

RESOLUTION NO. 2017-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, DECLARING ITS INTENTION TO CREATE AN IMPROVEMENT DISTRICT TO MAINTAIN LANDSCAPING INCLUDED WITHIN, NEAR AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, FOR MAINTENANCE WITHIN AN AREA IN THE CITY OF PEORIA AS DESCRIBED HEREIN; ADOPTING PLANS FOR CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1199, HAPPY VALLEY 40, AS MORE PARTICULARLY DESCRIBED HEREIN, AND DECLARING THE WORK OR IMPROVEMENT TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THAT THE COST OF SAID WORK OR IMPROVEMENT SHALL BE ASSESSED UPON A CERTAIN DISTRICT, AND PROVIDING THAT THE PROPOSED WORK OR IMPROVEMENT SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES TITLE 48, CHAPTER 4, ARTICLE 2, AND AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor and Council of the City of Peoria, Arizona, declare that the Maintenance of the landscaping included within, near and adjacent to a parkway and related facilities in the District to be of more than local or ordinary public benefit, and further that the cost of said maintenance shall be assessed on a certain District; and

WHEREAS, the Mayor and Council of the City of Peoria, Arizona, declare that the maintenance of landscaping included within, near, and adjacent to a parkway and related facilities in the District is incidental to the maintenance and preservation of the parkway and related facilities, has aesthetic value, and maintains and increases the value of property within the District; and

WHEREAS, the City Council declares that the maintenance of landscaping included within and adjacent to a parkway and related facilities preserves and promotes the health, safety, and welfare of those citizens of the City of Peoria living within the District as well as preservation of the streets and parkways which may be adversely impacted by drainage and other water formations; and

WHEREAS, the City of Peoria declares that the maintenance of a landscaped buffer between a parkway and the adjacent developments reduces the visual and other impact of light, air and noise pollution and tends to increase personal and vehicular safety on the parkway and decreases the likelihood vehicular accidents will harm adjacent developments in furtherance of the health, safety and welfare of those citizens of the City living within the District; and

WHEREAS, the City Council declares that maintenance of landscaped drainage and other water control facilities and features within, near or adjacent to a parkway and related facilities tends to preserve the structural integrity of the parkway and mitigates flooding of adjacent areas and the structural integrity of the parkway and mitigates flooding of adjacent areas and the parkway by draining water to and from the parkway in furtherance of the health, safety and welfare of those citizens of the City of Peoria living within the District:

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA AS FOLLOWS:

Section 1. Definitions.

In this Resolution, the following terms shall have the following meanings:

"Assessment Diagrams" shall mean those duplicate diagrams of the property contained in the Assessment District is to be filed with the Clerk and approved by the Mayor and Council.

"Assessment District" shall mean the lots, pieces or parcels of land lying within the boundaries described on Exhibit B attached hereto and as shown on the map on file with the City Engineer.

"City" shall mean the City of Peoria, Arizona.

"City Council" or "Council" shall mean the Mayor and Council of the City.

"Clerk" shall mean the City Clerk.

"Engineer" shall mean City Engineer.

"Lots" shall mean all lots, pieces or parcels of land lying within the Assessment District.

"Parkways" shall mean those streets and rights-of-way which are designated in Exhibit B as "Parkways," and specifically those portions of Pedestrian Facilities, Parks, Retention, Detention and Storm Water Management Facilities included within or adjacent to the Assessment District.

"Plans and Specifications" shall mean the engineer's estimate for the Maintenance Improvement District No. 1199 filed with the Clerk prior to the adoption of this Resolution.

"Superintendent of Streets" shall mean the City Engineer.

Section 2. Declaration of Intention to Order an Improvement.

The public interest or convenience requires, and it is the intention of the Mayor and Council of the City of Peoria, Arizona, to order the following work, hereinafter "Work," to be performed, to wit:

The maintenance of all landscaping, including replacement of landscape materials, in the area generally described as follows:

SEE EXHIBIT "A", LEGAL DESCRIPTION OF CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1199

The Mayor and Council of the City of Peoria, Arizona designate as parkways, those areas set forth on Exhibit "B" Assessment Diagram in accordance with Title 48, Chapter 4, Article 2, Arizona Revised Statutes. The public interest and convenience require, and it is the intention of the City Council to order the Work adjacent to the designated parkways to be performed as stated herein. All items of the Work shall be performed as prescribed by the Plans and Specifications hereby approved and adopted by the Council and on file in the Office of the City Engineer and no assessment for any lot shall exceed its proportion of the Estimate. The estimate of the cost and expenses of the work or improvements on file in the offices of the Superintendent of Streets and the Clerk of the City are hereby approved and adopted by the Mayor and Council of the City. In addition to the requirements of law, the procedures set forth in the City Code will be followed regarding acceptance of bids and setting tax levies. For purposes of this Resolution and of all resolutions, ordinances and notices pertaining to this Resolution, the improvement as herein described is hereby designated City of Peoria Maintenance Improvement District No. 1199.

Section 3. Determination of Need.

In the opinion of the City Council, the Work is of more than local or ordinary public benefit. The City Council hereby orders that all amounts due or to become due with respect to the Work shall be chargeable upon the respective lots, pieces and parcels of land within the Assessment District.

Section 4. Preparation of Assessment Diagrams.

The City Engineer is hereby authorized and directed to prepare duplicate diagrams (Assessment Diagrams) of the property contained within the Assessment District. The diagrams shall show each separate lot, numbered consecutively, the approximate area in square feet of each lot, and the location of the lot in relation to the work proposed to be done.

Section 5. Exclusion of Certain Property.

Any public street or alley within the boundaries of the Assessment District is hereby omitted from the assessment hereafter to be made. Any lot belonging to the United States, the State, a county, city, school district or any political subdivision or institution of the State or county, which is included within the Assessment District shall be omitted from the assessment hereafter made.

Section 6. Officers Not Liable.

In no event will the City of Peoria or any officer thereof be liable for any portion of the cost of said Improvement District nor for any delinquency of persons or property assessed.

Section 7. Annual Statement.

The City Council shall make annual statements and estimates of the expenses of the District which shall be provided for by the levy and collection of ad valorem taxes upon the assessed value of all real and personal property in the District as provided in A.R.S. § 48-574 and amendments thereto.

Section 8. Statutory Authority.

The Work and all proceedings pertaining thereto shall be performed under the provisions of Title 48, Article 2, specifically Section 48-574, and all amendments thereto and pursuant to Article I, Section 3, (8) of the Peoria City Charter.

Section 9. Delegation of Authority.

The City Engineer is hereby authorized to fill in any blanks and to make any minor corrections necessary to complete the Plans and Specifications and the Contract Documents.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 21st day of March, 2017.

CITY OF PEORIA, an Arizona
municipal corporation

Cathy Carlat, Mayor

Date Signed

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen Burg, City Attorney

Effective Date: _____

CERTIFICATION OF CITY ENGINEER

I hereby certify that I have read the description set out under the definition "Assessment District" and approve the same. I further certify that I have read the description set out under the definition "Work" and approve the same.

Andrew Granger, Engineering Director

CERTIFICATION OF CITY CLERK

I hereby certify that the above and foregoing Resolution No. 2017-29 duly passed by the Mayor and Council of the City of Peoria, Arizona at a regular meeting held on March 21, 2017 and that a quorum was present there and that the vote thereon was _____ ayes and _____ nays. _____ were no vote or absent.

City Clerk, City of Peoria



EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

BANDEN MINE AND BANDEN MINE NO. 2, AS DESCRIBED IN SURVEY #2597 OF THE ARIZONA LAND DISTRICT AND A PORTION OF THE DEDICATED HAPPY VALLEY ROAD LOCATED IN SECTIONS 3 AND 10, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT NORTHWEST CORNER OF SAID SECTION 10, FROM WHICH THE NORTHEAST CORNER OF SAID SECTION 10 BEARS SOUTH 89 DEGREES 09 MINUTES 35 SECONDS, A DISTANCE OF 5265.59 FEET;

THENCE SOUTH 89 DEGREES 09 MINUTES 35 SECONDS EAST, ON THE NORTH LINE OF SECTION 10 A DISTANCE OF 1,247.47 FEET;

THENCE SOUTH 04 DEGREES 05 MINUTES 20 SECONDS EAST, DEPARTING THE NORTH LINE OF SAID SECTION 10, A DISTANCE OF 24.89 FEET TO THE CENTERLINE OF HAPPY VALLEY ROAD AND THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

THENCE NORTH 80 DEGREES 59 MINUTES 00 SECONDS EAST, ON THE CENTERLINE OF HAPPY VALLEY ROAD, A DISTANCE OF 164.69 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 2,000.00 FEET;

THENCE EASTERLY, ON THE CENTERLINE OF HAPPY VALLEY ROAD, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 18 DEGREES 39 MINUTES 59 SECONDS, A DISTANCE OF 651.58 FEET;

THENCE SOUTH 80 DEGREES 21 MINUTES 00 SECONDS EAST ON THE CENTERLINE OF HAPPY VALLEY ROAD, A DISTANCE OF 1,755.64 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 10,000.00 FEET;

THENCE EASTERLY, ON THE CENTERLINE OF HAPPY VALLEY ROAD, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 02 DEGREES 19 MINUTES 08 SECONDS, A DISTANCE OF 404.73 FEET;

THENCE SOUTH 04 DEGREES 06 MINUTES 01 SECONDS EAST, DEPARTING CENTERLINE OF HAPPY VALLEY ROAD, A DISTANCE OF 126.27 FEET TO THE SOUTHERLY RIGHT OF WAY OF HAPPY VALLEY ROAD;

Page 1 of 2

Title: Jason Segneri

Preparing Firm: Survey Innovation Group

Address: 7301 E. Evans Road Scottsdale, Arizona 85260

Phone: 480-922-0780

Fax: 480-922-0781





EXHIBIT A

LEGAL DESCRIPTION

THENCE CONTINUING SOUTH 04 DEGREES 06 MINUTES 01 SECONDS EAST, ON THE EASTERLY LINE OF SAID BANDEN MINE NO. 2, A DISTANCE OF 599.67 FEET TO THE SOUTHEAST CORNER OF SAID BANDEN MINE NO. 2;

THENCE NORTH 79 DEGREES 42 MINUTES 09 SECONDS WEST, ON THE SOUTHERLY OF SAID BANDEN MINE NO. 2, A DISTANCE OF 1,505.33 FEET TO THE COMMON CORNER OF SAID BANDEN MINE NO. 2 AND SAID BANDEN MINE;

THENCE NORTH 79 DEGREES 38 MINUTES 24 SECONDS WEST, ON THE SOUTHERLY LINE OF SAID BANDEN MINE, A DISTANCE OF 1,500.75 FEET TO THE SOUTHWEST CORNER OF SAID BANDEN MINE;

THENCE NORTH 04 DEGREES 05 MINUTES 20 SECONDS WEST, ON THE WESTERLY LINE OF SAID BANDEN MINE, A DISTANCE OF 453.00 FEET TO THE SOUTHERLY RIGHT OF WAY OF HAPPY VALLEY ROAD;

THENCE CONTINUING NORTH 04 DEGREES 05 MINUTES 20 SECONDS WEST, ON THE WESTERLY LINE OF SAID BANDEN MINE, A DISTANCE OF 65.24 FEET TO THE CENTERLINE OF HAPPY VALLEY ROAD AND THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

SAID PARCEL CONTAINS 1,991,995 SQUARE FEET OR 45.730 ACRES, MORE OR LESS.

Page 2 of 2

Title: Jason Segneri

Preparing Firm: Survey Innovation Group

Address: 7301 E. Evans Road Scottsdale, Arizona 85260

Phone: 480-922-0780

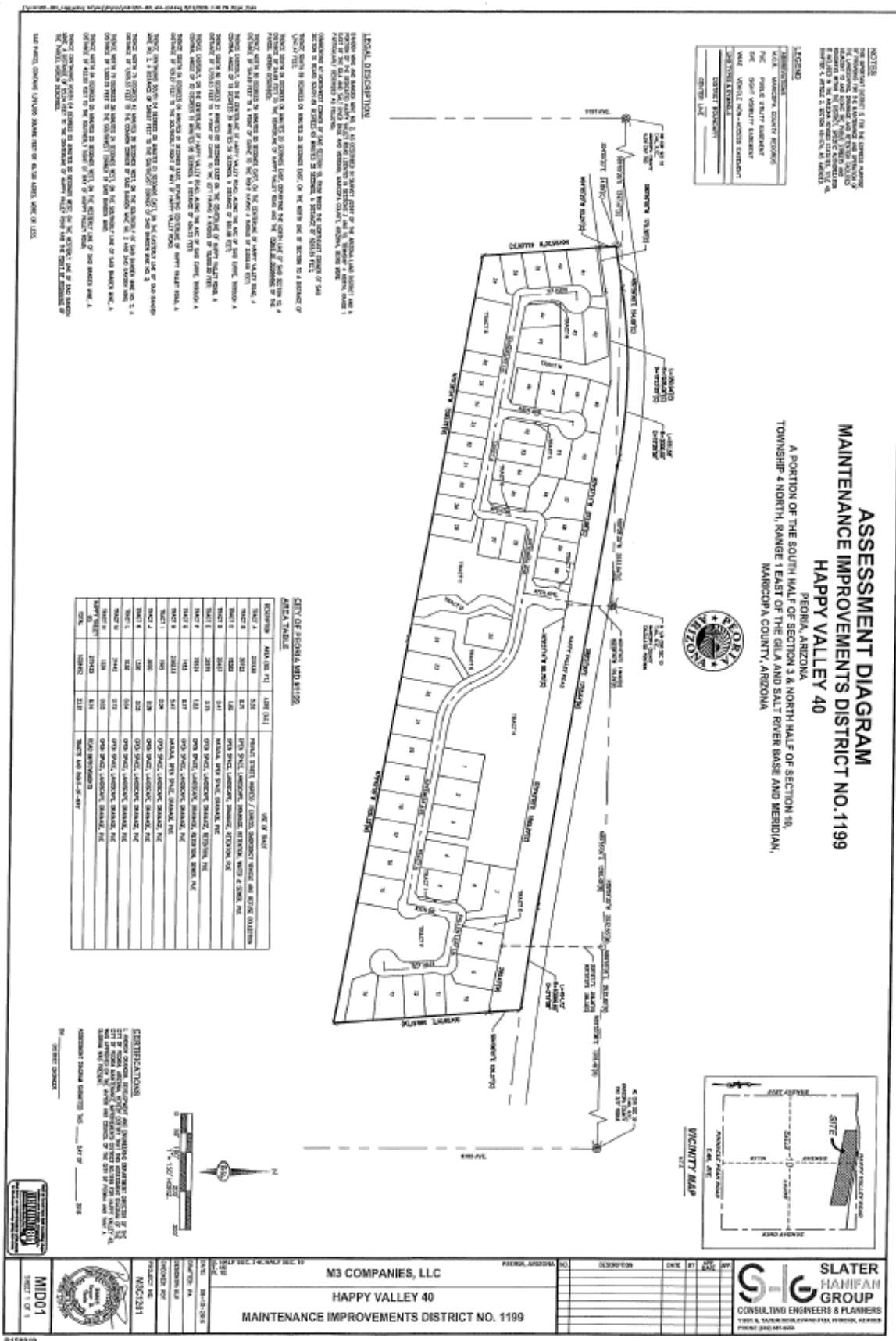
Fax: 480-922-0781



EXHIBIT "B"

IS ON FILE IN THE

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



**CITY OF PEORIA, ARIZONA
NOTICE**

OF THE PASSAGE OF A RESOLUTION ORDERING THE IMPROVEMENT CONSISTING OF AUTHORIZING THE MAINTENANCE OF LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITHIN APPURTENANT STRUCTURES AS SHOWN ON THE PLANS FOR THE IMPROVEMENT DISTRICT KNOWN AS CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1199, HAPPY VALLEY 40.

This notice is given pursuant to the provisions of Title 48, Chapter 4, Article 2, Sections 48-571 to 48-619, both inclusive, Arizona Revised Statutes, as amended.

On the 21st day of March, 2017 the Mayor and Council of the City of Peoria adopted Resolution No. 2017-30; ordering the improvements of maintaining landscaping included within, near, and adjacent to a parkway and related facilities together within appurtenant structures shown on the plans, within the corporate limits of the City and creating an Improvement District known as the City of Peoria Maintenance Improvement District No. 1199, pursuant to Title 48, Chapter 4, Arizona Revised Statutes; and amendments thereto for the purpose of maintaining landscaping included within, near, and adjacent to a parkway and related facilities together within appurtenant structures, which includes a charge for the maintenance of landscaping and other related items, together with all appurtenant structures as shown on the plans; and directing that this notice been given.

Any owner, or any other person having an interest in any lot, piece or parcel of land situated within the above-described assessment district, who claims that any of the provisions, acts or proceedings relative to the above described improvements are irregular, defective, illegal, erroneous or faulty, may file with the City Clerk, Room 150, 8401 West Monroe Street, Peoria, Arizona 85345, within 15 days from the date of the first publication of this notice, a written notice specifying in what way said acts or proceedings are irregular, defective, illegal, erroneous or faulty.

Further information concerning City of Peoria Maintenance Improvement District No. 1199 may be obtained by contacting Mr. Andrew Granger, Engineering Director, City of Peoria, Arizona, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7215.

DATED AND SIGNED this _____ day of _____, 2017.

Andrew Granger, P.E.
Superintendent of Streets
City of Peoria, Arizona