



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: June 6, 2018

DEPARTMENT: Community Development

DIVISION: Community Planning

- ☐ Motion
- ☒ Resolution
- ☐ Ordinance - Introduction
- ☐ Ordinance - Adoption
- ☐ Public Hearing

TITLE:

Municipal Improvement District No. 102: Cielo Verde Unit Three, Phases 1 and 2 - Order Improvements

SUMMARY RECOMMENDATION:

Order Improvements for Municipal Improvement District (MID) No. 102 to serve Cielo Verde Unit Three, Phases 1 and 2, to operate, maintain and repair landscaping improvements within, near and adjacent to the retention and detention basins and parkings and parkways and related facilities together with appurtenant structures (Landscape Improvements); declaring the Landscape Improvements to be of more than local or ordinary public benefit, and that the costs of the Landscape Improvements for MID No. 102 shall be assessed upon the properties in MID No. 102; providing that the proposed Landscape Improvements shall be performed under Arizona Revised Statutes (A.R.S.) Title 48, Chapter 4, Article 2. (Community Development/Community Planning) (Laurie Lineberry)

REPORT:

A.R.S. § 48-501 *et seq.* authorizes the formation of a MID for the following "Allowed Uses": maintenance, repair and improvements of pedestrian malls, off-street parking facilities, retention and detentions basins, and parkings and parkways. A MID provides a dedicated funding stream for the Landscape Improvements serving the neighborhood and provides neighborhood input for the implementation and privatization of those Landscape Improvements.

The formation of a MID is a two-step process, both accomplished via resolution from the legislative body. First, the legislative body adopts a resolution creating the MID. By statute, the legislative body can initiate the formation or, alternatively, property owners are empowered to petition to form a MID for their neighborhood. Then, no sooner than 15 days after the creation (it can be longer, depending on the developers' schedule), the legislative body orders improvements for the MID by a second resolution.

In this case, the developer submitted the petition to create MID No. 102 and represented all of the real property owners within the District. On December 20, 2017, City Council adopted Resolution No. R2017-034 creating MID No. 102 for Landscape Improvements serving Cielo Verde Unit Three, Phases 1 and 2.

Following the adoption of R2017-034, property owners within the designated District, in accordance with A.R.S. § 48-579, were given 15 days to express written protest against the proposed MID. No protests were submitted, and as such, the Mayor and City Council are authorized to adopt this second resolution, the Resolution Ordering the Improvements, which finalizes the formation of the MID

process. Because the developer's petition represented all of the real property owners within the proposed District, A.R.S. § 48-574(C) authorizes the City to adopt the resolution ordering the improvements without the necessity of publication and posting as required in other statutes.

Upon adoption of R2017-034 by City Council, City staff submitted the creation of MID No. 102 to the County Assessor. The County Assessor filed the documents with the state and the District is created. Once the developer installs the landscaping in accordance with the approved landscaping plans and those landscaping improvements are accepted, the costs to maintain those Landscape Improvements will be assessed on the respective owner's property tax bill within the Boundary Map (Exhibit B). In accordance with the provisions of A.R.S. § 48-574, City Council will hold public hearings on MID No. 102's Landscape Improvements on or before the third Monday in August of each year, and shall fix, levy and assess the costs of MID 102's Landscape Improvements on all of the property in the District.

Adopting this Resolution finalizes the formation of MID No. 102 and orders improvements for MID No. 102's Landscape Improvements serving Cielo Verde Unit Three, Phases 1 and 2.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input type="radio"/> Department <input type="radio"/> City Clerk's Office <input type="checkbox"/> Document to be recorded			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		5/30/2018	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		5/29/2018	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Laurie Lineberry		5/22/2018		
WRITTEN/SUBMITTED BY:		DATE:		
Naomi Leeman		5/22/2018		