



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:	September 19, 2018	<input type="checkbox"/> Motion
DEPARTMENT:	Community Development	<input checked="" type="checkbox"/> Resolution
DIVISION:	Community Planning	<input type="checkbox"/> Ordinance - Introduction
		<input type="checkbox"/> Ordinance - Adoption
		<input type="checkbox"/> Public Hearing

TITLE:

Municipal Improvement District No. 104: Desert Sky Unit 1 - Order Improvements

SUMMARY RECOMMENDATION:

Order Improvements for Municipal Improvement District (MID) No. 104 to serve Desert Sky Unit 1, 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. 104 shall be assessed upon the properties in MID No. 104; 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. 104 and represented all of the real property owners within the MID. On April 4, 2018, City Council adopted Resolution No. R2018-003 creating MID No. 104 for Landscape Improvements serving Desert Sky Unit 1.

Following the adoption of R2018-003, property owners within the designated MID, 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 MID, 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 R2018-003 by City Council, City staff submitted the creation of MID No. 104 to the County Assessor. The County Assessor filed the documents with the state and the MID is created. The next step is this Resolution Ordering Improvements, which will again be sent to the County Assessor to file with the state and the MID will be finalized.

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 and the Legal Description. In accordance with the provisions of A.R.S. § 48-574, City Council will hold public hearings on MID No. 104's Landscape Improvements on or before the third Monday in August of each year, and shall fix, levy and assess the costs of MID 104's Landscape Improvements on all of the property in the MID.

It is anticipated that the developer may be ready to install the landscaping for this MID in the next calendar year. Adopting the Resolution Ordering Improvements ensures that there are no delays with finalizing the MID when the developer is ready.

Adopting this resolution finalizes the formation of MID No. 104 and orders improvements for MID No. 104's Landscape Improvements serving Desert Sky Unit 1.

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		9/12/2018	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		9/11/2018	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Laurie Lineberry		9/6/2018		
WRITTEN/SUBMITTED BY:		DATE:		
Alyssa Linville		9/6/2018		