

RESOLUTION NO. 2017-17

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE IMPROVEMENTS OF A CERTAIN AREA WITHIN THE CORPORATE LIMITS OF THE CITY AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1202, VISTANCIA VILLAGE D PARCEL D2; PROVIDING THAT THE COST OF THE MAINTENANCE OF THE LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTEnant STRUCTURES AS SHOWN ON THE PLANS, SHALL BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, THAT:

SECTION 1. The public interest or convenience require and it is the intention of the Mayor and Council of the City of Peoria, Arizona to order the maintenance of landscaping within the proposed district and that the cost of maintaining landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures be assessed upon a certain improvement district to be known as Peoria Maintenance Improvement District No. 1202.

The estimate of the cost and expenses for the maintenance of the landscaping on file with the Superintendent of Streets and the City Clerk is approved and adopted by the Mayor and Council of the City.

SECTION 2. The maintenance of the landscaping, therefore, in the opinion of the Mayor and Council of the City, are of more than local or ordinary public benefit, and are of special benefit to the respective lots, pieces and parcels

of land within the real property described herein. The Mayor and Council of the City make and order that the cost and expense for the maintenance of the landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures be chargeable upon a district to be known and designated as the City of Peoria Maintenance Improvement District No. 1202 and as described and bounded as set forth on Exhibits A and B attached, and declare that the district in the City benefited by the maintenance of landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures to be assessed, to pay the costs and expenses thereof in proportion to the benefits derived therefrom.

The City shall not assess the costs and expenses for the maintenance of landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures, which are for the general public benefit against the respective lots, pieces and parcels of land located within the boundaries of the City of Peoria Maintenance Improvement District No. 1202 and if a portion of the costs and expenses for the maintenance of landscaping is for the general public benefit, the City shall assess the boundaries of the City of Peoria Maintenance Improvement District No. 1202 only that portion of such costs and expenses which benefits the lots, pieces and parcels of land located within the boundaries of the City of Peoria Maintenance Improvement District No. 1202.

SECTION 3. The costs and expense for the maintenance of landscaping shall be made and all proceedings therein taken; that the Superintendent of Streets of the City shall post or cause to be posted notices thereof; that the City Clerk shall certify to the passage of this Resolution of Intention; that the Engineer shall prepare duplicate diagrams of the City of Peoria Maintenance Improvement District No. 1202 described in Section 2 of this Resolution to be assessed to pay the costs and expenses thereof, under and in accordance with the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended.

SECTION 4. The majority of owners of all of the real property within the proposed district have executed a Petition for formation of a Maintenance Improvement District and the City Council has verified the ownership of the property. Publication and posting of the notice of the passage of the Resolution of Intention will be completed as prescribed by the State Statutes.

SECTION 5. Any Resolutions or parts of Resolutions in conflict with the provisions of this Resolution are hereby repealed.

SECTION 6. The immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety and an emergency is declared to exist, and this Resolution will be in full force and effect from and after its passage and approval by the Mayor and Council of the

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City of Peoria, Arizona as required by law and is exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 7<sup>th</sup> day of February, 2017.

**CITY OF PEORIA**, an Arizona municipal corporation

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Cathy Carlat, Mayor

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Date Signed

ATTEST:

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Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

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Stephen Burg, City Attorney

**EXHIBIT  
LEGAL DESCRIPTION FOR  
VISTANCIA VILLAGE D PARCEL D2  
MAINTENANCE IMPROVEMENT DISTRICT #1202**

All that certain lot, tract, or parcel of land, situated in a portion of Section 24, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and being more completely described as follows, to-wit:

COMMENCING at a found stone monument with no markings for the Northwest corner of Section 30, Township 5 North, Range 1 East, from which a found GLO monument stamped "T5N, R1W, R1E 25 DATED 1922" for the Southwest corner of said Section 24 bears South 00 deg. 03 min. 56 sec. East - 348.12 feet and a found GLO monument stamped "T5N, R1W 24 DATED 1922" for the East Quarter corner of said Section 24 bears North 00 deg. 03 min. 56 sec. West (Basis of Bearings) - 2290.08 feet;

THENCE North 00 deg. 03 min. 56 sec. West along the East line of the Southeast Quarter of said Section 24, a distance of 226.57 feet to the TRUE POINT OF BEGINNING;

THENCE South 89 deg. 56 min. 04 sec. West departing said East line, a distance of 148.99 feet to a Point of Curvature radial to said line and being a circular curve to the right, having a radius of 20.00 feet, a central angle of 77 deg. 30 min. 47 sec., and being subtended by a chord which bears North 38 deg. 41 min. 28 sec. East - 25.04 feet;

THENCE in a northeasterly direction along said curve to the right, a distance of 27.06 feet to a Point of Curvature of a reverse circular curve to the left, having a radius of 54.00 feet, a central angle of 185 deg. 12 min. 28 sec., and being subtended by a chord which bears North 15 deg. 09 min. 23 sec. West - 107.89 feet;

THENCE in a northwesterly direction along said curve to the left, a distance of 174.55 feet;

THENCE North 17 deg. 45 min. 37 sec. West radial to said curve, a distance of 35.45 feet;

THENCE South 89 deg. 56 min. 04 sec. West, a distance of 122.28 feet;

THENCE South 22 deg. 06 min. 10 sec. West, a distance of 7.53 feet;

THENCE North 67 deg. 53 min. 50 sec. West, a distance of 165.05 feet to a Point of Curvature of a non-tangent circular curve to the right, having a radius of 425.00 feet, a central angle of 0 deg. 52 min. 49 sec., and being subtended by a chord which bears South 21 deg. 39 min. 45 sec. West - 6.53 feet;

THENCE in a southerly direction along said curve to the right, a distance of 6.53 feet;

THENCE North 67 deg. 53 min. 50 sec. West radial to said curve, a distance of 1000.51 feet to a Point of Curvature of a non-tangent circular curve to the left, having a radius of 4000.00 feet, a

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central angle of 8 deg. 05 min. 09 sec., and being subtended by a chord which bears North 11 deg. 19 min. 56 sec. East - 564.03 feet;

THENCE in a northerly direction along said curve to the left, a distance of 564.49 feet;

THENCE South 82 deg. 37 min. 08 sec. East non-tangent to said curve, a distance of 223.05 feet to a Point of Curvature of a circular curve to the left, having a radius of 1493.58 feet, a central angle of 7 deg. 26 min. 48 sec., and being subtended by a chord which bears South 86 deg. 20 min. 32 sec. East - 193.99 feet;

THENCE in a easterly direction along said curve to the left, a distance of 194.12 feet;

THENCE North 89 deg. 56 min. 04 sec. East tangent to said curve, a distance of 140.37 feet to a Point of Curvature of a circular curve to the right, having a radius of 6.42 feet, a central angle of 90 deg. 03 min. 56 sec., and being subtended by a chord which bears South 45 deg. 01 min. 58 sec. East - 9.08 feet;

THENCE in a easterly, southeasterly direction along said curve to the right, a distance of 10.09 feet;

THENCE North 89 deg. 55 min. 14 sec. East non-tangent to said curve, a distance of 30.16 feet;

THENCE South 00 deg. 03 min. 56 sec. East, a distance of 140.75 feet to a Point of Curvature of a circular curve to the right, having a radius of 228.16 feet, a central angle of 22 deg. 10 min. 06 sec., and being subtended by a chord which bears South 1101'07" West - 87.73 feet;

THENCE in a southerly direction along said curve to the right, a distance of 88.28 feet;

THENCE South 22 deg. 06 min. 10 sec. West tangent to said curve, a distance of 58.75 feet;

THENCE South 67 deg. 53 min. 50 sec. East, a distance of 216.89 feet to a Point of Curvature of a non-tangent circular curve to the left, having a radius of 600.00 feet, a central angle of 22 deg. 07 min. 01 sec., and being subtended by a chord which bears North 10 deg. 59 min. 35 sec. East - 230.17 feet;

THENCE in a northerly direction along said curve to the left, a distance of 231.61 feet;

THENCE North 00 deg. 03 min. 56 sec. West tangent to said curve, a distance of 26.51 feet;

THENCE North 89 deg. 56 min. 04 sec. East, a distance of 150.00 feet;

THENCE North 00 deg. 03 min. 56 sec. West, a distance of 270.00 feet;

THENCE North 89 deg. 56 min. 04 sec. East, a distance of 110.00 feet;

THENCE North 33 deg. 33 min. 32 sec. East, a distance of 31.16 feet;

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THENCE North 89 deg. 56 min. 04 sec. East, a distance of 192.75 feet to the East line of the Southeast Quarter of said Section 24;

THENCE South 00 deg. 03 min. 56 sec. East along said East line, a distance of 1274.46 feet to the POINT OF BEGINNING, containing 1,031,908 square feet or 23.689 acres of land, more or less.



EXPIRES 3/31/2019

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**EXHIBIT "B"**

**IS ON FILE IN THE**

**CITY OF PEORIA  
CITY CLERK'S OFFICE  
8401 W. MONROE STREET  
PEORIA, AZ 85345**

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