

**PETITION FOR FORMATION
AND
PETITION FOR ADOPTION OF RESOLUTIONS
ORDERING AND DECLARING
FORMATION OF
SUPERSTITION VISTAS COMMUNITY FACILITIES DISTRICT NO. 2**

STATE OF ARIZONA)
COUNTY OF PINAL) ss.
CITY OF APACHE JUNCTION)

The undersigned owners of all of the land (collectively, the “*Petitioner*”), hereinafter described by metes and bounds, acting pursuant to the provisions of Title 48, Chapter 4, Article 6, Arizona Revised Statutes, as amended (the “*Act*”), respectfully petitions the Honorable Mayor and City Council of the City of Apache Junction, Arizona (the “*City*”), to adopt such resolutions (the “*Resolutions*”) as may be necessary to declare its intent to form and order the formation of a tax levying community facilities district (the “*District*”) and would respectfully request the following:

A. The name of the District is to be “***Superstition Vistas Community Facilities District No. 2***”,

B. The District is to be formed, and shall exist, pursuant to the terms and provisions of the Act, as such terms and provisions are modified, waived or restricted pursuant to agreements to be entered into by and among the Petitioner, the City and the District,

C. The District is to contain an area of approximately 1,408 acres of land, more or less, wholly within the corporate boundaries of the City and is to be composed of the land described by metes and bounds in Exhibit A hereto, which is made a part hereof for all purposes,

D. The District is to be a special purpose district for purposes of Article IX, Section 19, Constitution of Arizona, a tax levying public improvement district for the purposes of Article XIII, Section 7, Constitution of Arizona, and a municipal corporation for all purposes of Title 35, Chapter 3, Articles 3, 3.1, 3.2, 4 and 5, Arizona Revised Statutes, as amended; is, except as otherwise provided in the Act, to be considered a municipal corporation and political subdivision of the State of Arizona, separate and apart from the City; and is to be formed for, and to have, all the purposes and powers of a “District” as such term is defined, and as provided, in the Act,

E. The formation of the District may result in the levy of taxes to pay costs of improvements constructed by the District and for their operation and maintenance,

F. The District is to be governed by a board of directors that consists of the members of the governing body of the City, ex officio,

G. Before the Resolutions are adopted, the City Clerk is to accept and place on file a “general plan” (as such term is defined in the Act and is referred to herein as the “General Plan”) for the District setting out a general description of the public infrastructure for which the District is proposed to be formed, the general areas to be improved and the estimated costs of construction or acquisition of the public infrastructure to be financed, constructed or acquired by the District, and

H. The City is to determine that public convenience and necessity require the adoption of the Resolutions.

NOW THEREFORE, the Petitioner represents, attests and declares that:

1. On the date hereof, as shown on the assessment roll for state and county taxes in Pinal County, Arizona, all of the land to be in the District, as described in Exhibit A hereto and depicted on the map attached hereto as Exhibit B, which is made a part hereof, is owned by Petitioner or, if a person listed on such assessment roll is no longer the owner of the land in the District, that the name of the successor owner has become known and has been verified by recorded deed or other similar evidence of transfer of ownership to be Petitioner and that there are no residents on the land to be in the District and there are no residents; and

2. The land to be included in the District: (i) consists of approximately 1,408 acres; and (ii) is wholly within the corporate limits of the City or is expected to be wholly within the corporate limits of the City following annexation; and

3. The District shall be formed and exist pursuant to the terms and provisions of the Act, as such terms and provisions are modified, waived or restricted pursuant to agreements to be entered into by and among the Petitioner, the City and the District; and

4. This Petition is signed (either as a single document or in counterparts) by the Petitioner, any requirements of posting, publication, mailing, notice, hearing and landowner election otherwise required by the Act in connection with the formation of the District and the adoption of the Resolutions are waived, and the City may, and is hereby requested to, on receipt of this Petition, declare the District formed without being required to comply with such provisions for posting, publication, mailing, notice, hearing or landowner election; and

5. Public convenience and necessity require the adoption of the Resolutions, and that the City shall in no way be liable for the payment of any of the costs of the public infrastructure described in the General Plan, nor liable for any liability, debt or obligation of the District.

6. In accordance with Section 2.7 of the Participation and Infrastructure Contract Regarding ASLD Sale No. 53-120190, the undersigned, on behalf of the Arizona State

Land Department, hereby consents to the formation of the District as an additional community facilities district.

FURTHER, D.R. Horton, Inc., acting for itself and not on behalf of the Arizona State Land Department, represents, attests and declares that:

1. Attached hereto as Exhibit C and made a part hereof, is a certificate of the Assessor of Pinal County stating who are the owners of the land in the proposed District and listing the tax parcel numbers for the parcels of real property affected by or included within the boundaries of the District; and

2. Attached hereto as Exhibit D and made a part hereof, is a certificate of the Recorder of Pinal County stating the qualified electors who reside on the land in the proposed District, if any; and

3. Based on its own knowledge and the information contained in Exhibits C and D hereto, the Petitioner is the sole owner of the real property described in Exhibit A; no other person having any interest in such real property has filed a written request for copies of any notices under the Act; and there are no qualified electors residing on such real property and there shall be no residents within fifty (50) calendar days preceding the first anticipated election for the District; and

4. The land to be included in the District shall be benefited from the improvements for which the District is proposed to be formed; and

5. The General Plan for the proposed District has been filed with the City Clerk setting out a general description of the public infrastructure for which the District is proposed to be formed, the general areas to be improved and the estimated costs of construction or acquisition of the public infrastructure to be financed, constructed or acquired by the District.

FURTHER, Petitioner requests that this Petition be properly filed as provided by law; that the City adopt the Resolutions required to declare and order the District formed without being required to comply with the provisions for posting, publication, mailing, notice, hearing and landowner election otherwise required by the Act in connection with the Resolutions; and that such other orders, acts, procedures and relief as are proper, necessary and appropriate to the purposes of organizing the District and to the execution of the purposes for which the District shall be organized be granted as the Honorable Mayor and City Council shall deem proper and necessary.

[Signature Pages to Follow.]

Submitted and effective as of the 9th day of September, 2021.

D.R. HORTON, INC.,
a Delaware corporation

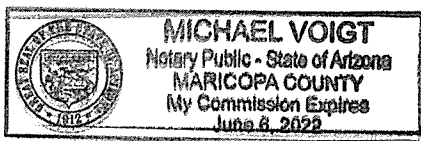
By: Patrick B
Name: Patrick Brown
Its: Vice President

STATE OF Arizona)
) ss.
COUNTY OF Maricopa)

The foregoing instrument was acknowledged before me this 15th day of September, 2021, by Patrick Brown, the Vice President of D.R. Horton, Inc., a Delaware corporation.

(Seal and Expiration Date)

Michael Voigt
Notary Public in and for the State of Arizona



Submitted and effective as of the 9th day of September, 2021.

STATE OF ARIZONA,
acting by and through the Arizona State Land
Department

By: *Lisa A. Atkins*
Name: *Lisa A. Atkins*
Its: *Commissioner*

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

The foregoing instrument was acknowledged before me this *21st* day of *September*, 2021, by *Lisa A. Atkins*, the *Commissioner* of the State of Arizona, acting by and through the Arizona State Land Department.

(Seal and Expiration Date)

1-24-24

Christine Thurston
Notary Public in and for the State of Arizona



ATTACHMENTS:

- Exhibit A: Legal description of property to be included in the District
- Exhibit B: Map of property to be included in the District
- Exhibit C: County Assessor's certificate of owners of property in the District
- Exhibit D: County Recorder's certificate of qualified electors in the District

Exhibit A

Legal description of property to be included in the District

LEGAL DESCRIPTION OF
SUPERSTITION VISTAS COMMUNITY FACILITIES DISTRICT NO. 2

Wood, Patel & Associates, Inc.
480.834.3300
www.woodpatel.com

January 8, 2021
WP# 205166.01
Page 1 of 4
See Exhibit "A"

PARCEL DESCRIPTION
Superstition Vistas
Brookfield Parcel

Sections 17 and 20, a portion of General Land Office (GLO) Lot 12 and a portion of the east half of Section 18, a portion of GLO Lots 1 and 2 and a portion of the east 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 the northwest corner of said Section 17, a 3-inch Pinal County brass cap in handhole, from which the north quarter corner of said Section 17, a 2 1/2-inch GLO brass cap in concrete, bears North 89°45'04" East (basis of bearing), a distance of 2642.33 feet;

THENCE along the north line of said Section 17, North 89°45'04" East, a distance of 2642.33 feet, to said north quarter corner;

THENCE North 89°47'06" East, a distance of 2643.88 feet, to the northeast corner of said Section 17;

THENCE leaving said north line, along the east line of said Section 17, South 00°17'17" East, a distance of 2641.26 feet, to the east quarter corner of said Section 17;

THENCE South 00°17'39" East, a distance of 2641.38 feet, to the northeast corner of said Section 20;

THENCE leaving said east line, along the east line of said Section 20, South 00°16'25" East, a distance of 2640.88 feet, to the east quarter corner of said Section 20;

THENCE South 00°15'30" East, a distance of 2641.53 feet, to the southeast corner of said Section 20;

THENCE leaving said east line, along the south line of said Section 20, South 89°46'59" West, a distance of 2643.36 feet, to the south quarter corner of said Section 20;

THENCE South 89°48'18" West, a distance of 2643.78 feet, to the southwest corner of said Section 20;

THENCE leaving said south line, along the west line of said Section 20, North 00°17'01" West, a distance of 2640.28 feet, to the west quarter corner of said Section 20;

THENCE North 00°17'35" West, a distance of 2641.12 feet, to the northeast corner of said Section 19;

THENCE leaving said west line, along the north line of said Section 19, South 89°46'31" West, a distance of 500.00 feet, to the beginning of a curve;

THENCE leaving said north line, westerly along said curve to the left, having a radius of 2500.00 feet, concave southerly, through a central angle of 22°55'06", a distance of 1000.00 feet, to the curves end;

THENCE South 66°51'25" West, a distance of 540.51 feet, to the beginning of a curve;

THENCE westerly along said curve to the right, having a radius of 3000.00 feet, concave northerly, through a central angle of 30°39'58", a distance of 1605.68 feet, to the curves end;

**Legal Description
Superstition Vistas
Brookfield Parcel**

January 8, 2021
WP# 205166.01
Page 2 of 4
See Exhibit "A"

THENCE North 82°28'36" West, a distance of 583.29 feet, to the northerly line of that certain Maricopa County Flood Control District Easement, recorded in Document 2011-0619607, Pinal County Records (PCR);

THENCE along said northerly line, North 53°29'13" East, a distance of 910.07 feet, to said north line of Section 19;

THENCE leaving said north line, North 53°29'26" East, a distance of 4200.33 feet, to the west line of said Section 17;

THENCE leaving said northerly line, along said west line, North 00°17'10" West, a distance of 155.64 feet, to the west quarter corner of said Section 17;

THENCE North 00°13'51" West, a distance of 2639.88 feet, to the **POINT OF BEGINNING**.

Containing 61,348,819 square feet or 1,408.3751 acres, more or less.

Subject to existing right-of-ways and easements.

This parcel description is based on client provided information and is located within an area surveyed by Wood, Patel & Associates, Inc. during the month of December, 2020. Any monumentation noted in this parcel description is within acceptable tolerance (as defined in Arizona Boundary Survey Minimum Standards dated 02/14/2002) of said positions based on said survey.

Y:\WP\Parcel Descriptions\2020\205166.01 Superstition Vistas Brookfield Parcel L02 01-08-21.docx



MERIDIAN ROAD

ELLIOT ROAD

NORTHWEST CORNER
SECTION 17, T1S, R8E
3" PINAL COUNTY BCH
POB

N89°45'04"E 2642.33'
(BASIS OF BEARING)

L1

SEC 18
T1S, R8E

L16

L15

NORTH 1/4 CORNER
SECTION 17, T1S, R8E
2 1/2" GLO BC IN
CONCRETE

SEC 17
T1S, R8E

WARNER ROAD

266' MARICOPA COUNTY FLOOD CONTROL DISTRICT
DOC-2011-062136, PCR

IRONWOOD ROAD

SEC 19
T1S, R8E

SEC 20
T1S, R8E

RAY ROAD

L7

L6

WOOD
PATEL

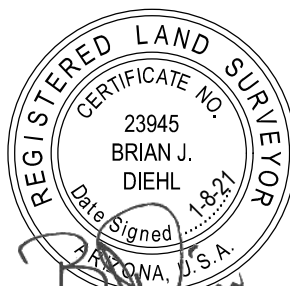
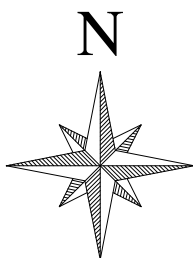


EXHIBIT "A"
SUPERSTITION VISTAS
BROOKFIELD PARCEL
01/08/2021
WP #205166.01
PAGE 3 OF 4
NOT TO SCALE

EXPIRES 09-30-23

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LINE TABLE		
LINE	BEARING	DISTANCE
L1	N89°47'06"E	2643.88'
L2	S00°17'17"E	2641.26'
L3	S00°17'39"E	2641.38'
L4	S00°16'25"E	2640.88'
L5	S00°15'30"E	2641.53'
L6	S89°46'59"W	2643.36'
L7	S89°48'18"W	2643.78'
L8	N00°17'01"W	2640.28'
L9	N00°17'35"W	2641.12'
L10	S89°46'31"W	500.00'
L11	S66°51'25"W	540.51'
L12	N82°28'36"W	583.29'
L13	N53°29'13"E	910.07'
L14	N53°29'26"E	4200.33'
L15	N00°17'10"W	155.64'
L16	N00°13'51"W	2639.88'

CURVE TABLE			
CURVE	DELTA	RADIUS	ARC
C1	22°55'06"	2500.00'	1000.00'
C2	30°39'58"	3000.00'	1605.68'



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 WP #205166.01
 PAGE 4 OF 4
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Exhibit B

Map of property to be included in the District

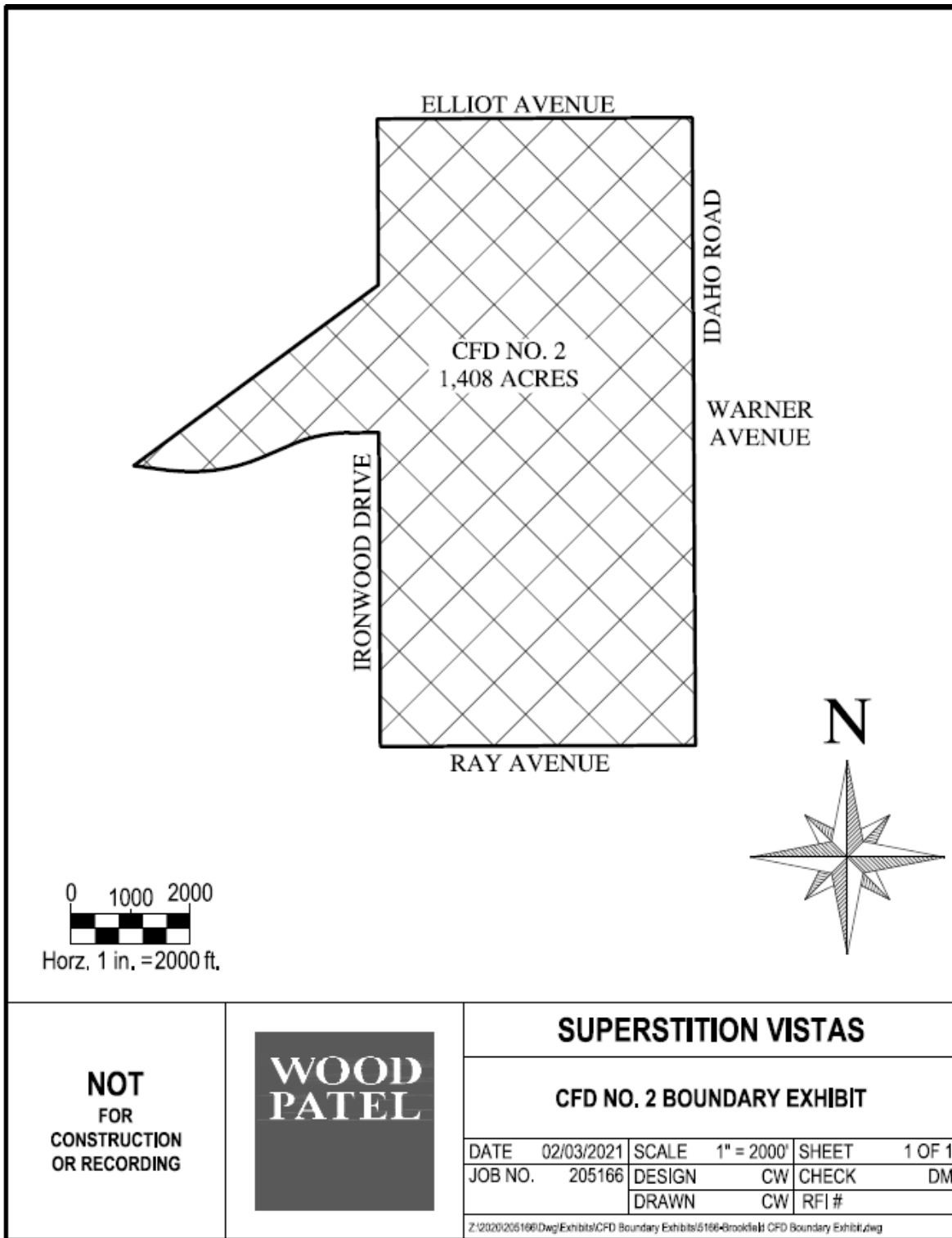


Exhibit C

County Assessor's certificate of owners of property in the District

**ASSESSOR'S CERTIFICATE**

I, the undersigned Pinal County Chief Deputy Assessor, hereby certify that the Arizona State Land Department is the owner of the real property and D.R. Horton as an underlying owner per Certificate of Purchase No. 53-120190, recorded in fee number 2020-137555, all within the proposed Superstition Vistas Community Facilities District No. 2 as shown on the most recent assessment roll for State of Arizona and Pinal County, Arizona taxes and is the owner of the corresponding tax parcel listed in Exhibit A hereto.

Dated: August 31, 2021.

PINAL COUNTY CHIEF DEPUTY ASSESSOR

John Ellinwood



EXHIBIT A

(Please See Attached)



Parcel No.	Owner Name	Section, Township, Range
104-07-705, 104-07-706	State of Arizona	17-01S-08E
104-07-703	State of Arizona	18-01S-08E
104-07-703	State of Arizona	19-01S-08E
104-07-706	State of Arizona	20-01S-08E
104-07-706	State of Arizona	29-01S-08E
104-07-703	State of Arizona	30-01S-08e

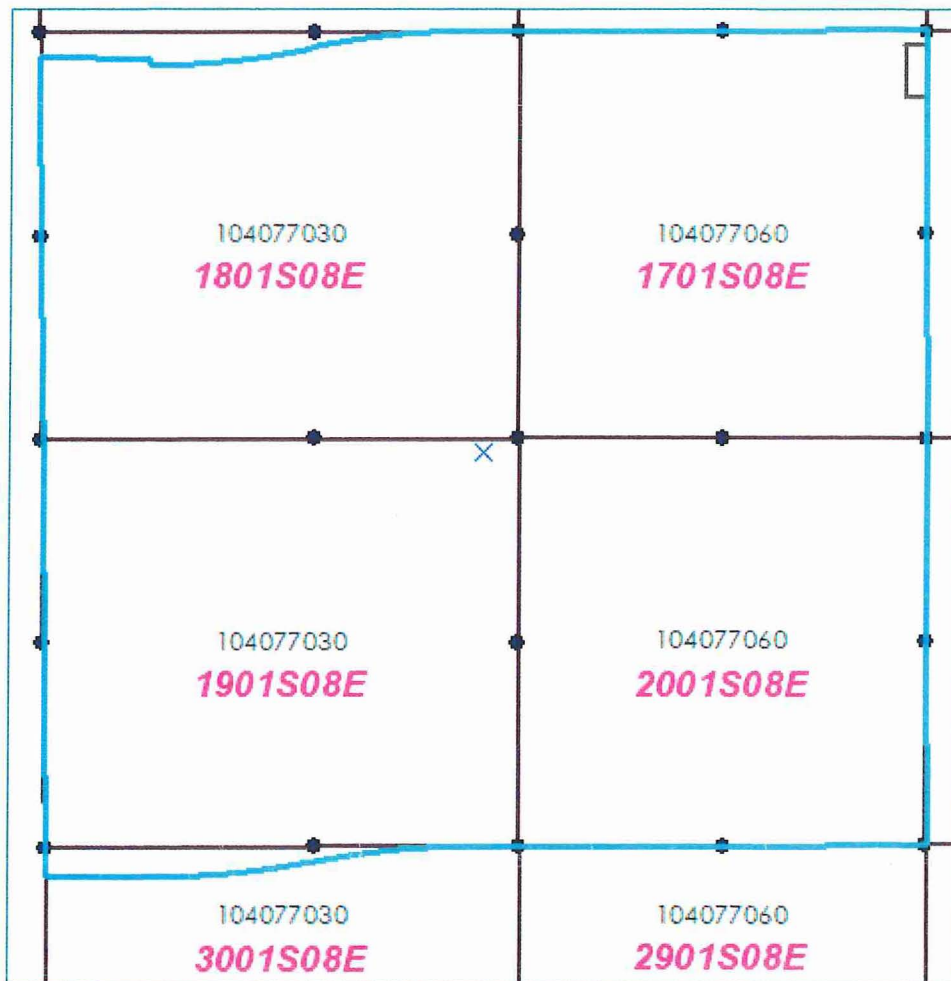


Exhibit D

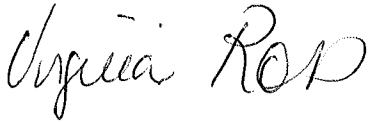
County Recorder's certificate of qualified electors in the District

**SUPERSTITION VISTAS COMMUNITY
FACILITIES DISTRICT NO. 2**

CERTIFICATE OF PINAL COUNTY RECORDER

I, **VIRGINIA ROSS**, County Recorder in and for Pinal County, State of Arizona, hereby certify that, as of September 2, 2021, according to the general register of the voters maintained by the Pinal County Recorder, there are zero (0) qualified electors residing in the area of the proposed Superstition Vistas Community Facilities District No. 2, a legal description and boundary map of which is attached hereto as Exhibit A.

Witness my hand and seal this 2nd day of September, 2021.



**VIRGINIA ROSS
PINAL COUNTY RECORDER**

Name: VIRGINIA ROSS
Title: Recorder

EXHIBIT A

LEGAL DESCRIPTION OF
SUPERSTITION VISTAS COMMUNITY FACILITIES DISTRICT NO. 2

Wood, Patel & Associates, Inc.
480.834.3300
www.woodpatel.com

January 8, 2021
WP# 205166.01
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January 8, 2021
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ELLIOT ROAD

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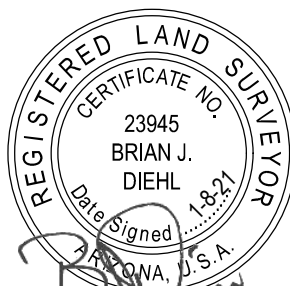
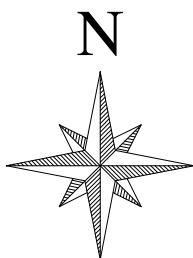


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PAGE 3 OF 4
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EXPIRES 09-30-23

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BOUNDARY MAP OF
SUPERSTITION VISTAS COMMUNITY FACILITIES DISTRICT NO. 2

