

RESOLUTION NO. 2017-30

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. 1199, HAPPY VALLEY 40; 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. 1199.

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. 1199 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. 1199 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. 1199 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. 1199.

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. 1199 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 Statues.

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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MID 1199, Happy Valley 40  
March 21, 2017  
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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 21<sup>st</sup> 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: \_\_\_\_\_



## 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;

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## 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.

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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**

