

RESOLUTION NO. R2020-012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, DECLARING ITS INTENTION TO CREATE IMPROVEMENT DISTRICT NO. 114 SERVING 2ND AVENUE BETWEEN 10TH STREET AND 12TH STREET, TO CONSTRUCT AND INSTALL CURB, GUTTER, SIDEWALK AND STREETLIGHTING IMPROVEMENTS ON 2ND AVENUE BETWEEN 10TH AND 12TH STREETS

WHEREAS, pursuant to Title 48, Chapter 4, Article 2, Arizona Revised Statutes, an Improvement District (District) may be formed for the sole purpose to construct curbs, gutters and sidewalks and to construct and install poles and lighting to illuminate and beautify the streets; and,

WHEREAS, a petition has been received by Mayor and City Council of the City of Yuma to form a District to construct and install curbing, gutters, and sidewalks as well as construct and install streetlighting improvements on Second Avenue between 10th Street and 12th Street; and,

WHEREAS, the formation of a District for the construction and installation of curbing, gutters, sidewalks, and streetlighting improvements serving 2nd Avenue between 10th and 12th Streets will provide a dedicated stream of funding for the construction of those improvements and will provide neighborhood decisions on those improvements, and opportunity to privatize the construction and installation of those improvements; and,

WHEREAS, the Mayor and City Council of the City of Yuma, Arizona, find and declare that the formation of the District to construct and install curbing, gutters, and sidewalks as well as to construct and install streetlighting improvements on 2nd Avenue between 10th Street and 12th Street to be of more than local or ordinary public benefit, and not a general public benefit, and further that the expenses of said operation, maintenance, and repair shall be assessed on to the Improvement District: 2nd Avenue between 10th Street and 12th Street; and,

WHEREAS, the Mayor and City Council of the City of Yuma, Arizona, find and declare that the construction and installation of curbing, gutters, sidewalks, and streetlighting improvements serving 2nd Avenue between 10th and 12th Streets has aesthetic value, increases the quality of life, and maintains and increases the value of property within the District: 2nd Avenue between 10th Street and 12th Street; and,

WHEREAS, the Mayor and City Council of the City of Yuma, Arizona find and declare that the construction and installation of curbing, gutters, sidewalks, and streetlighting improvements serving 2nd Avenue between 10th and 12th Streets preserves and promotes the health, safety, and welfare of those citizens living within the District: 2nd Avenue between 10th Street and 12th Street as well as preservation of the streets and parkways in the District which may be adversely impacted by drainage; and,

WHEREAS, the Mayor and City Council of the City of Yuma, Arizona find and declare that constructing and installing of curbs, gutters, sidewalks and streetlighting improvements tends to increase personal and vehicular safety on the parkway and decreases the likelihood vehicular accidents will harm adjacent developments in furtherance of the health, safety and welfare of those citizens living within the District.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Yuma as follows:

SECTION 1: The petition to form a District for 2nd Avenue between 10th Street and 12th Street purporting to be signed by 52% the real property owners within the proposed District attached as Exhibit

“1” is hereby accepted as provided in A.R.S. § 48-574(C).

SECTION 2: Pursuant to A.R.S. § 48-578, this Resolution, without Exhibit 1, was published in the Yuma Sun for five (5) consecutive dates on March 11, 12, 13, 14 and 15, 2020.

SECTION 3: Pursuant to A.R.S. § 48-578, a “Notice of Proposed Improvement” was posted on March 10, 2020 in conspicuous places not more than 300 feet apart on 2nd Avenue between 10th Street and 12th Street describing the curb, gutter, sidewalks and streetlighting intended to be installed pursuant to this Improvement District.

SECTION 4: Improvement District No. 114, serving 2nd Avenue between 10th Street and 12th Street to construct and install curb, gutter, sidewalks, and streetlighting on 2nd Avenue between 10th and 12th Streets, is hereby created.

SECTION 5: The expenses of Improvement District No. 114 shall be assessed to the several properties within the District, specifically the real property owners on 2nd Avenue between 10th and 12th Streets, as provided for in A.R.S. § 48-574 *et seq* and as identified in Exhibit 1.

SECTION 6: It is the intent of the Petitioners and the City Council that Improvement District No. 114 be created and exist and all duties of the District shall run with the land as a covenant on all real property in the District and shall bind all successors and assigns until such time as the proposed improvements are installed and fully paid.

SECTION 7: No sooner than fifteen (15) calendar days after this resolution is adopted, City staff shall present a map of the boundary for Improvement District No. 114, a diagram for the District, and preliminary plans and costs for the proposed improvements to Mayor and City Council for consideration to declare an intention to order improvements to Improvement District No. 114 as provided in A.R.S. §§ 48-576 and 48-577.

Adopted this _____ day of _____, 2020.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney