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REQ BY: CITY OF SAN LUIS
REC BY: Margie Gamache

When recorded, mail to:

Sonia Cuello
City Clerk
City of San Luis
P.O. Box 1170
San Luis, AZ 8549

CITY OF SAN LUIS

**RESOLUTION NO. 748 OF THE COMMON COUNCIL OF THE
CITY OF SAN LUIS, ARIZONA ORDERING AND DECLARING**

FORMATION OF EAST SAN LUIS

COMMUNITY FACILITIES DISTRICT

(CITY OF SAN LUIS, ARIZONA)

AND

**GENERAL PLAN A FOR THE PROPOSED EAST SAN LUIS
COMMUNITY FACILITIES DISTRICT**

(CITY OF SAN LUIS, ARIZONA)



Resolution

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

RESOLUTION NO. 748

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SAN LUIS, ARIZONA ORDERING AND DECLARING FORMATION OF EAST SAN LUIS COMMUNITY FACILITIES DISTRICT (CITY OF SAN LUIS, ARIZONA)

BE IT RESOLVED, by the City Council of the City of San Luis, Arizona as follows:

1. Findings.

a. On a date prior to the date of this adoption hereof, there was presented to us, the governing body of the City of San Luis, Arizona, an incorporated city of the State of Arizona (hereinafter referred to as the "Municipality"), a Petition for Adoption of a Resolution Declaring Formation of East San Luis Community Facilities District (City of San Luis, Arizona) (hereinafter referred to as the "Petition"), signed by the entities which, on the date hereof, is the owner of all real property as shown on the assessment roll for state and county taxes for Yuma County, Arizona, or, if such person shown on such assessment roll is no longer the owner of land in the District, is the entity which is the successor owner which has become known and has been verified by recorded deed or similar evidence of transfer of ownership to be the owner of such real property (hereinafter referred to as the "Petitioner") described as follows to be in the community facilities district, the formation of which is prayed for by the Petitioner in the Petition, pursuant to title 48, Chapter 4, Article 6, Arizona Revised Statutes, as amended (hereinafter referred to as the "Act"):

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN.

b. The petitioner has shown the following:

I.

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The name of the community facilities district of which formation is prayed pursuant to the Petition is to be East San Luis Community Facilities District (City of San Luis, Arizona) (hereinafter referred to as the "District").

II.

The District to be formed, and shall exist, pursuant to the terms and provisions of the Act.

III.

The District is to contain an area of approximately 695 acres of land, more or less, wholly within the corporate boundaries of the Municipality, and is to be composed of the land included in the parcels described as follows (hereinafter referred to as the "Property"):

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE
INCORPORATED HEREIN

IV.

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 purpose 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 Municipality, and is to be formed for, and to have, all the purposes of a "district" as such term is defined, and as provided in the Act.

V.

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

VI.

A "General Plan for East San Luis Community Facilities District" for the District has been filed with the Clerk of the Municipality setting out a general description of the improvements for which the District is proposed to be formed and the general areas to be improved (hereinafter referred to as the "General Plan"), and

VII.

Public convenience and necessity require the adoption of this Resolution

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c. The Petitioner further attested and declared that on the date hereof, as shown on the assessment roll for state and county taxes in Yuma, Arizona, all of the land to be in the District is owned by 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 residents on the land to be in the District, and by this Resolution, as the governing body of the Petitioner, we hereby resolve that the foregoing is true and correct in all and every respect.

d. After showing the preceding, the Petitioner respectfully prayed that the Petition be property filed as provided by law and that, as the Petition is signed on behalf of the owners of all the land to be in the District, any requirements of posting, publication, mailing, notice, hearing and election otherwise required by the Act in connection with the adoption of the Resolution are waived, on receipt of the petition, we declare the District formed without being required to comply with such provisions for posting, publication, mailing, notice, hearing or election.

2. **Matters Noticed by the Municipality**

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

b. The General Plan has been filed with the Clerk of the Municipality.

c. The Petition and all necessary supporting materials have been filed with us, and the showings in the Petition are each noticed by us and are hereby incorporated at this place as if set forth hereat in whole as it is made by us.

d. The purpose for which organization of the District is sought are as described in the Petition and are purposes for which a district created pursuant to the Act may be lawfully formed.

e. The public convenience and necessity require us to adopt this Resolution.

3. **Approval of General Plan.** The General Plan as submitted herewith is hereby approved in all respects.

4. **Granting of Petition; Formation of District.** The Petition is hereby granted, and the District is hereby formed as a district pursuant to the terms and provisions of, and with the powers and authority established by, the Act, with jurisdiction over the Property and that, as there are no residents on the land to be in the District, approval of formation of the District by an election of resident electors is hereby found to be unnecessary.

5. **District Board and Officers.** The District shall be governed by a "District Board".

Pursuant to the provisions of A.R.S. §§48-702(A), 48-705(A), and 48-711(B) the District Board shall be composed of five (5) members appointed by the City Council of the City of San Luis, Arizona. The following persons are hereby appointed to the District Board with the terms of office, beginning on the effective date of this Resolution, as hereinafter set forth:

Name	Address	Term of Office
1. Russell Jones	3275 Morgan Way, Yuma, AZ	4 years
2. Gerald Hunt	330 W. 24 th St., Yuma. AZ	4 years
3. Jose Alejandro Figueroa	1180 Kennedy Lane, San Luis, AZ	6 years
4. Frank Rascon, Jr.	435 N. Cesar Chavez, San Luis, AZ	6 years
5. George Guerrero	1205 E. B St., San Luis, AZ	6 years

6. **District Boundaries and Map.** The District boundaries are described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN

7. **Dissemination of this Resolution.** The Petitioner shall cause a copy of this Resolution to be delivered to the County Assessor and the Board of Supervisors of Yuma County, Arizona and to the Department of Revenue of the State of Arizona.

8. **No General Liability of or for the Municipality.** Neither the general fund on the Municipality, 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 indebtedness of the District, and neither the credit nor the taxing power of the Municipality, the State of Arizona or any political subdivision of either (other than the District) shall be pledged therefore.

APPROVED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, THIS 22 DAY OF AUGUST, 2007.


 Juan Carlos Escamilla, Mayor

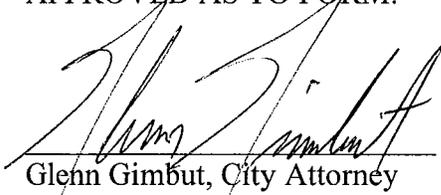
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ATTEST:



Sonia Cuello, City Clerk

APPROVED AS TO FORM:



Glenn Gimbut, City Attorney

EXHIBIT A

The Northwest quarter of Section 15, Township 11 South, Range 24 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona;

EXCEPT the North 33 feet and the West 33 feet and the East 40 feet thereof;

EXCEPT an undivided $1/16^{\text{th}}$ of all oil, gases, and other hydrocarbon substances, coal, stone, metals, minerals, fossils and fertilizer of every name and description and except all uranium, thorium, or any other material which is or may be determined by the laws of the State of Arizona, the United States of America, or decisions of the court to be peculiarly essential to the production of fissionable materials, whether or not of commercial value, as reserved in Section 37-231 Arizona Revised Statutes;

EXCEPT $1/8^{\text{th}}$ of all oil, gas and other minerals and materials, as reserved by instrument recorded in Docket 1408, page 552, records of Yuma County, Arizona.

LEGAL DESCRIPTION

Escrow/Title No. 171518 YSO

The North half of the Southwest quarter of Section 10, Township 11 South, Range 24 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona.

EXCEPT the West 33 feet thereof; and

EXCEPT an undivided 1/16 of all oil, gases, and other hydrocarbon substances, coal, stone, metals, minerals, fossils and fertilizer of every name and description and except all uranium, thorium, or any other material which is or may be determined by the laws of the State of Arizona, the United States of America, or decisions of courts to be peculiarly essential to the production of fissionable materials, whether or not of commercial value, as reserved in Section 37-231 Arizona Revised Statutes;

EXCEPT 1/8th of all oil, gas and other minerals other than materials which may be essential to the production of fissionable materials, as reserved by instrument recorded in Docket 1511, page 735, records of Yuma County, Arizona.

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LEGAL DESCRIPTION

Escrow/Title No. 165903 YSO

A portion of the Southeast quarter of Section 9, Township 11 South, Range 24 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona, more particularly described as follows:

COMMENCING at a brass cap stem found on the South quarter corner of aforesaid Section 9;

Thence North 00°01'49" West, along the West line of the Southeast quarter of aforesaid Section 9, a distance of 1023.00 feet to a set 1/2" Iron Pin and Cap R.L.S. #39326 for THE TRUE POINT OF BEGINNING.

Thence continuing North 00°01'49" West, along the West line of the Southeast quarter, a distance of 1618.86 feet to a found 1/2" rebar L.S. #6022, on the center quarter corner of aforesaid Section 9;

Thence South 89°59'49" East, along the North line of the Southeast quarter of aforesaid Section 9, a distance of 1841.33 feet to a set 1/2" Iron Pin and Cap R.L.S. #39326;

Thence South 00°02'42" East, a distance of 540.00 feet to a set 1/2" Iron Pin and Cap R.L.S. #39326;

Thence South 89°59'49" East, a distance of 767.00 feet to a set 1/2" Iron Pin and Cap R.L.S. #39326 on the West right of way line of Avenue "F", as referenced in Docket 674, page 182, records of Yuma County, Arizona;

Thence South 00°02'42" East, along said West right of way line of Avenue "F", as referenced in Docket 674, page 182, records of Yuma County, Arizona, a distance of 2067.89 feet to a set 1/2" Iron Pin and Cap R.L.S. #39326 on the North right of way line of County 24th Street, as referenced in Docket 674, page 182, records of Yuma County, Arizona;

Thence South 89°58'57" West, along said North right of way line of County 24th Street, a distance of 1940.00 feet to a set 1/2" Iron Pin and Cap R.L.S. #39326 on the North right or way line of County 24th Street as referenced in Docket 674, page 182. records of Yuma County, Arizona;

Thence North 00°01'49" West, a distance of 990.00 feet to a set 1/2" Iron Pin and Cap R.L.S. #39326;

Thence South 89°58'57" West, a distance of 660.00 feet to an Iron Pin and Cap R.L.S. #39326, on the West line of the Southeast quarter being THE TRUE POINT OF BEGINNING.

EXCEPT an undivided 1/16 of all oil, gases, and other hydrocarbon substances, coal, stone, metals, minerals, fossils and fertilizer of every name and description and except all uranium, thorium, or any other material which is or may be determined by the laws of the State of Arizona, the United States of America, or decisions of courts to be peculiarly essential to the production of fissionable materials, whether or not of commercial value, as reserved in Section 37-231 Arizona Revised Statutes; and

EXCEPT 1/8th of all oil, gas and other minerals other than materials which may be essential to the production of fissionable materials, as reserved in Docket 1451, page 227, records of Yuma County, Arizona.

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CHICAGO TITLE INSURANCE COMPANY

LEGAL DESCRIPTION

Escrow/Title No. 169583 YSO

PARCEL NO. 1: (102-54-010)

A portion of the Southwest quarter of Section 10, Township 11 South, Range 24 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona;

EXCEPT the South 33 feet and the West 33 feet thereof; and

EXCEPT an undivided 1/16 of all oil, gases, and other hydrocarbon substances, coal, stone, metals, minerals, fossils and fertilizer of every name and description and except all uranium, thorium, or any other material which is or may be determined by the laws of the State of Arizona, the United States of America, or decisions of courts to be peculiarly essential to the production of fissionable materials, whether or not of commercial value, as reserved in Section 37-231 Arizona Revised Statutes;

EXCEPT 1/8th of all oil, gas and other minerals other than materials which may be essential to the production of fissionable materials, as reserved by instrument recorded in Docket 1511, page 735, records of Yuma County, Arizona.

PARCEL NO. 2: (102-54-011)

A portion of the Southeast quarter of Section 10, Township 11 South, Range 24 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona;

EXCEPT the East 33 feet thereof; and

EXCEPT the South 33 feet thereof; and

EXCEPT an undivided 1/16 of all oil, gases, and other hydrocarbon substances, coal, stone, metals, minerals, fossils and fertilizer of every name and description and except all uranium, thorium, or any other material which is or may be determined by the laws of the State of Arizona, the United States of America, or decisions of courts to be peculiarly essential to the production of fissionable materials, whether or not of commercial value, as reserved in Section 37-231 Arizona Revised Statutes;

EXCEPT 1/8th of all oil, gas and other minerals other than materials which may be essential to the production of fissionable materials, as reserved by instrument recorded in Docket 1483, page 18, records of Yuma County, Arizona.

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The Northwest quarter (NW 1/4) of the Northeast quarter (NE 1/4) AND the East half (E1/2) of the Northeast quarter (NE 1/4) of Section Fifteen (15), Township Eleven (11) South, Range Twenty-four (24) West, Gila and Salt River Base and Meridian, Yuma County, Arizona.

Except an undivided 1/16 of all oil, gases, and other hydrocarbon substances, coal, stone, metals, minerals, fossils and fertilizer of every name and description and except all uranium, thorium, or any other material which is or may be determined by the laws of the State of Arizona, the United States of America, or decisions of courts to be peculiarly essential to the production of fissionable materials, whether or not of commercial value, as reserved in Section 37-231 Arizona Revised Statutes

Except 1/8th of all oil, gas, and other minerals other than materials which may be essential to the production of fissionable materials, such reserved interest to be in the nature of a free royalty interest in production only and to absorb the 1/16th free royalty interest of the state of Arizona, as reserved in Arizona revised statutes. The interest in the mineral estate so conveyed by Seller to Buyer shall entitle Buyer to receive 1/16th of the oil and gas produced and marketed under the provisions of the existing oil and gas lease insofar as it covers the property only, by instrument recorded in Docket 1408, page 552, records of Yuma County, Arizona.

Except the North 33 feet and the East 33 feet thereof;

Subject to existing non-access easements:

A portion of the Northeast quarter of Section 15, Township 11 South, Range 24 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona, more particularly described as follows:

The West 42 feet of the East 75 feet of the Northeast quarter of Section 15;

Also a strip of land described as follows:

BEGINNING at the Northeast corner of Section 15;

Thence West along the North Section Line 75 feet;

Thence South parallel to the East Section Line 33 feet to THE POINT OF BEGINNING;

Thence continuing South parallel to the East Section Line 32 feet;

Thence Northwest to a point 100 feet West of the East Section Line and 40 feet South of the North Section Line;

Thence West parallel to the Section Line 275 feet;

North Thence North parallel to the East Section Line 7 feet;

Thence East parallel to the North Section Line 300 feet back to THE POINT OF BEGINNING.

Also a strip of land described as follows:

BEGINNING at the East quarter corner of Section 15;

Thence West along the Mid-Section Line 75 feet to THE POINT OF BEGINNING;

Thence continuing West along the Mid-Section Line 300 feet;

Thence North parallel to the East Section Line 30 feet;

Thence East parallel to the mid-Section Line 275 feet;
Thence Northeast to a point 75 feet West of the East Section Line and 55 feet
North of the Mid-Section Line;
Thence South 55 feet back to THE POINT OF BEGINNING.

Also a one (1.0') foot Non-Access Easement in the Easterly portion of the Northeast quarter of Section 15,
Township 11 South, Range 24 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona
more particularly described as follows:

Beginning at the Northeast corner of Section 15;
Thence West along the North Section Line 275 feet, more or less;
Thence South parallel to the East Section Line 40 feet, more or less, to THE POINT OF BEGINNING;
Thence East 175 feet, more or less, parallel to the North Section Line to a point 100 feet, more or less, West
of the East Section Line and 40 feet, more or less, South of the North Section Line;
Thence South Easterly to a point 75 feet, more or less, West of the East Section Line and 65 feet, more or
less, South of the North Section Line;
Thence South parallel to the East Section Line to a point 75 feet, more or less, West of the East Section
Line and 55 feet, more or less, North of the Mid-Section Line;
Thence Southwest to a point 100 feet more or less, West of the East Section Line and 30 feet, more or less,
North of the Mid-Section Line;
Thence West 175 feet, more or less, to a point 275 feet, more or less, West of the East Section Line and 30
feet, more or less, North of the Mid-Section Line;
Thence North One (1) foot, more or less, parallel to the East Section Line to a point 31 feet, more or less,
North of the Mid-Section Line and 275 feet, more or less, West of the East Section Line;
Thence East 174.59 feet, more or less, to a point 100.41 feet, more or less, West of the East Section Line
and 31 feet, more or less, North of the Mid-Section Line;
Thence Northeasterly to a point 76 feet, more or less, West of the East Section Line and 55.41 feet, more or
less, North of the Mid-Section Line;
Thence North parallel to the East Section Line to a point 76 feet, more or less, West of the East Section
Line and 25.41 feet, more or less, South of the North Section Line;
Thence Northwest to a point 100.41 feet, more or less, West of the East Section Line and 41 feet, more or
less, South of the North Section Line;
Thence West 174.59 feet, more or less, to a point 275 feet, more or less, West of the East Section Line and
41 feet, more or less, South of the North Section Line;
Thence One (1) foot, more or less, North to THE POINT OF BEGINNING.