

RESOLUTION # 2021-140

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, DECLARING ITS INTENTION TO ESTABLISH A STREET LIGHT IMPROVEMENT DISTRICT TO PURCHASE ENERGY FOR LIGHTING THE PUBLIC STREETS AND PARKS IN THE AREA WITHIN THE CORPORATE LIMITS OF THE CITY OF SURPRISE, ARIZONA DESCRIBED ON EXHIBIT A, ATTACHED HERETO; DECLARING SUCH IMPROVEMENTS TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT AND THAT THE EXPENSES THEREOF BE PAID FOR BY THE LEVY AND COLLECTION OF EQUAL APPORTIONMENT OF TAXES BASED ON THE NUMBER AND CLASSIFICATION OF PROPERTIES WITHIN THE DISTRICT TO BE KNOWN AS "CITY OF SURPRISE, ARIZONA, *SU-MESQUITE MNT RNCH 155* LIGHTING IMPROVEMENT DISTRICT"; AND ORDERING THAT SUCH IMPROVEMENTS BE PROVIDED FOR UNDER THE PROVISIONS OF SECTION 48-572, ARIZONA REVISED STATUTES.

WHEREAS, the owners, exclusive of mortgagees and other lienholders, of all of the real property (hereinafter referred to as "Petitioner") in the hereinafter described District, acting pursuant to the provisions of Sections 48-615(A) and 48-617(A), Arizona Revised Statutes, have petitioned the Mayor and Council of the City of Surprise, Arizona (hereinafter referred to as "City"), to adopt a resolution of intention (hereinafter referred to as "Resolution") ordering the purchase of energy for the lighting of the public streets and parks (hereinafter referred to as "Improvements") for the real property legally described in Exhibit A (such area hereinafter referred to as the "District") with such boundaries as shown in the map in Exhibit B attached hereto pursuant to the provisions of Section 48-576, Arizona Revised Statutes, giving the City immediate jurisdiction to order the Improvements pursuant to the provisions of Section 48-581, Arizona Revised Statutes, without the necessity of the publications or posting of this Resolution provided for in Sections 48-578, Arizona Revised Statutes;

WHEREAS, the City has verified that Petitioner is the owner, exclusive of mortgagees and other lienholders, of all of the real property included within the boundaries of the District, and;

WHEREAS, the Mayor and Council of the City hereby find and determine that they have jurisdiction to adopt this Resolution to order the Improvements pursuant to the provisions of Section 48-576, Arizona Revised Statutes, and have immediate jurisdiction to adopt this Resolution ordering the Improvements pursuant to the provisions of Section 48-581, Arizona Revised Statutes without the necessity of publications and posting of this Resolution as provided for in Section 48-578, Arizona Revised Statutes;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Surprise, Arizona, as follows.

Section 1. The City, after verifying ownership of the real property included within the boundaries of the District, hereby finds the Petitioner is the owner, exclusive of mortgagees and other lienholders, of all of the real property included within the boundaries of the District.

Section 2. The name of the District shall be "CITY OF SURPRISE, ARIZONA, *SU-Mesquite Mnt Rnch 155* LIGHTING IMPROVEMENT DISTRICT."

Section 3. The District is formed, and shall exist, pursuant to the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, and Section 48-616, Arizona Revised Statutes.

Section 4. The public interest or convenience requires, and it is the intention of the Mayor and Council of the City to order the Improvements as so described above.

Section 5. The Improvements, 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 real property in the District, and the Mayor and Council of the City hereby make and order the expense of the Improvements payable from the levying and collection of an equal apportionment of taxes based on the number and classification of properties within the District to be known and designated as "City of Surprise, Arizona *SU-Mesquite Mnt Rnch 155* Lighting Improvement District" and hereby declare that the District is as legally described on Exhibit A attached hereto with the boundaries as shown in the map in Exhibit B attached hereto. Any public street or alley within the District shall be omitted from the assessment. Any lot belonging to the United States, the State, a county, city, school district or political subdivision or institution of the state or county within the District shall be omitted from the assessment.

Section 6. The Superintendent of Streets or equivalent of the City shall not be required to post or cause to be posted notices of the Resolution of Intention. The Clerk of the City shall certify to the passage of this Resolution of Intention but shall not be required to cause the same to be published in a newspaper published and of general circulation in the City.

Section 7. The Mayor and Council of the City shall make annual statements and estimates of the expenses of the district, which shall be provided for by the levy and collection of equal apportionment of taxes based on the number and classification of properties within the District; shall publish notice thereof; shall have hearings thereon; and shall adopt them at the times and in the manner provided for incorporated cities and towns by the applicable portions of Section 42-17101, et seq., 42-17152, Arizona Revised Statutes. The Mayor and Council of the City shall, on or before the third Monday in August of each year, fix, levy and assess the amount to be raised by an equal apportionment of taxes based on the number and classification of the properties within the District and collect, as Maricopa County, Arizona (the "County") taxes are collected, the amounts shown by the statements and estimates as adopted by the Mayor and Council of the City. All statutes providing for the levy and collection of State of Arizona and County taxes, shall be applicable to District taxes as provided to be levied under Section 48-616, Arizona Revised Statutes.

Section 8. The District shall not be authorized to issue bonds and no assessment for District purposes against the property within the District shall exceed One Dollar and Twenty Cents (\$1.20) per each hundred dollars of taxable valuation thereof in any year.

Section 9. The District shall not engage in any activity other than as provided in Section 48-616, Arizona Revised Statutes, i.e., contracting for and purchasing of energy for street and public park lighting.

Section 10. The formation of the District shall not be considered as preventing the subsequent establishment of improvement districts for any other purpose authorized by law, including improvement districts for the purpose of construction street lighting facilities within any part or all of the same territory as the District.

Section 11. The type of lighting facilities to be installed in the District and the locations thereof shall consist of those lighting facilities and locations described in the petition submitted by Petitioner, or as may be approved by the City.

Section 12. The rate to be paid for purchasing the energy for the District shall be the rate described in the petition submitted by Petitioner, or as may be approved by the Arizona Public Service Company.

Section 13. Any resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.

APPROVED AND ADOPTED this _____ day of _____, 2021.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT "A"
MESQUITE MOUNTAIN RANCH, PHASE 1 & 2
STREET LIGHT IMPROVEMENT DISTRICT
LEGAL DESCRIPTION

All that certain lot, tract, or parcel of land, situated in a portion of the South Half of Section 23, Township 4 North, Range 3 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and being more completely described as follows, to-wit:

COMMENCING at the Southwest corner of said Section 23, from which the West Quarter corner of said Section 23 bears North 00 deg. 11 min. 57 sec. East – 2,639.93 feet;

THENCE North 00 deg. 11 min. 57 sec. East along the West line of the Southwest Quarter of said Section 23, a distance of 15.00 feet to the **TRUE POINT OF BEGINNING**;

THENCE North 00 deg. 11 min. 57 sec. East along said West line, a distance of 1,455.17 feet;

THENCE South 89 deg. 48 min. 03 sec. East departing said West line, a distance of 67.50 feet;

THENCE North 78 deg. 33 min. 57 sec. East, a distance of 113.13 feet to a Point of Curvature of a non-tangent circular curve to the right, having a radius of 80.00 feet, a central angle of 92 deg. 7 min. 36 sec., and being subtended by a chord which bears North 82 deg. 54 min. 55 sec. East - 115.22 feet;

THENCE in an easterly direction along said curve to the right, a distance of 128.63 feet;

THENCE North 64 deg. 26 min. 25 sec. East non-tangent to said curve, a distance of 98.87 feet;

THENCE South 84 deg. 40 min. 41 sec. East, a distance of 69.34 feet;

THENCE North 67 deg. 22 min. 19 sec. East, a distance of 91.71 feet;

THENCE North 76 deg. 17 min. 29 sec. East, a distance of 462.82 feet;

THENCE North 71 deg. 40 min. 59 sec. East, a distance of 783.75 feet;

THENCE South 88 deg. 49 min. 42 sec. East, a distance of 64.06 feet;

THENCE North 62 deg. 38 min. 09 sec. East, a distance of 388.22 feet;

THENCE North 39 deg. 56 min. 46 sec. East, a distance of 52.36 feet;

THENCE North 54 deg. 51 min. 07 sec. East, a distance of 312.04 feet;

THENCE South 89 deg. 53 min. 39 sec. East, a distance of 218.62 feet to the North-South Mid-Section line of said Section 23;

THENCE South 00 deg. 06 min. 21 sec. West along said Mid-Section line, a distance of 344.31 feet;

THENCE North 89 deg. 47 min. 40 sec. East departing said Mid-Section line, a distance of 1,978.14 feet;

THENCE North 00 deg. 03 min. 01 sec. East, a distance of 660.65 feet to the East-West Mid-Section line of said Section 23;

THENCE North 89 deg. 49 min. 30 sec. East along said Mid-Section line, a distance of 659.17 feet to the East Quarter corner of said Section 23;

THENCE South 00 deg. 01 min. 54 sec. West along the East line of the Southeast Quarter of said Section 23, a distance of 1,320.60 feet;

THENCE South 89 deg. 45 min. 40 sec. West departing said East line, a distance of 1,319.19 feet;

THENCE South 00 deg. 04 min. 08 sec. West, a distance of 660.90 feet;

THENCE North 89 deg. 44 min. 05 sec. East, a distance of 659.81 feet;

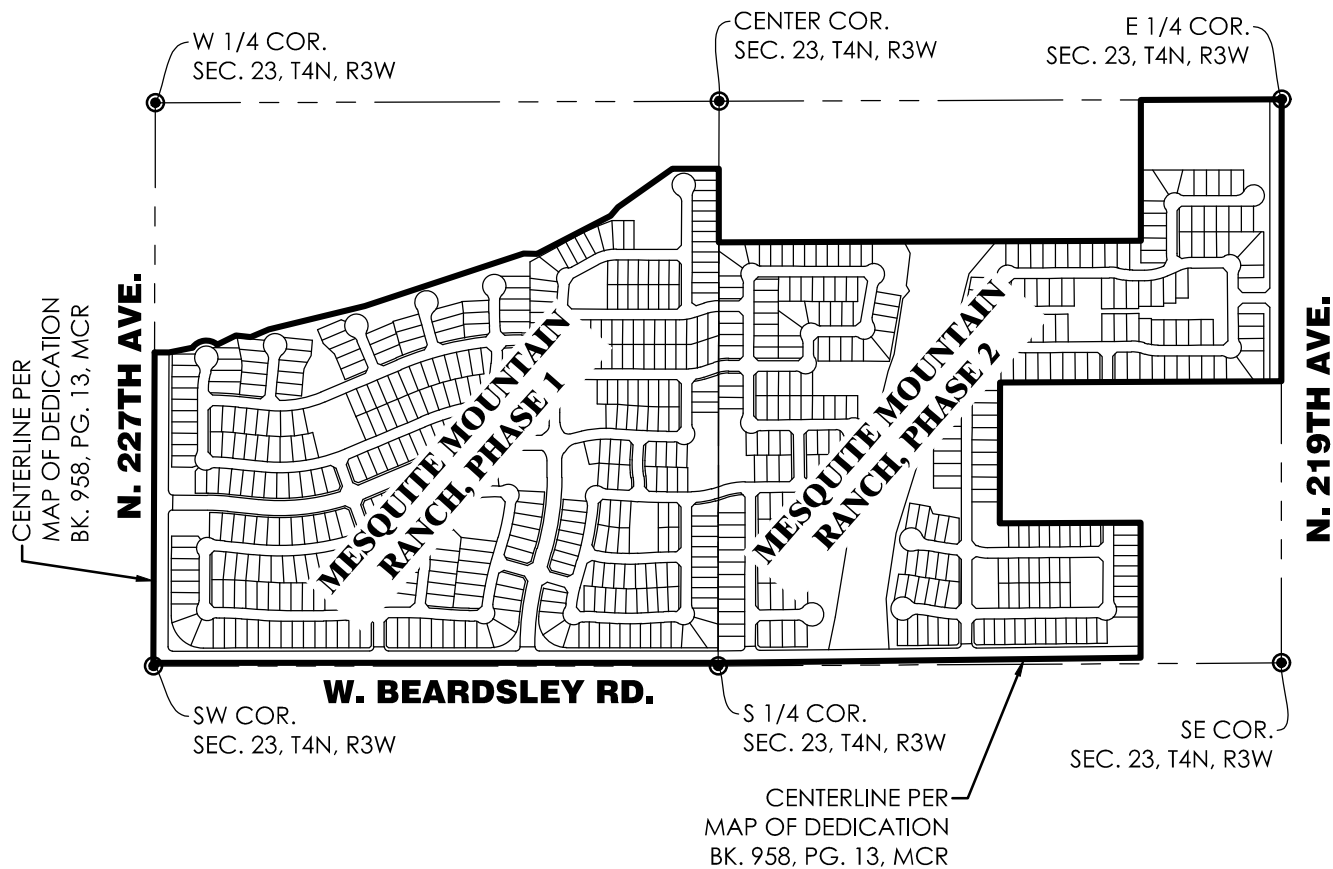
THENCE South 00 deg. 03 min. 01 sec. West, a distance of 633.27 feet to the centerline of West Beardsley Road as shown in the Map of Dedication recorded in Book 958 of Maps, Page 13, MCR;

THENCE South 89 deg. 20 min. 40 sec. West along said centerline, a distance of 1,980.19 feet;

THENCE South 89 deg. 58 min. 30 sec. West along said centerline, a distance of 2,646.28 feet to the **POINT OF BEGINNING**, containing 9,143,833 square feet or 209.914 acres of land, more or less.



EXHIBIT "B"



**GOODWIN AND
MARSHALL INC.**

CIVIL ENGINEERS ~ PLANNERS ~ SURVEYORS

2705 S. Alma School Road, Suite 2
Chandler, Arizona 85044
(602) 218-7285

Scale: NONE

Date: 5/13/2020

Job No.: 10846A

Drafted: J.N.R.

Checked: J.N.R.

Sheet

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