

When recorded mail to:

Town Clerk  
Town of Gilbert  
50 East Civic Center Drive  
Gilbert, AZ 85296

OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
HELEN PURCELL  
20080449532 05/21/2008 11:38 N  
ELECTRONIC RECORDING  
Gilbert80-16-1-1--

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**Town of Gilbert, Arizona  
Resolution No. 2828  
Parkway Improvement District No. 07-6**

Resolution No. 2828 is being re-recorded for the sole purpose of correcting two (2) clerical errors in the legal description for Parkway Improvement District No. 07-6 (Circle G Meadows III), in Exhibit 1 to Resolution No. 2828 of the Town of Gilbert, Arizona, recorded on October 16, 2007 in the Official Records of Maricopa County Recorder, Record # 2007-1124991. This document replaces the Resolution originally recorded and includes the correct legal description.

DO NOT REMOVE

This is part of the official document.

Exhibit 1

LEGAL DESCRIPTION OF  
PARKWAY IMPROVEMENT DISTRICT NO. 07-6  
FOR: CIRCLE G MEADOWS III  
(As corrected)

A portion of the Southwest quarter of section 5, Township 1 South, Range 6 East, Gila & Salt River Base & Meridian, Maricopa County, Arizona, more particularly described as follows:

BEGINNING at the Southwest corner of said Section 5; thence North (an assumed bearing) along the West line of said Section 5 for a distance of 1722.76 feet; thence East for a distance of 1475.77 feet to a point on the West right-of-way line of the Consolidated Canal, as recorded in Book 132, Page 12, Maricopa County Records; thence Southwesterly along the West right-of-way line of said Consolidated Canal the following courses and distances: South 21°19'09" West for a distance of 208.20 feet, South 23°59'34" West for a distance of 426.13 feet, South 26°34'44" West for a distance of 369.21 feet, South 28°37'04" West for a distance of 384.48 feet, South 32°02'29" West for a distance of 439.98 feet; thence North 88°33'31" West for a distance of 88.94 feet; thence South 01°26'29" West for a distance of 50.00 feet; thence South 88°33'31" East for a distance of 59.38 feet; thence South 32°02'29" West for a distance of 75.52 feet to a point on the South line of said Section 5; thence North 88°33'31" West along said South line for a distance of 573.33 feet to the POINT OF BEGINNING.

**RESOLUTION NO. 2828**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GILBERT, ARIZONA, DECLARING ITS INTENTION TO CREATE AN IMPROVEMENT DISTRICT TO INSTALL AND MAINTAIN LANDSCAPING, IRRIGATION SYSTEMS, COMMON AREA WALLS AND OTHER IMPROVEMENTS INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AS SHOWN ON THE PLANS, FOR MAINTENANCE WITHIN AN AREA IN THE TOWN OF GILBERT AS DESCRIBED HEREIN; ADOPTING PLANS FOR TOWN OF GILBERT PARKWAY IMPROVEMENT DISTRICT NO. **07-6 (CIRCLE G MEADOWS III)** AS MORE PARTICULARLY DESCRIBED HEREIN, AND DECLARING THE WORK OR IMPROVEMENT TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THAT THE COST OF SAID WORK OR IMPROVEMENT SHALL BE ASSESSED UPON A CERTAIN DISTRICT, AND PROVIDING THAT THE PROPOSED WORK OR IMPROVEMENT SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES TITLE 48, CHAPTER 4, ARTICLE 2, AND AMENDMENTS THERETO.

WHEREAS, the Town Council declares that the installation and maintenance of the landscaping, irrigation systems, common walls and other improvements included within, near, and adjacent to a parkway in the District to be of more than local or ordinary public benefit, and further that the cost of said maintenance shall be assessed on a certain District; and

WHEREAS, the Town Council declares that the installation and maintenance of landscaping, irrigation systems, common walls and other improvements included within, near and adjacent to a parkway in the District is incidental to the maintenance and preservation of the parkway, has aesthetic value, and maintains and increases the value of property within the District; and

WHEREAS, the Town Council declares that the installation and maintenance of landscaping, irrigation systems, common walls and other improvements included within and adjacent to a parkway preserves and promotes the health, safety, and welfare of those citizens of the Town of Gilbert living within the District as well as preservation of the streets and parkways which may be adversely impacted by drainage and other water formations; and

WHEREAS, the Town Council declares that the installation and maintenance of a landscaped buffer between a parkway and the adjacent developments reduces the visual and other impact of light, air and noise pollution and tends to increase personal and vehicular safety on the parkway and decreases the likelihood vehicular accidents will harm adjacent developments in furtherance of the health, safety and welfare of those citizens of the Town living within the District; and

WHEREAS, the Town Council declares that installation and maintenance of landscaped drainage and other water control facilities and features within, near and adjacent to a parkway and related facilities tends to preserve the structural integrity of the parkway and mitigates flooding of adjacent areas and the parkway by draining water to and from the parkway in furtherance of the health, safety and welfare of those citizens of the Town of Gilbert living within the District; and

WHEREAS, the Town Council has determined the type of landscaping, irrigation systems, common walls and other improvements to be installed and maintained; and

WHEREAS, the Town Council has determined that each lot in the District receives an equal benefit from the installation and maintenance of the landscaping, irrigation systems, common walls and other improvements within the District and therefore it is appropriate to assess the total sum of the expenses of the District equally on each lot subject to assessment in the District, to the extent permitted by law, except the expenses of maintaining certain common walls identified in the Plans and Specifications shall be assessed in proportion to the benefits to be received by each lot, as described in this Resolution Section 8.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF GILBERT AS FOLLOWS:

Section 1. Definitions.

In this Resolution, the following terms shall have the following meanings:

“Alternative Plans and Specifications” shall mean the plans and specifications and contract documents for the Parkway Improvement District No. 07-6 or “PK 07-6” approved by the Council.

“Assessment Diagrams” shall mean those duplicate diagrams of the property contained in the Assessment District as to be filed with the Clerk and approved by the Mayor and Council.

“Assessment District” shall mean the lots, pieces or parcels of land lying within the boundaries described in **Exhibit 1** attached hereto and as is shown on the map on file with the Town Engineer.

“Clerk” shall mean the Town Clerk.

“Improvements” shall mean all landscaping, irrigation systems, common walls and other improvements including but not limited to play structures, sidewalks, ramadas, lighting facilities, drinking fountains, and benches identified in the Plans and Specifications on file with the Clerk or subsequent Alternative Plans and Specifications approved by the Council.

“Lots” shall mean all lots, pieces or parcels of land lying within the Assessment District.

“Parkways” shall mean all those streets and rights-of way which are designated on Exhibit 1 as “Parkways.”

“Plans and Specifications” shall mean the plans and specifications and contract documents for the Parkway Improvement District No. 07-6 filed with the Clerk prior to the adoption of this Resolution.

“Superintendent of Streets” shall mean the Town Public Works Director, or any successor to such person.

“Town” shall mean the Town of Gilbert, Arizona.

“Town Council” or “Council” shall mean the Mayor and Common Council of the Town.

“Town Engineer” shall mean the Town Engineering Manager or any successor to such person.

Section 2. Declaration of Intention to Order an Improvement.

The public interest or convenience require, and it is the intention of the Mayor and Council of the Town of Gilbert, Arizona, to order the following work, hereinafter “Work,” to be performed, to wit:

The installation and maintenance of all landscaping, irrigation systems, common walls and other improvements, and the ongoing maintenance of the same, including replacement, as identified in the Plans and Specifications on file with the Clerk or subsequent Alternative Plans and Specifications approved by the Council, in the area generally described as follows:

**Circle G Meadows III:** Those areas included within or adjacent to the Assessment District all as shown on the maps attached hereto as Exhibit 1, together with all appurtenances and adjustments necessary, as set forth in the Plans, Specifications, and Estimate.

The Town Council hereby designates as parkways, those areas set forth on Exhibit 1 which are labeled “Parkway.” The public interest and convenience require, and it is the intention of the Town Council to order the Work adjacent to the designated parkways to be performed as stated herein. All items of the Work hereby approved and adopted by the Council and on file in the Office of the Town Engineer and no assessment for any lot shall exceed its proportion of the estimate.

The estimate of the cost and expenses of the work or improvements on file in the offices of the Superintendent of Streets and the Clerk of the Town are hereby approved to the requirements of law, the procedures set forth in Title 48, Chapter 4, Article 2 and amendments thereto will be followed regarding acceptance of bids and setting tax levies.

For purposes of this Resolution and of all resolutions, ordinances and notices pertaining to this Resolution, the improvement as herein described is hereby designated Town of Gilbert Parkway Improvement District No. 07-6 or "PK 07-6".

The Town in its discretion will determine whether to include bid options in landscape maintenance contracts for such items such as planting seasonal flowers in designated areas, winter over-seeding of grass in turf areas, aeration of turf, weed control chemical applications, pesticide applications, and irrigation; such bid options are deemed to be part of the original Plans and Specifications for the District.

The Town in its discretion may immediately remove, replace or modify Improvements when necessary for the protection of public health, safety or welfare.

Section 3. Alternative Plans and Specifications.

In order to ensure flexibility in the operations of the District over time, the Town Engineer is authorized to provide for Alternative Plans and Specifications to be thereafter determined and approved by the Town Council as set forth in A.R.S. § 48-576(C) and or A.R.S. § 48-584 (C), as may be amended from time to time. The Alternative Plans and Specifications may be implemented for purposes of cost reduction, expressed preferences of District property owners, water conservation, flood control, or other public health, safety and welfare reasons.

Prior to Council approval, the proposed Alternative Plans and Specifications shall be filed with the Superintendent of the Streets and the Town Clerk, along with an estimate of the cost and expenses of the work or improvements. The Town will notify by mail the owners of property within the District, as listed in the assessment rolls of the Maricopa County Recorder, of any proposed Alternative Plans and Specifications, any proposed increase in the amount of the assessment and levy and the right to protest said increase. The Town also will publish a notice of the same once in a newspaper of general circulation in the Town. Within fifteen (15) days of the date of publication of said notice any person having an interest in a lot liable to assessment within the District can file with the Town Clerk a written protest to the Alternative Plans and Specifications and/or the increase.

If more than 50% of the owners of lots liable to assessment protest the Alternative Plans and Specifications and/or the increase within fifteen (15) days of the publication of the notice described above, the Town, at its option is authorized to:

- a. Modify the Alternative Plans and Specifications, prepare a new estimate, mail the owners of property within the District a new notice, and publish a new notice of the same; or
- b. Reject the Alternative Plans and Specifications and utilize the original Plans and Specifications; or
- c. Invalidate the District.

If fewer than 50% of the owners of lots liable to assessment protest the Alternative Plans and Specifications and/or the increase within fifteen (15) days of the

publication of the notice described, the Town has the authority to approve the Alternative Plans and Specifications by formal resolution, and to levy an amount not to exceed to proposed increase as published.

Section 4. Determination of Need.

In the opinion of the Town Council, the Work is of more than local or ordinary public benefit. The Town Council hereby orders that all amounts due or to become due with respect to the Work shall be chargeable upon the respective lots, pieces and parcels of land within the Assessment District.

Section 5. Preparation of Assessment Diagrams.

The Town Engineer is hereby authorized and directed to prepare duplicate diagrams (Assessment Diagrams) of the property contained within the assessment district. The diagrams shall show each separate lot, numbered consecutively, the approximate area in square feet of each lot, and the location of the lot in relation to the work proposed to be done.

Section 6. Exclusion of Certain Property.

Any public street or alley within the boundaries of the Assessment District is hereby omitted from the assessment hereafter to be made. Any lot belonging to the United States, the State, a county, city, school district or any political subdivision or institution of the State or county, which is included within the Assessment District shall be omitted from the assessment hereafter made.

Section 7. Officers Not Liable.

In no event will the Town of Gilbert or any officer thereof be liable for any portion of the cost of said Improvement District nor for any delinquency of persons or property assessed.

Section 8. Annual Statement.

The Town Council shall make annual statements and estimates of the expenses of the District which shall be provided for by assessment of the total sum upon the several lots, each respectively in proportion to the benefits to be received by each lot in the District as provided in A.R. S. § 48-574, A.R.S. § 48-575 and amendments thereto. Because each lot receives an equal benefit from the maintenance of the landscaping, facilities and structures within the District, the Town Council shall assess the total sum of the expenses of the District equally on each lot subject to assessment in the District, to the extent permitted by law, subject to the following exception:

The expenses of maintaining certain common walls identified in the Plans and Specifications shall be assessed in proportion to the benefits to be received by each lot, as follows:

- a. The expenses of maintaining the finish of the exterior side of the common walls shall be assessed equally on each lot subject to assessment in the District;
- b. The interior side of a common wall (facing the interior of a lot) shall be maintained by the adjacent individual lot owner.
- c. If the Superintendent of Streets (the Public Works Director) determines a common wall requires structural repairs due to ordinary wear and tear or natural causes, the District may make such repairs; provided, however, each adjacent individual lot shall be assessed up to fifty-percent (50%) of the expenses for repair of the wall adjoining said lot, measured on a linear foot cost basis average, and the remainder of the expenses shall be assessed equally on each lot subject to assessment in the District.

The expenses of the District may include incidental expenses as provided for in A.R.S. § 48-589, and amendments thereto.

Section 9. Statutory Authority.

The Work and all proceedings pertaining thereto shall be performed under the provisions of Title 48, Chapter 4, Article 2, specifically A.R.S. § 48-574, and all amendments thereto.

Section 10. Delegation of Authority.

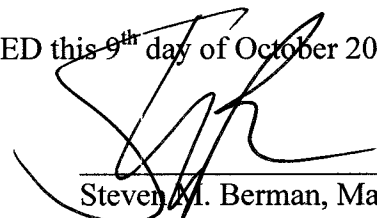
The Town Engineer is hereby authorized to fill in any blanks and to make any minor corrections necessary to complete the Plans and Specifications, Alternative Plans and Specifications, and the Contract Documents.

Section 11. Public Bidding and Contract Award.

The Work shall be publicly bid and a contract awarded to the lowest responsible bidder pursuant to A.R.S. § 48-584, and amendments thereto. The Town may award a one (1) year contract with an option to renew for up to five (5) additional one-year terms, and the price for any renewal term will be adjusted by the percent net change in the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average or similar publication from the prior year.

The Town may perform any portion of the Work separately bid as a bid option, or order that a proposed contract not be made and perform all the Work as provided for in A.R.S. § 48-585 and amendments thereto.

PASSED, ADOPTED AND APPROVED this 9<sup>th</sup> day of October 2007.

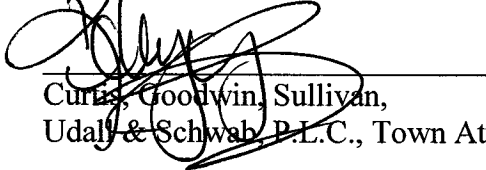
  
\_\_\_\_\_  
Steven M. Berman, Mayor



ATTEST:

  
Catherine A. Templeton, Town Clerk

APPROVED AS TO FORM:

  
Curran, Goodwin, Sullivan,  
Udall & Schwab, P.L.C., Town Attorneys

I hereby certify that I have read the description set out under the definition "Assessment District" and approve the same. I further certify that I have read the description set out under the definition "Work" and approve the same.

  
Rick Allred, Town Engineer

I hereby certify that the above and foregoing Resolution No. 2828 was duly passed by the Mayor and Council of the Town of Gilbert, Arizona at a regular meeting held on October 9, 2007 and that a quorum was present thereat and that the vote therein was 5 ayes and 0 nays. 2 were no vote or absent.

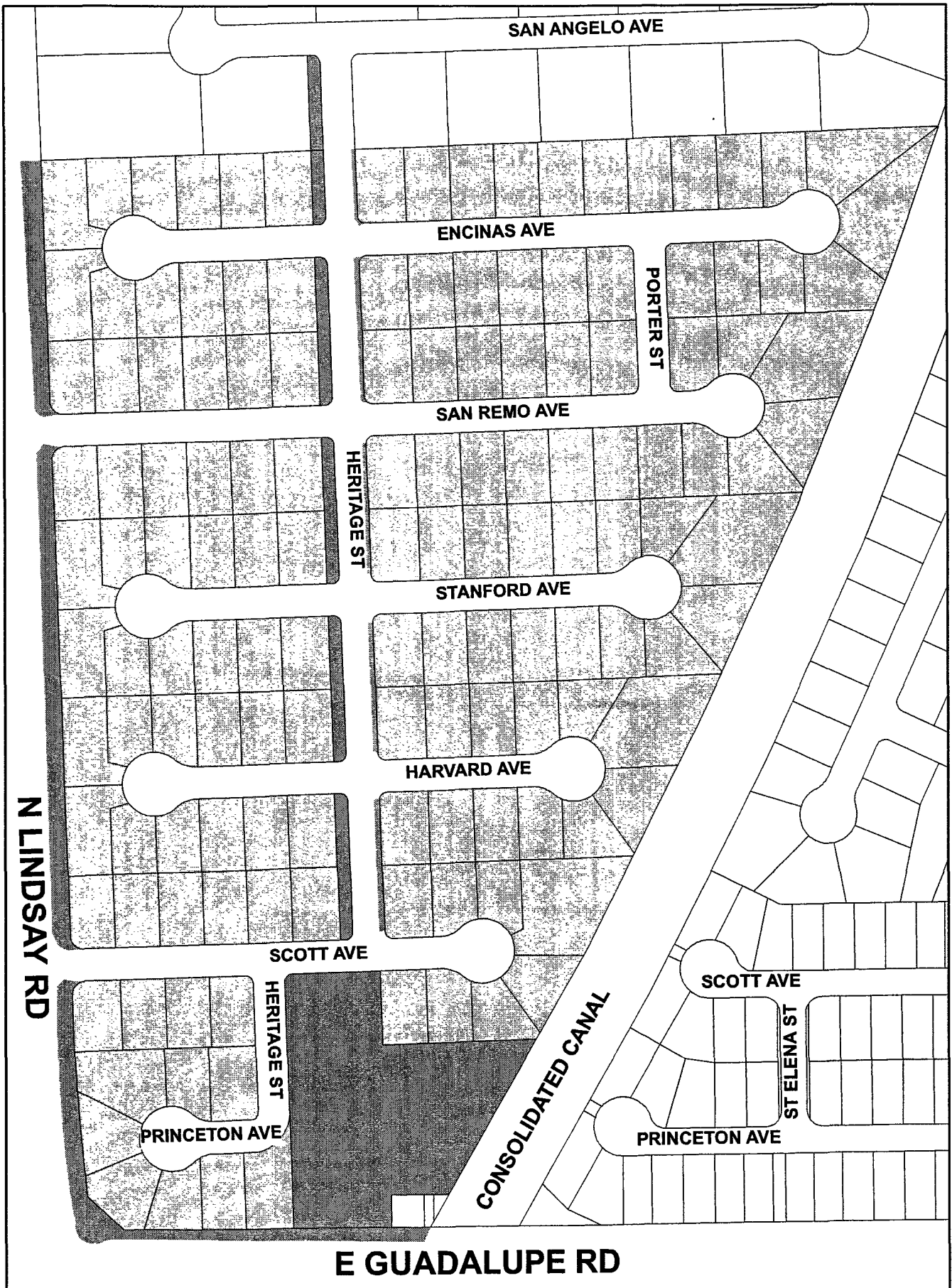
  
Catherine A. Templeton, Town Clerk

Exhibit 1

LEGAL DESCRIPTION OF  
PARKWAY IMPROVEMENT DISTRICT NO. 07-6  
FOR: CIRCLE G MEADOWS III

A portion of the Southwest quarter of section 5, Township 1 South, Range 6 East, Gila & Salt River Base & Meridian, Maricopa County, Arizona, more particularly described as follows:

BEGINNING at the Southwest corner of said Section 5; thence North (an assumed bearing) along the West line of said Section 5 for a distance of 1722.76 feet; thence East for a distance of 1475.77 feet to a point on the West right-of-way line of the Consolidated Canal, as recorded in Book 132, Page 12, Maricopa County Records; thence Southwesterly along the West right-of-way line of said Consolidated Canal the following courses and distances: South 21°19'09" West for a distance of 208.20 feet, South 23°59'34" West for a distance of 426.13 feet, South 26°34'44" West for a distance of 369.21 feet, South 28°37'04" West for a distance of 384.48 feet, South 32°02'29" West for a distance of 439.98 feet; thence North 88°33'31" West for a distance of 88.94 feet; thence South 01°26'29" East for a distance of 50.00 feet; thence South 88°33'31" East for a distance of 59.38 feet; thence South 32°02'29" West for a distance of 75.52 feet to a point on the South line of said Section 5; thence South 88°33'31" West along said South line for a distance of 573.33 feet to the POINT OF BEGINNING.



**PARKWAY IMPROVEMENT DISTRICT 07-06  
MAINTAINED BY TOWN**



N LINDSAY RD

SAN ANGELO AVE

30496249
87296248
74296247
94296246
54296245
30496244
30496243

ENCINAS AVE

30496299
65296298
30496269
30496268
18296267
30496266
30496265
30496264
30496263
59296262

SAN REMO AVE

81296289
68296288
30496287
30496286
18296285
30496284
28296283
30496282
30496281
30496280

HERITAGE ST

30496219
30496218
30496220
30496217
30496221
91296220
22296219
30496215
30496216
30496213
42296212

STANFORD AVE

30496294
50396295
30496299
30496300
96296298
30496301
30496297
30496302
86296296
30496300

HARVARD AVE

30496309
30496307
30496308
60496309
01396308
11396307
30496313
30496314
30496315

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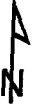
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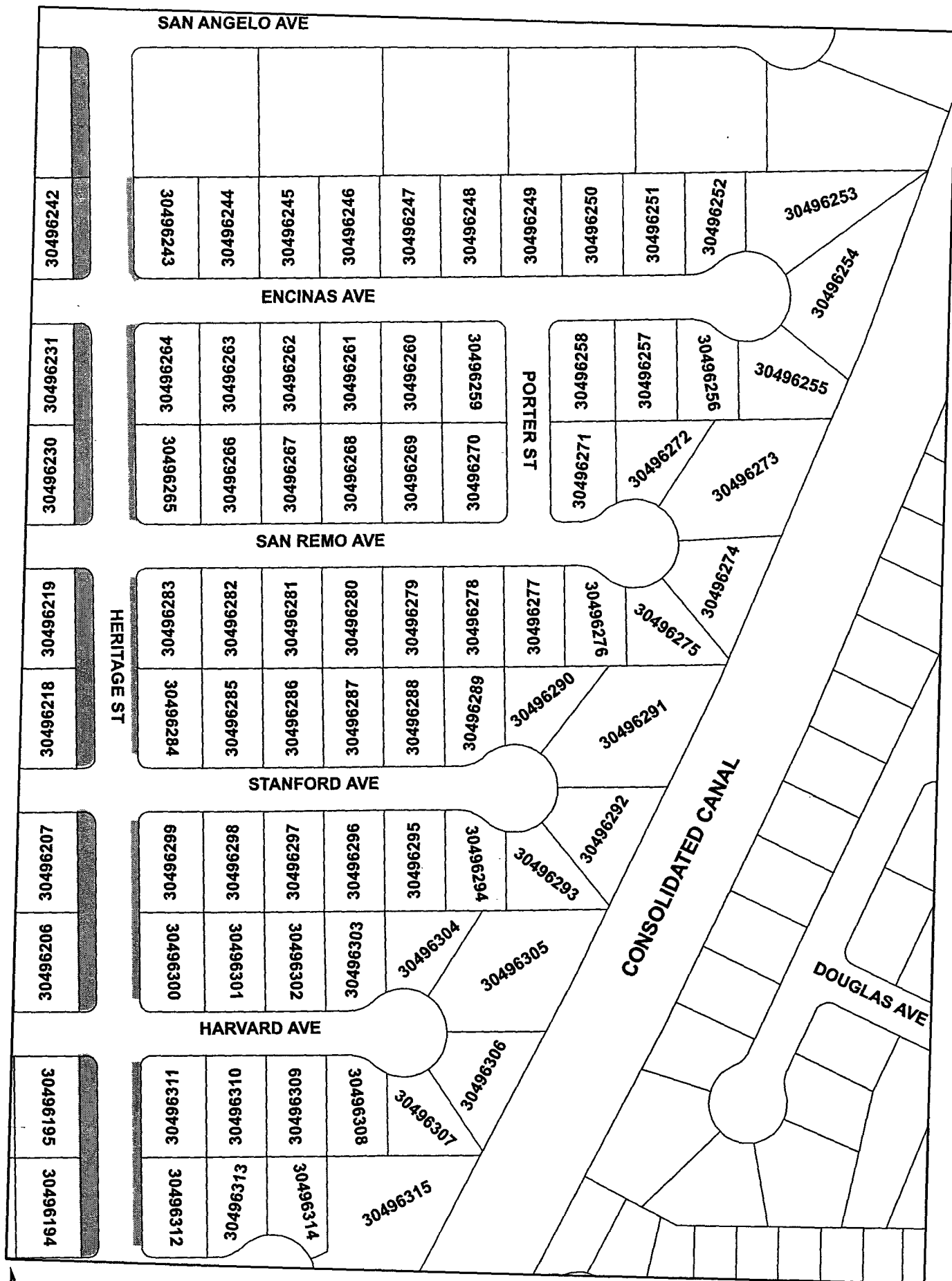
30496189

30496192

30496194

NW Detail  
PARKWAY IMPROVEMENT DISTRICT 07-06  
MAINTAINED BY TOWN





NE Detail  
 PARKWAY IMPROVEMENT DISTRICT 07-06  
 MAINTAINED BY TOWN



N LINDSAY RD

4829670C	30496284
2829670C	5829670C
1829670C	9829670C
0829670C	4829670C
629670C	8829670C
829670C	6829670C
229670C	30496270

STANFORD AVE

6629670C	30496300
8629670C	30496301
2629670C	30496302
6629670C	30496303
30496294	30496304
5629670C	30496305
30496294	30496306

HARVARD AVE

119670C	30496312
019670C	319670C
609670C	30496314
30496308	30496315
30496307	30496316
909670C	30496317
30496305	30496318

SCOTT AVE

30496195	30496194
30496196	30496193
30496197	30496192
8619670C	30496191
30496199	30496190
0029670C	30496189
30496207	30496206
30496208	30496205
6029670C	30496204
0129670C	30496203
30496211	2029670C
30496213	30496210

HERITAGE ST

30496185	4819670C
9819670C	30496183
7819670C	30496182
8819670C	30496181
30496185	30496184
4819670C	30496183
30496182	30496182
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30496180	30496180
30496179	30496179
8219670C	30496178
4219670C	30496177

PRINCETON AVE

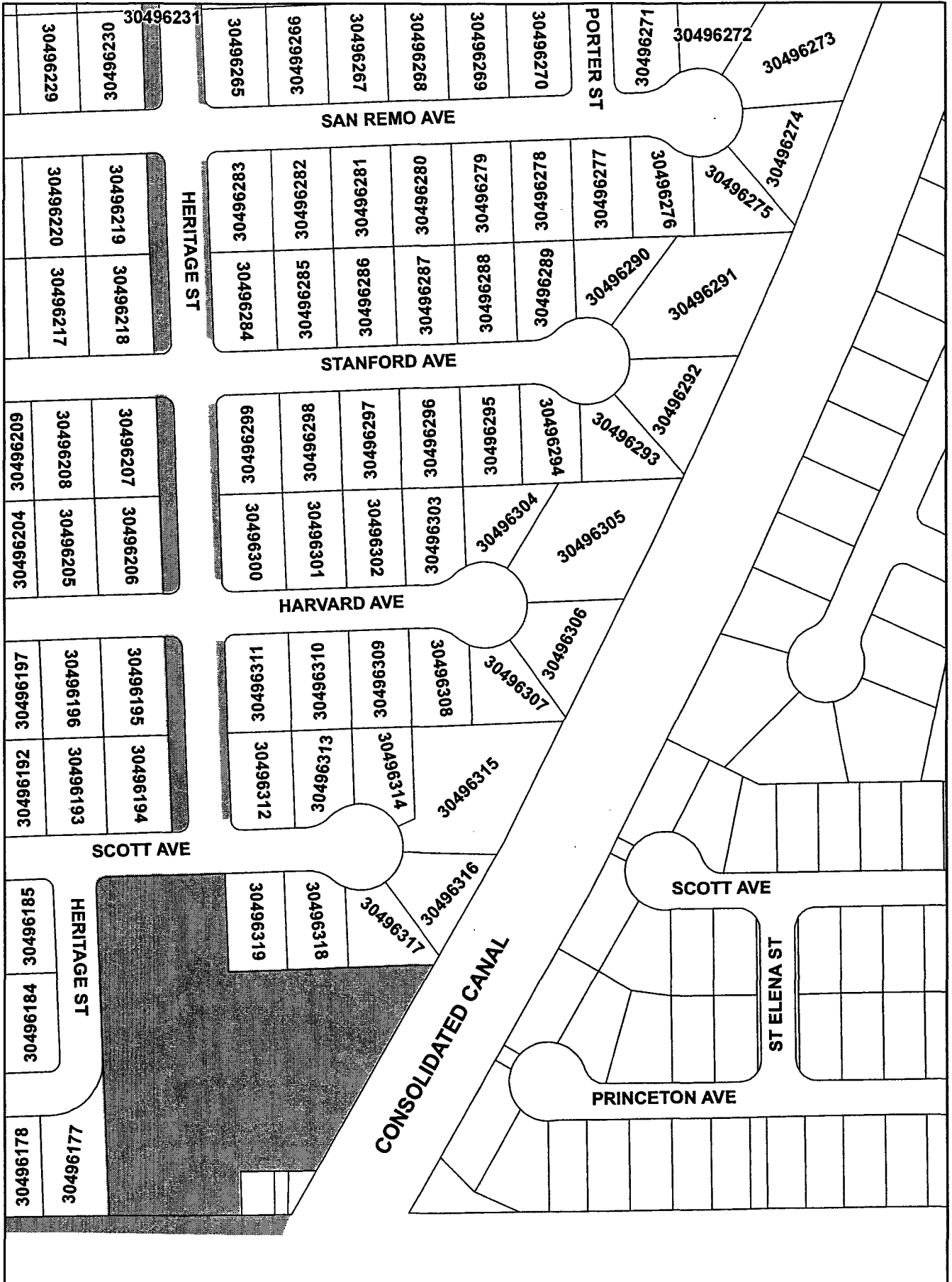
CONSOLIDATED CANAL

E GUADALUPE RD

CONSOLIDATED CANAL

SW Detail  
PARKWAY IMPROVEMENT DISTRICT 07-06  
MAINTAINED BY TOWN





SE Detail  
 PARKWAY IMPROVEMENT DISTRICT 07-06  
 MAINTAINED BY TOWN





OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
HELEN PURCELL  
2007-1124991 10/16/07 10:26 AM  
3 OF 4

PALUMBOA

**When recorded mail to:**

**Town of Gilbert  
Town Clerk  
50 East Civic Center Drive  
Gilbert AZ 85296**

This area reserved for County Recorder

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**CAPTION HEADING  
Resolution 2828, PKID 07-6**

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**DO NOT REMOVE**

**This is part of the official document.**