

2018-01178

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Requested By: City Of Benson

David W. Stevens - Recorder

Cochise County, AZ

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120 W. 6th Street
Benson, AZ 85602

RESOLUTION 55-2017

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE
CITY OF BENSON, ARIZONA, DECLARING INTENT TO
FORM A COMMUNITY FACILITIES DISTRICT;
ORDERING AND DECLARING FORMATION OF THE
TAX LEVYING THE VILLAGES AT VIGNETO
COMMUNITY FACILITIES DISTRICT NUMBER 1 IN
THE CITY OF BENSON, ARIZONA**

RESOLUTION 55-2017

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, DECLARING INTENT TO FORM A COMMUNITY FACILITIES DISTRICT; ORDERING AND DECLARING FORMATION OF THE TAX LEVYING THE VILLAGES AT VIGNETO COMMUNITY FACILITIES DISTRICT NUMBER 1 IN THE CITY OF BENSON, ARIZONA

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, as follows:

Section 1. Findings. The Mayor and Council hereby make the following findings:

A. On or about October 13, 2017, the City of Benson (the "City") received a petition (the "Petition") for formation of The Villages at Vigneto Community Facilities District Number 1 (the "District") pursuant to Article 1, Chapter 39, Title 48 of the Arizona Revised Statutes (the "Act"), signed by the entities who or which, on the date of the Petition, were the owners of all of the real property described on Exhibit A to the Petition, and hereto, to be included in the District, as shown on the assessment roll for State and County taxes for Cochise County, Arizona (hereinafter referred to, collectively, as the "Petitioners").

B. The City and the Petitioners agreed that the City would have until December 31, 2017 to consider the Petition for formation of the District.

C. The Petitioner has represented, attested and declared the following:

1. The name of the District is requested pursuant to the Petition to be "The Villages at Vigneto Community Facilities District Number 1",

2. The District is to be formed, and will exist, pursuant to the terms and provisions of the Act,

3. The District is to contain an area of approximately 9,805 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 as provided in Exhibit A hereto, which is made a part hereof for all purposes (hereinafter referred to as the "Property"),

4. 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, the Act, 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; except as otherwise provided in the Act, and is 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 have, all the purposes and powers of a "district" as such term is defined, and as provided, in the Act, and

5. Public convenience and necessity require the adoption of this resolution forming the District.

D. The Petitioner further represented, attested and declared that on the date thereof and hereof, as shown on the assessment roll for State and county taxes in Cochise County, Arizona, all of the land to be in the District is owned by the 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 verified by recorded deed or similar evidence of transfer of ownership to the Petitioner and that the land to be included in the District shall be benefited from the improvements for which the District is proposed to be formed and that there are no qualified electors residing on the land to be in the District.

E. After representing, attesting and declaring the preceding, the Petitioner requested that the Petition be properly filed as provided by law and that, as the Petition is signed by the owners of all the land to be in the District, 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 adoption hereof be waived, and that the City, upon receipt of the Petition, declare its intention to form the District and thereafter form the District without being required to comply with such provisions for posting, publication, mailing, notice, hearing or landowner election.

F. A Development and Intergovernmental Agreement (the "Development Agreement") has been presented to the Mayor and Council, executed by the owners of all the land in the District and it is now in order for the City to approve such Development Agreement.

Section 2. Agreements and Further Findings by the City. The Mayor and Council hereby agree to and find the following:

A. The Petitioner seeks formation of the District to exercise the powers and functions set forth in the Act.

B. The General Plan (as defined hereafter) has been filed with the Clerk of the City.

C. The Petition, and all necessary supporting materials, meets the requirements of A.R.S. § 48-707, subsections F and G and has been filed with the Council, and the showings in the Petition are each noticed by us and are hereby incorporated at this place as if set forth in whole.

D. The purposes for which the organization of the District is sought are as described in the Petition and General Plan and are purposes for which a community facilities district created pursuant to the Act may be lawfully formed.

E. The District is to be wholly comprised of the Property and the Property is wholly within the boundaries of the City.

F. The Property is benefited by the District and the public infrastructure and the public infrastructure purposes set forth in the General Plan.

G. Pursuant to A.R.S. § 48-707, subsections F and G, no hearing on the formation of the District will be held; written objections under A.R.S. § 48-704(A) therefore are not warranted.

H. The Petitioner is the owner of all of the Property and no qualified electors reside on the Property.

I. The public convenience and necessity require the adoption hereof.

Section 3. Approval of the General Plan. Prior to the adoption hereof, the Petitioner filed a “General Plan for the Proposed The Villages at Vigneto Community Facilities District No. 1” for the District was filed with the Clerk of the City setting out a general description of the improvements for which the District is proposed to be formed and the general areas to be improved and benefited (hereinafter referred to as the “General Plan”). The General Plan is hereby approved in all respects.

Section 4. Intention to Form the District. The Mayor and Council hereby declares, pursuant to the Act, its intention to form the District comprised of the Property as a community facilities district, pursuant to the terms and provisions of, and with the powers and authority established by, the Act, with jurisdiction over the Property. Based on the Petition and the findings set forth herein, all requirements of posting, publication, mailing, notice, hearing and landowner election otherwise required by the Act in connection with the formation of the District and adoption hereof are waived.

Section 5. Granting Petition; Formation of District. The Petition is hereby granted, and the District is hereby formed as a community facilities district pursuant to the terms and provisions of, and with the powers and authority established by, the Act, with jurisdiction over the Property. The Mayor and Council hereby determine February 6, 2018 to be the scheduled election date to submit the question of formation of the District to the qualified electors, if any, who reside within the boundaries of the District. As of the date hereof, which is a date within 50 days immediately preceding such scheduled election date, there are no resident electors or qualified electors residing on the Property, therefore, the submission of the formation of the District to an election of resident electors is hereby found to be unnecessary and no formation election will be held.

Section 6. Levy of Taxes. Formation of the District may result in the levy of taxes by the District on all taxable property located within the District to pay the costs of improvements constructed by the District and the administration of the District and for their operation and maintenance and the administration of the District.

Section 7. District Board and Officers. The District shall be governed by a Board of Directors comprised, initially, of the following members who shall serve terms of six years:

John Davis

Celia Jenkins

Mark Fenn

and comprised, initially, of the following members who shall serve terms of four years:

Cindy Batten

Richard Polheber

The subsequent members of the Board of Directors will be elected in accordance with the Act.

Section 8. Development Agreement and Intergovernmental Agreement. By this Resolution and pursuant to Arizona Revised Statutes Section 48-708, the District is hereby a party to that certain Development Agreement and Intergovernmental Agreement to be executed concurrently with this Resolution by the City and the Petitioner owning the land in the District, and the District Board will execute such Agreement at its first meeting.

Section 9. District Boundaries and Map. The District boundaries are set to be as described in metes and bounds in Exhibit A hereto. The map showing the District boundaries is set forth in Exhibit B hereto and is hereby approved.

Section 10. Dissemination of This Resolution. The City Clerk shall cause a copy of this resolution to be delivered to the County Assessor and the Board of Supervisors of Cochise County, Arizona, and to the Department of Revenue of the State of Arizona.

Section 11. No General Liability of or for the City. Neither the general fund or any other fund or moneys of the City, nor that of the State of Arizona or any political subdivision of either (other than the District) shall be liable for the payment or repayment of any obligation, liability, bond or indebtedness of the District, and neither the credit nor the taxing power of the City, the State of Arizona or any political subdivision of either (other than the District) shall be pledged therefor.

Passed by the Council of the City of Benson, Arizona, on December 28, 2017.

TONEY D. KING, SR., Mayor

ATTEST:

VICKI L. VIVIAN, CMC, City Clerk

APPROVED AS TO FORM:

Counsel for City

Exhibits: A Legal description of district B Boundary map of district

DESCRIPTION OF COMMUNITY FACILITIES DISTRICT 1 (CFD-1)

Block 2, Well Site abutting Block 2, and Block 4 of THE CANYONS AT WHETSTONE RANCH subdivision, recorded in Book 15 at Page 23, 23A through 23M in the Cochise County Recorder's office, and those portions of Sections 29, 30, 31, 32, and 33, Township 17 South, Range 20 East, Gila and Salt River Meridian, and Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20 and 21, Township 18 South, Range 20 East, Gila and Salt River Meridian, all in Cochise County, Arizona described as follows:

BEGINNING at the Northeast corner of said Section 33;

Thence South 00 degrees 54 minutes 17 seconds West, 5242.20 feet along the East line of said Section 33 to the Southeast corner thereof, also being the Northwest corner of said Section 3;

Thence South 89 degrees 56 minutes 45 seconds East, 2645.46 feet along the North line of said Section 3 to the North Quarter corner thereof;

Thence South 89 degrees 58 minutes 54 seconds East, 2654.11 feet along said North line of Section 3 to the Northeast corner of said Section 3;

Thence South 00 degrees 13 minutes 48 seconds West, 2628.45 feet along the East line of said Section 3 to the East Quarter corner thereof;

Thence South 00 degrees 04 minutes 57 seconds West, 2638.43 feet along said East line of Section 3 to the Southeast corner thereof, also being the Northeast corner of said Section 10;

Thence South 00 degrees 07 minutes 46 seconds West, 2647.39 feet along the East line of said Section 10 to the East Quarter corner thereof;

Thence South 00 degrees 04 minutes 18 seconds West, 2644.85 feet along said East line of Section 10 to the Southeast corner thereof, also being the Northeast corner of said Section 15;

Thence South 00 degrees 10 minutes 16 seconds West, 2648.49 feet along the East line of said Section 15 to the East Quarter corner thereof;

Thence South 00 degrees 05 minutes 04 seconds East, 2665.47 feet along the said East line of Section 15 to the Southeast corner thereof;

Thence North 89 degrees 51 minutes 49 seconds West, 2651.95 feet along the South line of said Section 15 to the South Quarter corner thereof;

Thence North 89 degrees 46 minutes 21 seconds West, 2651.73 feet along the said South line of Section 15 to the southwest corner thereof, also being the Northeast corner of said Section 21;

Thence South 00 degrees 06 minutes 13 seconds West, 2647.15 feet along the East line of said Section 21 to the East Quarter corner thereof;

Thence South 00 degrees 05 minutes 02 seconds West, 2649.47 feet along said East line of Section 21 to the Southeast corner thereof;

Thence South 89 degrees 54 minutes 37 seconds West, 2644.96 feet along the South line of said Section 21 to the South Quarter corner thereof;

Thence North 89 degrees 48 minutes 01 seconds West, 2638.89 feet along the said South line of Section 21 to the Southwest corner thereof, also being the Southeast corner of said Section 20;

Thence North 89 degrees 48 minutes 24 seconds West, 5291.23 feet along the South line of said Section 20 to the Southwest corner thereof, also being the Southeast corner of said Section 19;

Thence North 89 degrees 55 minutes 05 seconds West, 2537.60 feet along the South line of said Section 19 to a point of non-tangent curvature on the East right-of-way of State Route 90, from which point the radius point bears North 84 degrees 57 minutes 37 seconds West;

Continue along the said East right-of-way of State Route 90 the following courses;

Thence along a curve to the left, having a radius of 23118.32 feet and a central angle of 001 degrees 46 minutes 55 seconds, 718.98 feet;

Thence South 86 degrees 44 minutes 32 seconds East, 50.00 feet to a point of non-tangent curvature, from which point the radius point bears North 86 degrees 44 minutes 32 seconds West;

Thence along a curve to the left, having a radius of 23168.32 feet and a central angle of 000 degrees 59 minutes 28 seconds, 400.75 feet;

Thence North 87 degrees 44 minutes 00 seconds West, 50.00 feet to a point of non-tangent curvature, from which point the radius point bears North 87 degrees 44 minutes 00 seconds West;

Thence along a curve to the left, having a radius of 23118.32 feet and a central angle of 002 degrees 03 minutes 54 seconds, 833.23 feet to a point of tangency;

Thence North 00 degrees 12 minutes 06 seconds East, 3350.67 feet to the intersection with the line common to said Sections 18 and 19;

Thence North 00 degrees 02 minutes 48 seconds East, 4045.52 feet;

Thence South 89 degrees 57 minutes 12 seconds East, 15.00 feet;

Thence North 00 degrees 02 minutes 48 seconds East, 70.00 feet;

Thence North 89 degrees 57 minutes 12 seconds West, 15.00 feet;

Thence North 00 degrees 02 minutes 48 seconds East, 1171.67 feet to the intersection with the line common to said Sections 7 and 18;

Thence North 00 degrees 02 minutes 13 seconds East, 4028.22 feet;

Thence South 89 degrees 57 minutes 47 seconds East, 25.00 feet;

Thence North 00 degrees 02 minutes 13 seconds East, 60.00 feet;

Thence North 89 degrees 57 minutes 47 seconds West, 25.00 feet;

Thence North 00 degrees 02 minutes 13 seconds East, 311.62 feet;

Thence South 89 degrees 57 minutes 47 seconds East, 50.00 feet;

Thence North 00 degrees 02 minutes 13 seconds East, 90.00 feet;

Thence North 89 degrees 57 minutes 47 seconds West, 50.00 feet;

Thence North 00 degrees 02 minutes 13 seconds East, 808.47 feet to the intersection with the line common to said Sections 6 and 7;

Thence North 00 degrees 02 minutes 49 seconds East, 5277.56 feet to the intersection with the line common to said Sections 6 and 31;

Thence North 00 degrees 11 minutes 49 seconds East, 4167.51 feet;

Thence departing said East right-of-way North 57 degrees 00 minutes 00 seconds East, 1250.67 feet along the southern exterior boundary of THE CANYONS AT WHETSTONE subdivision (Book 15, page 23B - Cochise County records);

Thence North 89 degrees 26 minutes 58 seconds East, 800.00 feet along said exterior line;

Thence South 62 degrees 00 minutes 00 seconds East, 400.00 feet along said exterior line;

Thence South 86 degrees 00 minutes 00 seconds East, 550.00 feet along said exterior line;

Thence North 67 degrees 00 minutes 00 seconds East, 1527.20 feet along said exterior line to the North line of said Section 32;

Thence continue North 67 degrees 00 minutes 00 seconds East, 222.76 feet;

Thence the following courses along the exterior boundary of THE CANYONS AT WHETSTONE subdivision (Book 15, page 23, Cochise County records);

Thence North 19 degrees 00 minutes 00 seconds West, 186.81 feet;

Thence North 71 degrees 00 minutes 00 seconds East, 834.24 feet;

Thence North 36 degrees 00 minutes 56 seconds East, 593.12 feet;

Thence North 54 degrees 10 minutes 41 seconds East, 307.02 feet;

Thence North 06 degrees 30 minutes 54 seconds West, 129.11 feet calculated (North 06 degrees 31 minutes 16 seconds East, 129.10 feet record plat);

Thence South 87 degrees 17 minutes 10 seconds West, 474.99 feet to a point of non-tangent curvature, from which point the radius point bears North 71 degrees 06 minutes 07 seconds West;

Thence along a curve to the right, having a radius of 350.00 feet and a central angle of 094 degrees 44 minutes 07 seconds, 578.70 feet to a point of tangency;

Thence North 66 degrees 22 minutes 03 seconds West, 216.56 feet;

Thence North 44 degrees 37 minutes 46 seconds West, 137.93 feet;

Thence South 77 degrees 28 minutes 12 seconds West, 321.08 feet calculated (321.14 feet record plat) to

a point of non-tangent curvature, from which point the radius point bears North 41 degrees 59 minutes 01 seconds West;

Thence along a curve to the right, having a radius of 1975.00 feet and a central angle of 030 degrees 55 minutes 18 seconds, 1065.88 feet calculated (1066.30 record plat);

Thence South 03 degrees 05 minutes 39 seconds East, 120.14 feet;

Thence South 85 degrees 17 minutes 54 seconds West, 54.00 feet (54.02 feet record plat) to a point of non-tangent curvature, from which point the radius point bears South 86 degrees 54 minutes 07 seconds West;

Thence along a curve to the right, having a radius of 25.00 feet and a central angle of 083 degrees 39 minutes 07 seconds, 36.50 feet to a point of tangency;

Thence South 80 degrees 33 minutes 14 seconds West, 118.41 feet to a point of non-tangent curvature, from which point the radius point bears North 09 degrees 26 minutes 44 seconds West;

Thence along a curve to the right, having a radius of 565.00 feet and a central angle of 039 degrees 04 minutes 05 seconds, 385.25 feet to a point of tangency;

Thence North 60 degrees 22 minutes 41 seconds West, 268.45 feet to a point of non-tangent curvature, from which point the radius point bears South 29 degrees 37 minutes 18 seconds West;

Thence along a curve to the left, having a radius of 665.00 feet and a central angle of 032 degrees 12 minutes 41 seconds, 373.86 feet to a point of reverse curvature;

Thence along a curve to the right, having a radius of 1740.00 feet and a central angle of 023 degrees 13 minutes 10 seconds, 705.15 feet to a point on the exterior boundary of THE COTTONWOOD HIGHLANDS subdivision (Book 15, page 25, Cochise County records);

Thence North 21 degrees 04 minutes 11 seconds West, 40.99 feet (41.03 feet record plat) along said exterior boundary of said THE COTTONWOOD HIGHLANDS subdivision;

Thence the following courses along said exterior boundary of said THE COTTONWOOD HIGHLANDS subdivision;

Thence North 54 degrees 28 minutes 47 seconds East, 761.10 feet;

Thence North 24 degrees 42 minutes 22 seconds West, 211.59 feet;

Thence North 60 degrees 00 minutes 00 seconds East, 1596.14 feet;

Thence North 00 degrees 05 minutes 20 seconds West, 694.84 feet;

Thence North 76 degrees 00 minutes 00 seconds East, 525.85 feet;

Thence South 52 degrees 45 minutes 34 seconds East, 334.83 feet calculated (South 52 degrees 50 minutes 34 seconds East, 334.94 feet record plat) to the Southwest corner of Lot 140 of said THE COTTONWOOD HIGHLANDS subdivision;

Thence departing said exterior boundary the following courses around the perimeter of said Lot 140;

Thence North 08 degrees 11 minutes 10 seconds West, 228.47 feet to a point of non-tangent curvature, from which point the radius point bears North 08 degrees 11 minutes 10 seconds West;

Thence along a curve to the left, having a radius of 320.00 feet and a central angle of 026 degrees 25 minutes 28 seconds, 147.58 feet to a point of tangency;

Thence North 55 degrees 23 minutes 21 seconds East, 286.39 feet;

Thence South 31 degrees 08 minutes 59 seconds East, 281.44 feet to the intersection with said exterior boundary;

Thence the following courses along said exterior boundary of THE COTTONWOOD HIGHLANDS subdivision;

Thence North 67 degrees 27 minutes 16 seconds East, 510.87 feet;

Thence North 44 degrees 10 minutes 00 seconds East, 1158.98 feet;

Thence North 45 degrees 50 minutes 00 seconds West, 450.00 feet;

Thence South 44 degrees 10 minutes 00 seconds West, 550.00 feet;

Thence North 45 degrees 50 minutes 00 seconds West, 500.00 feet to the intersection with the exterior boundary of that property described within the Special Warranty Deed to the City of Benson recorded in Document No. 0605-18326 in the office of the Cochise County Recorder;

Thence the following courses along said Special Warranty Deed;

Thence North 44 degrees 10 minutes 24 seconds East, 449.99 feet;

Thence North 45 degrees 49 minutes 54 seconds West, 410.07 feet;

Thence South 88 degrees 22 minutes 01 seconds West, 1982.49 feet to the said exterior boundary of THE COTTONWOOD HIGHLANDS subdivision;

Thence North 01 degrees 38 minutes 00 seconds West, 100.00 feet along said exterior boundary;

Thence South 88 degrees 21 minutes 16 seconds West, 297.61 feet along said exterior boundary to the intersection with the West line of Section 29;

Thence North 00 degrees 39 minutes 14 seconds West, 100.00 feet along said West line to the Northwest corner of said Section 29;

Thence North 88 degrees 22 minutes 00 seconds East, 2685.18 feet along the north line of the Northwest quarter of said Section 29 to the North quarter corner thereof;

Thence South 88 degrees 52 minutes 53 seconds East, 2632.56 feet along the north line of the Northeast quarter of said Section 29 to the Northeast corner thereof;

Thence South 00 degrees 21 minutes 07 seconds East, 5284.19 feet along the East line of said Section 29 to the corner common to Sections 28, 29, 32, 33;

Thence South 89 degrees 25 minutes 51 seconds East, 5314.82 feet along the North line of said Section 33 to the POINT OF BEGINNING;

EXCEPTING therefrom the following Exception:

Exception 1:

BEGINNING at the Northeast corner of said Section 20, Township 18 South, Range 20 East, Gila and Salt River Meridian, Cochise County, Arizona;

Thence North 89 degrees 49 minutes 41 seconds West, 2643.71 feet along the North line of said Section 20 to the North Quarter corner thereof;

Thence North 89 degrees 45 minutes 38 seconds West, 2644.50 feet along the North line of said Section 20 to the Northwest corner thereof;

Thence South 00 degrees 07 minutes 01 seconds West, 2650.59 feet along the west line of said Section 20 to the West Quarter corner thereof;

Thence South 00 degrees 04 minutes 09 seconds West, 1323.07 feet along the west line of said Section 20;

Thence South 89 degrees 48 minutes 47 seconds East, 5291.15 feet to a point on the East line of said Section 20;

Thence North 00 degrees 03 minutes 57 seconds East, 1323.64 feet to the East Quarter corner of said Section 20;

Thence North 00 degrees 03 minutes 17 seconds East, 2648.31 feet along the East line of said Section 20 to the POINT OF BEGINNING.

Exception 1 containing 21,012,513 square feet (482.381 acres), more or less.

Net area of CFD-1 including Block 2, Well Site, and Block 4 is 427,119,577 square feet (9,805.316 acres) more or less.

**The Villages at Vigneto
Community Facilities Districts
No. 1, No. 2 and No. 3
CFD Boundary Map**

