

OFFICIAL TITLE

AN INITIATIVE MEASURE

**AMENDING TITLE 12, DIVISION II, SEDONA CITY CODE, BY ADDING SECTION 12.30.230;
RELATING TO THE PRESERVATION OF THE SEDONA CULTURAL PARK AS A PUBLIC SPACE.**

TEXT OF PROPOSED AMENDMENT

Be it enacted by the People of the City of Sedona:

Sec. 1. Short title

This act shall be known as, and may be referred to as, the “Sedona Cultural Park Preservation Act”.

Sec. 2. Findings and declaration of purpose

The People of the City of Sedona find and declare that the Sedona Cultural Park is one of the last great scenic open spaces in the city of Sedona. It has cultural and historical significance and should be preserved as a park and open space for the benefit and enjoyment of the residents of Sedona and those who visit this City. High-density residential use of the Sedona Cultural Park will worsen traffic congestion in Sedona and should be prohibited.

Sec. 3. Title 12, Division II, Sedona City Code, is amended by adding section 12.30.230, to read:

12.30.230. Sedona Cultural Park; preservation

A. THE SEDONA CULTURAL PARK IS DESIGNATED AS A CITY PARKS AND RECREATION FACILITY KNOWN AS THE “SEDONA CULTURAL PARK.”

B. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CODE, THE CITY SHALL:

1. MAINTAIN THE SEDONA CULTURAL PARK AS A CITY PARK AND RECREATIONAL FACILITY, INCLUDING THE MAINTENANCE OF ITS FLORA, FAUNA, GEOLOGICAL FEATURES AND ITS STRUCTURAL IMPROVEMENTS.

2. ENSURE THE SEDONA CULTURAL PARK REMAINS OPEN TO THE PUBLIC FOR RECREATIONAL ACTIVITIES INCLUDING HIKING, PICNICKING AND BIKING AS WELL AS CULTURAL ACTIVITIES AND VENUES INCLUDING FILM FESTIVALS AND THEATERS, MUSICAL AND THEATRICAL PERFORMANCES, BUILDINGS OR STRUCTURES TO HOUSE SUCH ACTIVITIES AND RESTAURANTS AND FOOD AND DRINK CONCESSIONS TO SERVE THEM.

3. PROHIBIT RESIDENTIAL DEVELOPMENT OF ANY KIND OR OVERNIGHT CAMPING OR SLEEPING WITHIN THE SEDONA CULTURAL PARK.

C. NOTHING IN THIS SECTION REQUIRES:

1. THAT ANY CULTURAL ACTIVITIES OR VENUES BE OPERATED, BUILT OR IMPROVED IN THE SEDONA CULTURAL PARK.

2. THE CITY TO OPERATE THE CULTURAL ACTIVITIES OR BUILD OR IMPROVE THE VENUES DESCRIBED IN SUBSECTION B, PARAGRAPH 2 OF THIS SECTION.

D. THE CITY MAY OPERATE THE CULTURAL ACTIVITIES AND BUILD OR IMPROVE THE VENUES DESCRIBED IN SUBSECTION B, PARAGRAPH 2 OF THIS SECTION OR MAY ENTER INTO AGREEMENTS WITH OTHERS TO DO SO.

E. FOR PURPOSES OF THIS SECTION, “SEDONA CULTURAL PARK” MEANS THE CITY PROPERTY LOCATED AT YAVAPAI COUNTY TAX ID NUMBERS 408-47-004C, 408-47-005A, 408-47-004W, 408-47-007, 408-47-008, 408-47-009A, 408-47-009B AND 408-11-176(B).

Sec. 4. Severability

If any provision of this measure or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the measure that can be given effect without the invalid provision or application, and to this end the provisions of this measure are severable.

Sec. 5. Standing

The People of the City of Sedona desire that this measure, if approved by the voters and thereafter challenged in court, be defended by the City of Sedona. The political action committee that sponsored this measure (or its designee) shall have standing to initiate or intervene in any action or proceeding to enforce defend this measure.