

**RESOLUTION NO. 2009-43**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, ADOPTING THE "TOWN OF FOUNTAIN HILLS GENERAL PLAN 2010" AND CALLING A SPECIAL ELECTION TO BE HELD MAY 18, 2010, FOR VOTER RATIFICATION OF THE NEW GENERAL PLAN AS REQUIRED BY STATE LAW.

**WHEREAS**, on June 20, 2002, the Mayor and Council of the Town of Fountain Hills (the "Town Council") approved the Town of Fountain Hills General Plan 2002 (the "General Plan 2002") which General Plan 2002 was subsequently ratified by the qualified electors of Fountain Hills on September 11, 2002; and

**WHEREAS**, the Town of Fountain Hills is required to adopt a new general plan at least every ten years in accordance with the goals and requirements contained in the ARIZ. REV. STAT. § 9-461.05 *et seq.*, as amended (the "Applicable Law"); and

**WHEREAS**, the proposed new Town of Fountain Hills General Plan 2010 (the "General Plan 2010") includes all of the elements and information that is required to be included in a general plan for the Town pursuant to the Applicable Law; and

**WHEREAS**, the Town has consulted with, advised and provided an opportunity for official comment by public officials, public agencies, civic organizations, professional organizations, property owners and citizens, as required by the Applicable Law; and

**WHEREAS**, the Planning and Zoning Department, as the designated planning agency for the Town of Fountain Hills (the "Town") has, at least 60 days prior to notice of the first public hearing on the General Plan 2010 by the Town's Planning and Zoning Commission (the "Commission"), transmitted a review copy of the General Plan 2010 to the members of the Commission, to the Town Council and to all persons or entities who made a written request to receive a review copy of the proposal and has submitted a copy to, and solicited comments from, each agency required by the Applicable Law; and

**WHEREAS**, the General Plan 2010 was placed on the Town's web site and made available for public review on or before September 3, 2009; and

**WHEREAS**, a public open house was held on September 28, 2009, at the Town Community Center to inform the public of the General Plan 2010; and

**WHEREAS**, the Town Council held a work study meeting to review the General Plan 2010 on October 13, 2009; and

**WHEREAS**, notice of public hearings on the General Plan 2010 by the Commission and Town Council were published in the *Fountain Hills Times*, on November 4, November 11 and November 18, 2009; and

**WHEREAS**, public hearings regarding the General Plan 2010 were held by the Commission on November 30 and December 10, 2009, and by the Town Council on December 17, 2009.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS** as follows:

**SECTION 1.** The General Plan 2010, contained in file GPA 2008-02, including narrative text and graphics, is hereby approved, subject to ratification by the voters.

**SECTION 2.** The General Plan 2010 shall be deemed to have been adopted as of the date of this Resolution and shall be valid for a period of ten years from the date of adoption.

**SECTION 3.** The General Plan 2010 shall be submitted for ratification to the qualified electors of the Town of Fountain Hills and a Special Election is hereby called for the purpose of such ratification, which Special Election shall be conducted in conjunction with the anticipated General Election to be held on May 18, 2010.

**SECTION 4.** Copies of the General Plan 2010 shall be on file in the following locations:

1. The Office of the Town Clerk  
16705 E. Avenue of the Fountains  
Fountain Hills, Arizona
2. The Town of Fountain Hills Planning and Zoning Department  
16705 E. Avenue of the Fountains  
Fountain Hills, Arizona
3. The Fountain Hills Library  
12901 La Montana Drive  
Fountain Hills, Arizona

**SECTION 5.** If any provision of this Resolution is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Resolution.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills,  
January 7, 2010.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:

  
Jay T. Schlum, Mayor

  
Bevelyn J. Bender, Town Clerk

  
Richard L. Davis, Town Manager

  
Andrew J. McGuire, Town Attorney