



# *Resolution*

OFFICE OF THE  
MAYOR  
CITY OF SAN LUIS

No. 2181

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, CREATING A STREET LIGHTING IMPROVEMENT DISTRICT AND DECLARING ITS INTENTION TO PURCHASE ELECTRICITY, AND MAINTAIN POLES, LUMINARIES, AND UNDERGROUND CONDUIT, TOGETHER WITH A CHARGE FOR USE OF LIGHTING FACILITIES, FOR LIGHTING PUBLIC STREETS WITHIN THE AREA DESCRIBED AS BELLEZA DEL DESIERTO PHASE 2 SUBDIVISION, SAN LUIS, ARIZONA.**

**WHEREAS**, a petition for the street lighting improvement district has been presented by all of the real property owners of record for the real property described as Belleza Del Desierto Phase 2 Subdivision, San Luis, Arizona.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the City of San Luis, Arizona, as follows:

**Section 1:** The City of San Luis hereby creates a street lighting improvement district to be tentatively known as Belleza Del Desierto Phase 2 Street Lighting Improvement District for the area described as Belleza Del Desierto Phase 2 Subdivision, San Luis, Arizona, and as further shown on Exhibit "A" attached hereto.

**Section 2:** That the public interest and convenience require, and it is the intention of the governing body of the City of San Luis to order the purchase of electricity which includes a charge for the maintenance and use of the lighting facilities. That the maintenance and purchase of electricity is of more than local or ordinary public benefit, and the cost is hereby made chargeable upon the District, and the District benefited by said streetlights is legally described as set forth in Section 1 hereinabove.

**Section 3:** That the cost of the electricity shall be the established rate of Arizona Public Service for street lighting service.

**Section 4:** That the lighting of the streets in the area described shall be in accordance with the lighting location plan hereby approved and adopted by the Council of the City of San Luis, Arizona, and on file in the office of the City Engineer, tentatively known as Belleza Del Desierto Phase 2 Street Lighting Improvement District.

**Section 5:** In no event will the City of San Luis or any officer thereof be liable for any portion of the cost of supplying electricity to said Improvement District, no

assessment for district purposes against the property within such district exceeds the maximum contained in A.R.S. § 48-616.D, in which event the City of San Luis shall be liable for the cost of supplying electricity in excess of said statutory maximums.

**Section 6:** The City Council shall make an annual statement of the expenses relative to the District which shall be provided for by the levy and collection of the ad valorem taxes of the assessed value of all property, real and personal, in the District as provided in Title 48 of the Arizona Revised Statutes, which taxes shall be collected in the amount shown by the statement adopted by the City Council.

**PASSED AND ADOPTED** by the Mayor and City Council of the City of San Luis, Arizona, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Gerardo Sanchez, Mayor

**ATTEST:**

\_\_\_\_\_  
Sonia Cornelio, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Kay Marion Macuil, City Attorney

**PETITION, WAIVER AND CONSENT TO FORMATION  
OF A STREET LIGHTING IMPROVEMENT DISTRICT  
BY THE CITY OF SAN LUIS NEW SUBDIVISION,  
BELLEZA DEL DESIERTO PHASE 2  
(OWNER: DSA INVESTMENT COMPANY, L.L.C., GENERAL PARTNER OF SAM  
GROUP INVESTMENTS CO. LIMITED PARTNERSHIP)**

**To:                   Honorable Mayor and City Council  
                          City of San Luis, Arizona**

Pursuant to Arizona Revised Statutes, Section 48-571 to 48-617, as amended, and specifically A.R.S. §48-572(A)(7), §48-616 and §48-617 the undersigned property owner respectfully petitions the City Council of the City of San Luis, Arizona ("City Council") to order the formation of Street Lighting Improvement District ("District") under Arizona Revised Statutes, Title 48 Chapter 4, Article 2. In support of this petition, the undersigned agree to waive certain rights under the Arizona Improvement District Law and to consent to the formation and completion of the District.

1. Area of District. The proposed district is described by a map and by a legal description of "Exhibit A" which is attached hereto and incorporated herein by reference. The proposed District consists of approximately 18.44 acres and is entirely within the corporate boundaries of the City of San Luis.
2. Ownership. The undersigned (is) (are) the sole owner(s) of the real property within the proposed District (the "Petitioner(s)") including any required public dedications of property.
3. Purpose. The District is proposed to be formed for the purpose of the installation of light poles and luminaries together with purchasing the electricity for lighting of public streets within Belleza Del Desierto Phase 2 Subdivision.
4. Public Convenience and Necessity. The necessity for the proposed District is for the installation of light poles and luminaries with purchasing the electricity for lighting public streets within the proposed District by the levying of special assessments in the proposed District.
5. Waiver and Consent. The Petitioners with full knowledge of their rights being waived hereunder, hereby expressly waive all of the following:
  - (a) Any and all irregularities, illegalities or deficiencies which may exist in the acts or proceedings resulting in the adoption of the Resolution of Intention and the Resolution Ordering the Work relating to the District;
  - (b) Any necessity for publication and posting of the Resolution of Intention and the Notice of Proposed Improvements;

- (c) All protest rights, whatsoever under A.R.S. §48-579 (A) and (B) as amended, which provide for protests against the work; and
- (d) All rights to petition to dissolve the district pursuant to A.R.S. §48-574(N);
- (e) All objections to the filing of and adoption by the City of the plans and specifications, the Engineer's estimate and the Assessment Diagram, all of which provide for the completion of the District.

Further the improvements described above are of more than local or ordinary public benefit.

In Witness whereof the parties have executed this Petition and waiver agreement as of the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

<u>PROPERTY OWNER</u>		
<u>NAME, ADDRESS AND</u>		<u>PROPERTY</u>
<u>SIGNATURE</u>	<u>DATE</u>	<u>(Tax Parcel Nos.)</u>

DSA INVESTMENT COMPANY, L.L.C,  
 GENERAL PARTNER OF SAM GROUP  
 INVESTMENT OF CO. LIMITED PARTNERSHIP  
 10602 S. CAMINO DEL SOL  
 YUMA, AZ 85367

By: \_\_\_\_\_ **APN 227-15-024**  
 David John Loo, Member

STATE OF ARIZONA     )  
                                   )ss.  
 County of Yuma        )

The foregoing acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ by David John Loo, Member of DSA Investment Company, L.L.C., General Partner, Sam Group Investment Co. Limited Partnership, an Arizona Private Corporation, on behalf of said Corporation.

My Commission Expires

\_\_\_\_\_  
 Notary Public

**ACCEPTED AND APPROVED BY:**

CITY OF SAN LUIS, ARIZONA AN  
ARIZONA MUNICIPAL CORPORATION

By \_\_\_\_\_  
Gerardo Sanchez, Mayor

**ATTEST:**

\_\_\_\_\_  
Sonia Cornelio, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Kay Marion Macuil, City Attorney

