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**FEE #: 2009 – 29210**

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FEES: 4.50 8.00 1.00 .00 .00  
REQ BY: CITY OF SAN LUIS  
REC BY: Olga Nunez

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**CAPTION HEADING:**

City of San Luis

\*Resolution No. 845-Street Lighting Bienestar Estates 9A (Phase 1)

\*Petition, Waiver and Consent to formation of a Street Lighting Improvement  
District by the City of San Luis-Bienestar Estates 9A (Phase 1)



# *Resolution*

OFFICE OF THE  
MAYOR  
CITY OF SAN LUIS

## RESOLUTION NO. 845

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, DECLARING ITS INTENTION TO PURCHASE ELECTRICITY, AND MAINTAIN POLES, LUMINARIES, AND UNDERGROUND CONDUIT, TOGETHER WITH A CHARGE FOR USE OF LIGHTING FACILITIES, FOR LIGHTING PUBLIC STREETS WITHIN AN AREA DESCRIBED AS BIENESTAR ESTATES 9A (PHASE 1), CITY OF SAN LUIS, YUMA COUNTY, ARIZONA.**

**WHEREAS**, a petition for the street lighting improvement district has been presented by all of the real property owners of record for the real property described as Bienestar Estates 9A (Phase 1) Subdivision, City of San Luis, Yuma County, Arizona.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and City Council of the City of San Luis, Arizona, as follows:

**Section 1:** The City of San Luis hereby creates a street lighting improvement district to be tentatively known as Bienestar Estates 9A (Phase 1) Street Lighting Improvement District for the area described as Bienestar Estates 9A (Phase 1) Subdivision, Yuma County, Arizona, and as further described as:

A portion of the NE Corner of Section 10, Township 11 S, Range 24 West, Gila and Salt River Base and Meridian, Yuma County Arizona. See also maps attached hereto.

**Section 2:** That the public interest and convenience requires, and it is the intention of the governing body of the City of San Luis to order the purchase of electricity which includes a charge for the maintenance and use of the lighting facilities. That the maintenance and purchase of electricity is of more than local or ordinary public benefit, and the cost is hereby made chargeable upon the District, and the District benefited by said streetlights is legally described as set forth in Section 1 hereinabove.

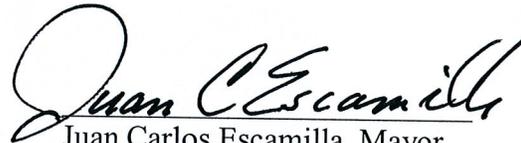
**Section 3:** That the cost of the electricity shall be the established rate of Arizona Public Service for street lighting service.

**Section 4:** That the lighting of the streets in the area described shall be in accordance with the lighting location plan hereby approved and adopted by the Council of the City of San Luis, Arizona, and on file in the office of the City Engineer, tentatively known as Bienestar Estates 9A (Phase 1) Street Lighting Improvement District.

**Section 5:** In no event will the City of San Luis or any officer thereof be liable for any portion of the cost of supplying electricity to said Improvement District, nor for any delinquency of persons or property assessed, unless the assessment for district purposes against the property within such district exceeds the maximum contained in A.R.S. § 48-616.D, in which event the City of San Luis shall be liable for the cost of supplying electricity in excess of said statutory maximums.

**Section 6:** The City Council shall make an annual statement of the expenses relative to the District which shall be provided for by the levy and collection of the ad valorem taxes of the assessed value of all property, real and personal, in the District as provided in Title 48 of the Arizona Revised Statutes, which taxes shall be collected in the amount shown by the statement adopted by the City Council.

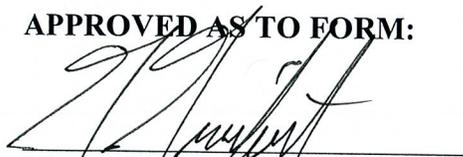
**PASSED AND ADOPTED** by the Mayor and City Council of the City of San Luis, Arizona, this 28<sup>th</sup>, day of October, 2009

  
Juan Carlos Escamilla, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Sonia Cuello, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Glenn Gimbut, City Attorney

**PETITION, WAIVER AND CONSENT TO FORMATION  
OF A STREET LIGHTING IMPROVEMENT DISTRICT  
BY THE CITY OF SAN LUIS NEW SUBDIVISION ,BIENESTAR ESTATES 9A  
(PHASE 1) (OWNER: COMITE DE BIENESTAR, INC.)**

**To:                   Honorable Mayor and Council  
                          City of San Luis, Arizona**

**[MID\_\_\_\_\_]**

Pursuant to Arizona Revised Statutes, Section 48-571 to 48-617, as amended , and specifically A.R.S. §548-616 AND 548-617 the undersigned property owner respectfully petitions the City Council of the City of San Luis, Arizona ( City Council) to order the formation of Street Lighting Improvement District under Arizona Revised Statutes, title 48 Chapter 4, Article 2. In support of this petition, the undersigned agrees to waive certain rights under the Arizona Improvement District Law and to consent to the formation and completion of the District.

1. Area of District.     The proposed district is described by a map and by a legal description of Exhibit "A" which is attached hereto and incorporated herein by reference. The proposed district consists of approximately 50.83 acres and is entirely within the corporate boundaries of the City of San Luis.
  
2. Ownership.           The undersigned (is) (are) the sole owner(s) of the real property within the proposed district.
  
3. Purpose.           The district is proposed to be formed for the purpose of the installation of light poles and luminaries together with purchasing the electricity for lighting of public street within Bienestar Estates 9A (Phase 1).
  
4. Public Convenience and Necessity.   The necessity for the proposed district is for the installation of light poles and luminaries with purchasing the electricity for lighting public streets within the proposed district by the levying of special assessments in the proposed district.
  
5. Wavier and Consent.       The petitioners will full knowledge of their rights being waived hereunder, hereby expressly waive.
  - (a) Any and all irregularities, illegalities or deficiencies which may exist in adoption of Resolution Ordering the work;
  
  - (b) Any necessity for publication and posting of the Resolution of Intention and the Note of Proposed Improvements;
  
  - (c) All protest rights, whatsoever under A.R.S. §48-579 (A) and (B), which provide for protests against the work; and

- (d) All objections to the filing of and adoption by the City of the plans and specifications, the Engineer's estimate and the Assessment Diagram, all of which provide for the completion of the District.

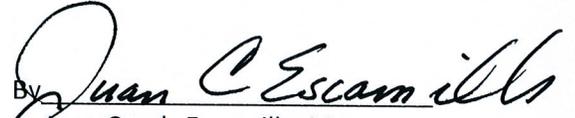
Further the improvements described above are of more than local or ordinary public benefit.

In Witness whereof the parties have executed this Petition and waiver agreement as of the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

<u>PROPERTY OWNER</u> <u>NAME, ADDRESS AND</u> <u>SIGNATURE</u>	<u>DATE</u>	<u>PROPERTY</u> <u>(Tax Parcel Nos.)</u>
<i>James G. [Signature]</i>	_____	_____
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Accepted and approved by:

CITY OF SAN LUIS, ARIZONA an  
ARIZONA MUNICIPAL CORPORATION

By   
Juan Carols Escamilla, Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Glenn Gimbut, City Attorney



