

RESOLUTION NO. 2023-93

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS WITHIN THE PROPOSED DISTRICT AND THAT THE COST OF THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS, BE ASSESSED UPON A CERTAIN IMPROVEMENT DISTRICT TO BE KNOWN AS CITY OF PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO. 1174, LEGACY PLACE PHASE 1; PROVIDING THAT THE COST OF THE ELECTRICITY REQUIRED TO OPERATE THE SYSTEM 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 purchase of electricity for lighting the streets and public parks within the proposed district.

The estimate of the cost and expenses for the purchase of electricity for the operation of the streetlights 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 streetlights and the electricity, 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 purchase of electricity be

chargeable upon a district to be known and designated as the City of Peoria Streetlight Improvement District No. 1174 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 purchase of electricity for streetlights 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 purchase of electricity for streetlights 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 Streetlight Improvement District No. 1174 and if a portion of the costs and expenses for the purchase of electricity for streetlights is for the general public benefit, the City shall assess the boundaries of the City of Peoria Streetlight Improvement District No. 1174 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 Streetlight Improvement District No. 1174.

SECTION 3. The costs and expense for the purchase of electricity for streetlights 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 Streetlight Improvement District No. 1174 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 Streetlight 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 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.

Resolution No. 2023-93
SLID 1174, Legacy Place Phase 1
August 15, 2023
Page 3 of 7 Pages

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 15th of August, 2023.

CITY OF PEORIA, an Arizona
municipal corporation

Jason Beck, Mayor

Date Signed

ATTEST:

Jill Boltz, Acting City Clerk

APPROVED AS TO FORM:

Emily Jurmu, City Attorney

Effective Date: _____

**LEGACY PLACE PHASE 1
STREET LIGHT IMPROVEMENT DISTRICT
LEGAL DESCRIPTION**

A portion of land being situated within the South Half of Section 35, Township 3 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at a found 3 inch Maricopa County Department of Transportation brass cap in hand hole accepted as the South Quarter corner of said Section 35 from which a found 3 inch Maricopa County Department of Transportation brass cap in hand hole accepted as the Southeast corner thereof bears North 88°31'05" East, 2662.45 feet;

Thence North 00°25'14" East, 33.02 feet along the north-south mid-section line of said Section 35 to the **POINT OF BEGINNING**;

Thence leaving said north-south mid-section line, South 88°31'05" West, 1.09 feet along a line which is 33.00 feet north of and parallel with the south line of the Southwest Quarter of said Section 35;

Thence South 88°32'46" West, 1331.50 feet along said parallel line to the west line of the Southeast Quarter of the Southwest Quarter of said Section 35;

Thence North 00°29'06" East, 1284.68 feet along said west line to the northwest corner of the Southeast Quarter of the Southwest Quarter of said Section 35;

Thence North 88°33'14" East, 1310.98 feet along the north line of the Southeast Quarter of Southwest Quarter of said Section 35;

Thence leaving said north line, South 00°28'39" West, 853.45 feet;

Thence North 86°58'44" East, 687.36 feet to the east line of the Southwest Quarter of the Southwest Quarter of the Southeast Quarter of said Section 35;

Thence South 00°24'24" West, 449.51 feet along said east line;

Thence leaving said east line, South 88°31'05" West, 665.61 feet along a line which is 33.00 feet north of and parallel with the south line of the Southeast Quarter of said Section 35 to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 1,985,437 sq. ft. (45.5794 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

Resolution No. 2023-93
SLID 1174, Legacy Place Phase 1
August 15, 2023
Page 5 of 7 Pages

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

Prepared by: HILGARTWILSON, LLC

Date: December 2022

EXHIBIT "B"

IS ON FILE IN THE

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

