



FEE #: 2009 - 29205
10/30/2009 01:35 PAGES: 0016
FEES: 8.50 8.00 1.00 .00 .00
REQ BY: CITY OF SAN LUIS
REC BY: Olga Nunez

RECEIVED

2009 NOV 12 AM 8:16

CITY OF SAN LUIS
OFFICE OF THE CITY CLERK

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. 839 OF THE COMMON COUNCIL OF THE

CITY OF SAN LUIS, ARIZONA ODERING AND DECLARING

FORMATION OF LAS BRISAS

COMMUNITY FACILITIES DISTRICT

(CITY OF SAN LUIS, ARIZONA)

AND

GENERAL PLAN AFOR THE PROPOSED LAS BRISAS

COMMUNITY FACILITIES DISTRICT

(CITY OF SAN LUIS, ARIZONA)



Resolution

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

RESOLUTION NO. 839

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF
SAN LUIS, ARIZONA ORDERING AND DECLARING FORMATION
OF LAS BRISAS 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 Las Brisas Community Facilities District (City of San Luis, Arizona) dated December 10, 2007 herewith (hereinafter referred to as the "Petition"), signed by the entity 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.

b. The petitioner has shown the following:

I.

The name of the community facilities district of which formation is prayed pursuant to the Petition is to be Las Brisas 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 23.98 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 parcel described as follows (hereinafter referred to as the "Property"):

SEE EXHIBIT 'A' ATTACHED HERETO

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 Las Brisas 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

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 owner 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 here at 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" comprised of the members of the governing body of the Municipality, ex officio. The Mayor of the Municipality shall be the "Chairperson" of the "District Board", the Vice Mayor of the Municipality shall be the "Vice Chairperson of the District Board, the Clerk of the Municipality shall be the "District Clerk", the Treasurer of the Municipality shall be the "District Treasurer", the Manager of the Municipality shall be the "District Manager", and the Attorney of the Municipality shall be the "District Counsel".

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

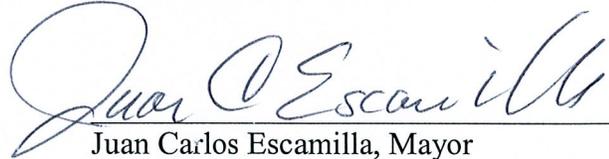
SEE EXHIBIT 'A' ATTACHED HERETO.

A map showing the District boundaries is hereby ordered to be drawn and provided by the District Engineer.

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 28th DAY OF OCTOBER 2009.

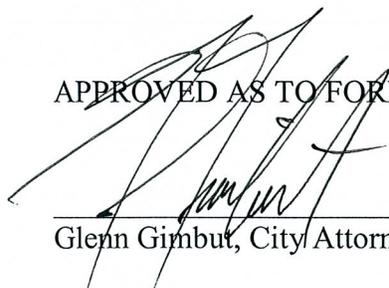

Juan Carlos Escamilla, Mayor

ATTEST:



Sonia Cuello, City Clerk

APPROVED AS TO FORM:



Glenn Gimbut, City Attorney

LEGAL DESCRIPTION

Order No: 176009 YUM

A portion of the Northwest quarter of Section 1, Township 11 South, Range 25 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona, being more particularly described as follows:

Commencing at the North quarter corner of said Section 1;
Thence South 00°17'14" West along the North-South mid Section line of said Section, a distance of 1,277.99 feet to a point;
Thence North 89°42'46" West, a distance of 40.00 feet to a point on the West right of way line of Fourth Avenue also being THE TRUE POINT OF BEGINNING;
Thence South 00°17'14" West, along the West right of way line of Fourth Avenue, a distance of 488.02 feet to a point on the North right of way line of the East Main Canal;
Thence continuing on the North right of way line of the East Main Canal, on a curve to the left with a delta of 08°35'06", a tangent of 40.03, a Radius of 533.30 feet, a chord bearing South 51°07'48" West, a chord distance of 79.83 feet and an arc length of 79.91 feet to a point;
Thence continuing South 46°50'15" West, on the North right of way line of the East main Canal, a distance of 31.70 feet to a point;
Thence continuing on the North right of way line of the East Main Canal, on a curve to the right with a delta of 19°53'00", a tangent of 74.19 feet, a radius of 423.30 feet, a chord bearing South 56°46'45" West, a chord distance of 146.16 feet and an arc length of 146.90 feet to a point;
Thence continuing South 66°43'15" West, on the North right of way line of the East Main Canal, a distance of 61.70 feet to a point;
Thence continuing on the North right of way line of the East main Canal, on a curve to the right with a delta of 12°40'00", a tangent of 73.45, a radius of 661.80 feet, a chord bearing South 73°03'15" West, a chord distance of 146.01 feet and an arc length of 146.31 feet to a point;
Thence continuing South 79°23'15" West, on the North right of way line of the East Main Canal, a distance of 208.00 feet to a point;
Thence continuing on the North right of way line of the East Main Canal, on a curve to the left with a delta of 20°35'00", a tangent of 140.14 feet, a radius of 771.80 feet, a chord bearing South 69°05'45" West, a chord distance of 275.78 feet and an arc length of 277.27 feet to a point;
Thence continuing South 58°48'15" West, on the North right of way line of the East Main Canal, a distance of 246.48 feet to a point;
Thence continuing on the North right of way line of the East Main Canal, on a curve to the right with a delta of 14°15'00", a tangent of 112.55 feet, a radius of 900.40 feet, a chord bearing South 65°55'45" West, a chord distance of 223.36 feet and an arc length of 223.94 feet to a point;
Thence continuing South 73°03'15" West, on the North right of way line of the East Main Canal, a distance of 2.61 feet to a point;
Thence North 00°21'28" East, a distance of 806.90 feet to a point on the South right of way line of the U.S.R.S. Drainage Canal;
Thence North 38°56'04" East, on the South right of way line of the U.S.R.S. Drainage Canal, a distance of 535.19 feet to a point;
Thence continuing North 51°08'34" East, on the South right of way line of the U.S.R.S. Drainage Canal, a distance of 143.37 feet to a point;
Thence South 38°51'26" East, a distance of 55.32 feet to a point;
Thence South 89°42'46" East, a distance of 120.00 feet to a point;
Thence South 00°17'14" West, a distance of 66.50 feet to a point;
Thence on a curve to the right with a delta of 90°00'00", a tangent of 15.00 feet, a radius of 15.00 feet, a chord bearing South 45°17'14" West, a chord distance of 21.21 feet and an arc length of 23.56 feet to a point;
Thence South 00°17'14" West, a distance of 32.00 feet to a point;
Thence South 89°42'46" East, a distance of 7.00 feet to a point;
Thence South 00°17'14" West, a distance of 81.50 feet to a point;
Thence South 89°42'46" East, a distance of 560.00 feet to a point;
Thence South 00°17'14" West, a distance of 8.00 feet to a point;
Thence South 89°42'46" East, a distance of 127.00 feet to THE TRUE POINT OF BEGINNING.

24704

29205

**PETITION FOR ADOPTION OF A RESOLUTION
ORDERING AND DECLARING FORMATION OF
LAS BRISAS COMMUNITY FACILITIES
DISTRICT (CITY OF SAN LUIS, ARIZONA)**

State of Arizona)
)ss.
County of Yuma)

THE OWNER OF ALL LAND (hereinafter referred to as "Petitioner") in the parcel described as:

Acting pursuant to the provisions of Title 48, Chapter 4, Article 6, Arizona Revised Statutes, as amended (hereinafter referred to as the "Act"), respectfully petitions the Honorable City Council (hereinafter referred to as the "Council") of the City of San Luis, a resolution (hereinafter to as the "Resolution") declaring and ordering formation of a community facilities district (hereinafter to as the "District") and would respectfully show the following:

I.

The name of the district is to be Las Brisas Community Facilities District (City of San Luis, Arizona).

II.

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

III.

The District is to contain areas of approximately 23.98 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 parcel described as: SEE EXHIBIT 'A' ATTACHED HERETO.

IV.

The District is to be a special purpose district for purpose of Article IX, section 19, Constitution of Arizona, a tax-levying public improvements district for the purpose of Article XIII, Section , Constitution of Arizona, and a municipal corporation for all purpose 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 for 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 improvement constructed by the District and for their operation and maintenance as well as operation, maintenance, repair or replacement of existing public improvements and infrastructure within the district, including but not limited to streets, sidewalks, wastewater improvements, retention basins, and parks.

VI.

Before the Resolution is adopted, a "general plan" (as such term is defined in the Act) for the District shall be 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, and

VII.

Public convenience and necessity require the adoption of the Resolution.

WHEREFORE, Petitioner attest and declares that on the date hereof, as shown on the assessment roll for state and county taxes in Yuma County, Arizona, all of the land to be in the District is owned by Petitioner or, if a person listed on such assessment roll is no longer the owner of 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 the Petitioner and that these are no residents on the land to be in the District; and:

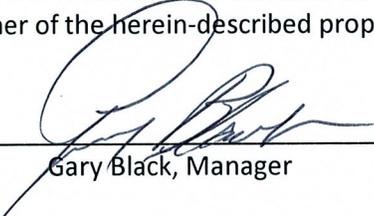
WHEREFORE, Petitioner attests and declares that the land to be included in the District shall be benefited from the improvements for which the District is proposed to be formed; and

WHEREFORE, as this Petition is signed on behalf of the owner of all land to be in the District, any requirements of posting, publication, mailing, notice, hearing and election otherwise required by the Act in connection with adoption of the Resolution are waived and the Council shall, on receipt of this Petition, declare the District formed without being required to comply with such provisions for posting, publication, mailing, notice, hearing or election; and

WHEREFORE, Petitioner respectfully prays that this Petition be properly filed as provided by law, that the Council adopt the Resolution and declare and order the District formed without being required to comply with the provisions for posting, publication, mailing, notice, hearing and election otherwise required by the Act in connection with the Resolution; and that such other orders, acts, procedure and relief as are proper, necessary and appropriate to the purpose of organizing the District and to be execution of the purpose for which the District shall be organized be granted as the Council shall deem proper and necessary.

RESPECTFULLY SUBMITTED this 10th day of December 2007.

SOUTH YUMA COUNTY DEVELOPMENT, L.L.C.,
owner of the herein-described property

By 
Gary Black, Manager

STATE OF ARIZONA)
)ss.
County of Yuma)

The foregoing acknowledged before me this 10th day of DECEMBER 2007 by Gary Black, Manager of South Yuma County Development, L.L.C., an Arizona Limited Liability Company, on behalf of said limited liability company.

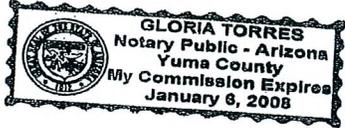
My Commission Expires

Gloria Torres
Notary Public

Accepted and approved by:

Juan C Escamilla
Juan Carlos Escamilla, Major

ATTEST:



Sonia Cuello
Sonia Cuello
City Clerk

Glenn Gimbut
Glenn Gimbut
City Attorney

GENERAL PLAN
FOR THE PROPOSED LAS BRISAS
COMMUNITY FACILITIES DISTRICT
(CITY OF SAN LUIS ARIZONA)

TO: CLERK, CITY OF SAN LUIS, ARIZONA

For the purposes of A.R.S. §48-702.B, as amended (the 'Act'), the following is the general plan for the proposed captioned district:

GENERAL AREA TO BE IMPROVED WITHIN THE PROPOSED DISTRICT:

See exhibit A attached hereto.

GENERAL DESCRIPTION OF THE PUBLIC INFRASTRUCTURE
IMPROVEMENTS FOR WHICH THE PROPOSED CAPTIONED DISTRICT IS
PROPOSED TO BE FORMED:

To plan, design, inspect, own, control, maintain, construct, operate or repair public infrastructure within the area of the proposed district, including, but not limited to the employment of staff, counsel and consultants, and reimbursing the municipality for staff and consultant services and support facilities supplied by the municipality. Public infrastructure includes:

- a) Sanitary sewage systems, including collection, transport, storage, treatment, dispersal, effluent use and discharge.
- (b) Drainage and flood control systems, including collection, transport, diversion, storage, detention, retention, dispersal, use and discharge.
- (c) Water systems for domestic, industrial, irrigation, municipal or fire protection purposes including production, collection, storage, treatment, transport, delivery, connection and dispersal, but not including facilities for agricultural irrigation purposes unless for the repair or replacement of existing facilities when required by other improvements permitted by this article.
- (d) Highways, streets, roadways and parking facilities including all areas for vehicular use for travel, ingress, egress and parking.
- (e) Areas for pedestrian, equestrian, bicycle or other nonmotor vehicle use for travel, ingress, egress and parking.
- (f) Parks, recreational facilities other than stadiums, and open space areas for the use of members of the public for entertainment, assembly and recreation.

(g) Landscaping including earthworks, structures, lakes and other water features, plants, trees and related water delivery systems.

(h) Public buildings, public safety facilities and fire protection facilities.

(i) Lighting systems.

(j) Traffic control systems and devices including signals, controls, markings and signage.

Dated: October 20, 2009

das Brusas

LEGAL DESCRIPTION

Order No: 176009 YUM

A portion of the Northwest quarter of Section 1, Township 11 South, Range 25 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona, being more particularly described as follows:

Commencing at the North quarter corner of said Section 1;
 Thence South 00°17'14" West along the North-South mid Section line of said Section, a distance of 1,277.99 feet to a point;
 Thence North 89°42'46" West, a distance of 40.00 feet to a point on the West right of way line of Fourth Avenue also being THE TRUE POINT OF BEGINNING;
 Thence South 00°17'14" West, along the West right of way line of Fourth Avenue, a distance of 488.02 feet to a point on the North right of way line of the East Main Canal;
 Thence continuing on the North right of way line of the East Main Canal, on a curve to the left with a delta of 08°35'06", a tangent of 40.03, a Radius of 533.30 feet, a chord bearing South 51°07'48" West, a chord distance of 79.83 feet and an arc length of 79.91 feet to a point;
 Thence continuing South 46°50'15" West, on the North right of way line of the East main Canal, a distance of 31.70 feet to a point;
 Thence continuing on the North right of way line of the East Main Canal, on a curve to the right with a delta of 19°53'00", a tangent of 74.19 feet, a radius of 423.30 feet, a chord bearing South 56°46'45" West, a chord distance of 146.16 feet and an arc length of 146.90 feet to a point;
 Thence continuing South 66°43'15" West, on the North right of way line of the East Main Canal, a distance of 61.70 feet to a point;
 Thence continuing on the North right of way line of the East main Canal, on a curve to the right with a delta of 12°40'00", a tangent of 73.45, a radius of 661.80 feet, a chord bearing South 73°03'15" West, a chord distance of 146.01 feet and an arc length of 146.31 feet to a point;
 Thence continuing South 79°23'15" West, on the North right of way line of the East Main Canal, a distance of 208.00 feet to a point;
 Thence continuing on the North right of way line of the East Main Canal, on a curve to the left with a delta of 20°35'00", a tangent of 140.14 feet, a radius of 772.80 feet, a chord bearing South 69°05'45" West, a chord distance of 275.78 feet and an arc length of 277.27 feet to a point;
 Thence continuing South 58°48'15" West, on the North right of way line of the East Main Canal, a distance of 246.48 feet to a point;
 Thence continuing on the North right of way line of the East Main Canal, on a curve to the right with a delta of 14°15'00", a tangent of 112.55 feet, a radius of 900.40 feet, a chord bearing South 65°55'45" West, a chord distance of 223.36 feet and an arc length of 223.94 feet to a point;
 Thence continuing South 73°03'15" West, on the North right of way line of the East Main Canal, a distance of 2.61 feet to a point;
 Thence North 00°21'28" East, a distance of 806.90 feet to a point on the South right of way line of the U.S.R.S. Drainage Canal;
 Thence North 38°56'04" East, on the South right of way line of the U.S.R.S. Drainage Canal, a distance of 535.19 feet to a point;
 Thence continuing North 51°08'34" East, on the South right of way line of the U.S.R.S. Drainage Canal, a distance of 143.37 feet to a point;
 Thence South 38°51'26" East, a distance of 55.32 feet to a point;
 Thence South 89°42'46" East, a distance of 120.00 feet to a point;
 Thence South 00°17'14" West, a distance of 66.50 feet to a point;
 Thence on a curve to the right with a delta of 90°00'00", a tangent of 15.00 feet, a radius of 15.00 feet, a chord bearing South 45°17'14" West, a chord distance of 21.21 feet and an arc length of 23.56 feet to a point;
 Thence South 00°17'14" West, a distance of 32.00 feet to a point;
 Thence South 89°42'46" East, a distance of 7.00 feet to a point;
 Thence South 00°17'14" West, a distance of 81.50 feet to a point;
 Thence South 89°42'46" East, a distance of 560.00 feet to a point;
 Thence South 00°17'14" West, a distance of 8.00 feet to a point;
 Thence South 89°42'46" East, a distance of 127.00 feet to THE TRUE POINT OF BEGINNING.

24704

29205