

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  
20080448641 05/21/2008 09:41 N  
ELECTRONIC RECORDING  
Gilbert82-17-1-1--**

---

**Town of Gilbert, Arizona  
Resolution No. 2809  
Parkway Improvement District No. 07-4**

Resolution No. 2809 is being re-recorded for the sole purpose of correcting two (2) clerical errors in the legal description for Parkway Improvement District No. 07-4 (Spring Meadows), in Exhibit 1 to Resolution No. 2809 of the Town of Gilbert, Arizona, recorded on August 30, 2007 in the Official Records of Maricopa County Recorder, Record # 2007-0973888. This document replaces the Resolution originally recorded and includes the correct legal description.

DO NOT REMOVE

This is part of the official document.

**LEGAL DESCRIPTION  
FOR  
PK 07-4**

That portion of the Southeast quarter of Section 18, Township 1 South, Range 6 East of the Gila and Salt River Meridian, Maricopa County, Arizona, described as follows:

Commencing at the Southeast corner of said Section 18;

thence South 89°52'44" West 1188.48 feet along the South line of said Section 18 to the **POINT OF BEGINNING**;

thence South 89°52'48" West 475.00 feet continuing along said South line; thence North 00°05'17" West 1317.65 feet along the West line of the SPRING MEADOWS AMENDED subdivision as recorded in Book 314 Page 12, Maricopa County Records to a point that lies on the South line of the SPRING MEADOWS COMMONS subdivision as recorded in Book 313 Page 16, Maricopa County Records; thence South 89°54'38" West 979.71 feet along the South line of said SPRING MEADOWS COMMONS subdivision; thence North 00°04'26" West 553.60 feet along the West line of said SPRING MEADOWS COMMONS subdivision; thence North 90°00'00" East 2335.92 feet along the North line of said SPRING MEADOWS COMMONS subdivision; thence North 00°00'00" East 16.00 feet along said North line; thence North 90°00'00" East 310.00 feet along said North line to a point that lies on the East line of said Section 18; thence South 00°00'00" East 1311.26 feet along said East line; thence South 89°56'16" West 710.00 feet along the North line of Tract "A" of said SPRING MEADOWS AMENDED subdivision; thence North 72°25'37" West 99.02 feet along the North line of said Tract "A"; thence South 89°56'16" West 385.00 feet along the North line of said Tract "A"; thence South 00°05'17" East 602.17 feet along the West line of said Tract "A" to the **POINT OF BEGINNING**.

Containing 68.05 Acres, more or less.

---

*Professional Land  
Surveyor AZ No. 19817*

(Expires 6-30-11)  
ELECTRONIC SEAL  
*"Digitally signed per  
ASBTR Substantive  
Statement dated 6-17-02"*

---

**RESOLUTION NO. 2809**

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. **07-4 (SPRING MEADOWS)** 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. 07-4 or “PK 07-4” 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. 07-4 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:

**Spring Meadows:** Tract B, and those portions of the right-of-way adjacent to Warner Road, Riata Street, Palomino Drive, and Lindsay Road included within or adjacent to the Assessment District; and

**Spring Meadows Commons:** Tracts A and B, and those portions of the right-of-way adjacent to Lindsay Road, Riata Street, and East Saratoga Street 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. 07-4 or "PK 07-4".

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.

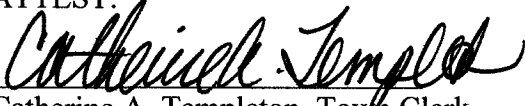
The Town may perform any portion of the Work separately bid as a bid option, or order that a proposed contract not be made and perform all the Work as provided for in A.R.S. § 48-585 and amendments thereto.

PASSED, ADOPTED AND APPROVED this 21st day of August 2007.

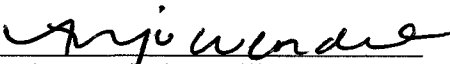


  
\_\_\_\_\_  
Steven M. Berman, Mayor

ATTEST:

  
\_\_\_\_\_  
Catherine A. Templeton, Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Curtis, 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 2809 was duly passed by the Mayor and Council of the Town of Gilbert, Arizona at a regular meeting held on August 21, 2007 and that a quorum was present thereat and that the vote therein was 7 ayes and 0 nays. 0 were no vote or absent.

  
Catherine A. Templeton, Town Clerk

F:\578\47\Resolutions\Resolution of Intent PK 07-4.doc

Exhibit 1

LEGAL DESCRIPTION OF  
PARKWAY IMPROVEMENT DISTRICT NO. 07-4  
FOR: SPRING MEADOWS

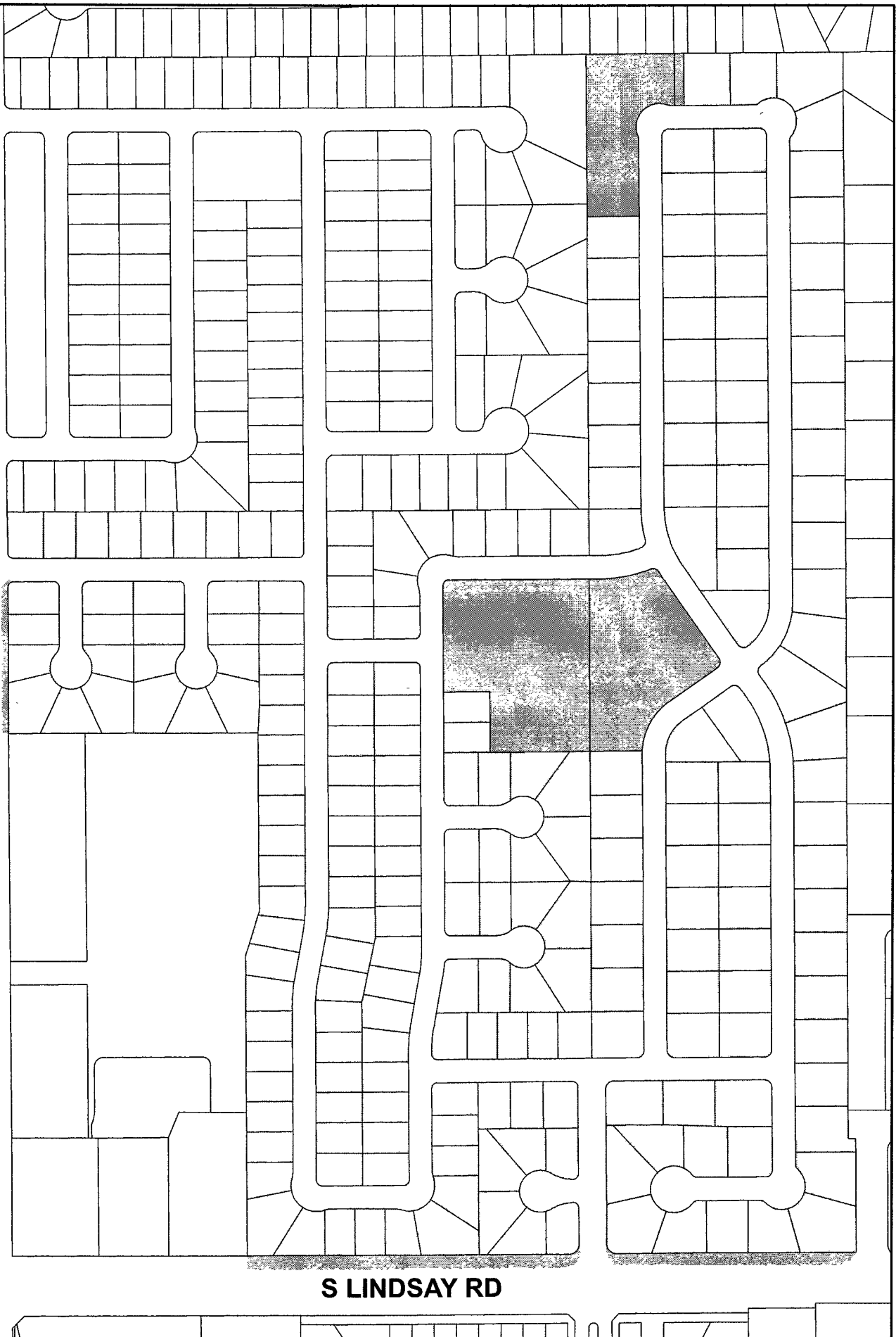
That portion of the Southeast quarter of Section 18, Township 1 South, Range 6 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Commencing at the Southeast corner of said Section 18, thence South  $89^{\circ}52'45''$  West 1,188.48 feet along the South line of said Section 18 to the point of beginning;

THENCE, North  $00^{\circ}05'17''$  West, 537.17 feet; thence, North  $89^{\circ}56'16''$  East, 385.00 feet; thence, South  $72^{\circ}25'37''$  East, 99.02 feet; thence, North  $89^{\circ}56'16''$  East, 645.00 feet to a point on the East line of said Section 18;

THENCE, North  $00^{\circ}00'00''$  West, along the East line of said Section 18, 1,311.26 feet; thence South  $90^{\circ}00'00''$  West, 310.00 feet; thence South  $00^{\circ}00'00''$  West, 16.00 feet; thence South  $90^{\circ}00'00''$  West, 2,335.92 feet; thence South  $00^{\circ}04'26''$  East, 553.60 feet; thence North  $89^{\circ}55'40''$  East, 979.71 feet; thence South  $00^{\circ}05'17''$  East, 1,317.65 feet to a point on the South line of said Section 18;

THENCE, North  $89^{\circ}52'45''$  East, 475.00 feet to the point of beginning and containing 70.58 acres of land, gross, more or less.



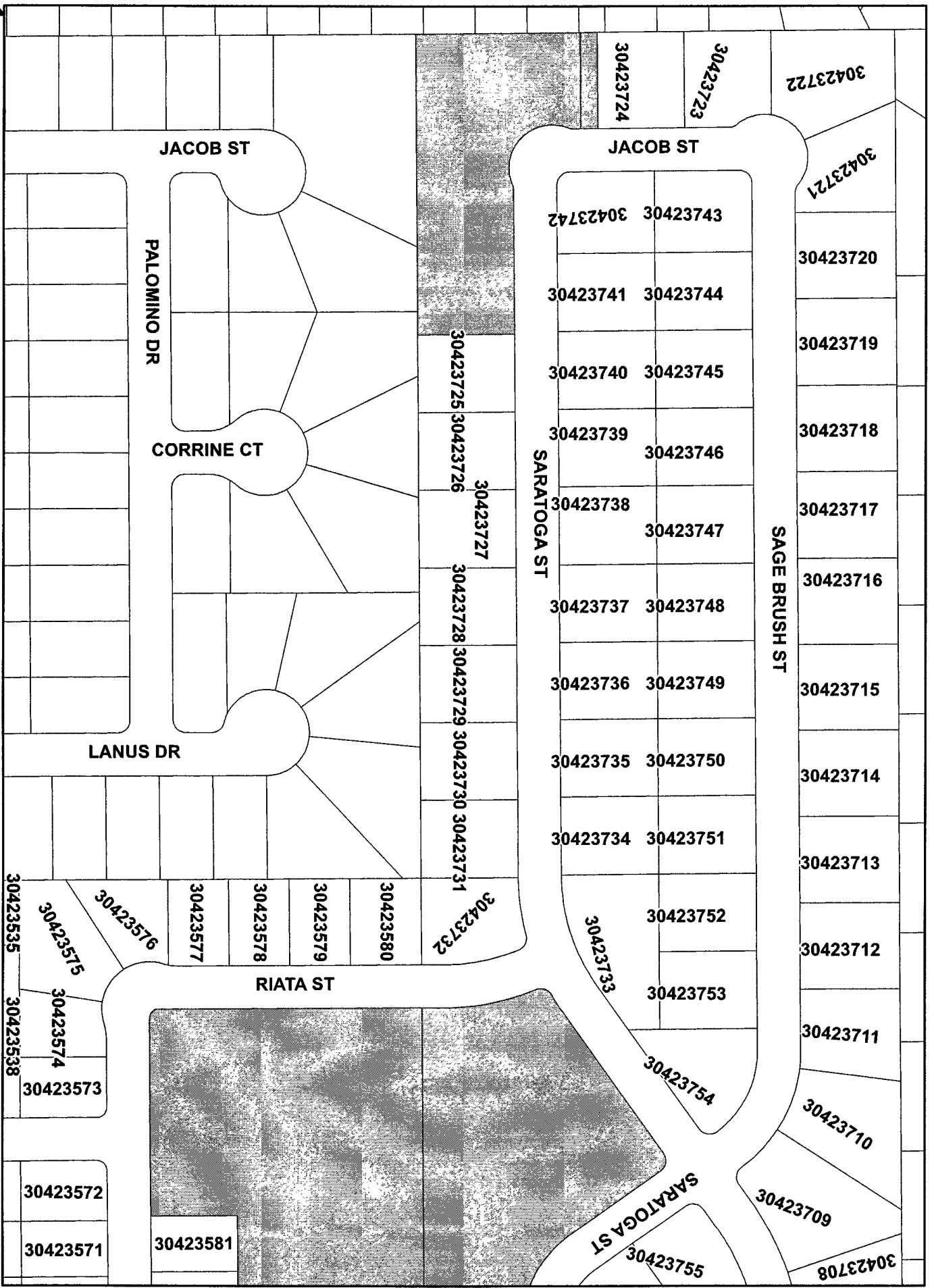
**E WARNER RD**

**S LINDSAY RD**

**PARKWAY IMPROVEMENT DISTRICT 07-4  
MAINTAINED BY TOWN**

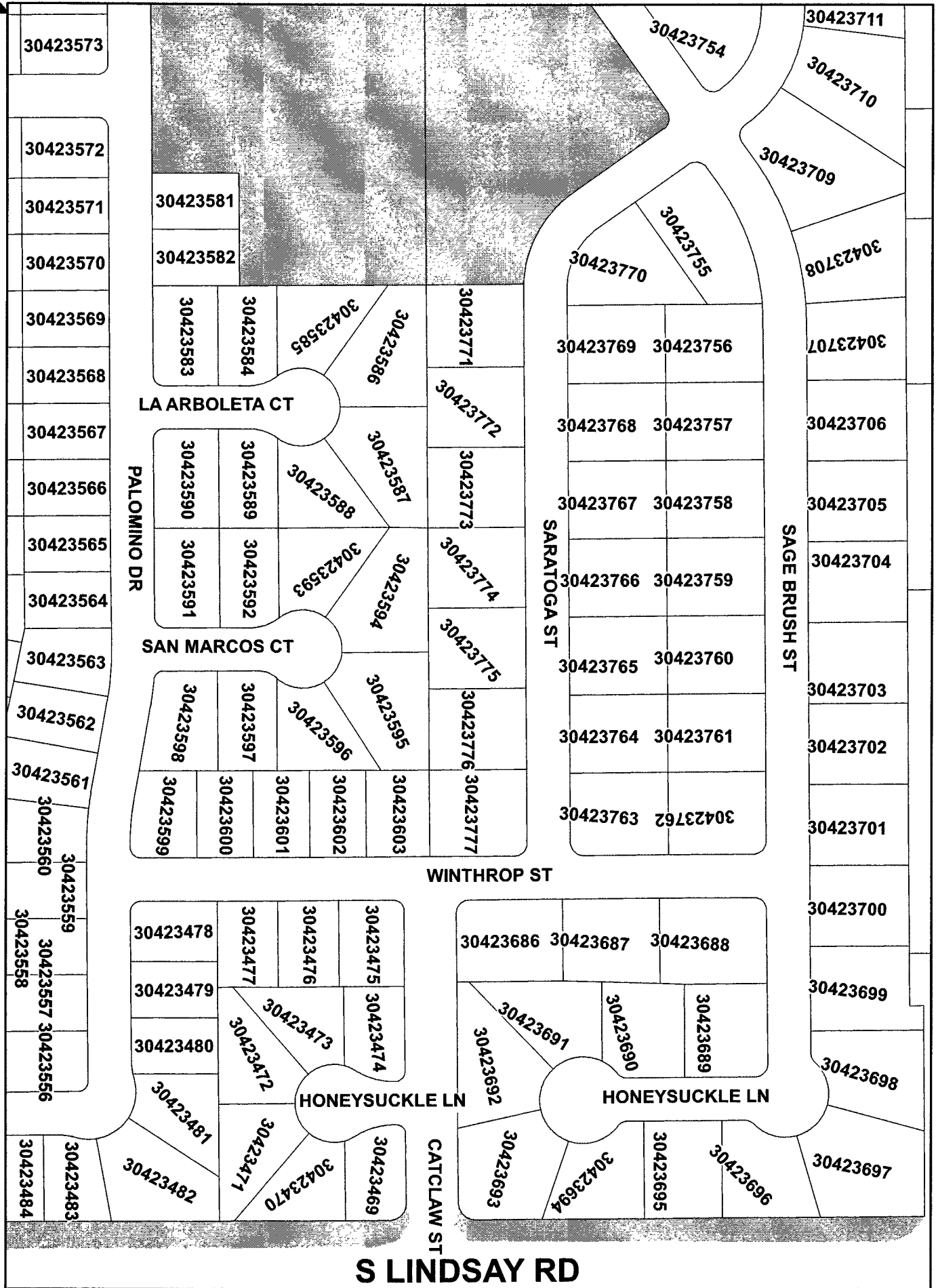


NW Detail  
PARKWAY IMPROVEMENT DISTRICT 07-4  
MAINTAINED BY TOWN



PARKWAY IMPROVEMENT DISTRICT 07-4  
MAINTAINED BY TOWN

NE Detail



PALOMINO DR

APPALOOSA RD

LANUS DR

30423577  
30423576

30423535

30423575

30423536

30423574

30423537

30423538 30423573

SILVERADO ST

30423539 30423572

30423540 30423571

30423581

APPALOOSA RD

JACOB ST

JACOB ST

PINTO DR

ARABIAN DR

LANUS DR

RIATA ST

PINTO CT

ARABIAN CT

30423508

30423517 30423516

30423509 30423506

30423505

30423504

30423503

30423510

30423514

30423519

30423518 30423515

30423513

30423520

30423521

30423525

30423524

30423523

30423522

30423526

30423527

30423528

30423529

30423530

30423531

30423532

30423533

30423534

**E WARNER RD**  
SW Detail  
PARKWAY IMPROVEMENT DISTRICT 07-4  
MAINTAINED BY TOWN



30423581 30423582 30423583

30423590 30423591

30423598 30423599

30423478 30423479 30423481

30423482

30423538 30423573

SILVERADO ST

30423539 30423572

30423540 30423571

30423541 30423570

30423542 30423569

30423543 30423568

30423544 30423567

30423545 30423566

30423546 30423565

30423547 30423564

30423548 30423563

30423549 30423562

30423550 30423561

30423551 30423560

30423552 30423559

30423553 30423558

30423554 30423557

30423555 30423556

HONEYSUCKLE LN

30423483

30423484

30423485

30423506

30423505

30423504

30423503

30423502

30423501

30423500

30423499

30423498

30423497

30423496

30423495

30423494

30423493

30423492

30423491

30423490

30423489

30423488

30423487

30423486

30423509

30423510

30423511

30423512

PINTO CT

30423513

30423514

30423515

30423518

30423519

30423520

30423521

ARABIAN CT

30423522

30423523

30423524

APPALOOSA RD

PALOMINO DR

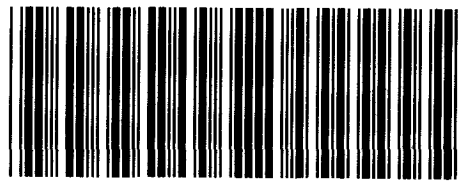
S LINDSAY RD

E WARNER RD

SE Detail  
PARKWAY IMPROVEMENT DISTRICT 07-4  
MAINTAINED BY TOWN







**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  
2007-0973888 08/30/07 11:08 AM  
1 OF 3

PALUMBOA

This area reserved for County Recorder

CAPTION HEADING

Resolution 2809 PKID 07-4

DO NOT REMOVE

This is part of the official document.