

RESOLUTION NO. 2023-94

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA ORDERING THE IMPROVEMENTS OF CERTAIN STREETS AND RIGHTS-OF-WAY WITHIN THE CORPORATE LIMITS OF THE TOWN AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO. 1174, LEGACY PLACE PHASE 1 PURSUANT TO TITLE 48, CHAPTER 4, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO FOR THE PURPOSE OF PURCHASING ELECTRICITY, WHICH INCLUDES A CHARGE FOR THE USE OF LIGHTING FACILITIES AND OTHER RELATED ITEMS TOGETHER WITH ALL APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, AND DECLARING AN EMERGENCY.

WHEREAS on the 15th day of August, 2023, the Mayor and Council of the City of Peoria, Arizona, passed and adopted Resolution No. 2023-93, 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; 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; and

WHEREAS, a copy of Resolution No. 2023-93 has been published in the Peoria Times, a newspaper published and generally circulated in the City, as required by law or alternatively a petition has been filed with the City Clerk having been signed by all the owners of the real property; and

WHEREAS, the Superintendent of Streets of the City caused to be posted along the streets of the District, no more than three hundred (300) feet apart, notices of the passage of Resolution No. 2023-93, said notices being headed "Notice of Proposed Improvement", each heading in letters at least one (1) inch in height. Said notices stated the fact of the passage of said Resolution of

Intention No. 2023-93 or alternatively a petition has been filed with the City Clerk having been signed by all the owners of the real property; and

WHEREAS, more than fifteen (15) days have elapsed since the date of the last publication of said Resolution of Intention No. 2023-93 and since the completion of the posting of said notices or alternatively a petition has been filed with the City Clerk having been signed by all the owners of the real property; and

WHEREAS, no protests against the proposed improvement and no objections to the extent of the District were filed with the Clerk of the City during the time prescribed by law; and

WHEREAS, the Mayor and Council of the City having acquired jurisdiction to order the improvements as described in Resolution No. 2023-93; and

WHEREAS, the City Engineer acting as District Engineer has prepared and presented to the Mayor and Council of the City duplicate diagrams of the property contained within the District ("the Diagram") and legal description copies of which are attached and incorporated as Exhibits A and B.

NOW THEREFORE IT IS RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, as follows:

Section 1. By virtue of the authority vested in the Mayor and Council of the City by Title 48, Chapter 4, Article 2, Arizona Revised Statutes and all amendments thereto, the Mayor and Council of the City orders the work or improvement done as described in Resolution No. 2023-93 and in accordance with the Plans and Specifications approved and adopted by the Mayor and Council of the City of Peoria, Arizona.

Section 2. The Superintendent of Streets of the City is authorized and directed to prepare and execute the notice of the passage of this Resolution, which is attached as Exhibit B. Such notice shall be posted and published as provided by law.

Section 3. That the Diagram, as prepared and presented to the Mayor and Council of the City is approved by the Mayor and Council of the City.

Section 4. That the Clerk of the City is authorized and directed to certify that the Diagram was approved by the Mayor and Council of the City on the 15th day of August, 2023, and after such certification, the Clerk of the City is authorized and directed to deliver the Diagram to the Superintendent of Streets of the City.

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

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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

ASSESSMENT DIAGRAM
 STREET LIGHT IMPROVEMENT DISTRICT NO. 1174



LEGACY PLACE PHASE 1
 A PORTION OF THE SOUTH HALF OF SECTION 36,
 TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILIA AND
 SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA



**CITY OF PEORIA, ARIZONA
NOTICE**

OF THE PASSAGE OF A RESOLUTION ORDERING
THE IMPROVEMENT CONSISTING OF
AUTHORIZING THE PURCHASE OF ELECTRICITY
FOR LIGHTING THE STREETS AND PUBLIC PARKS
FOR THE IMPROVEMENT DISTRICT KNOWN AS
CITY OF PEORIA STREETLIGHT IMPROVEMENT
DISTRICT NO. 1174, LEGACY PLACE PHASE 1.

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 15th day of August, 2023, the Mayor and Council of the City of Peoria adopted Resolution No. 2023-94; ordering the improvements of certain streets and rights-of-way within the corporate limits of the town and creating an Improvement District known as the City of Peoria Streetlight Improvement District No. 1174, pursuant to Title 48, Chapter 4, Arizona Revised Statutes; and amendments thereto for the purpose of purchasing electricity, which includes a charge for the use of lighting facilities 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 Streetlight Improvement District No. 1174 may be obtained by contacting Mrs. Adina Lund, Engineering Director, City of Peoria, Arizona, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7691.

DATED AND SIGNED this _____ day of _____, 2023.

Adina Lund, P.E.
Superintendent of Streets
City of Peoria, Arizona