

RESOLUTION NO. 2814

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GILBERT, ARIZONA, ORDERING IMPROVEMENTS OF CERTAIN AREAS WITHIN THE CORPORATE LIMITS OF THE TOWN AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS TOWN OF GILBERT PARKWAY IMPROVEMENT DISTRICT NO. **PK-07-7 (CIRCLE G RANCHES VI)**, FOR THE PURPOSE OF THE INSTALLATION AND MAINTENANCE OF ALL LANDSCAPING, IRRIGATION SYSTEMS, COMMON WALLS AND OTHER IMPROVEMENTS, AND THE ONGOING MAINTENANCE OF THE SAME, INCLUDING REPLACEMENT, WITHIN ADJACENT, AND NEAR DESIGNATED PARKWAYS, AS SHOWN ON THE PLANS, IN THE TOWN OF GILBERT, AS DESCRIBED IN RESOLUTION NO. 2794; AND DECLARING AN EMERGENCY.

WHEREAS, on June 19, 2007, the Town Council of the Town of Gilbert, Arizona, passed and adopted Resolution No. 2794 declaring its intention to improve certain areas within the corporate limits of the Town and to create an improvement district known as the Town of Gilbert Parkway Improvement District No. PK-07-7 for the purpose of the installation and maintenance of all landscaping, irrigation systems, common walls and other improvements, and the ongoing maintenance of the same, including replacement, within adjacent, and near designated parkways, together with all appurtenances and adjustments as necessary, as shown on the plans for Gilbert Parkway Improvement District No. PK-07-7 declaring the work or improvement to be of more than local or ordinary benefit; declaring that the cost of said work or improvement shall be assessed upon a certain district; providing that the proposed work or improvements shall be performed under Section 48-574, Arizona Revised Statutes, and amendments thereto;

WHEREAS, said Resolution No. 2794 was published as required by law in a newspaper of general circulation in the Town, as evidenced by the Affidavit of Publication on file with the Town Clerk;

WHEREAS, Notice of the passage of said Resolution was posted as required by law along the property affected by the creation of the district, as evidenced by the Affidavit of Posting on file with the Town Clerk;

WHEREAS, the Town Engineer has prepared and presented to the Mayor and Council duplicate diagrams of the property contained within the District (the "Assessment Diagrams");

WHEREAS, no protests against the work or improvement have been filed within the time specified by A.R.S. § 48-579 for the filing of such protests;

WHEREAS, no objections as to the extent of the proposed Assessment District have been filed within the time specified by law for the filing of such objections;

WHEREAS, the cost of the work is to be assessed on the parkway improvement district, known as the Town of Gilbert Parkway Improvement District No. PK-07-7;

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

Section 1. The Council hereby finds that the protest against the improvement or work is insufficient.

Section 2. The Council hereby finds that no objection as to the extent of the proposed Assessment District has been filed within the time specified for the filing of such objections.

Section 3. By virtue of the authority vested in Title 48, Chapter 4, Article 2, Arizona Revised Statutes, and all amendments thereto, the Mayor and Council of the Town of Gilbert, Arizona do hereby order the work or improvement done as described in Resolution No. 2794, and in accordance with the Plans and Specifications heretofore and hereby approved and adopted by the Mayor and Council of the Town of Gilbert, Arizona.

Section 4. The Assessment Diagrams, or duplicate diagrams, as presented to the Mayor and Council are hereby approved by the Mayor and Council of the Town of Gilbert.

Section 5. The Town Clerk of the Town of Gilbert, Arizona is hereby authorized and directed to certify that the Assessment Diagrams were approved by the Mayor and Council of the Town of Gilbert on the date of the adoption of this Resolution, and after such certification, the Town Clerk is authorized and directed to deliver the Assessment Diagrams to the Superintendent of Streets of the Town of Gilbert, Arizona.


Section 6. The Town Clerk of the Town of Gilbert, Arizona is hereby authorized and directed to notify the Arizona Department of Revenue and the Maricopa County Assessor of the creation of Parkway Improvement District PK-07-7 by filing a copy of the Resolution No. 2794, a copy of this Resolution, and a copy of the Assessment Diagram.

Section 7. The Superintendent of Streets is directed to publish a notice of the passage of this Resolution, and to invite sealed bids for making the work.

Section 8. Declaring an Emergency.

BE IT FURTHER RESOLVED, that the immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety of the Town of Gilbert, an emergency is hereby declared to exist and this Resolution shall be in full force and effect from and after its passage, adoption and approval by the Mayor and Council of the Town of Gilbert, and it is hereby exempt from the referendum provision of the Constitution and laws of the State of Arizona.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the Town of Gilbert, Arizona on August 21, 2007.




Steven M. Berman, Mayor

ATTEST:



Catherine A. Templeton, Town Clerk



Curtis, Goodwin, Sullivan, Udall
& Schwab, PLC
Town Attorneys

CERTIFICATION

I hereby certify that the above and foregoing Resolution No. 2814 was duly passed by the Mayor and Council of the Town of Gilbert, Arizona, at a regular meeting held on August 21, 2007, that a quorum was present thereat and that the vote thereon was 7 ayes, 0 nays and 0 abstentions. 0 Council members were absent.



Catherine Templeton, Town Clerk