RESOLUTION NO. R2025-039

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, ORDERING IMPROVEMENTS FOR MUNICIPAL IMPROVEMENT DISTRICT NO. 128 SERVING DESERT SANDS UNITS 4-6, 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 SANDS UNITS 4-6 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 ASSESSED UPON MUNICIPAL IMPROVEMENT DISTRICT NO. 128; IMPROVEMENTS SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES (A.R.S.) TITLE 48, CHAPTER 4, ARTICLE 2

WHEREAS, City Council adopted Resolution R2025-031 declaring the intention to create Maintenance Improvement District (MID) No. 128 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 Sands Units 4-6 housing development; and,

WHEREAS, the petition to form MID No. 128 was signed by all of the real property owners within the proposed MID; and,

WHEREAS, 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 posting of the resolution of intention provided for in A.R.S. § 48-578; and,

WHEREAS, a legal description of the boundary for MID No. 128 and a diagram for MID No. 128 has been presented to City Council for consideration in this declaration of intention to order improvements to MID No. 128 as provided in A.R.S. § 48-576.

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

SECTION 1**:** City Council orders Landscape Improvements for MID No. 128 serving Desert Sands Units 4-6. 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. 128 are of more than local or ordinary public benefit, and are of special benefit to the respective lots, parcels and land within the described real property of MID No. 128. City Council orders the cost and expense for the Landscape Improvements of MID No. 128 be chargeable upon the real and personal property within MID No. 128, as described in Exhibit A attached. City Council declares that MID No. 128 is benefited by the Landscape Improvements and the real and personal properties within MID No. 128 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. 128, 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. 128 are omitted from the real and personal property of MID No. 128 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 the MID nor any delinquency of persons or property assessed.

SECTION 6**:** As provided in A.R.S. § 48-574(D)(2), 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 the total sum upon the several lots, each respectively in proportion to the benefits to be received by each lot with MID No. 128.

Adopted this_____day of_____, 2025.

APPROVED:

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Douglas J. Nicholls Mayor

ATTESTED:

_____
Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

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Richard W. Files
City Attorney