

The original motivation for Fountain Hills residents was to preserve and protect their view of the western mountains. By acquiring a total of 740 acres of mountain top land they accomplished that goal. The process to secure this land for a Preserve started in 1995.

Every event starts from an idea or a need. In the case of the Fountain Hills McDowell Mountain Preserve, Jack Fraser, president of the McDowell Park Association, and Town Manager, Paul Nordin saw a need to preserve our McDowell mountain view from future development. At the request of Mr. Nordin, the Town Council approved of an 11 member Task Force at it's April 20, 1995 session.

This group included Bill Flaherty of the Civic Association; Jim Carroll, general public; Tim Terrill, MCO properties; Kim Schumann, public education; Meredith Hale, Rio Verde; Sharon Hutchenson, Committee for Sensible Development; Mitchell Silver, Committee to Preserve the Environment; Richard Lantz, Town of Fountain Hills Parks and Recreation Commissioner; Nelson Van Sant, Chamber of Commerce, and Mike Chin, general public. Roy Kinsey, with the McDowell Park Association, was named Chairman of this group.

The initial Task Force Study Area encompassed about 1480 acres of land on Town's North and Western borders. Individual members of the TF agreed to personally hike designated sections of that acreage and assess the state of the property, identify any significant natural areas that were important to preserve, etc. After completion of the land survey, the study group report was submitted to the Town manager with a request that the Town Council create a McDowell Mountain Preservation Commission (MMPC) to specifically deal with specific actions needed to acquire as much of the study area as possible.

During the January 4, 1996 Town Council meeting manager Nordin proposed such a commission including their goals, assignments, and required interim reports to the Council. Following Council woman Whiggishoff's approved amendment to expand the commission to seven members, Led by mayor John Cutillo, council voted unanimously to establish the MMPC.

The MMPC tasks included creation of an inventory of desirable areas, land valuation strategies, and options for methods of acquiring the land. At request of the commission, town engineers conducted a "line of sight" study. That study, established that preservation of all land above an elevation of 2240 feet was needed to maintain the natural, undeveloped view as seen from Town center.

Recognizing a need for public support for the future preserve, MMPC established the Sonoran Conservancy in 1997 as an independent, not for profit organization.

A confidential, third party land evaluation, was eventually revealed to be \$23,000 per acre. With that in mind the MMPC recommended a public supported bond issue for \$10M. During council considerations, mayor Jerry Miles proposed an amount of \$6M which would coincide with the retirement of an older road district bond so that the public would not see an increase in their taxes.

An all out effort by the MMPC was taken to support a public vote for the \$6M general obligation bond. Commissioner John Wyman even resigned his commission to actively organize an education committee that supported the bond vote. The vote to accept up to \$6M in bonding passed by 66%.

Pre-election literature and a video defined the Preserve starting at the 2240 foot elevation. However, that presumed a plan that would have MCO choosing to transfer to the Town 300 acres of land above 2500 feet for certain developmental rights in developing land lower than 2500 feet. Town planned to apply their \$6M to acquire all the land between the elevation of 2240 feet and 2500 feet. After it was realized that this plan required a rezoning of the lower area to R1-35, residents adjacent to the area threatened an initiative to resist the rezoning. MCO felt the potential delay to wait for a final vote on the issue was undesirable, and dropped further consideration of this lower cost opportunity.

The next dramatic action occurred when new plans submitted by MCO included a roadway across the same route as an old jeep trail to connect their development plans. At that time the Town owned 386 acres of mountain top land obtained from other negotiated agreements. However this land was divided, and would have remained so if such a road were to be built. The Town initiated a process to acquire 18 acres of land that would provide the connecting link and continuity between the 386 acres already owned. Resolution 1998-43 was passed and adopted by Council on /August 17, 1998 "to acquire this land by gift, purchase, or eminent domain". At the same time the Council approved a budget that set aside \$1M for use in land acquisition for a future Preserve.

Soon after, the developer submitted plans for their remaining two sections of land (section 6, now know as Eagles Nest and section 7, renamed Adero Canyon). These plans called for home sites located at elevations up to 2700 feet. This meant that the 300 acres above 2500 feet would have to be purchased as well. Immediately following, the Town Council in January 1999 proclaimed the existing 386 acres of mountain land they owned as Fountain Hills McDowell Mountain Preserve.

Council actions continued to help move forward their plan to protect the mountain views. They voted to budget an additional \$0.5M to land acquisition and established boundaries of the Preserve to include an additional 452 acres. Also, as part of a coincidental development project, Scottsdale acquired 200 acres of mountain land that fell within the boundary of Town. Hence, the total area established as a preserve boundary included 1038 acres.

Meanwhile, all efforts failed in negotiation for acquisition of the critical 18 acres of land separating the land owned by the Town. Therefore, Council directed the town attorney to acquire the land through the process of condemnation. In such a case the Court would establish a price for the land.

In the following year, 2000, the Council led by mayor Sharon Morgan voted to increase local sales tax by 0.04%. designating 75% of the tax income to be applied to land acquisition. This tax income was leveraged into a \$7.6M bond bringing the total of funds for acquisition to \$13.5M.

By 2001 the Town had amended their condemnation lawsuit to include 277 acres.

This precipitated a settlement agreement with MCO that contained details of the land purchase, developers rights, and most significantly recognition of a public access roadway through the Adero canyon into the preserve boundary. The agreed upon price of \$13.6M for a total of 354 acres was based on a negotiated land price of \$38,500 per acre. (When you consider the cost of the public highway, which was estimated at \$9M in 2003, and deduct that from the total settlement cost, then a differential cost for just the

land calculates to be under \$13,000 per acre. More striking is the realization of how fortunate Fountain Hills is that they took action then. Cost for similar land today (2009) is averaging \$95,000 per acre.)

Some other aspects of the settlement agreement should be recognized:

- MCO will be allowed to seek plat approval for up to 415 home sites (175 in Adero Canyon and 240 in Eagle Nest).
- Route of existing "jeep" trail will be utilized for emergency vehicle access and fire escape route.
- The public roadway will include a sidewalk and bike lanes for the entire length.
- The roadway shall be completed before any certified occupancy is issued for a home in Adero Canyon.
- Town ordinances for hillside development will not apply, but each deviation from existing limits must obtain final approval from Town Council.

By 2002 Council had approved Section 9.5 of Town code to regulate the Fountain Hills McDowell Mountain Preserve. Meanwhile MMPC established general principals for preserve management and a defined a plan for walking trails. The Sonoran Conservancy of Fountain Hills responded by training a volunteer group, called Trailblazers, to initiate construction of trails. Their first goal was to build a trail on a preserve hillside that overlooked both Town, Verde Valley, and beyond to Eastern mountain ranges.

With a trail completed, a need for public access became an issue since all land below the 2400 foot elevation was still retained as private, undeveloped property. Negotiation with MCO resulted in a Hiking Agreement that would allow entrance across their private lands as long as it was formally conducted by a trail Guide. Here was an opportunity for the Sonoran Conservancy to step in. After a period of training more volunteers to become Trail Guides a regular schedule of hikes was offered to allow residents and visitors to explore the newly acquired mountain side.

By 2004 -2005 Council had contracted with J2 Engineering and Environmental Design to provide complete layout and construction drawings for the Preserve access into a central trailhead, and approved a final Master Plan for the preserve. In 2006 Council created a new zone, Open Space-P, specifically to cover the preserve area.

By 2008 all 6 miles of internal trails were complete, but still there was only guided hike access into the preserve. Several investigations of potential routes for a temporary access to the Preserve also failed. However, in 2009 agreement between Town and Maricopa county Parks & Recreation Department approved construction of a new trail that does provide public access into the Preserve. Named Sonoran trail, this route leads directly off of the existing Dixie Mine trail entering at the Northwest corner of the preserve.

Even more important to our Town, this Sonoran trail access into McDowell Mountain Park opens access into over 50 miles of park trails, connects with another hundred miles beyond through Scottsdale's Preserve and the National Forest. In so doing it also ties Fountain Hills into the long range plan for a total county trail system that connects all their parks in a 300 mile loop.