

RESOLUTION NO. MCFD 2023-04

(MYSTIC AT LAKE PLEASANT HEIGHTS)

A RESOLUTION OF THE DISTRICT BOARD OF MYSTIC AT LAKE PLEASANT HEIGHTS COMMUNITY FACILITIES DISTRICT (1)(A) APPROVING A FINAL BUDGET FOR FISCAL YEAR 2024 PURSUANT TO A.R.S. §48-716; (B) ORDERING THAT AN AD VALOREM TAX BE FIXED, LEVIED AND ASSESSED ON THE ASSESSED VALUE OF ALL THE REAL AND PERSONAL PROPERTY WITHIN THE BOUNDARIES OF THE DISTRICT IN AMOUNTS SPECIFIED IN FILED STATEMENTS AND ESTIMATES; AND (C) PROVIDING FOR CERTIFIED COPIES OF THIS RESOLUTION TO BE DELIVERED TO THE MARICOPA COUNTY BOARD OF SUPERVISORS AND THE ARIZONA DEPARTMENT OF REVENUE; AND (2) PROVIDING THAT THIS RESOLUTION SHALL BE EFFECTIVE AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, Mystic at Lake Pleasant Heights Community Facilities District (the "District") is a special purpose district for purposes of Article IX, Section 19, Constitution of Arizona, a tax-levying public improvement district for the purposes of Article XIII, Section 7, Constitution of Arizona, and a municipal corporation for all purposes of Title 35, Chapter 3, Articles 3, 3.1., 3.2, 4 and 5, Arizona Revised Statutes, as amended, and [except as otherwise provided in §48-708(B), as amended] is considered to be a municipal corporation and political subdivision of the State of Arizona, separate and apart from the City of Peoria, Arizona; and

WHEREAS, the District was created to finance construction and maintenance of certain public infrastructure needed for the development of the project known as "Mystic at Lake Pleasant Heights", including through assessment of ad valorem taxes on all real and personal property within the District for such purpose; and

WHEREAS, in accordance with A.R.S. §§48-719 and 48-723, a special election was held on October 13, 2020 wherein the qualified electors of the District authorized the issuance of ad valorem tax supported general obligation bonds to cover costs of constructing required public infrastructure and the levy and collection of an annual ad valorem tax at a rate not to exceed thirty cents (30¢) per one hundred dollars (\$100) of assessed valuation for operation and maintenance expenses of the District; and

WHEREAS, BY Resolution Nos. MCFD 2021-03 and MCFD 2023-01 the District authorized the sale and issuance of \$56,571.49 aggregate principal amount of Bonds, series 2021 (the "2021 Bonds") and \$3,625,000 aggregate principal amount of Bonds, Series 2023 (the "2023 Bonds") respectively to fund certain public infrastructure for such development; and

WHEREAS, the District also entered into a District Development, Financing Participation and Intergovernmental Agreement, whereby annual payments will be made by the developer to the District in order to maintain the tax rate at no more than two dollars and sixty-five cents (\$2.65) per one hundred dollars (\$100) of limited assessed valuation for debt service and operation and maintenance expenses, given the tax base of the District in each tax year; and

WHEREAS, by Resolution No. MCFD 2023-02, this Board (a) tentatively approved a proposed budget for Fiscal Year 2024, (b) filed required statements and estimates of operation and maintenance expenses of the District, the costs of capital improvements to be financed by the authorized ad valorem tax levy of the District, and the amount of all other expenditures for public infrastructure purposes proposed to be paid from the tax levy, (c) set a date of May 16, 2023 for a public hearing on the proposed budget and, particularly, on the portions of the statements and estimates not relating to debt service on general obligation bonds, and (d) provided for notice of the filing and of the public hearing date; and

WHEREAS, at the conclusion of the public hearing, this Board voted to adopt the final budget for Fiscal Year 2024 by this Resolution No. MCFD 2023-03, and ordered the fixing, levying and assessment of the amounts to be raised by ad valorem taxes; and

NOW, THEREFORE, BE IT RESOLVED BY THE DISTRICT BOARD OF THE MYSTIC AT LAKE PLEASANT HEIGHTS COMMUNITY FACILITIES DISTRICT, AS FOLLOWS:

1. That certain proposed budget for Fiscal Year 2024 for the District, attached hereto and expressly made a part hereof as Exhibit 1, is hereby finally adopted.

2. That the statements and estimates of the operation and maintenance expenses of the District, the costs of capital improvements to be financed, and the amount of all other expenditures for public infrastructure purposes proposed to be paid are hereby filed in accordance with A.R.S. §§ 42-17101(3) and 48-723(C), and are attached hereto and expressly made a part hereof as Exhibit 2.

3. That certified copies of this Resolution shall be delivered by U.S. Mail to the Maricopa County Board of Supervisors and to the Arizona Department of Revenue no later than July 21, 2023.

4. That if any provision in this Resolution is held invalid by a court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect.

5. That this Resolution shall be effective after its passage and approval according to law.

RESOLVED by the District Board of the Mystic at Lake Pleasant Heights Community Facilities District this 16th day of May, 2023.

Jason Beck
Chairperson, District Board,
Mystic at Lake Pleasant Heights
Community Facilities District

ATTEST:

Lori Dyckman
District Clerk
Mystic at Lake Pleasant Heights Community Facilities District

APPROVED AS TO FORM:

Emily Jurmu
District Counsel
Mystic at Lake Pleasant Heights Community Facilities District

ATTACHMENTS: Exhibit 1 – FY 2024 Budget
 Exhibit 2 – Statements and Estimates – Tax Levy

EXHIBIT 1

**MYSTIC AT LAKE PLEASANT HEIGHTS COMMUNITY FACILITIES DISTRICT
OF PEORIA, ARIZONA**

FISCAL YEAR 2024 FINAL BUDGET

	<u>FY 2024</u>	
OPERATIONS AND MAINTENANCE AND DEBT SERVICE		
REVENUES		
Tax levy at \$2.65 per \$100 of Limited Assessed Valuation	\$ 260,515	
Developer contributions for district expenses	-	
Developer contributions for insurance premium and deductible	<u>250,000</u>	
TOTAL REVENUES	510,515	
EXPENDITURES		
Insurance premium	15,000	
Insurance deductible	250,000	
Auditing, arbitrage, investment management fees	10,000	
Other administrative fees	10,000	
Debt service principal and interest	165,000	
Contingency	<u>2,500</u>	
TOTAL EXPENDITURES	452,500	452,500
 CAPITAL IMPROVEMENTS		
REVENUES		
New bond proceeds	<u>-</u>	
TOTAL REVENUES	-	
EXPENDITURES		
Bond issue costs	-	
Capital expenditures	<u>-</u>	
TOTAL EXPENDITURES	-	-
 TOTAL APPROPRIATION FOR FY 2024		 <u><u>\$ 452,500</u></u>

EXHIBIT 2

MYSTIC AT LAKE PLEASANT HEIGHTS COMMUNITY FACILITIES DISTRICT

CITY OF PEORIA, ARIZONA

Fiscal Year 2024 Tax Levy Statements and Estimates

Tax Rate and Levy for Fiscal Year 2024:

Tax rate assessed is \$2.65 per \$100 of Limited Property Assessed Valuation.

Assessed Valuation:

Maricopa County's estimation of net limited property assessed valuation for the district is \$9,830,764.

Estimated Levy Amount:

The levy is estimated to be \$260,515 for debt service.

Operation and Maintenance Expenses:

Insurance deductible	\$250,000
Insurance premium – general liability and District Board liability insurance	15,000
Auditing, trustee and other professional services	10,000
Other administrative costs	10,000
Contingency	2,500
Total:	<u>\$287,500</u>

Capital Expenses To Be Financed:

Estimated capital improvements to be financed by the tax levy in fiscal year 2024: \$0