

# **PROPOSED AMENDMENT TO TEMPE CITY CHARTER\***

## **ARTICLE XI. PAPAGO PRESERVE**

### **Sec. 11.01 Papago Preserve—defined.**

“Papago Preserve” shall be that city-owned real property designated as Papago Preserve by resolution of the City Council.

### **Sec. 11.02 Disposition of Papago Preserve real property.**

When real property is designated as part of Papago Preserve by resolution of the City Council, the designation shall be perpetual unless that designation is removed, in whole or in part, as provided in this section. In no event shall any real property within Papago Preserve be sold, traded, encumbered, or otherwise alienated, redesignated, or deleted from Papago Preserve unless such sale, trade, encumbrance, alienation, redesignation or deletion is submitted to, and approved by, the qualified electors of the City at a general or special election.

### **Sec. 11.03 Use of Papago Preserve.**

(a) Papago Preserve, including its habitat, native plants, and animal communities, shall be preserved in its natural state to the maximum extent practicable. Papago Preserve’s archaeological, paleontological, and historical resources and sites shall be preserved to the maximum extent practicable. City facilities existing within Papago Preserve as of the date of approval of the creation of Papago Preserve may be maintained and replaced to provide necessary public services.

(b) The City Council shall establish by ordinance, consistent with Section 11.03(a), such permitted uses of Papago Preserve that promote one or more of the following objectives:

1. Provide cultural, educational and recreational opportunities primarily designed to heighten appreciation and enjoyment of the natural Arizona environment.
2. Provide equestrian, pedestrian, and vehicular (whether motorized or otherwise) access into Papago Preserve to heighten appreciation and enjoyment of the natural Arizona desert environment; such access shall comply with the Americans with Disability Act, as that Act may be amended from time to time.

(c) The City Council may adopt a management plan for Papago Preserve consistent with Section 11.03 that is appropriate for the unique nature of the preserve.

(d) Papago Preserve shall not be used except for a permitted use established by the City Council pursuant to this section.

(e) The City Council shall at all time have the power and authority within and in conjunction with Papago Preserve to take appropriate action to:

\* Any future amendments subject to a vote of the citizens.

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1. Dedicate necessary rights-of-way and easements required for improving and widening of existing arterial streets and public streets adjacent to Papago Preserve.
2. Provide necessary access and utility easements.
3. Renovate and improve, to the extent necessary, City-owned flood control and water treatment facilities.
4. Take all actions necessary to preserve public health and safety.

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