RESOLUTION NO. R2018-025

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, ORDERING IMPROVEMENTS FOR MUNICIPAL IMPROVEMENT DISTRICT NO. 104, SERVING DESERT SKY UNIT 1, TO OPERATE, MAINTAIN AND REPAIR LANDSCAPING IMPROVEMENTS INCLUDED WITHIN, NEAR AND ADJACENT TO THE RETENTION AND DETENTION BASINS AND PARKINGS AND PARKWAYS AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES OF DESERT SKY UNIT 1, AS MORE PARTICULARLY DESCRIBED IN THIS RESOLUTION, AND DECLARING THE LANDSCAPE IMPROVEMENTS TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THE COST OF THE LANDSCAPE IMPROVEMENTS SHALL BE ASSESSED UPON MUNICIPAL IMPROVEMENT DISTRICT NO. 104; IMPROVEMENTS SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES (A.R.S.) TITLE 48, CHAPTER 4, ARTICLE 2

WHEREAS, City Council adopted Resolution R2018-003 declaring the intention to create Maintenance Improvement District (MID) No. 104 to operate, maintain, and repair certain landscape improvements within, near, and adjacent to the retention and detention basins and the parkings and parkways and related improvements (Landscape Improvements) in the Desert Sky Unit 1 housing development;

WHEREAS, the petition to form MID No. 104 was signed by all of the real property owners within the proposed MID and A.R.S. § 574(C) authorizes City Council to adopt the resolution ordering the improvements, pursuant to the provision of A.R.S. § 48-581, without the necessity of publication and positing of the resolution of intention provided for in A.R.S. § 48-578.

WHEREAS, a legal description of the boundary for MID No. 104 and a diagram for MID No. 104 has been presented to City Council for consideration in this declaration of intention to order MID No. 104 as provided in A.R.S. § 48-576.

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

SECTION 1: City Council orders Landscape Improvements for MID No. 104 serving Desert Sky Unit 1. Once the Landscape Improvements are approved and constructed by the developer, the estimate of the cost and expenses shall be placed on file with the City Clerk and presented to City Council in accordance with the provisions of A.R.S. § 48-574.

SECTION 2: City Council finds the Landscape Improvements for MID No. 104 are of more than local or ordinary public benefit, and are of special benefit to the respective lots, parcels and pieces of land within the described real property of MID No. 104. City Council orders the cost and expense for the Landscape Improvements of MID No. 104 be chargeable upon the real and personal property within MID No. 104, as described in Exhibits A and B attached. City Council declares that MID No. 104 is benefited by the Landscape Improvements and the real and

personal properties within MID No. 104 are to be assessed the proportional share of the costs and expenses of the Landscape Improvements.

SECTION 3**:** All proceedings concerning the Landscape Improvements for MID No. 104, including the calculations for the costs and expenses and all assessments to pay the costs and expenses of the Landscape Improvements, shall be made in accordance with the provisions of Title 48, Chapter 4, Article 2 of the A.R.S., as amended.

SECTION 4**:** Any public street or alley within the boundaries of MID No. 104 are omitted from the real and personal property of MID No. 104 and shall not be included in the assessment.

SECTION 5**:** In no event will the City of Yuma or any officer thereof be liable for any portion of the cost of said MID nor any delinquency of persons or property assessed.

SECTION 6**:** City Council shall make annual statements and estimates of the expenses of the MID which shall be provided for by the levy and collection of ad valorem taxes upon the assessed value of all real and personal property within MID No. 104 as provided in A.R.S. § 48-574, as amended.

Adopted this _____ day of _____, 2018.

                                        APPROVED:

                                        _____
                                        Douglas J. Nicholls
                                        Mayor

          ATTESTED:

          _____
          Lynda L. Bushong
          City Clerk

          APPROVED AS TO FORM:

          _____
          Richard W. Files
          City Attorney