



Resolution

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

No. 2183

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA DECLARING ITS INTENTION TO PROVIDE THE ENHANCED MUNICIPAL SERVICES OF MAINTAINING AND REPAIRING CERTAIN LANDSCAPE IMPROVEMENTS INCLUDED WITHIN, NEAR AND ADJACENT TO THE RETENTION BASINS AND PARKING AND PARKWAYS AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES WITHIN THE AREA DESCRIBED AS BELLEZA DEL DESIERTO PHASE 2 LANDSCAPE IMPROVEMENT DISTRICT, SAN LUIS, ARIZONA.

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;

WHEREAS, a petition has been received by Mayor and City Council of the City of San Luis to form a MID to provide operation, maintenance and repair of the landscape improvements within, near and adjacent to the retention and detention basins and the parkings and parkways and related improvements in the Belleza Del Desierto Phase 2;

WHEREAS, the formation of a MID for the operation, maintenance and repair of the landscape improvements within, near, and adjacent to retention and detention basins and the parkings and parkways and related improvements serving Belleza Del Desierto Phase 2 will provide a dedicated stream of funding for the maintenance of those improvements and will provide neighborhood decisions on those improvements, and will privatize the maintenance of those improvements;

WHEREAS, the Mayor and City Council of the City of San Luis, Arizona, 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 retention and detention basins and the parkings and parkways and related improvements in the Belleza Del Desierto Phase 2 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 Belleza Del Desierto Phase 2 District;

WHEREAS, the Mayor and City Council of the City of San Luis, Arizona, find and declare that the operation, maintenance, and repair of landscaping improvements in the

retention and detention basins and the parkings and parkways and related improvements in the District is incidental to the maintenance and preservation of the retention and detention basins and the parkings and parkways and related improvements, has aesthetic value, and maintains and increases the value of property within the District;

WHEREAS, the Mayor and City Council of the City of San Luis, Arizona find and declare that the operation, maintenance, and repair of landscaping improvements within, near or adjacent to the retention and detention basins and 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 of the City of San Luis, Arizona 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 San Luis as follows:

SECTION 1: The petition to form a MID for Belleza Del Desierto Phase 2 purporting to be signed by all of the real property owners within the proposed District attached as Exhibit "A" is hereby accepted as provided in A.R.S. § 48-574(C).

SECTION 2: Belleza Del Desierto Phase 2 Landscape, serving Belleza Del Desierto Phase 2 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 Belleza Del Desierto Phase 2, is hereby created.

SECTION 3: The expenses of Belleza Del Desierto Phase 2 Landscape shall be assessed to the several properties within the MID as provided for in A.R.S. § 48-574 et seq.

SECTION 4: No sooner than fifteen (15) calendar days after this Resolution is adopted, City staff shall present a legal description of the boundary for Belleza Del Desierto Phase 2 Landscape and a diagram for Belleza Del Desierto Phase 2 Landscape to Mayor and City Council for consideration to declare an intention to order improvements to Belleza Del Desierto Phase 2 Landscape as provided in A.R.S. § 48-576.

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 MUNICIPAL 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 ("A.R.S.") §48-574, the undersigned property owner respectfully petitions the Mayor and City Council of the City of San Luis, Arizona (the "City Council") to order the formation of a Municipal Improvement District (the "District") under A.R.S., Title 48, Chapter 4, Article 2. In support of this petition, the undersigned agrees to waive certain rights under 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/diagram and by a legal description on "Exhibit A" that is attached hereto and incorporated herein by reference. The proposed District consists of 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 operation, maintenance, repair and improvements of pedestrian malls, off-street parking facilities, retention and detention basins and parkings and parkways adjacent to designated public roadways within the proposed District.
4. Public Convenience and Necessity. The necessity for the proposed District is for the operation, maintenance, repair and improvements of landscape, irrigation, and hardscape in parkways and parkings adjacent to designated public roadways 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 pursuant to A.R.S §48-578.
 - (c) All rights to petition to dissolve the district pursuant to A.R.S. §48-574(N).

- (d) All protest rights whatsoever under A.R.S. §48-579(A) and (B) as amended, which provide for protests against the work; and
- (e) All objections to the filing of and legislative adoption by the City Council 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, and not a general 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>PROPERTY</u>
<u>NAME, ADDRESS AND</u>		<u>(Tax Parcel Nos.)</u>
<u>SIGNATURE</u>	<u>DATE</u>	

DSA INVESTMENT COMPANY, L.L.C.,
 GENERAL PARTNER OF SAM GROUP
 INVESTMENT 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 of 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

