

RESOLUTION NO. 21-08

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, ACCEPTING A PETITION, WAIVER AND CONSENT, AND THE INTENTION TO FORM A MUNICIPAL STREET LIGHTING IMPROVEMENT DISTRICT IN THE CITY OF APACHE JUNCTION TO BE DESIGNATED AS "CITY OF APACHE JUNCTION STREET LIGHTING IMPROVEMENT DISTRICT NO. 2021-02-COYOTE CROSSING"; DECLARING FUNDING TO CONTRACT FOR THE PURCHASE OF ENERGY FOR THE STREET LIGHTS BE BY ANNUAL LEVY OF TAXES OR ASSESSMENTS EQUALLY APPORTIONED UPON ALL OF THE PROPERTY OWNERS OF THE DISTRICT; AND PROVIDING THE LIGHTING OF PUBLIC STREETS AND PARKS WITHIN AND ADJACENT TO STREETS IN THE PROPOSED DISTRICT.

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

1. Acceptance and Findings. A petition (the "Petition") for the formation of the City of Apache Junction Street Lighting Improvement District ("SLID") No. 2021-02-Coyote Crossing (the "District") (see Map of District Boundaries, respectively Exhibit A) to purchase, and not generate, energy for street or public park lighting within the District and adjacent streets, has been filed with the city clerk and presented to the mayor and city council at the meeting at which this resolution was adopted. The Petition purports to be signed by all of the real property owners in the proposed District, exclusive of mortgagees and other lienholders. After verification of such ownership, the mayor and city council find pursuant to A.R.S. § 48-615 (A) that the Petition was signed by all of the real property owners in the proposed District, exclusive of mortgagees and other lienholders.

2. Declaration of Intention to Order Formation of the District. The public interest and convenience require and it is the intention of the mayor and city council to order the work through formation of the District pursuant to A.R.S. Title 48, Chapter 4, Article 2. The District's sole purpose shall be the purchase, not generation, of energy to operate the street lighting system as it now exists or is hereafter enlarged. The phrase "street lighting system" shall mean all publicly owned street and traffic lights and all wire, apparatus and other facilities now in place or hereafter constructed or acquired for the lighting of public streets and parks within the District and on adjacent streets. For purposes of this resolution and of all resolutions, ordinances and notices pertaining hereto, the SLID shall be known

as and is hereby designated "City of Apache Junction Street Lighting Improvement District No. 2021-02-Coyote Crossing".

3. Statutory Authority; Payment of Incidental Expenses. All proceedings pertaining to the District is authorized by Arizona Revised Statutes Title 48, Chapter 4, Article 2, and all amendments thereto including, without limitation, §§ 48-616 and 48-617. All incidental expenses shall become the obligation of the District, unless paid for by the signers of the Petition. The phrase "incidental expenses" shall mean the costs of posting, publication, recording and legal fees associated with the formation of the District and the annual levy of taxes.

4. Protests, Objections, Waiver. In the Petition, the signers have made written consents and waivers pertaining to the ordering of the work and to the formation of the District and have specifically waived all protests and objections against formation of the District. City staff has verified such ownership and the mayor and city council find as a fact that all property owners within the District signed such Petition. Therefore, pursuant to A.R.S. § 48-617 (A), no publication or posting of any notice pertaining to formation of the District will be made which is normally required under A.R.S. §§ 48-575(C) and 48-578.

5. Engineer's Estimate. As financing for the acquisition and construction of the initial street lighting system has been provided, the District's sole purpose will be to purchase, and not generate, energy to operate the street lighting system. All owners of land within the District who signed the Petition waived the filing of an engineer's estimate and no engineer's estimate has been filed with the city clerk.

6. Determination of Type of Lighting and Consideration of the Rate to be Paid. The type of lighting shall be the type now in place within the District which now comprises the street lighting system or such lighting facilities as may be required in the future by city engineering staff or some other entity for use within the District. The mayor and city council agree that the current rate to be paid for purchasing energy for the proposed district per street light per month and per kilowatt hour is set by the public service entity which provides the energy to light the streets (currently Salt River Project) and may be increased as they or their successors so determine in the future. The estimate of the District's costs and expenses of purchasing energy for the operation of the street lighting system is subject to change or

correction when the actual costs of operation are known and is subject to change due to inflation, new construction or acquisition of additional portions of the street lighting system.

7. Compliance with City Outdoor Lighting Code. The District shall comply with the provisions of the Apache Junction City Code, Vol. II, Land Development Code, Article 1-10: Outdoor Lighting Regulations, as amended.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS ____ DAY OF _____, 20__.

SIGNED AND ATTESTED TO THIS ____ DAY OF _____, 20__.

CHIP WILSON
Mayor

ATTEST:

JENNIFER PEÑA
City Clerk

APPROVED AS TO FORM:

RICHARD J. STERN
City Attorney

EXHIBIT A
[Map of District Boundaries]

CENTER OF SECTION 17, T.1N., R.8E.
FOUND 3/4" REBAR NO CAP

EAST QUARTER COR
SECTION 17, T.1N., R.8E.
FOUND G.L.O.
MONUMENT IN HANDHOLE

NORTHWEST PARCEL CORNER
PK W/WASHER 21773

BASIS OF BEARING
TEPEE STREET
S89°53'44"E 2641.50'

2311.30'

330.20'

SLID BOUNDARY AREA
108,952 SQUARE FEET±
2.501 ACRES±

N00°03'47"W 329.97'

PUEBLO DRIVE

S00°03'34"E 329.97'
IDAHO ROAD

N89°53'46"W 330.18'

SOUTHWEST PARCEL CORNER
FOUND 1/2" REBAR NO CAP

SOUTHEAST PARCEL CORNER
FOUND BRASS CAP FLUSH

Scale: 1"=100'



JOB #18003435-SHEET 2 OF 2 2-7-2020

EXHIBIT A
STREET LIGHT IMPROVEMENT DISTRICT
COYOTE CROSSING