

2018-01185

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Requested By: City Of Benson

David W. Stevens - Recorder

Cochise County, AZ

01-19-2018 12:30 PM Recording Fee \$11.00

When recorded return to:

Vicki L. Vivian, City Clerk
City of Benson
120 W. 6th Street
Benson, AZ 85602

RESOLUTION 49-2017

**A RESOLUTION OF THE MAYOR AND COUNCIL
OF THE CITY OF BENSON, ARIZONA,
ORDERING AND DECLARING FORMATION OF
THE VILLAGES AT VIGNETO REVITALIZATION
DISTRICT NO. 5 IN THE CITY OF BENSON, ARIZONA**

RESOLUTION 49-2017

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, ORDERING AND DECLARING FORMATION OF THE VILLAGES AT VIGNETO REVITALIZATION DISTRICT NO. 5 IN THE CITY OF BENSON, ARIZONA

WHEREAS, on or about October 11, 2017, the City of Benson (the "City") received a petition (the "Petition") for formation of The Villages at Vigneto Revitalization District No. 5 (the "District") pursuant to Article 1, Chapter 39, Title 48 of the Arizona Revised Statutes (the "Act"), signed by the entities who or which, on the date of the Petition, were the owners of all of the real property described on Exhibit A to the Petition, and hereto, to be included in the District, as shown on the assessment roll for State and County taxes for Cochise County, Arizona (hereinafter referred to, collectively, as the "Petitioners"); and

WHEREAS, in the Petition, the Petitioners requested, represented, attested and declared the following:

- i. The name of the District shall be "The Villages at Vigneto Revitalization District No. 5";
- ii. The District is to be formed, and shall exist, pursuant to the terms and provisions of the Act, as such terms and provisions may be amended, waived or restricted from time to time;
- iii. The District will contain an area of approximately 1,337 acres of land, more or less, located wholly within the incorporated boundaries of the City, and will be composed of the real property described on Exhibit A hereto, which is made a part hereof for all purposes (the "Property");
- iv. The District will be a special purpose district for purposes of Article IX, Section 19 of the Constitution of the State of Arizona, a tax levying public improvement district for the purposes of Article XIII, Section 7 of the Constitution of the State of Arizona, and a municipal corporation for all purposes of Title 35, Chapter 3, Articles 3, 3.1, 3.2, 4 and 5 of the Arizona Revised Statutes, and will, except as otherwise provided in the Act, be considered a municipal corporation and political subdivision of the State of Arizona separate and apart from the City, and will be formed for, and have, all the rights and powers of a "district," as such term is defined, and as provided, in the Act;
- v. A "General Plan for the Establishment of the Villages at Vigneto Revitalization District No. 5" (the "General Plan"), setting out a general description of the infrastructure improvements for which the District is proposed to be formed and the general areas to be improved and benefited, has been filed with the Clerk of the City;
- vi. The real property to be included in the District will be benefited by the infrastructure improvements for which the District is proposed to be formed;

vii. The formation of the District is to result in the levy of special assessments and/or ad valorem taxes upon the several lots in the Property in order to pay the costs of (a) the formation and operation of the District, (b) the infrastructure improvements to be financed, constructed and acquired by the District and (c) the operation and maintenance of such infrastructure improvements;

viii. The public convenience and necessity require the adoption of this resolution; and

WHEREAS, the City will in no way be liable for the payment of any of the costs of the infrastructure improvements described in the General Plan or for any debt or obligation incurred by the District, except to the extent, if any, expressly authorized by separate agreement; and

WHEREAS, as of the date hereof, (i) as shown on the assessment roll for State and County taxes in Cochise County, Arizona, all of the real property to be included in the District is owned by the Petitioners, and (ii) no registered electors reside on the real property to be included in the District; and

WHEREAS, based upon the foregoing, the Petitioners requested that the Petition be properly filed as provided by law and that the City adopt a resolution declaring its intention to form the District in the manner required by the Act; and

WHEREAS, at a meeting of the Mayor and the Council of the City of Benson, Arizona, duly called, noticed and held on October 23, 2017, at which meeting a quorum was present and acting throughout, the Mayor and Council of the City adopted Resolution No. 33-2017, declaring the intent to form the District; and

WHEREAS, not less than 20 days prior to the date hereof, the Clerk of the City caused proper notice and a copy of Resolution 33-2017, together with notice of the date, time, and location of the public hearing with respect thereto, to be mailed to all owners of real property in the proposed District, and to be published, in accordance with A.R.S. Section 48-6803, and has caused affidavits thereof to be placed in the official records of the City; and

WHEREAS, the City has conducted the public hearing required by A.R.S. Section 48-6804, with respect to which persons claiming an interest in the real property to be included in the District and any qualified electors in the District, among others, were afforded the opportunity to file objections, both in writing and in person, to the purported benefits to be derived from the District, the formation of the District or the General Plan for the District; and

WHEREAS, the Mayor and Council have received and considered the objections, both in writing and in person, presented at the public hearing held on this date, including the testimony and evidence presented in support of or opposition to the objections,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, as follows:

Section 1. Matters Noticed, Acknowledged and Agreed to by the City. The Mayor and Council hereby notice, acknowledge and agree as follows:

(a) The Petitioners seek formation of the District to exercise the rights and powers set forth in the Act,

(b) As required by the Act, the General Plan has been filed with the Clerk of the City,

(c) The Petition and all supporting materials deemed necessary have been filed with, and received by, the Mayor and Council and are hereby incorporated herein as if set forth in full herein,

(d) The purposes for which the organization of the District is sought are as described in the Petition and are purposes for which a district may be organized pursuant to the Act, and

(e) The public convenience and necessity require the adoption of this Resolution.

Section 2. Approval of General Plan of the District. The General Plan of the District submitted to the City Clerk on initially submitted on August 14, 2017 and resubmitted on October 11, 2017, is found to be a General Plan within the meaning of the Act.

Section 3. Granting of Petition: Formation and Powers of District. The Petition is hereby granted, and the District, to be known as The Villages at Vigneto Revitalization District No. 5 of Benson, Arizona, is hereby formed as a revitalization district pursuant to the terms and provisions of, and with the powers and authority conferred by, the Act, with jurisdiction over the Property. Based on the Petition and the recitals in this Resolution, all requirements of posting, publication, mailing, notice, protest, hearing and election required by the Act in connection with the formation of the District and adoption of this Resolution have been satisfied. The District shall have and may exercise all such powers as may be necessary or appropriate to accomplish the construction and acquisition of infrastructure improvements described in the Petition and the General Plan.

Section 4. District Boundaries and Map. The District boundaries are as described on Exhibit A hereto. A map showing the District boundaries is set forth as Exhibit B hereto and is hereby approved.

Section 5. Dissemination of Resolution. Pursuant to A.R.S. § 42-17257, the Petitioners shall cause a copy of this Resolution to be delivered to each of the County Assessor, the Board of Supervisors of Cochise County, Arizona, and the Department of Revenue of the State of Arizona.

Section 6. District Board of Directors. The District shall be governed by a Board of Directors comprised, initially, of the following members who shall serve terms of one year:

Dennis Krahn

Eric Hollensbe

June Prinz

The subsequent District board will be elected in accordance with the Act.

Section 7. Levy of Taxes. Formation of the District may result in the levy of taxes by the District on all taxable property located within the District to pay the operation and maintenance expenses of the District.

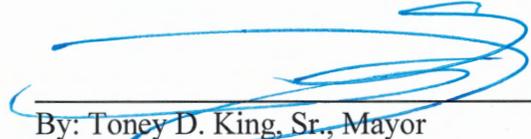
Section 8. Development Agreement and Intergovernmental Agreement. By this Resolution and pursuant to Arizona Revised Statutes Section 48-6807, the District is hereby a party to that certain Development Agreement and Intergovernmental Agreement to be executed concurrently with this Resolution by the City and the Petitioner owning the majority of land in the District, and the District Board will execute such Agreement at its first meeting.

Section 9. No General Liability of the City. NONE OF THE CITY OR THE STATE, NOR THE GENERAL FUNDS OF EITHER, NOR ANY POLITICAL SUBDIVISION THEREOF (OTHER THAN THE DISTRICT), SHALL BE LIABLE, DIRECTLY OR, INDIRECTLY, FOR THE COSTS OF THE INFRASTRUCTURE IMPROVEMENTS CONTEMPLATED BY THE GENERAL PLAN NOR FOR THE PAYMENT OR REPAYMENT OF ANY OBLIGATION, LIABILITY, COST, EXPENSE, BOND OR INDEBTEDNESS OF THE DISTRICT, EXCEPT TO THE EXTENT, IF ANY, EXPRESSLY AUTHORIZED BY SEPARATE AGREEMENT, AND NEITHER THE CREDIT NOR THE TAXING POWER OF THE CITY, THE STATE OF ARIZONA NOR ANY POLITICAL SUBDIVISION THEREOF (OTHER THAN THE DISTRICT) WILL BE PLEDGED THEREFOR.

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PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Benson, Arizona, this 28th day of December, 2017.

CITY OF BENSON, ARIZONA,
an Arizona municipal corporation



By: Toney D. King, Sr., Mayor

ATTEST:



By: Vicki L. Vivian, CMC, City Clerk

APPROVED AS TO FORM:



Counsel for City

Exhibit A - Legal Description
Exhibit B - Boundary Map

EXHIBIT A

Legal Description

DESCRIPTION OF REVITALIZATION DISTRICT 5 (RD-5)

Those portions of Sections 7, 18, and 19, Township 18 South, Range 20 East, Gila and Salt River Meridian and Sections 12, 13 and 24, Township 18 South, Range 19 East, Gila and Salt River Meridian, all in Cochise County, Arizona described as follows:

BEGINNING at the Northwest corner of said Section 7;

Thence South 00 degrees 04 minutes 33 seconds West, 2643.09 feet along the West line of said Section 7 to the Quarter corner common to said Sections 7 and 12;

Thence South 89 degrees 51 minutes 22 seconds West, 1320.01 feet along the East-West Mid-section line of said Section 12;

Thence South 00 degrees 05 minutes 31 seconds West, 233.00 feet;

Thence South 79 degrees 51 minutes 15 seconds West, 1341.69 feet to the intersection with the North-South Mid-section line of said Section 12;

Thence South 00 degrees 06 minutes 47 seconds West, 2176.57 feet along the said North-South Mid-section line of Section 12 to the Quarter corner common to said Section 12 and 13;

Thence South 00 degrees 11 minutes 06 seconds West, 1102.99 feet along the North-South Mid-section line of said Section 13;

Thence North 89 degrees 48 minutes 01 seconds East, 693.77 feet;

Thence South 00 degrees 15 minutes 22 seconds West, 631.48 feet;

Thence South 00 degrees 11 minutes 06 seconds West, 911.84 feet to the East-West Mid-section line of said Section 13;

Thence South 89 degrees 55 minutes 06 seconds West, 692.97 feet along the said East-West Mid-section line of Section 13 to the Center Quarter thereof;

Thence South 00 degrees 12 minutes 23 seconds West, 2645.80 feet along the North-South Mid-section line of said Section 13 to the Quarter corner common to said Sections 13 and 24;

Thence South 00 degrees 00 minutes 47 seconds West, 2648.04 feet along the North-South Mid-section line of said Section 24 to the Center Quarter corner thereof;

Thence North 89 degrees 56 minutes 35 seconds East, 2638.53 feet along the East-West Mid-section line of said Section 24 to the Quarter corner common to said Sections 19 and 24;

Thence South 89 degrees 54 minutes 56 seconds East, 2409.56 feet along the East-West Mid-section line of said Section 19 to a point on the West right-of-way of State Route 90;

Continue along the said West right-of-way of State Route 90 the following courses;

Thence North 00 degrees 12 minutes 05 seconds East, 2654.03 feet to the intersection with the line common to said Sections 18 and 19;

Thence North 00 degrees 02 minutes 48 seconds East, 2641.27 feet to the intersection with the Mid-section line of said Section 18;

Thence North 00 degrees 02 minutes 48 seconds East, 2645.86 feet to the intersection with the line common to said Sections 18 and 7;

Thence North 00 degrees 02 minutes 13 seconds East, 2645.71 feet to the intersection with the Mid-section line of said Section 7;

Thence North 00 degrees 02 minutes 13 seconds East, 2652.61 feet to the intersection with the North line of said Section 7;

Thence departing said right-of-way South 89 degrees 49 minutes 12 seconds West, 2397.60 feet along said North line to the POINT OF BEGINNING.

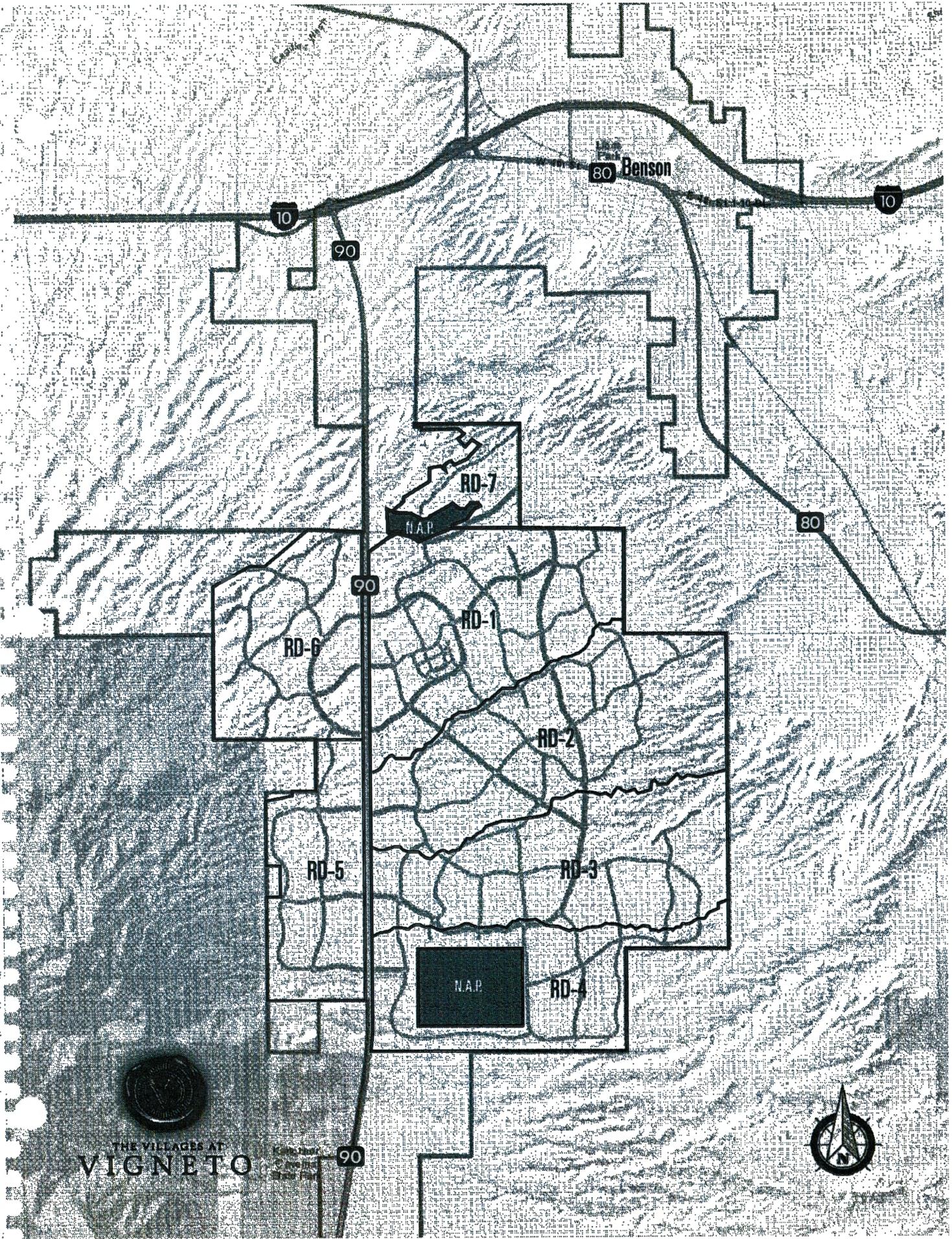
Total Area for RD-5 is 58,254,220 square feet (1,337.333 acres) more or less.



EXPIRES 3/31/2018

EXHIBIT B

Boundary Map



THE VILLAGES AT
VIGNETO

Map of
The Villages
at Vigneto

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