

RESOLUTION NO. 2540

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING APPLICATION P-10-001, A MINOR AMENDMENT TO THE TOWN OF PAYSON'S 2003 GENERAL PLAN AMENDING THE LAND USE ELEMENT FOR PROPERTY GENERALLY LOCATED AT 208-214 SOUTH CLARK ROAD AND 209 SOUTH GOODNOW ROAD. (FOUNDATION FOR SENIOR LIVING GENERAL PLAN AMENDMENT)

**WHEREAS**, on May 8, 2003, the Town Council adopted the Payson General Plan 2002-2012 (the "General Plan") which the voters of Payson ratified on September 9, 2003; and

**WHEREAS**, on November 16, 2009, FSL Holding Properties, LLC ("Applicant") filed an application to amend the General Plan ("the Application"), changing the land use element of the property generally located at 208-214 South Clark Road and 209 South Goodnow Road as more particularly described in Exhibit A ("the Property") from medium density residential to high density residential; and

**WHEREAS**, because the Application seeks a land use element change for an area less than 20 acres, it is a Minor Amendment Application; and

**WHEREAS**, the Town sent notification of the Application to five agencies, organizations, and groups as required by law, in addition to the area notification, seeking written comment on the Application; and

**WHEREAS**, the Applicants conducted a community meeting on February 2, 2010 seeking public input concerning the Application; and

**WHEREAS**, the Town of Payson's Planning and Zoning Commission held a Public Hearing on February 8, 2010 in regard to the Application; and

**WHEREAS**, the Town of Payson's Planning and Zoning Commission, on February 8, 2010, considered the issues, voted to recommend approval of the Application, and forwarded such recommendation to the Town Council; and

**WHEREAS**, the Payson Town Council held a public hearing on March 4, 2010 in regard to the Application and has considered the issues relating thereto,

**NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY RESOLVE AS FOLLOWS:**

Section 1. The Application is hereby approved, the Payson General Plan 2002-2012 is hereby amended, and the Land Use Plan Map designation for the Property is hereby changed from Medium Density Residential to High Density Residential.

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Section 2. This Resolution 2540 shall not become effective until the Town files with the Gila County Recorder an instrument(s) (in a form acceptable to the Town Attorney), executed by FLS Holding Properties LLC and any other party having any title interest in the Property, that waives any potential claims against the Town under the Arizona Property Rights Protection Act (A.R.S. § 12-1131 et seq., and specifically A.R.S. § 12-1134) resulting from changes in the land use laws that apply to the Property as a result of the Town's adoption of this Resolution. If this waiver instrument(s) is not executed and provided to the Town for recording within 7 calendar days after the motion approving this Resolution, this Resolution shall be void and of no force and effect.

Section 3. Pursuant to A.R.S. §19-142 and §30.54 of the Code of the Town of Payson, this Resolution if not otherwise void pursuant to Section 2 hereinabove, shall not become operative until 30 days after its passage.

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA**, this 4<sup>th</sup> day of March, 2010, by the following vote:

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSTENTIONS \_\_\_\_\_ ABSENT \_\_\_\_\_

\_\_\_\_\_  
Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Silvia Smith, Town Clerk

\_\_\_\_\_  
Samuel I. Streichman, Town Attorney

# EXHIBIT A TO RESOLUTION 2540

Gila County Parcel Numbers

304-04-208 and 304-04-130

Legal Descriptions

RUSSELL SUB PT LOT 7; BEG AT NE COR SD LOT 7 WH E4 COR SEC 3 BEARS S 89DEG 53MIN E 2947.62' TH S 0DEG 7MIN W 265' ALNG E LN S D LOT TO POB TH S 0DEG 7MIN W 130' ALNG SD E LN TH N 89DEG 53MIN W 327.51' TO PNT ON W LN SD LOT 7; N 0DEG 7MIN E 130' ALNG SD W LN TH S 89DEG 53MIN E 327.51' TO POB CONT .977AC

DUDLEY SUB MAP #140 LOT 5 353/484 A/A 2004;1985 26X56 HIVAL MH VIN#AS13479X-UDKT 633/620