

RESOLUTION NO. 26-19

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA AMENDING AND CORRECTING RESOLUTION NO. 23-25 AS PASSED AND ADOPTED ON THE 21ST OF NOVEMBER 2023; DECLARATION OF INTENT; PROVIDING FOR RECORDATION; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, Resolution No. 23-25 declared the formation of a street light improvement district 2023-SV-1B-1 showing all street lights installed for the street light improvement district and location of those street lights; and

WHEREAS, Resolution No. 23-25 is now in full force and effect, the original copy being on file with the District Clerk; and

WHEREAS, a scrivener's error exists in the legal description of Resolution No. 23-25 wherein the legal description set forth in original Exhibit A was not accurate; and

WHEREAS, pursuant to the authority of *McCune v. City of Phoenix*, 83 Ariz. 98 (1957), *City of Douglas v. City of Sierra Vista*, 21 Ariz. App. 71 (1973), and *Glick v. Town of Gilbert*, 123 Ariz. 395 (1979), typographical errors in a legal description of property does not affect the underlying validity of the authorizing document; and

WHEREAS, it is the desire of the Mayor and City Council to clarify and correct any previous typographical errors in the legal description of the street light improvement district in Resolution No. 23-25; and

WHEREAS, it is the intent that this Resolution shall not in any manner affect the validity of Resolution No. 23-25 as passed and adopted on November 21, 2023, except to correct the legal description.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL AS FOLLOWS:

SECTION I IN GENERAL

That the final budget for the street light improvement district 2023-SV-1B-1 legal description set forth in Resolution No. 23-25, as passed and adopted on November 21, 2023 by the City, be amended to correct a clerical error in Exhibit A.

SECTION II DECLARATION OF INTENT

The purpose of this resolution is to amend and correct Exhibit A of Resolution No. 23-25. By this amendment it is not the intent to repeal any section of Resolution No. 23-25 nor to affect either its otherwise valid provisions or its effective adoption date of November 21, 2023.

SECTION III RECORDATION

The Public Works Director shall file and record this resolution, in the office of the County Recorder of Pinal County, Arizona.

SECTION IV REPEALING ANY CONFLICTING PROVISIONS

All resolutions and parts of resolutions which are in conflict with the provisions of this resolution are hereby repealed.

SECTION V PROVIDING FOR SEVERABILITY

If any section, subsection, sentence, phrase, clause or portion of this resolution is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION ARIZONA, THIS _____ DAY OF _____, 2026.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 2026.

WALTER "CHIP" WILSON
Mayor

ATTEST:

EVIE MCKINNEY
City Clerk

APPROVED AS TO FORM:

RICHARD J. STERN
City Attorney

EXHIBIT A

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City of Apache Junction
Street Light Improvement District 2023-SV-1B-1
Budget FY 2026 - 2027

Streetlight Improvement District ("SLID")	2023-SV-1B-1
Number of streetlights	24
Energy cost per month per streetlight	\$6.28
Monthly energy cost for the SLID	\$150.72
Annual energy cost for the SLID	\$1,808.64
Number of residences in the SLID	279
Annual energy levy per residence in the SLID	\$6.48