

RESOLUTION NO. R2020-029

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, DECLARING ITS INTENTION TO RECREATE 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

WHEREAS, pursuant to Title 48, Chapter 4, Article 2, Arizona Revised Statutes, a Municipal Improvement District (MID) may be formed for the sole purpose of the operation maintenance, repair and improvements of pedestrian malls, off-street parking facilities, retention and detention basins, and parkings and parkways; and,

WHEREAS, the Mayor and City Council originally approved the request for the intent to create MID No. 104 on April 4, 2018 through Resolution No. R2018-003; and,

WHEREAS, an inadvertent error was discovered in the legal description, requiring the submittal of a revised petition depicting the correct description of the MID boundary; and,

WHEREAS, a revised petition has been received by Mayor and City Council of the City of Yuma to form a MID to provide operation, maintenance, and repair of the landscape improvements within, near and adjacent to the parkings and parkways and related improvements in the Desert Sky Unit 1 housing development; and,

WHEREAS, the formation of a MID for the operation, maintenance, and repair of the landscape improvements within, near, and adjacent to parkings and parkways and related improvements serving Desert Sky Unit 1 will provide a dedicated stream of funding for the maintenance of those improvements, neighborhood decision making on those improvements, and the opportunity for privatization of the maintenance of those improvements; and,

WHEREAS, the Mayor and City Council find and declare that the formation of the MID to provide the operation, maintenance, and repair of the landscape improvements within, near, and adjacent to the parkings and parkways and related improvements in the Desert Sky Unit 1 housing development 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 Desert Sky Unit 1 District; and,

WHEREAS, the Mayor and City Council find and declare that the operation, maintenance, and repair of landscaping improvements in the parkings and parkways and related improvements in the District is incidental to the maintenance and preservation of the parkings and parkways and related improvements, has aesthetic value, and maintains and increases the value of property within the District; and,

WHEREAS, the Mayor and City Council find and declare that the operation, maintenance, and repair of landscaping improvements within, near or adjacent to the parkings and parkways and related improvements in the MID preserves and promotes the health, safety, and welfare of those citizens living within the District 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 find and declare that the operation, maintenance, and repair of a landscaped buffer between a parkway and the adjacent developments reduces the visual and other impact of light, air, and noise pollution and 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 MID for Desert Sky Unit 1 purporting to be signed by majority of the real property owners within the proposed District attached and incorporated by reference as Exhibit “1” is 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 August 31st, September 1, 2, 3, and 4, 2020.

SECTION 3: Pursuant to A.R.S. § 48-578, a “Notice of Proposed Improvement” was posted on September 1, 2020 in conspicuous places not more than 300 feet apart along 40th Street, Avenue 7½E and 38th Lane describing the intended landscaping and retention improvements to be installed pursuant to this Improvement District.

SECTION 4: MID 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, is hereby created.

SECTION 5: The expenses of MID No. 104 shall be assessed to the several properties within the MID as provided for in A.R.S. § 48-574 *et seq.*

SECTION 6: No sooner than fifteen (15) calendar days after this Resolution is adopted, City staff shall present a legal description of the boundary for MID No. 104 and a diagram for MID No. 104 to Mayor and City Council for consideration to declare an intention to order improvements to MID No. 104 as provided in A.R.S. § 48-576.

SECTION 7: To the extent required by law, Resolution R2018-003 is rescinded and replaced by this Resolution in order to give this Resolution effect and recreate Municipal Improvement District No. 104.

Adopted this _____ day of _____, 2020.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

APPROVED AS TO FORM:

Lynda L. Bushong
City Clerk

Richard W. Files
City Attorney