

RESOLUTION NO. 10005

**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 EASTMARK COMMUNITY FACILITIES DISTRICT NO. 1 (CITY OF MESA, ARIZONA); APPROVING THE DEVELOPMENT, FINANCING PARTICIPATION, WAIVER AND INTERGOVERNMENTAL AGREEMENT WITH SUCH DISTRICT; AND DECLARING AN EMERGENCY.**

**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 Eastmark Community Facilities District No. 1 (City of Mesa, Arizona), submitted and effective March 26, 2012 (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 "*Eastmark Community Facilities District No. 1 (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 2,171 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 Eastmark Community Facilities District No. 1 (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 April 18, 2012 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.

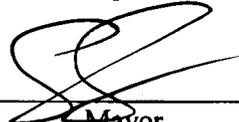
**Section 9. District Boundaries and Map.** The District boundaries are set to be as described in metes and bounds in Exhibit A hereto. The map showing the District boundaries is set forth in Exhibit B hereto and is hereby approved.

**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.

**Section 12. Emergency.** The immediate operation of the provisions of this resolution is necessary for the preservation of the public peace, health and safety and an emergency is hereby declared to exist, and this resolution shall be in full force and effect from and after its passage, adoption and approval by the Mayor and Council of the City and it is hereby exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

Passed by the Council of the City of Mesa, Arizona, on April 2, 2012.

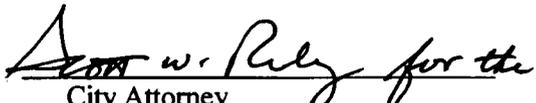
  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Clerk



APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

Exhibits:

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

**EXHIBIT A**

**LEGAL DESCRIPTION OF  
EASTMARK COMMUNITY FACILITIES DISTRICT NO. 1  
(CITY OF MESA, ARIZONA)**

*Wood, Patel & Associates, Inc.*  
*(480) 834-3300*  
*www.woodpatel.com*

Revised March 20, 2012  
Revised January 5, 2012  
Revised July 28, 2011  
April 23, 2010  
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See Exhibit "A"

**PARCEL DESCRIPTION**  
**Mesa Proving Grounds**

**Community Facilities District 1**

A parcel of land lying within Sections 14, 15, 22, 23, 26 and 27, Township 1 South, Range 7 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the west quarter corner of said Section 15, a 3-inch Maricopa County Department of Transportation brass cap in handhole stamped 2007 RLS 35694, from which the southwest corner of said Section 15, a 3-inch Maricopa County Department of Transportation brass cap in handhole stamped 2007 RLS 35694, bears South 00°42'29" East (basis of bearing), a distance of 2637.98 feet;  
**THENCE** along the west line of said Section 15, South 00°42'29" East, a distance of 1338.80 feet;  
**THENCE** leaving said west line, North 89°17'31" East, a distance of 50.00 feet, to the east line of the west 50 feet of said Section 15 and the **POINT OF BEGINNING**;  
**THENCE** leaving said east line, North 89°17'42" East, a distance of 672.83 feet, to the beginning of a curve;  
**THENCE** easterly along said curve, having a radius of 1000.00 feet, concave northerly, through a central angle of 23°28'47", a distance of 409.80 feet, to the curve's end;  
**THENCE** North 65°48'55" East, a distance of 2691.35 feet;  
**THENCE** South 24°11'05" East, a distance of 1798.15 feet;  
**THENCE** North 88°39'46" East, a distance of 3496.70 feet, to the southwest corner of Lot 2 of Mesa Proving Grounds – Southwest Corner of Elliot Road & Signal Butte Road as shown on the Land Split Map, recorded in Book 1089, page 5, Maricopa County Records (M.C.R.);  
**THENCE** along the south line of said Lot 2, South 89°45'48" East, a distance of 2720.10 feet, to the southeast corner of said Lot 2 and the west line of the east 65 feet of said section;  
**THENCE** leaving said south line, along said west line and the east line of said Lot 2, North 00°37'57" West, a distance of 1636.84 feet;  
**THENCE** North 00°38'25" West, a distance of 165.43 feet;  
**THENCE** leaving said east line and said west line, North 89°24'19" East, a distance of 65.00 feet, to the east line of said Section 14;  
**THENCE** along said east line, South 00°38'25" East, a distance of 165.39 feet, to the east quarter corner of said Section 14, a 3-inch City of Mesa brass cap in handhole;

**Parcel Description**  
**Mesa Proving Grounds**  
**Community Facilities District 1**

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**THENCE** South 00°37'57" East, a distance of 2640.25 feet, to the southeast corner of said Section 14, a 1/2-inch rebar with illegible cap;  
**THENCE** leaving said east line, along the east line of said Section 23, South 00°50'18" East, a distance of 2628.64 feet, to the east quarter corner of said Section 23, a 1/2-inch rebar with cap stamped RLS 29272;  
**THENCE** South 00°42'59" East, a distance of 2597.28 feet, to the north line of that certain tract of land described in Docket 6414, page 56, M.C.R. and a point hereby designated as Point "A" for future reference in this description;  
**THENCE** leaving said east line, along said north line, a line parallel to and 40 feet north of the south line of said Section 23, North 89°37'09" West, a distance of 2664.99 feet;  
**THENCE** North 89°38'35" West, a distance of 2664.76 feet;  
**THENCE** along said north line, a line parallel to and 40 feet north of the south line of said Section 22, North 89°36'10" West, a distance of 2658.23 feet;  
**THENCE** continuing, North 89°38'34" West, a distance of 1510.91 feet;  
**THENCE** leaving said north line and said parallel line, North 00°21'42" East, a distance of 537.03 feet, to the beginning of a curve;  
**THENCE** northerly along said curve, having a radius of 382.45 feet, concave westerly, through a central angle of 24°29'51", a distance of 163.52 feet, to the curve's end;  
**THENCE** North 24°08'09" West, a distance of 749.04 feet;  
**THENCE** South 65°48'55" West, a distance of 24.54 feet, to the beginning of a curve;  
**THENCE** westerly along said curve, having a radius of 945.00 feet, concave northerly, through a central angle of 23°55'04", a distance of 394.49 feet, to the curve's end;  
**THENCE** South 89°43'59" West, a distance of 346.11 feet, to the easterly right-of-way line of Ellsworth Road as described in the Maricopa County Condemnation Order CV2003-015999, recorded in Document No. 2005-0714663, M.C.R., (DOC.1);  
**THENCE** along said easterly right-of-way line, a line parallel to and 55 feet east of west line of said Section 22, North 00°16'04" West, a distance of 1318.26 feet;  
**THENCE** North 00°14'45" West, a distance of 324.85 feet;  
**THENCE** leaving said DOC.1 and said parallel line, North 89°38'34" West, a distance of 5.00 feet, to the easterly right-of-way line of Ellsworth Road as described in Quit Claim Deed recorded in Docket 1606, page 249, M.C.R., (DKT.1),  
**THENCE** along said easterly right-of-way line, a line parallel to and 50 feet east of the west line of said Section 22, North 00°14'45" West, a distance of 2310.10 feet;  
**THENCE** leaving said parallel line, along a line parallel to and 50 feet east of the west line of the southwest quarter of said Section 15, North 00°42'29" West, a distance of 1299.38 feet, to the **POINT OF BEGINNING**.

**TOGETHER WITH**

Commencing at said Point "A":

**THENCE** along the east line of said Section 23, South 00°42'59" East, a distance of 40.01 feet, to the northeast corner of said Section 26, a 3-inch Maricopa County brass cap in pothole stamped 2002 RLS 36563, being the **POINT OF BEGINNING**;

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**THENCE** leaving said east line, along the east line of said Section 26, South 00°43'36" East, a distance of 2644.19 feet, to the east quarter corner of said Section 26, a 2-inch Maricopa County aluminum cap stamped 2002 RLS 36563;  
**THENCE** South 00°25'08" East, a distance of 2591.81 feet, to the northerly right-of-way line of Williams Field Road as described in the Maricopa County Condemnation Order CV2004-005453, recorded in Document No. 2005-0928928, M.C.R.;  
**THENCE** leaving said east line, along said northerly right-of-way line, a line parallel to and 33 feet north of the southeast quarter of said Section 26, North 89°33'33" West, a distance of 1325.51 feet;  
**THENCE** leaving said northerly right-of-way line and said parallel line, South 00°34'39" East, a distance of 33.01 feet, to the south line of said Section 26;  
**THENCE** along said south line, North 89°33'33" West, a distance of 1325.41 feet, to the south quarter corner of said Section 26, a 3-inch Maricopa County aluminum cap stamped 2002 RLS 38683;  
**THENCE** North 89°38'20" West, a distance of 1119.51 feet, to a 1/2-inch rebar with tag stamped RLS 29272;  
**THENCE** leaving said south line, North 00°28'37" East, a distance of 2730.93 feet, to a 1/2-inch rebar with tag stamped RLS 29272;  
**THENCE** North 89°13'26" West, a distance of 1323.87 feet, to a 1/2-inch rebar with tag stamped RLS 29272;  
**THENCE** North 00°23'52" East, a distance of 1531.75 feet, to a 1/2-inch rebar with tag stamped RLS 29272;  
**THENCE** North 89°29'17" West, a distance of 3465.06 feet, to a 1/2-inch rebar with tag stamped RLS 29272;  
**THENCE** North 52°18'31" West, a distance of 1625.16 feet, to the north line of said Section 27, a 1/2-inch rebar with no identification;  
**THENCE** along said north line, South 89°38'34" East, a distance of 1770.29 feet, to the north quarter corner of said Section 27, a 2-inch Maricopa County aluminum cap flush stamped 2002 RLS 36563;  
**THENCE** South 89°36'10" East, a distance of 2658.23 feet, to the northeast corner of said Section 27, a 3-inch Maricopa County brass cap flush stamped 2002 RLS 36563;  
**THENCE** leaving said north line, along the north line of said Section 26, South 89°38'35" East, a distance of 2664.76 feet, to the north quarter corner of said Section 26, a Maricopa County aluminum cap flush stamped 2002 RLS 36568;

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**THENCE** continuing, South 89°37'09" East, a distance of 2665.75 feet, to the **POINT OF BEGINNING**.

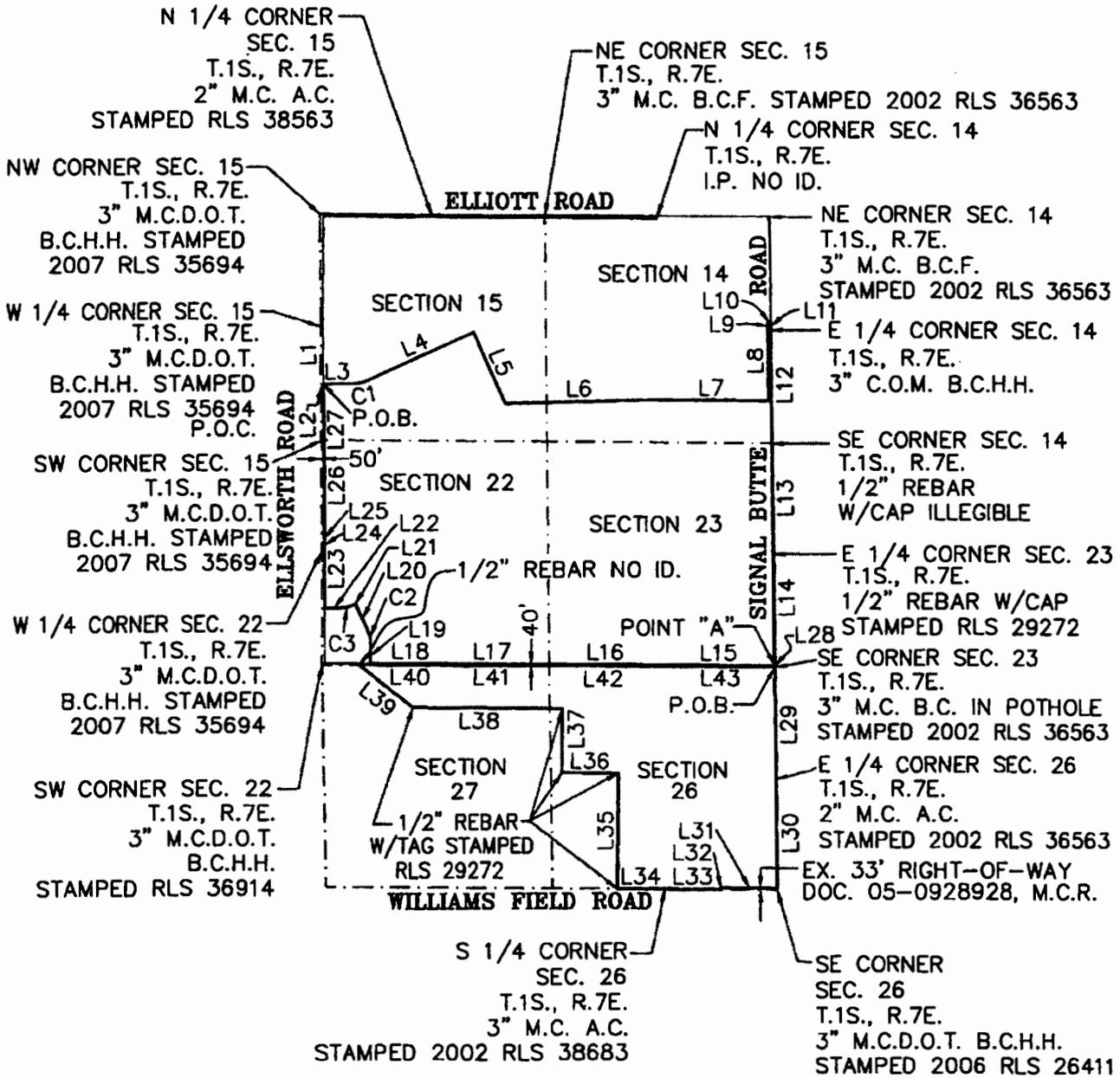
Containing 2,170.8468 acres, or 94,562,087 square feet of land, more or less.

Subject to existing rights-of-way and easements.

This parcel description is based on the unrecorded ALTA Survey of GM Proving Grounds prepared by CMX, dated November 21, 2006, job number 7405.01 and other client provided information. This parcel description is located within an area surveyed by Wood/Patel during the month of May, 2007 and any monumentation noted in this parcel description is within acceptable tolerance (as defined in Arizona Boundary Survey Minimum Standards dated 02/14/2002) of said positions based on said survey.

Y:\WP\Parcel Descriptions\2006 Parcel Descriptions\062753.81 Mesa Proving Grounds Community Facilities District 1 L19R03 03-20-12.doc





**WOOD/PATEL**  
 1855 North Stapley Drive  
 Mesa, AZ 85203  
 Phone: (480) 834-3300  
 Fax: (480) 834-3320  
 PHOENIX • MESA • TUCSON



**EXHIBIT "A"**  
 MESA PROVING GROUNDS  
 COMMUNITY FACILITIES DISTRICT 1  
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LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°42'29"E	1338.80'
L2	N89°17'31"E	50.00'
L3	N89°17'42"E	672.83'
L4	N65°48'55"E	2691.35'
L5	S24°11'05"E	1798.15'
L6	N88°39'46"E	3496.70'
L7	S89°45'48"E	2720.10'
L8	N00°37'57"W	1636.84'
L9	N00°38'25"W	165.43'
L10	N89°24'19"E	65.00'
L11	S00°38'25"E	165.39'
L12	S00°37'57"E	2640.25'
L13	S00°50'18"E	2628.64'
L14	S00°42'59"E	2597.28'
L15	N89°37'09"W	2664.99'
L16	N89°38'35"W	2664.76'
L17	N89°36'10"W	2658.23'
L18	N89°38'34"W	1510.91'
L19	N00°21'42"E	537.03'
L20	N24°08'09"W	749.04'
L21	S65°48'55"W	24.54'
L22	S89°43'59"W	346.11'
L23	N00°16'04"W	1318.26'
L24	N00°14'45"W	324.85'
L25	N89°38'34"W	5.00'
L26	N00°14'45"W	2310.10'

LINE TABLE		
LINE	BEARING	DISTANCE
L27	N00°42'29"W	1299.38'
L28	S00°42'59"E	40.01'
L29	S00°43'36"E	2644.19'
L30	S00°25'08"E	2591.81'
L31	N89°33'33"W	1325.51'
L32	S00°34'39"E	33.01'
L33	N89°33'33"W	1325.41'
L34	N89°38'20"W	1119.51'
L35	N00°28'37"E	2730.93'
L36	N89°13'26"W	1323.87'
L37	N00°23'52"E	1531.75'
L38	N89°29'17"W	3465.06'
L39	N52°18'31"W	1625.16'
L40	S89°38'34"E	1770.29'
L41	S89°36'10"E	2658.23'
L42	S89°38'35"E	2664.76'
L43	S89°37'09"E	2665.75'

CURVE TABLE			
CURVE	DELTA	RADIUS	ARC
C1	23°28'47"	1000.00'	409.80'
C2	24°29'51"	382.45'	163.52'
C3	23°55'04"	945.00'	394.49'

**WOOD/PATEL**  
 1855 North Stapley Drive  
 Mesa, AZ 85203  
 Phone: (480) 834-3300  
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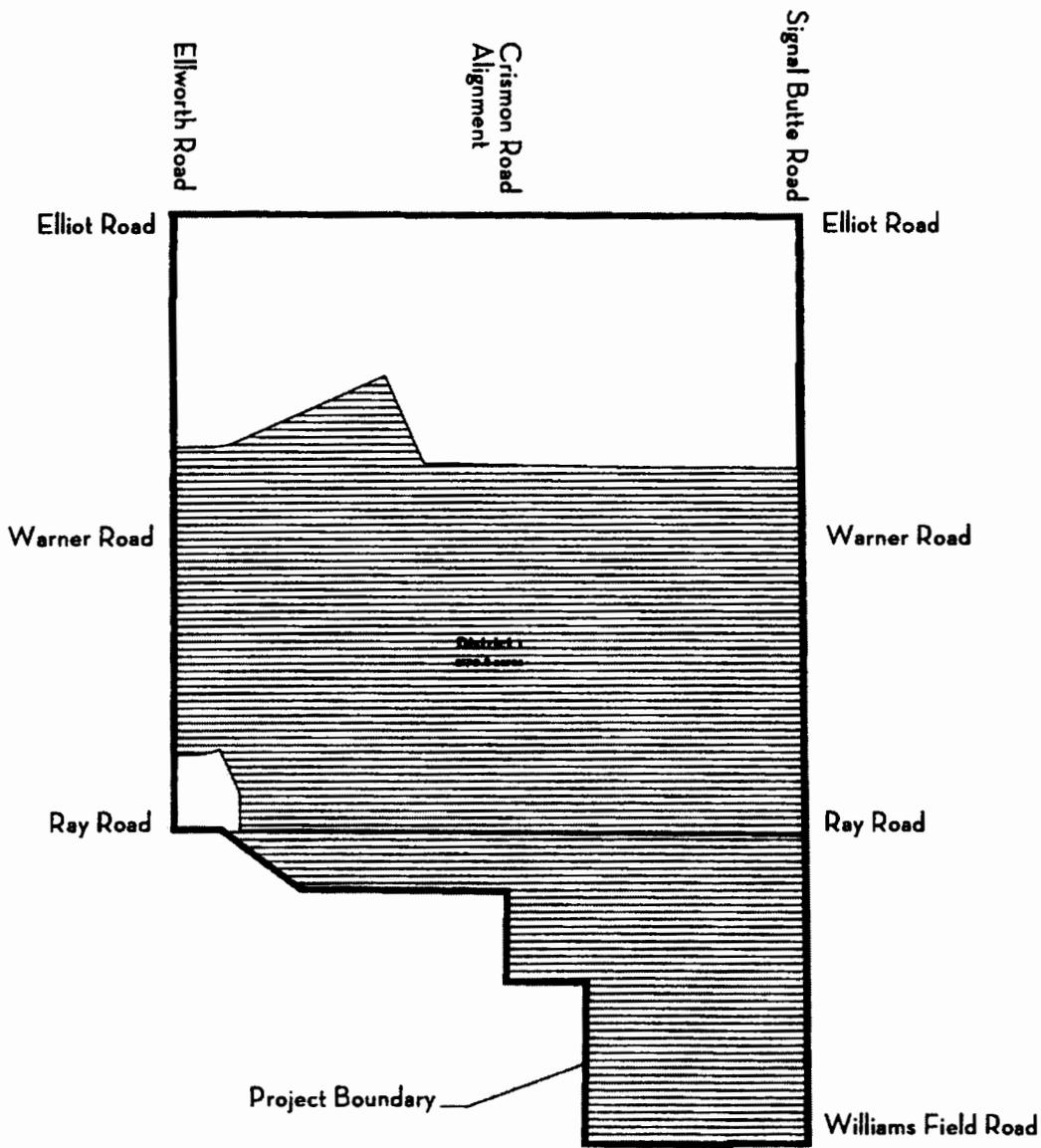


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**EXHIBIT B**

**BOUNDARY MAP OF  
EASTMARK COMMUNITY FACILITIES DISTRICT NO. 1  
(CITY OF MESA, ARIZONA)**

# Community Facilities District 1



## MESA PROVING GROUNDS



 District 1 - 2170.8 acres

  
North  
N.T.S.

Rev. 20 Mar 12