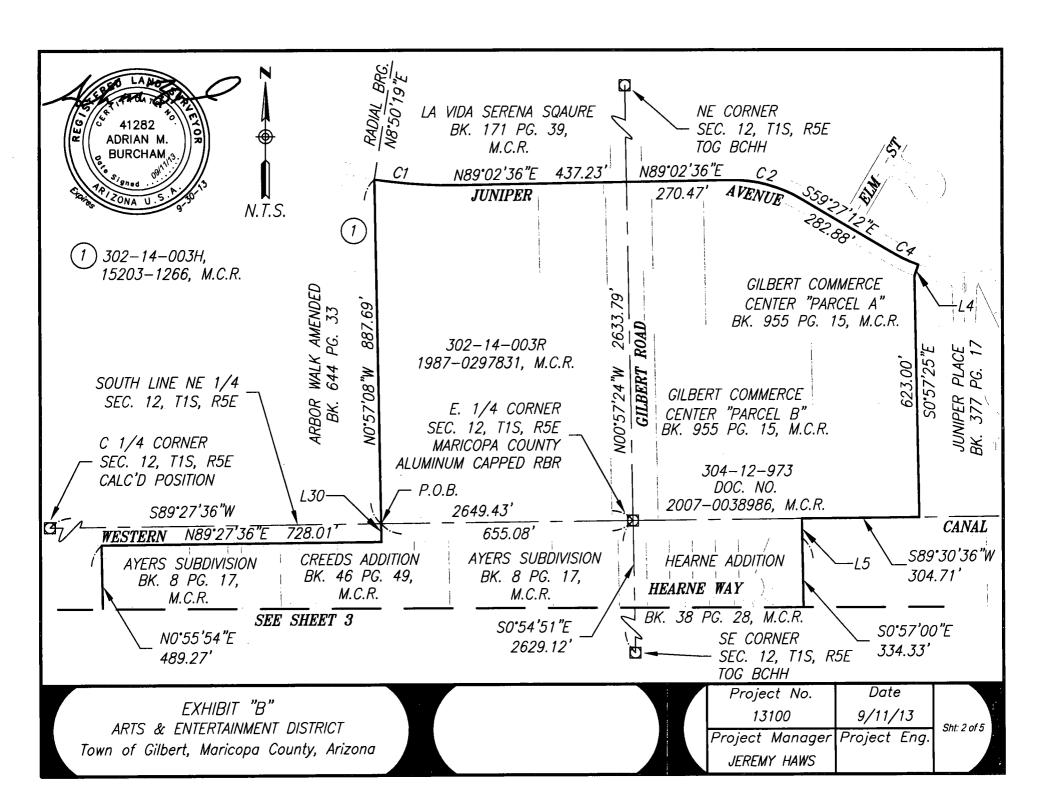
THENCE ALONG SAID NORTH LINE NORTH 89 DEGREES 27 MINUTES 36 SECONDS EAST, 728.01 FEET;

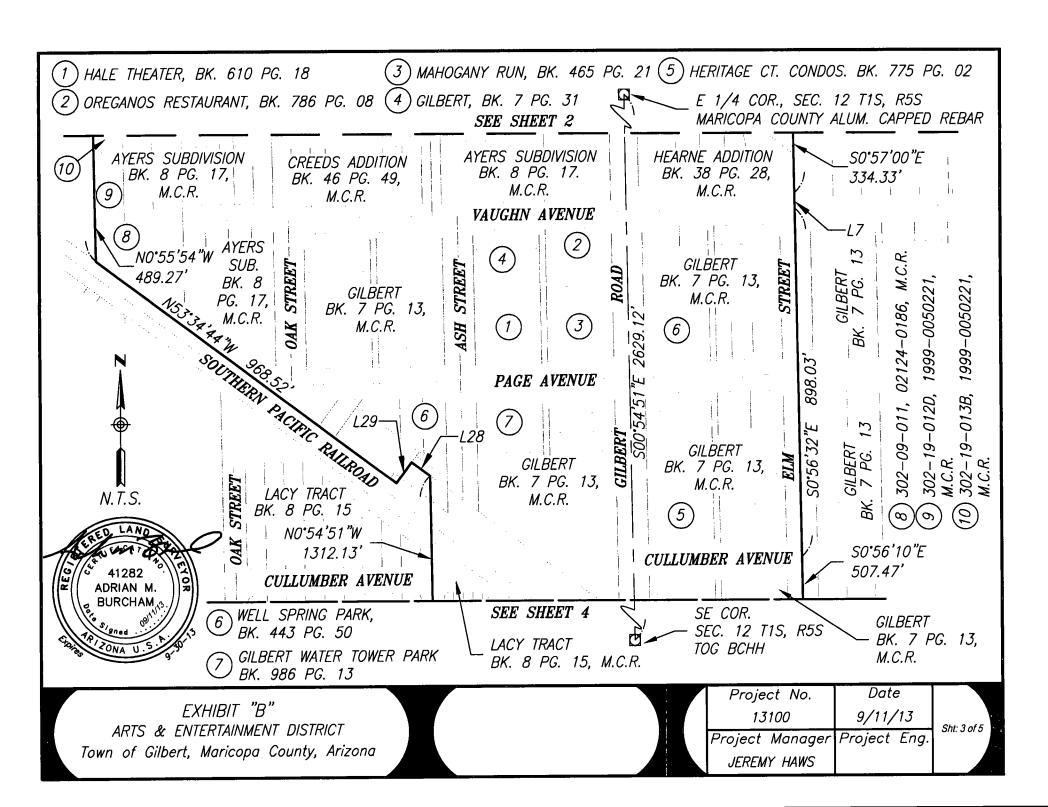
THENCE NORTH 00 DEGREES 57 MINUTES 08 SECONDS WEST, 47.09 FEET TO THE POINT OF BEGINNING.

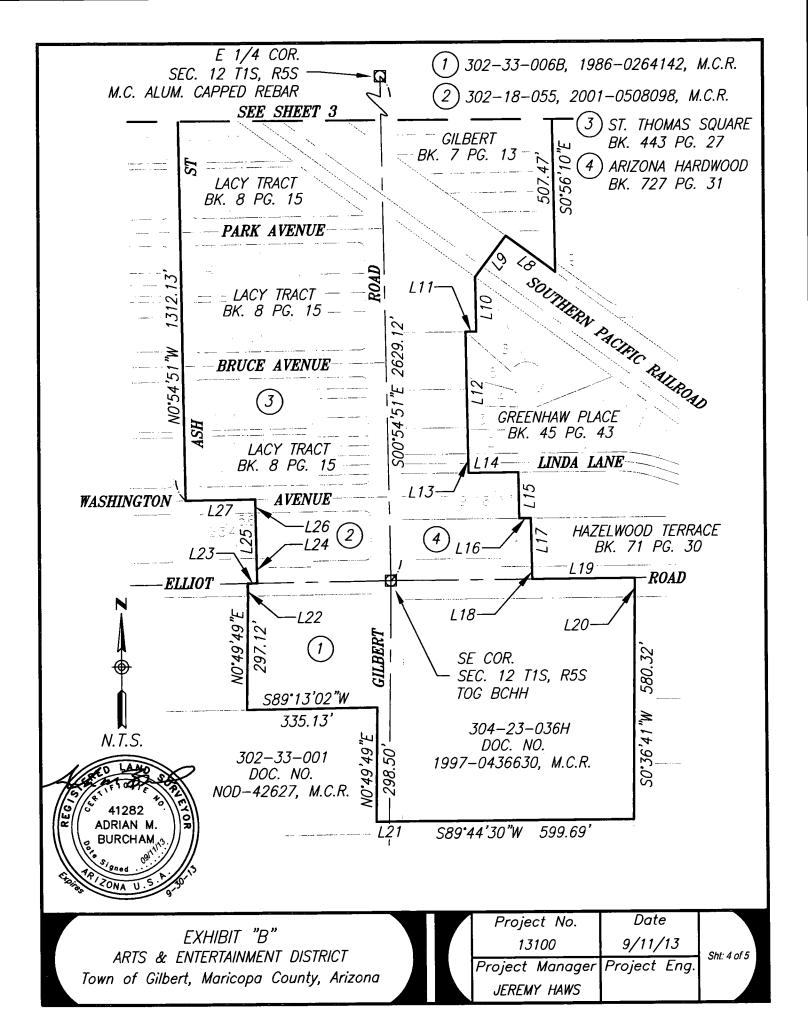
SAID PARCEL CONTAINS 4,753,509 SQUARE FEET OR 109.1256 ACRES, MORE OR LESS.



Project No.: 13100 Town of Gilbert File: Exhibit A







LINE TABLE					
LINE #	BEARING	LENGTH			
L4	S19*34'27"W	30.00'			
L5	S0*57'00"E	50.47'			
L7	S0*57'00"E	40.00'			
L8	N53'36'05"W	159.28'			
L9	S36°23'55"W	133.00'			
L10	S0°54'51"E	142.37'			
L11	S89°36'41"W	28.06			
L12	S0*54'51"E	318.09'			
L13	S0°54'51"E	50.00'			
L14	N89°36'41"E	128.01			
L15	S0°54'51"E	120.01			
L16	N89°36'41"E	30.00'			
L17	S0°54'51"E	125.01			
L18	S0*54'51"E	33.00'			
L19	N89*36'41"E	267.30'			
L20	S0°36'41"W	50.01			
L21	S89'44'30"W	66.01			
L22	N0°46'58"W	33.00'			
L23	N89*13'02"E	24.34'			
L24	NO*59'07"W	65.00'			

LINE TABLE					
LINE #	BEARING	LENGTH			
L25	NO'59'07"W	117.97'			
L26	NO*59'07"W	35.03'			
L27	S89°13'02"W	179.52			
L28	N53°33'14"W	59.94'			
L29	S36*25'16"W	67.05			
L30	NO*57'08"W	47.09			

CURVE TABLE					
CURVE #	DELTA	RADIUS	LENGTH		
C1	9*47'43"	1280.00'	218.83'		
C2	31°30′12″	350.00'	192.44		
C4	10°58'21"	350.00'	67.03		

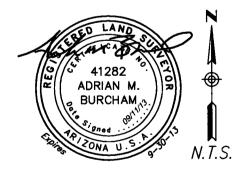
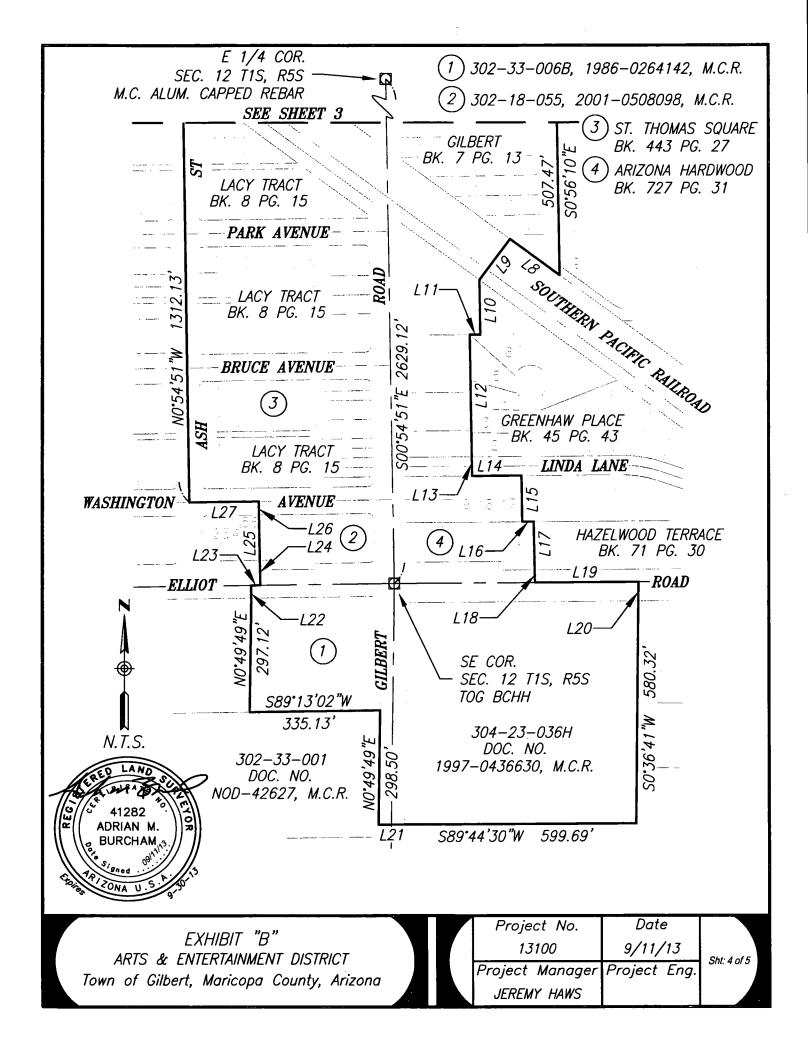


EXHIBIT "B" ARTS & ENTERTAINMENT DISTRICT Town of Gilbert, Maricopa County, Arizona

	Project No.	Date	
١	13100	9/11/13	Sht: 5 of 5
Ī	Project Manager	Project Eng.	3ni. 5015
	JEREMY HAWS	1	I ⊿



When recorded mail to:

Town of Gilbert

Town Clerk

50 East Civic Center Drive

Gilbert AZ 85296

OFFICIAL RECORDS OF MARICOPA COUNTY RECORDER HELEN PURCELL 20130897023 10/09/2013 12:07 N ELECTRONIC RECORDING Gilbert902-12-1-1-

This area reserved for County Recorder

CAPTION HEADING Resolution 3202

DO NOT REMOVE

Exhibits 1 was adopted with and are incorporated into Ordinance 3202 and are available for viewing in the Office of the Town Clerk, Town of Gilbert, 50 East Civic Center Drive Gilbert AZ 85296.

Exhibit 1

Map