

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF MESA, ARIZONA, DECLARING INTENT TO FORM A COMMUNITY FACILITIES DISTRICT; ORDERING AND DECLARING FORMATION OF THE TAX LEVYING CADENCE COMMUNITY FACILITIES DISTRICT (CITY OF MESA, ARIZONA); AND APPROVING THE DEVELOPMENT, FINANCING PARTICIPATION, WAIVER AND INTERGOVERNMENTAL AGREEMENT WITH SUCH DISTRICT.**

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

**Section 1. Findings.** The mayor and council hereby make the following findings:

A. Prior to the adoption hereof, there was presented to us, the Mayor and Council of the City of Mesa, Arizona (hereinafter referred to as the "*City*"), a petition for formation of a community facilities district and adoption of resolutions declaring formation of the Cadence Community Facilities District (City of Mesa, Arizona), submitted and effective October 28, 2015 (hereinafter referred to as the "*Petition*"), signed by the entities which, on the date of the Petition and on the date hereof, are the owners of all real property as shown on the assessment roll for State and County taxes for Maricopa County, Arizona, or, if such persons shown on such assessment roll are no longer the owners of land in the District, are the entities which are the successor owners which have become known and have been verified by recorded deed or similar evidence of transfer of ownership to be the owners of such real property (hereinafter such owners are collectively referred to as the "*Petitioner*") described in the Petition by metes and bounds to be in the community facilities district, the formation of which is requested 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*"). (The proposed district shall be referred to herein as the "*District*").

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

1. The name of the District is requested pursuant to the Petition to be "*Cadence Community Facilities District (City of Mesa, Arizona)*",
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 403 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, 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.

C. 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 Maricopa 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.

D. 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.

E. A Development, Financing Participation, Waiver 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.

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, a "General Plan for the Proposed Cadence Community Facilities District (City of Mesa, Arizona)" 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. Approval of the Development Agreement.** The Development Agreement by and among the City, the District and the owners of the property within the District, as presented to the City and on file with the Clerk, is hereby approved. The Mayor is authorized and directed to execute and deliver and the Clerk is authorized and directed to attest, the Development Agreement.

**Section 5. 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 6. Granting of 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 November 30, 2015 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 29 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 7. 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 8. District Board and Officers.** The District shall be governed by a "District Board" comprised of the members of the governing body of the City, ex officio. Gust Rosenfeld P.L.C. may serve as City Attorney and attorney and bond counsel for the District, and the City hereby waives any conflict of interest that may exist now or in the future as a result of such dual representation.

**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 Maricopa 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 Mesa, Arizona, on November 12, 2015.

---

Mayor

ATTEST:

---

Clerk

APPROVED AS TO FORM:

---

City Attorney

Exhibits:

- A Legal description of District
- B Boundary map of District

**EXHIBIT A**



**Legal Description  
PPGN Community Facilities District**

Job No. 11-007

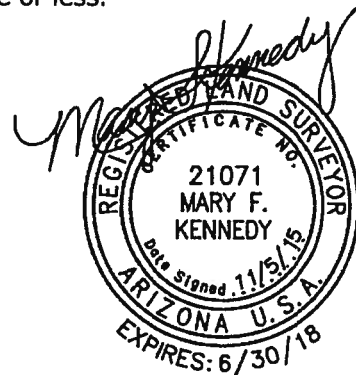
Revised May 4, 2015

A portion of the West half of Section 26, a portion of Section 27 and a portion of the Northeast Quarter of Section 34, Township 1 South, Range 7 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at a brass cap in a hand hole at the Northwest corner of said Section 27, from which an aluminum cap at the North Quarter corner of said Section 27 bears S89°38'24"E (an assumed bearing) at a distance of 2,647.20 feet; thence S89°38'24"E, along the north line of the Northwest Quarter of said Section 27, for a distance of 876.83 feet; thence S52°18'39"E for a distance of 470.08 feet to the POINT OF BEGINNING;

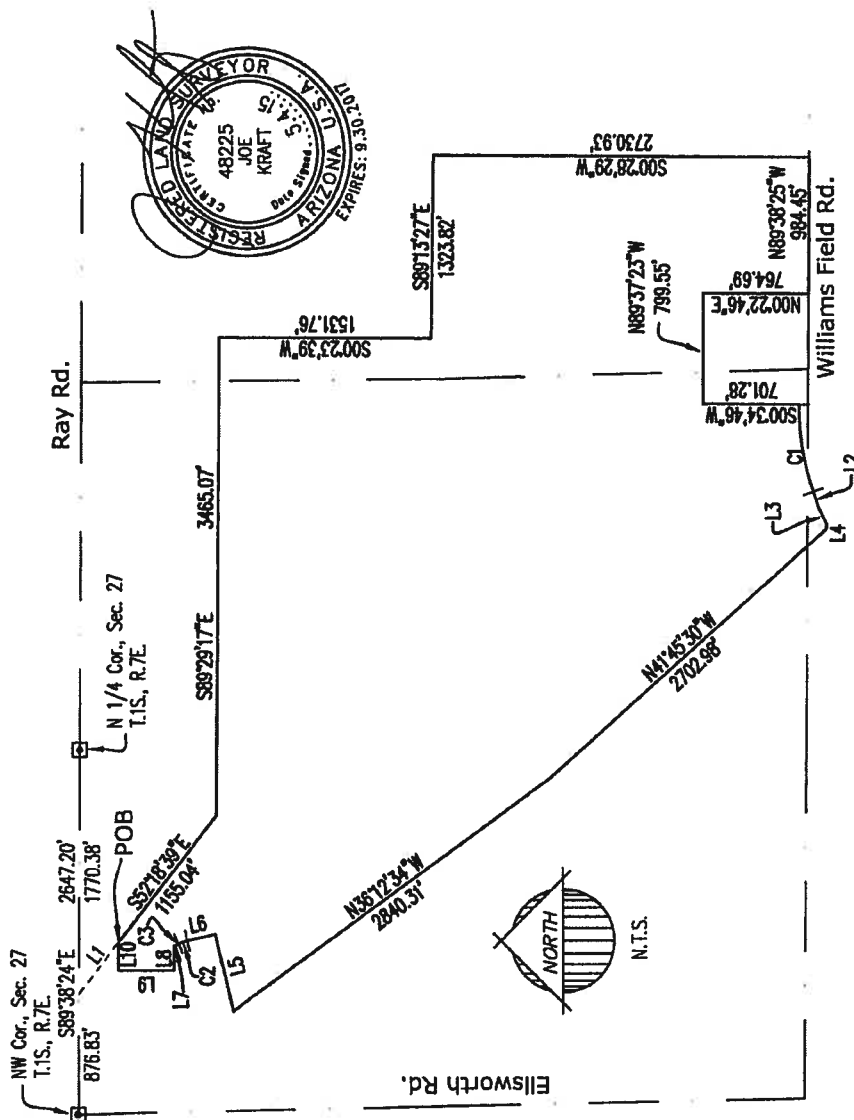
Thence continuing S52°18'39"E for a distance of 1,155.04 feet; thence S89°29'17"E for a distance of 3,465.07 feet; thence S00°23'39"W for a distance of 1,531.76 feet; thence S89°13'27"E for a distance of 1,323.82 feet; thence S00°28'29"W for a distance of 2,730.93 feet to the south line of the Southwest Quarter of said Section 26; thence N89°38'25"W, along said south line, for a distance of 984.45 feet; thence N00°22'46"E for a distance of 764.69 feet; thence N89°37'23"W for a distance of 799.55 feet; thence S00°34'46"W for a distance of 701.28 feet to a point on a non-tangent curve, concave to the south, the center of which bears S01°03'19"W at a distance of 1,861.15 feet; thence westerly, along the arc of said curve, through a central angle of 19°47'46", for a distance of 643.04 feet; thence S71°15'33"W, tangent to said curve, for a distance of 131.23 feet; thence S63°49'21"W for a distance of 125.36 feet; thence N80°12'55"W for a distance of 39.15 feet; thence N41°45'30"W for a distance of 2,702.98 feet; thence N36°12'34"W for a distance of 2,840.31 feet; thence N77°11'23"E for a distance of 572.68 feet; thence N12°48'37"W for a distance of 207.30 feet to the beginning of a curve, concave to the southwest, the center of which bears S77°11'23"W at a distance of 303.27 feet; thence northwesterly, along the arc of said curve, through a central angle of 12°45'57", for a distance of 67.57 feet to the beginning of a reverse curve, concave to the northeast, the center of which bears N64°25'26"E at a distance of 274.00 feet; thence northwesterly, along the arc of said curve, through a central angle of 01°01'32", for a distance of 4.90 feet; thence N24°33'03"W, tangent to said curve, for a distance of 29.44 feet; thence N89°38'24"W for a distance of 179.50 feet; thence N00°21'36"E for a distance of 400.00 feet; thence S89°38'24"E for a distance of 203.14 feet to the POINT OF BEGINNING.

An area containing 17,564,110 square feet or 403.2165 acres, more or less.



EPS Group, Inc. • 2045 S. Vineyard, Suite 101 • Mesa, AZ 85210  
Tel (480) 503-2250 • Fax (480) 503-2258

S:\Projects\2011\11-007\Legal Survey\Legals\11-007 LD cfd 042015.docx



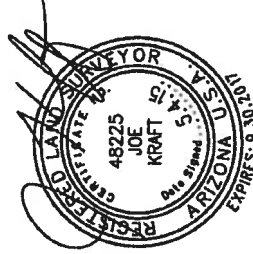
Sheet 1 of 2

|  |  |
|--|--|
|  <p>2048 S. Vineyard Ave., Suite 101<br/>Mesa, AZ 85218<br/>7-480-5333 / 7-480-803-3268<br/>www.eptsubinc.com</p> | <p>Project: PPGN Community Facilities District</p> |
|  | <p>Exhibit</p>                                     |

07-087

| CURVE TABLE |          |         |         |           |             |
|-------------|----------|---------|---------|-----------|-------------|
| CURVE       | RADIUS   | LENGTH  | TANGENT | DELTA     | CHD BRG     |
| C1          | 1861.15' | 643.04' | 324.76' | 19°47'46" | S81°09'26"W |
| C2          | 303.27'  | 67.57'  | 33.93'  | 12°45'57" | N19°11'36"W |
| C3          | 274.00'  | 4.90'   | 2.45'   | 1°01'32"  | S25°03'49"E |

| LINE TABLE |             |         |
|------------|-------------|---------|
| LINE       | BEARING     | LENGTH  |
| L1         | S52°18'39"E | 470.08' |
| L2         | S71°15'33"W | 131.23' |
| L3         | S63°49'21"W | 125.36' |
| L4         | N80°12'55"W | 39.15'  |
| L5         | N77°11'23"E | 572.68' |
| L6         | N12°48'37"W | 207.30' |
| L7         | N24°33'03"W | 29.44'  |
| L8         | N89°38'24"W | 179.50' |
| L9         | N00°21'36"E | 400.00' |
| L10        | S89°38'24"E | 203.14' |



Sheet 2 of 2

2015 S. Vineyard Ave., Suite 101  
Mesa, AZ 85210  
T: 480.503.2250 | F: 480.503.2258  
www.epsgroupinc.com

Project: Community Funded District (CFD)

Exhibit

07-087

## EXHIBIT B

### BOUNDARY MAP OF CADENCE COMMUNITY FACILITIES DISTRICT (CITY OF MESA, ARIZONA)

#### Cadence Location of Public Infrastructure

