

RESOLUTION NO. 24-42

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, CONFIRMING PRIOR APPROVAL OF THE FIRST AMENDMENT TO AMENDED AND RESTATED DISTRICT DEVELOPMENT, FINANCING PARTICIPATION, WAIVER AND INTERGOVERNMENTAL AGREEMENT FOR SUPERSTITION VISTAS COMMUNITY FACILITIES DISTRICT NO. 2, APPROVING THE CORRECTED LEGAL DESCRIPTION OF DISTRICT BOUNDARIES, AND AUTHORIZING OTHER ACTIONS IN FURTHERANCE OF THIS RESOLUTION WHETHER HERETOFORE OR HEREAFTER TAKEN.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AS FOLLOWS:

SECTION I FINDINGS

The mayor and city council hereby make the following findings:

A. On December 19, 2023, the Superstition Vistas Community Facilities District No. 2 (the "District") granted a petition requesting the deletion of an area from the boundaries of the District (the "Deleted Area") pursuant to Sections 48-707.F and 48-714, Arizona Revised Statutes. In connection with the deletion of the Deleted Area, Brookfield Homes Holdings, LLC ("Brookfield") and Brookfield ASLD 8500, LLC ("Brookfield ASLD") requested the execution and delivery of the First Amendment to Amended and Restated District Development, Financing Participation, Waiver and Intergovernmental Agreement (the "First Amendment to CFD Development Agreement").

B. On December 19, 2023, the mayor and council of the City, adopted Resolution No. 23-40 which, among other things, approved and authorized the execution and delivery of the First Amendment to CFD Development Agreement.

C. The City, District, Brookfield and Brookfield ASLD executed and delivered the First Amendment to CFD Development Agreement, recorded as Fee No. 2024-005632 in the official records of Pinal County, Arizona.

D. Subsequent to the recording of the First Amendment to CFD Development Agreement it was determined by the Pinal County Assessor there were errors in the legal description of the Deleted Area provided by Brookfield ASLD, and Brookfield ASLD subsequently corrected the legal description of the boundaries of the District and the First Amendment to CFD Development Agreement was re-recorded in October 2024 as Fee No. 2024-082869 in the official records of Pinal County, Arizona, all as approved by Resolution No. 24-34 adopted by the mayor and city council of the City on October 15, 2024.

E. In accordance with an additional request of the Pinal County Assessor in November 2024, Brookfield ASLD made an additional correction to the legal description of the boundaries of the District.

SECTION II CONFIRMING PRIOR APPROVAL OF FIRST AMENDMENT TO CFD DEVELOPMENT AGREEMENT AND APPROVAL OF CORRECTED LEGAL DESCRIPTION

The prior approval of the First Amendment to CFD Development Agreement is hereby confirmed and incorporation of the corrected legal description attached hereto as Exhibit A as if it was originally part of the First Amendment to CFD Development Agreement is approved.

SECTION III RATIFICATION AND AUTHORIZATION

A. Resolution No. 23-40, Resolution No. 24-34 and all things done arising therefrom are hereby ratified and confirmed in all other respects.

B. All actions of the mayor and council of the City, the manager of the City, the acting clerk of the City, the finance director of the City, and the City attorney of the City, or the designees of any of them, whether heretofore or hereafter taken, in furtherance of this resolution and pertaining to the approval of the corrected legal description of the District boundaries, are hereby ratified, confirmed, authorized and approved.

SECTION IV EFFECT OF RESOLUTION

A. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any remaining provisions of this resolution. The mayor and council of the City hereby declares that it would have adopted this resolution and each and every other section, paragraph, clause or provision hereof and authorized the approval of the corrected legal description of the District boundaries and confirmed approval of the First Amendment to CFD Development Agreement pursuant hereto irrespective of the fact that any one or more sections, paragraphs, clauses or provisions may be held to be invalid, illegal or unenforceable.

B. All resolutions or parts thereof inconsistent herewith are hereby waived to the extent only of such inconsistency.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS ____ DAY OF DECEMBER, 2024.


SIGNED AND ATTESTED TO THIS ____ DAY OF _____, 2024.

WALTER "CHIP" WILSON
Mayor

ATTEST:

YVETTE MCKINNEY
Acting City Clerk

APPROVED AS TO FORM:



RICHARD JOEL STERN
City Attorney

EXHIBIT A

CFD DESCRIPTION

THAT PORTION OF SECTION 17, SECTION 20, THE SOUTH HALF OF SECTION 18 AND THE NORTH HALF OF SECTION 19, TOWNSHIP 1 SOUTH, RANGE 8 EAST OF THE GILA AND SALT RIVER MERIDIAN, PINAL COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A PINAL COUNTY PUBLIC WORKS DEPARTMENT BRASS CAP IN HAND HOLE MARKING THE WEST QUARTER CORNER OF SAID SECTION 20, FROM WHICH A PINAL COUNTY PUBLIC WORKS DEPARTMENT BRASS CAP IN HAND HOLE MARKING THE NORTHWEST CORNER THEREOF BEARS NORTH 0°17'35" WEST, A DISTANCE OF 2641.12 FEET;

THENCE NORTH 0°17'35" WEST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 20, A DISTANCE OF 2641.12 FEET TO SAID NORTHWEST CORNER;

THENCE SOUTH 89°46'31" WEST, ALONG THE SOUTH LINE OF SECTION 18, A DISTANCE OF 500.00 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2500.00 FEET, A CENTRAL ANGLE OF 22°55'06", AND A CHORD THAT BEARS SOUTH 78°18'58" WEST, 993.35 FEET;

THENCE ALONG SAID CURVE, A DISTANCE OF 1000.00 FEET;

THENCE SOUTH 66°51'25" WEST, A DISTANCE OF 540.51 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 3000.00 FEET, A CENTRAL ANGLE OF 30°39'58", AND A CHORD THAT BEARS SOUTH 82°11'24" WEST, 1586.58 FEET;

THENCE ALONG SAID CURVE, A DISTANCE OF 1605.68 FEET;

THENCE NORTH 82°28'36" WEST, A DISTANCE OF 583.29 FEET;

THENCE NORTH 53°29'13" EAST, A DISTANCE OF 910.07 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 18;

THENCE NORTH 53°29'26" EAST, A DISTANCE OF 4200.33 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 17;

THENCE NORTH 0°17'10" WEST, ALONG SAID WEST LINE, A DISTANCE OF 155.64 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 17;

THENCE NORTH 0°13'51" WEST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17, A DISTANCE OF 2639.88 FEET TO NORTHWEST CORNER THEREOF;

THENCE NORTH 89°45'04" EAST, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17, A DISTANCE OF 2642.33 FEET TO THE NORTH QUARTER CORNER THEREOF;

THENCE NORTH 89°47'06" EAST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 17, A DISTANCE OF 33.50 FEET;

THENCE SOUTH 0°16'32" EAST, A DISTANCE OF 830.28 FEET;

THENCE NORTH 53°27'53" EAST, A DISTANCE OF 1401.79 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 17;

THENCE NORTH 89°47'06" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 1480.06 FEET TO THE NORTHEAST CORNER OF SAID SECTION 17;

THENCE SOUTH 0°17'17" EAST, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 2641.26 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 17;



2045 SOUTH VINEYARD, SUITE 101
MESA, ARIZONA 85210
TEL 480.768.8600
www.sunrise-eng.com

SHEET 1 OF 5

CFD DESCRIPTION

THENCE SOUTH 0°17'38" EAST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 17, A DISTANCE OF 2641.38 FEET TO THE SOUTHEAST CORNER THEREOF;

THENCE SOUTH 0°16'25" EAST, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 20, A DISTANCE OF 2640.89 FEET TO THE EAST QUARTER CORNER THEREOF;

THENCE SOUTH 0°15'30" EAST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 20, A DISTANCE OF 2641.53 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 20;

THENCE SOUTH 89°46'59" WEST, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2643.37 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 20;

THENCE SOUTH 89°48'18" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 20, A DISTANCE OF 2643.78 FEET TO THE SOUTHWEST CORNER THEREOF;

THENCE NORTH 0°17'01" WEST, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 2640.28 FEET TO THE POINT OF BEGINNING.

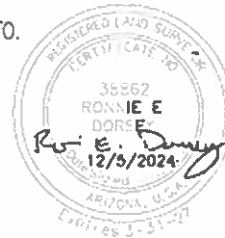
EXCEPT PARCEL "A" OF THE FINAL PLAT FOR PHASE 5 COMMERCIAL, RECORDED ON FEE NUMBER 2024-061060, PINAL COUNTY RECORDS;

EXCEPT PARCEL "A" OF THE FINAL PLAT FOR PHASE 3 COMMERCIAL, RECORDED ON FEE NUMBER 2024-061061, PINAL COUNTY RECORDS;

AND EXCEPT PARCEL "11, 12, 13 & 14" OF THE FINAL PLAT FOR BLOSSOM ROCK PHASE 1, RECORDED ON FEE NUMBER 2022-084918, PINAL COUNTY RECORDS.

CONTAINS 57166135 SQUARE FEET OR 1312.3539 ACRES OF LAND, MORE OR LESS.

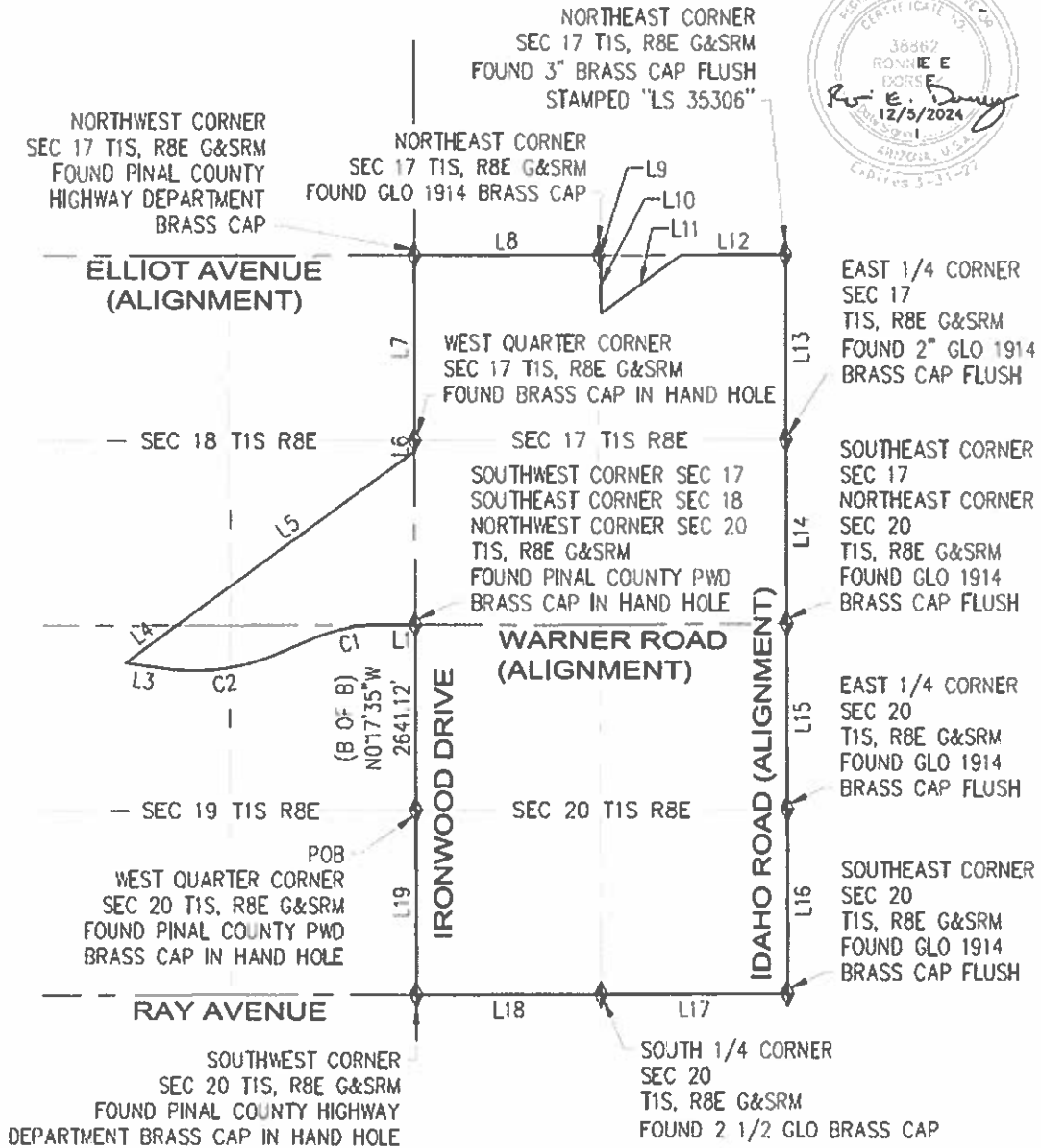
SEE ATTACHED EXHIBIT "A" BY REFERENCE MADE A PART HERETO.



2045 SOUTH VINEYARD, SUITE 101
MESA, ARIZONA 85210
TEL 480.760.8600
www.sunrise-eng.com

SHEET 2 OF 5

EXHIBIT "A"



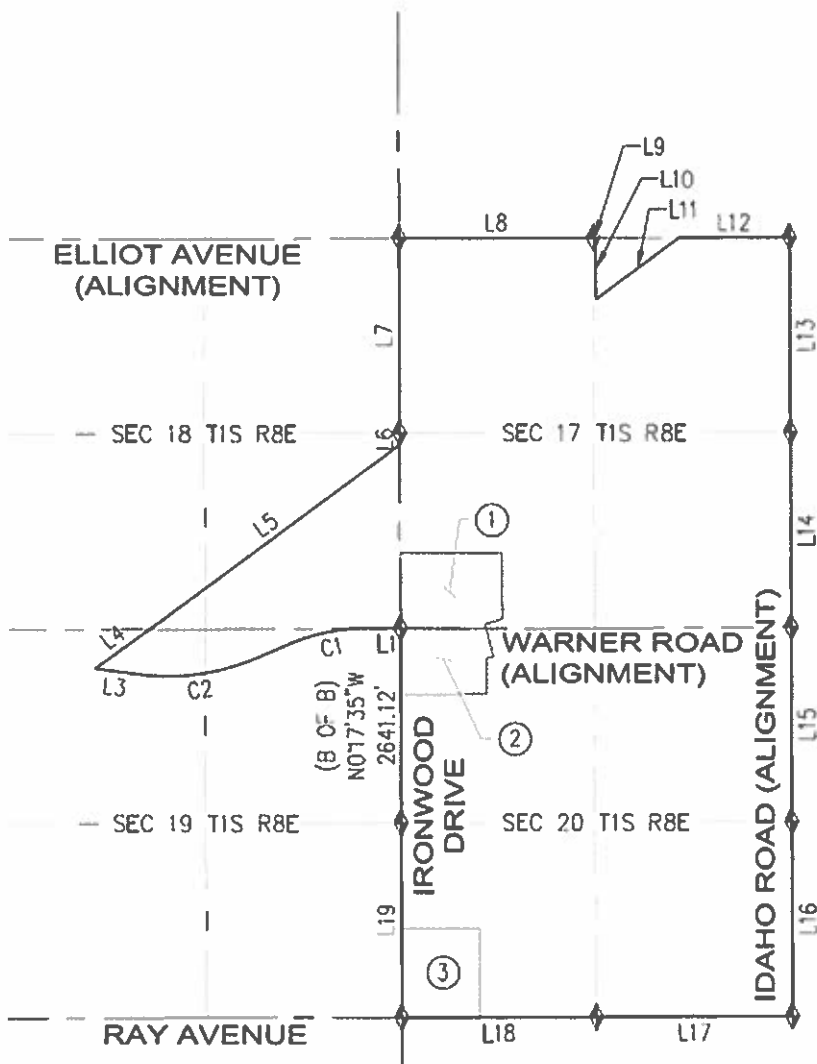
NOT TO SCALE



**SUNRISE
ENGINEERING**
2045 SOUTH VINEYARD, SUITE 101
MESA, ARIZONA 85210
TEL 480.768.8600
www.sunrise-eng.com

SHEET 3 OF 5

EXHIBIT "A"



- EXCEPTION
 ① PARCEL "A", PHASE 5 COMMERCIAL
 FEE 2024-061060, PCR
- EXCEPTION
 ② PARCEL "A", PHASE 3 COMMERCIAL
 FEE 2024-061061, PCR
- EXCEPTION
 ③ PARCEL 11, 12, 13 & 14
 BLOSSOM ROCK PHASE 1
 FEE 2022-084918, PCR



NOT TO SCALE



2045 SOUTH VINEYARD, SUITE 101
 MESA, ARIZONA 85210
 TEL 480.768.8600
 www.sunrise-eng.com




SHEET 4 OF 5

EXHIBIT "A"

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD DIST
C1	22°55'06"	2500.00	1000.00'	S78°18'58"W	993.35'
C2	30°39'58"	3000.00	1605.68'	S82°11'24"W	1586.58'

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S89°46'31"W	500.00'
L2	S66°51'25"W	540.51'
L3	N82°28'36"W	583.29'
L4	N53°29'13"E	910.07'
L5	N53°29'26"E	4200.33'
L6	N0°17'10"W	155.64'
L7	N0°13'51"W	2639.88'
L8	N89°45'04"E	2642.33'
L9	N89°47'06"E	33.50'
L10	S0°16'32"E	830.28'
L11	N53°27'53"E	1401.79'
L12	N89°47'06"E	1480.06'
L13	S0°17'17"E	2641.26'
L14	S0°17'38"E	2641.38'
L15	S0°16'25"E	2640.89'
L16	S0°15'30"E	2641.53'
L17	S89°46'59"W	2643.37'
L18	S89°48'18"W	2643.78'
L19	N0°17'01"W	2640.28'

LEGEND

	SUBJECT BOUNDARY
	PLSS SECTION LINE
	PLSS SUB SECTION LINE

ABBREVIATIONS

APN	ASSESSOR PARCEL NUMBER
E	EAST
GLO	GENERAL LAND OFFICE
G&SRM	GILA & SALT RIVER MERIDIAN
LS	LAND SURVEYOR
N	NORTH
PCR	PINAL COUNTY RECORDS
PLSS	PUBLIC LAND SURVEY SYSTEM
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PWD	PUBLIC WORKS DEPARTMENT
R	RANGE
S	SOUTH
T	TOWNSHIP
W	WEST



2045 SOUTH VINEYARD, SUITE 101
 MESA, ARIZONA 85210
 TEL 480.768.8600
 www.sunrise-eng.com

SHEET 5 OF 5