

2018-01180

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Requested By: City Of Benson

David W. Stevens - Recorder

Cochise County, AZ

01-19-2018 12:30 PM Recording Fee \$9.50

When recorded, return to:

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

RESOLUTION 57-2017

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE
CITY OF BENSON, ARIZONA, DECLARING INTENT TO
FORM A COMMUNITY FACILITIES DISTRICT;
ORDERING AND DECLARING FORMATION OF THE
TAX LEVYING THE VILLAGES AT VIGNETO
COMMUNITY FACILITIES DISTRICT NUMBER 3 IN
THE CITY OF BENSON, ARIZONA**

RESOLUTION 57-2017

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, DECLARING INTENT TO FORM A COMMUNITY FACILITIES DISTRICT; ORDERING AND DECLARING FORMATION OF THE TAX LEVYING THE VILLAGES AT VIGNETO COMMUNITY FACILITIES DISTRICT NUMBER 3 IN THE CITY OF BENSON, ARIZONA

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

Section 1. **Findings.** The Mayor and Council hereby make the following findings:

A. On or about October 13, 2017, the City of Benson (the "City") received a petition (the "Petition") for formation of The Villages at Vigneto Community Facilities District Number 3 (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").

B. The City and the Petitioners agreed that the City would have until December 31, 2017 to consider the Petition for formation of the District.

C. The Petitioner has represented, attested and declared the following:

1. The name of the District is requested pursuant to the Petition to be "The Villages at Vigneto Community Facilities District Number 3",

2. The District is to be formed, and will exist, pursuant to the terms and provisions of the Act,

3. The District is to contain an area of approximately 1,337 acres of land, more or less, wholly within the corporate boundaries of the City, and is to be composed of the land described by metes and bounds as provided in Exhibit A hereto, which is made a part hereof for all purposes (hereinafter referred to as the "Property"),

4. The District is to be a special purpose district for purposes of Article IX, Section 19, Constitution of Arizona, a tax levying public improvement district for the purposes of Article XIII, Section 7, Constitution of Arizona, the Act, and a municipal corporation for all purposes of Title 35, Chapter 3, Articles 3, 3.1, 3.2, 4 and 5, Arizona Revised Statutes, as amended; except as otherwise provided in the Act, and is to be considered a municipal corporation and political subdivision of the State of Arizona separate and apart from the City; and is to be formed for, and have, all the purposes and powers of a "district" as such term is defined, and as provided, in the Act, and

5. Public convenience and necessity require the adoption of this resolution forming the District.

D. The Petitioner further represented, attested and declared that on the date thereof and hereof, as shown on the assessment roll for State and county taxes in Cochise County, Arizona, all of the land to be in the District is owned by the Petitioner or, if a person listed on such assessment roll is no longer the owner of the land in the District, that the name of the successor owner has become known and verified by recorded deed or similar evidence of transfer of ownership to the Petitioner and that the land to be included in the District shall be benefited from the improvements for which the District is proposed to be formed and that there are no qualified electors residing on the land to be in the District.

E. After representing, attesting and declaring the preceding, the Petitioner requested that the Petition be properly filed as provided by law and that, as the Petition is signed by the owners of all the land to be in the District, any requirements of posting, publication, mailing, notice, hearing and landowner election otherwise required by the Act in connection with the formation of the District and adoption hereof be waived, and that the City, upon receipt of the Petition, declare its intention to form the District and thereafter form the District without being required to comply with such provisions for posting, publication, mailing, notice, hearing or landowner election.

F. A Development and Intergovernmental Agreement (the "Development Agreement") has been presented to the Mayor and Council, executed by the owners of all the land in the District and it is now in order for the City to approve such Development Agreement.

Section 2. Agreements and Further Findings by the City. The Mayor and Council hereby agree to and find the following:

A. The Petitioner seeks formation of the District to exercise the powers and functions set forth in the Act.

B. The General Plan (as defined hereafter) has been filed with the Clerk of the City.

C. The Petition, and all necessary supporting materials, meets the requirements of A.R.S. § 48-707, subsections F and G and has been filed with the Council, and the showings in the Petition are each noticed by us and are hereby incorporated at this place as if set forth in whole.

D. The purposes for which the organization of the District is sought are as described in the Petition and General Plan and are purposes for which a community facilities district created pursuant to the Act may be lawfully formed.

E. The District is to be wholly comprised of the Property and the Property is wholly within the boundaries of the City.

F. The Property is benefited by the District and the public infrastructure and the public infrastructure purposes set forth in the General Plan.

G. Pursuant to A.R.S. § 48-707, subsections F and G, no hearing on the formation of the District will be held; written objections under A.R.S. § 48-704(A) therefore are not warranted.

H. The Petitioner is the owner of all of the Property and no qualified electors reside on the Property.

I. The public convenience and necessity require the adoption hereof.

Section 3. Approval of the General Plan. Prior to the adoption hereof, the Petitioner filed a “General Plan for the Proposed The Villages at Vigneto Community Facilities District No. 1” for the District was filed with the Clerk of the City setting out a general description of the improvements for which the District is proposed to be formed and the general areas to be improved and benefited (hereinafter referred to as the “General Plan”). The General Plan is hereby approved in all respects.

Section 4. Intention to Form the District. The Mayor and Council hereby declares, pursuant to the Act, its intention to form the District comprised of the Property as a community facilities district, pursuant to the terms and provisions of, and with the powers and authority established by, the Act, with jurisdiction over the Property. Based on the Petition and the findings set forth herein, all requirements of posting, publication, mailing, notice, hearing and landowner election otherwise required by the Act in connection with the formation of the District and adoption hereof are waived.

Section 5. Granting Petition; Formation of District. The Petition is hereby granted, and the District is hereby formed as a community facilities district pursuant to the terms and provisions of, and with the powers and authority established by, the Act, with jurisdiction over the Property. The Mayor and Council hereby determine February 6, 2018 to be the scheduled election date to submit the question of formation of the District to the qualified electors, if any, who reside within the boundaries of the District. As of the date hereof, which is a date within 50 days immediately preceding such scheduled election date, there are no resident electors or qualified electors residing on the Property, therefore, the submission of the formation of the District to an election of resident electors is hereby found to be unnecessary and no formation election will be held.

Section 6. 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 costs of improvements constructed by the District and the administration of the District and for their operation and maintenance and the administration of the District.

Section 7. District Board and Officers. The District shall be governed by a Board of Directors comprised, initially, of the following members who shall serve terms of six years:

John Davis

Celia Jenkins

Mark Fenn

and comprised, initially, of the following members who shall serve terms of four years:

Cindy Batten

Richard Polheber

The subsequent members of the Board of Directors will be elected in accordance with the Act.

Section 8. Development Agreement and Intergovernmental Agreement. By this Resolution and pursuant to Arizona Revised Statutes Section 48-708, 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 land in the District, and the District Board will execute such Agreement at its first meeting.

Section 9. District Boundaries and Map. The District boundaries are set to be as described in metes and bounds in Exhibit A hereto. The map showing the District boundaries is set forth in Exhibit B hereto and is hereby approved.

Section 10. Dissemination of This Resolution. The City Clerk shall cause a copy of this resolution to be delivered to the County Assessor and the Board of Supervisors of Cochise County, Arizona, and to the Department of Revenue of the State of Arizona.

Section 11. No General Liability of or for the City. Neither the general fund or any other fund or moneys of the City, nor that of the State of Arizona or any political subdivision of either (other than the District) shall be liable for the payment or repayment of any obligation, liability, bond or indebtedness of the District, and neither the credit nor the taxing power of the City, the State of Arizona or any political subdivision of either (other than the District) shall be pledged therefor.

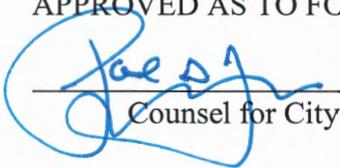
Passed by the Council of the City of Benson, Arizona, on December 28, 2017.


TONEY D. KING, SR., Mayor

ATTEST:


VICKI L. VIVIAN, CMC, City Clerk

APPROVED AS TO FORM:


Counsel for City

Exhibits: A Legal description of district B Boundary map of district

DESCRIPTION OF COMMUNITY FACILITIES DISTRICT 3 (CFD-3)

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 CFD-3 is 58,254,220 square feet (1,337.333 acres) more or less.



**The Villages at Vigneto
Community Facilities Districts
No. 1, No. 2 and No. 3
CFD Boundary Map**

