


**TOWN OF GILBERT
COUNCIL COMMUNICATION**

68

TO: HONORABLE MAYOR & COUNCILMEMBERS
FROM: DIANE ARCHER, FINANCIAL/PERFORMANCE MANAGEMENT
COORDINATOR
THROUGH: MARC SKOCYPEC, ASSISTANT TOWN MANAGER 
MEETING DATE: AUGUST 21, 2007
SUBJECT: PUBLIC HEARING ON PROTESTS TO IMPROVEMENTS;
PUBLIC HEARING ON OBJECTIONS TO EXTENT OF
PARKWAY IMPROVEMENT DISTRICTS;
ADOPT RESOLUTIONS ORDERING IMPROVEMENTS IN
PARKWAY IMPROVEMENT DISTRICTS NOS. 07-1, 07-2, 07-7,
AND 07-10

RECOMMENDED MOTION

(AFTER PUBLIC HEARINGS)

MOTION TO APPROVE:

A. RESOLUTION NO. _____ 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 07-1 (VAL VISTA PARK) 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. 2792; AND DECLARING AN EMERGENCY;

B. RESOLUTION NO. _____ 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 07-2 (TEMPLETON PLACE) 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. 2793; AND DECLARING AN EMERGENCY;

C. RESOLUTION NO. _____ 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;

D. RESOLUTION NO. _____ 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 07-10 (MADERA PARC) 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. 2795; AND DECLARING AN EMERGENCY.

BACKGROUND/DISCUSSION

Parkway Improvement Districts exist in 11 residential subdivisions to provide for maintenance of improvements in common areas. Gilbert established all but one of these special taxing Districts in 1988, almost 20 years ago. Arizona Statutes require that any maintenance or improvements in the Districts be done in accordance with the plans and specifications prepared by the developer ("Original Plans"). The Original Plans are outdated and it was not practical or desirable to continue using the Original Plans.

Therefore, Gilbert retained a Landscape Architect to prepare New Plans for proposed new parkway improvement districts (with the same boundaries as the existing districts). The plans were developed with the assistance of interested residents at neighborhood meetings. The New Plans provide for replacement of irrigation systems, new landscaping, other improvements, and maintenance of common walls. The New Plans and cost estimates are on file with the Town Clerk's Office.

On June 19, 2007 Gilbert adopted Resolutions of Intent to create the following new improvement districts in the following residential subdivisions: PK 07-1 Val Vista Park; PK 07-2 Templeton Place; PK 07-7 Circle G Ranches VI; and PK 07-10 Madera Parc. (It is anticipated Resolutions of Intent will also be adopted for the remaining seven districts).

Following adoption of the Resolutions of Intent, notice of adoption of the resolutions was published in the newspaper and notice of the proposed new improvements was posted in the proposed new parkway improvement districts, as required by law. The deadline for submitting protests and objections was established as July 30, 2007.

State law requires a public hearing on protests against the proposed improvements (A.R.S. § 48-579.A, B), and a public hearing on objections to the extent of the district (A.R.S. § 48-579.C). On August 10, 2007, a letter was mailed to residents who filed protests and

objections notifying them of the hearing date. Notice of the public hearings was published in *the Tribune* newspaper on August 13 and 14, 2007. Two protests to the improvements for Val Vista Park were received. No other formal protests or objections were received.

At the public hearing on the protest to the improvement, the Town Council is required to hear and consider any protests. If the owners of a majority of the frontage of the property fronting on the proposed improvement, or the owners of a majority of the frontage of property contained within the limits of the district file a written protest against the improvements within the time provided by law, then this written protest shall bar any further proceedings in making the improvement for at least 6 months.

At the public hearing on the objections to the extent of the district, the Town Council is required to hear and pass upon any objections. If objections to the extent of the district (the boundary) are received, the Town Council may modify the extent of the proposed district, in which case a new resolution of intent with the modified district boundary must be adopted.

Copies of the protests and objections received are attached, and are tallied as follows:

<u>District:</u>	<u>Protests:</u>	<u>Objections:</u>	<u>% Frontage (Estimate)</u>
PK 07-1 Val Vista Park	2	0	1%
PK 07-2 Templeton Place	0	0	0
PK 07-7 Circle G Ranches VI	0	0	0
PK 07-10 Madera Parc	0	0	0

Based upon the above, insufficient protests were received to halt improvements. Gilbert did not receive objections to the extent of the district.

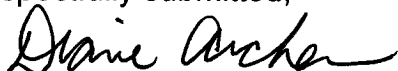
FINANCIAL IMPACT

The property owners in the Districts will bear the financial impact related to installation and maintenance of improvements in the Districts as called for in the New Plans. Each District will determine when improvements are made and how much is budgeted on an annual basis. The budgets for Fiscal Year 2007-2008 were adopted on May 22, 2007 and a tax levy was approved on June 19, 2007. Following adoption of the Resolutions Ordering Improvements, the work for Phase 1 of the New Plans will be publicly bid.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolutions Ordering Improvements to allow the new parkway improvement districts to proceed with necessary and requested improvements.

Respectfully submitted,



Diane Archer
Financial and Performance Management Coordinator

Attachments: Protests and Objections (2)
Resolutions Ordering Improvements (4)
(Final Plans and Estimate of costs of improvements are on file with Town Clerk)
(Affidavits of publication, posting and mailing are on file with the Town Clerk)

PARKWAY IMPROVEMENT DISTRICT NO. PK 07-_____

This form may be used to file a protest against the proposed improvement (including the work, estimated expenses, or assessment method) and/or the extent of the district (including district boundaries).

Date Protest/Objection filed with Town: July 31, 2007

Description of property (address): 1142 F. ENGLISH AVE, GILBERT AZ 85234

Amount of frontage owned by property owner/signer that is fronting on the proposed improvement: 80 linear feet.

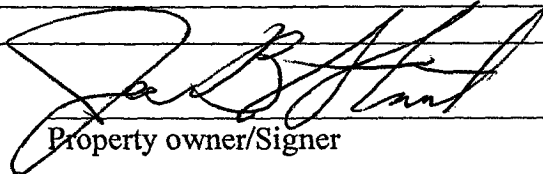
Post office address (if differs from property): _____

PROTEST AGAINST PROPOSED IMPROVEMENT (A.R.S. § 48-579.A, B)

Reasons for protest (or attach separate sheet): WOULD LIKE TO CONFIGURE PROJECT AS SEVERAL STAGES TO BE APPROVED SEPARATELY, RATHER THAN ONE WHOLE PROJECT

OBJECTION TO THE EXTENT OF THE DISTRICT (A.R.S. § 48-579.C)

Reasons for objection (or attach separate sheet): _____


Property owner/Signer

Technically, all protests and objections must include an affidavit attesting that the signature of the property owner was affixed in your presence and that the signatures are genuine. The affidavit can be completed by one property owner/signer on behalf of himself and/or others. (A.R.S. § 48-580.A.1) Notary services may be provided at the Town Clerk's Office. The Town may consider protests and objections that are submitted without an affidavit, however, subject to verification.

**Mr. Stuart submitted a protest previously
that is included on Page 4.**

August 20, 2007

Town Clerk
Town of Gilbert
Gilbert Municipal Center
50 E. Civic Center Drive
Gilbert, Arizona 85234

Parkway Improvement District No. 07-01 Val Vista Park; Protest

Dear Sirs,

I wish to protest the proposed Val Vista Park parkway improvements. I object to the proposed improvements on grounds of excessive expenditures. The increase in liability to homeowners is not justified in the current economic situation. I understand the proposal involves several years of specific improvements, and that the expense would be spread over several years and to all the homeowners, but even this amount would be out of line with the current hardships entailed by many homeowners in the district.

I request that the Town Council reconsider the expenditure of these funds, or that some alternative that would entail much less expenditures be considered.

Yours truly,

Joe B. Stuart
1142 E. Encinas Ave.
Gilbert, Arizona 85234

PARKWAY IMPROVEMENT DISTRICT NO. PK 07-_____

This form may be used to file a protest against the proposed improvement (including the work, estimated expenses, or assessment method) and/or the extent of the district (including district boundaries).

Date Protest/Objection filed with Town: 7-31, 2007

Description of property (address): 1193 E ENCINAS AVE

Amount of frontage owned by property owner/signer that is fronting on the proposed improvement: 2 linear feet.

Post office address (if differs from property): _____

PROTEST AGAINST PROPOSED IMPROVEMENT (A.R.S. § 48-579.A, B)

Reasons for protest (or attach separate sheet): I agree with the repairs necessary in dip & supplementation of new sidewalks repair & some planting, however, I protest the cost of a monument for such a huge sum of money for nothing sub aesthetic

OBJECTION TO THE EXTENT OF THE DISTRICT (A.R.S. § 48-579.C)

Reasons for objection (or attach separate sheet): _____

Judith Turcek
Property owner/Signer

Technically, all protests and objections must include an affidavit attesting that the signature of the property owner was affixed in your presence and that the signatures are genuine. The affidavit can be completed by one property owner/signer on behalf of himself and/or others. (A.R.S. § 48-580.A.1) Notary services may be provided at the Town Clerk's Office. The Town may consider protests and objections that are submitted without an affidavit, however, subject to verification.

RESOLUTION NO. _____

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-07-1 (VAL VISTA PARK)**, 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. 2792; AND DECLARING AN EMERGENCY.

WHEREAS, on June 19, 2007, the Town Council of the Town of Gilbert, Arizona, passed and adopted Resolution No. 2792 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-07-1 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-07-1 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. 2792 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, the owners of a majority of the frontage of property contained within the limits of the assessment district have not made a written protest against the work within the time set by A.R.S. § 48-579A;

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-07-1;

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. 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. 2792, 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 3. 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 4. 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 5. 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-07-1 by filing a copy of the Resolution No. 2792, a copy of this Resolution, and a copy of the Assessment Diagram.

Section 6. 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 7. 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 _____, 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. _____ was duly passed by the Mayor and Council of the Town of Gilbert, Arizona, at a regular meeting held on _____, 2007, that a quorum was present thereat and that the vote thereon was _____ ayes, _____ nays and _____ abstentions. _____ Council members were absent.

Catherine Templeton, Town Clerk

RESOLUTION NO. _____

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-07-2 (TEMPLETON PLACE)**, 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. 2793; AND DECLARING AN EMERGENCY.

WHEREAS, on June 19, 2007, the Town Council of the Town of Gilbert, Arizona, passed and adopted Resolution No. 2793 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-07-2 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-07-2 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. 2793 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-07-2;

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. 2793, 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-07-2 by filing a copy of the Resolution No. 2793, 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 _____, 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. _____ was duly passed by the Mayor and Council of the Town of Gilbert, Arizona, at a regular meeting held on _____, 2007, that a quorum was present thereat and that the vote thereon was _____ ayes, _____ nays and _____ abstentions. _____ Council members were absent.

Catherine Templeton, Town Clerk

RESOLUTION NO. _____

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 _____, 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. _____ was duly passed by the Mayor and Council of the Town of Gilbert, Arizona, at a regular meeting held on _____, 2007, that a quorum was present thereat and that the vote thereon was _____ ayes, _____ nays and _____ abstentions. _____ Council members were absent.

Catherine Templeton, Town Clerk

RESOLUTION NO. _____

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-07-10 (MADERA PARC)**, 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. 2795; AND DECLARING AN EMERGENCY.

WHEREAS, on June 19, 2007, the Town Council of the Town of Gilbert, Arizona, passed and adopted Resolution No. 2795 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-07-10 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-07-10 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. 2795 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-07-10;

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. 2795, 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-07-10 by filing a copy of the Resolution No. 2795, 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 _____, 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. _____ was duly passed by the Mayor and Council of the Town of Gilbert, Arizona, at a regular meeting held on _____, 2007, that a quorum was present thereat and that the vote thereon was _____ ayes, _____ nays and _____ abstentions. _____ Council members were absent.

Catherine Templeton, Town Clerk