



City of Apache Junction

Development Services Department



CITY COUNCIL CONSENT AGENDA STAFF REPORT

DATE: May 16, 2023

TO: Honorable Mayor and City Council Members

THROUGH: Bryant Powell, City Manager
Rudy Esquivias, Development Services
Director

CASE NUMBER: Affidavits of Correction for five (5)
Final Plats (SV-23-11)

OWNERS: Brookfield ASLD 8500 LLC ("Brookfield")

APPLICANT: Paul Lillis, Brookfield

REQUEST: Request from Brookfield and the Arizona
State Land Department for a minor text
edit to five (5) previously approved final
plats

LOCATION: Section 20

BACKGROUND

During July of 2022, Brookfield submitted and received Council approval of five (5) Final Plats which consisted of Blossom Rock Phase 1, Blossom Rock Phase 2, Blossom Rock Trail Phase 1, Ray Avenue Phase 1 and Ironwood Drive Phase 1. Since then, the Arizona State Land Department ("ASLD") has requested a minor text edit to amend those plats. The language is as follows:

NO CFD IMPROVEMENTS THAT ARE BEING DEDICATED TO THE CITY OF APACHE JUNCTION ("CFD IMPROVEMENTS") SHALL BE DEEMED TO BE DEDICATED TO OR ACCEPTED BY THE CITY OF APACHE JUNCTION OR OTHER GOVERNMENTAL ENTITY UNTIL ACCEPTANCE OF SUCH CFD IMPROVEMENTS BY THE CITY OF APACHE JUNCTION OR OTHER GOVERNMENTAL ENTITY. OWNER HEREBY RESERVES AN INTEREST IN ANY OF THE FOREGOING REAL

PROPERTY UPON WHICH WHAT WOULD BE "PUBLIC INFRASTRUCTURE" AS SUCH TERM IS DEFINED IN SECTION 48-701, ARIZONA REVISED STATUTES, HAS BEEN OR IS TO BE CONSTRUCTED, INCLUDING THE CFD IMPROVEMENTS. EXCEPT IF RELEASED PRIOR THERETO AS HEREINAFTER DESCRIBED, SUCH INTEREST IS TO BE ACQUIRED BY THE CFD. SUCH INTEREST IS LIMITED TO ONE NECESSARY TO ACCOMMODATE THE FINANCING OF THE ACQUISITION OF SUCH PUBLIC INFRASTRUCTURE (INCLUDING OF SUCH INTEREST IN SUCH REAL PROPERTY) PURSUANT TO THE AMENDED AND RESTATED DISTRICT DEVELOPMENT, FINANCING PARTICIPATION, WAIVER AND INTERGOVERNMENTAL AGREEMENT DATED AS OF OCTOBER 10, 2022, AND RECORDED ON OCTOBER 11, 2022, IN THE OFFICIAL RECORDS OF THE PINAL COUNTY RECORDER, AS INSTRUMENT NO. 2022-106816 (THE "CFD DEVELOPMENT AGREEMENT"). SUCH INTEREST IS TO BE RELEASED UPON THE EARLIER OF THE ACQUISITION OF SUCH PUBLIC INFRASTRUCTURE ONLY BY THE CFD PURSUANT TO THE CFD DEVELOPMENT AGREEMENT OR DECEMBER 31, 2056.

In simpler terms, the above noted language preserves the ability to use the Community Facility District ("CFD") bonds to finance public infrastructure improvements benefiting the District. All future plats for consideration will include such language. The omission of such language in the previously approved plats originated from an administrative oversight but does not alter the legal parameters, boundaries or intent of the previously approved plats.

PLANNING DIVISION RECOMMENDATION

Staff is supportive of the five (5) Affidavits of Correction due to the administrative nature of the request and respectfully recommends that the City Council approve the proposed request.

RECOMMENDED MOTION FOR MAP OF DEDICATION

I move that the Apache Junction City Council approve SV-23-11, five (5) Affidavits of Correction which include, Blossom Rock Phase 1, Blossom Rock Phase 2, Blossom Rock Trail Phase 1, Ray Avenue Phase 1 and Ironwood Drive Phase 1.

Sidney Urias

Prepared by Sidney Urias
Interim Planning Manager

Attachments:

- Exhibit #1 - Affidavit of Correction for Blossom Rock Phase 1
- Exhibit #2 - Affidavit of Correction for Blossom Rock Phase 2
- Exhibit #3 - Affidavit of Correction for Blossom Rock Trail
Phase 1
- Exhibit #4 - Affidavit of Correction for Ray Avenue Phase 1
- Exhibit #5 - Affidavit of Correction for Ironwood Drive Phase 1