



CITY OF GLENDALE

Council Communication

Business-Voting Agenda

06/22/2010
Item No. 21

TO: Honorable Mayor and City Council

FROM: Ed Beasley, City Manager

PRESENTED BY: Jim Colson, Deputy City Manager

SUBJECT: **FORMATION OF THE COMMUNITY FACILITIES
DISTRICT TWO**

Purpose

This is a request for City Council to adopt a resolution to form a community facilities district named the City of Glendale, Arizona Community Facilities District Two (CFD2), which will initially incorporate city-owned land surrounding the Arena.

The funding mechanism for the CFD2 as an entity independent of the city will be new, user-driven revenue sources that are directly related to uses benefiting the land within the district.

Council Strategic Goals or Key Objectives Addressed

This request supports Council's goal of one community with quality economic development in our entertainment district.

Background

Arizona statutes have provided for community facility districts since 1988. These entities are granted the ability to collect and disburse revenue, enter into contracts, issue debt obligations, and conduct other business and operational activities. The formation of the CFD2 will create a valuable development tool that will assist in assuring that public facilities are utilized to the maximum extent, and support continued economic development in the area.

Revenue will be generated through activities at the arena and within the surrounding district.

Previous Council/Staff Actions

Staff has discussed the creation of a CFD2 with Council during workshop meetings and Council Meetings on April 13, 2010, May 11, 2010, and June 8, 2010.

Budget Impacts & Costs

The CFD2 will be self-funding and rely on revenue generation from fees, assessments, and contractual income related to activities that directly benefit the district.

Recommendation

Waive reading beyond the title and adopt a resolution authorizing the Notification of Intent.



Ed Beasley
City Manager



Attachment Memorandum

DATE: 06/22/2010
TO: Ed Beasley, City Manager
FROM: Jim Colson, Deputy City Manager
SUBJECT: FORMATION OF THE COMMUNITY FACILITIES DISTRICT TWO

ATTACHMENT:

1. Resolution

RESOLUTION NO. 4402 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, ORDERING AND DECLARING FORMATION OF CITY OF GLENDALE, ARIZONA COMMUNITY FACILITIES DISTRICT NUMBER TWO.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. Findings.

a. On a date prior to the date of the adoption hereof, there was presented to us, the governing body of the City of Glendale, Arizona, an incorporated municipality of the State of Arizona (the "city "), a PETITION FOR THE CREATION OF THE CITY OF GLENDALE, ARIZONA COMMUNITY FACILITIES DISTRICT NUMBER TWO, dated as set forth therein (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 Maricopa County, Arizona (the "Petitioner"), which is described in particularity in the Petition, and praying for the formation, pursuant to Title 48, Chapter 4, Article 6, Arizona Revised Statutes, as amended (the "Act"), of the City of Glendale, Arizona Community Facilities District Number Two (the "District").

b. In the Petition, Petitioner requested the City Council find, resolve, and order the following:

(i) The name of the community facilities district of which formation is prayed pursuant to the Petition be "City of Glendale, Arizona Community Facilities District Number Two";

(ii) The District initially be comprised of an area of approximately 54.63772 acres of land, more or less, wholly within the corporate boundaries of the city and to be composed of the land included in the parcels described in Exhibit "A" to the Petition, which is made a part of the Petition for all purposes and is all the land to be included within the boundaries of the District (the "Property");

(iii) The District 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, to be considered a municipal corporation and political subdivision of the State of Arizona separate and apart from the city; and to be formed for, and to have, all the purposes of a "district" as such term is defined, and as provided, in the Act;

(iv) The formation of the District result in the levy of *ad valorem* taxes to pay costs and obligations of the District and for its operation and maintenance and to assure continued and beneficial use of the public buildings within the District;

(v) A General Plan for the District has been filed with the City Clerk and properly sets forth a general description of the uses of the District's funds and the general areas to benefit from the District's operations;

(vi) The District serves public convenience and necessity, and the District will greatly benefit the city and its citizens by assuring the maintenance, operations, and maximum use of public buildings and infrastructure and continued economic development and prosperity; and

(vii) The Petitioner further attested that it is the only landowner within the Property, that there are no residents within the Property, that it will benefit from the creation and operation of the District, and, therefore, all posting, publication, mailing, notice, hearing and landowner election may and should be waived by the city.

SECTION 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 and as otherwise agreed by the property owner within the District.

b. A General Plan for the District has been filed with the City Clerk.

c. The Petition and any 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.

d. The purposes 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, necessity, and benefit require us to adopt this Resolution and assure the continued maintenance, operations, and maximum use of public buildings and infrastructure and furthering the economic development and prosperity in and surrounding the District.

SECTION 3. Granting of Petition; Formation of District. The Petition attached hereto as Exhibit "A" and made a part hereof for all purposes 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 and consistent with the General Plan, with jurisdiction over the Property and that, as the Petition is signed by the sole owner of the Property and there are not now any residents on the Property, the requirements of posting, publication, mailing, notices, hearing and election otherwise required by the Act with respect to formation of the District are hereby found to be unnecessary and are therefore waived.

SECTION 4. 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*. The Mayor of the city shall be the "Chairperson of the District Board"; the Vice Mayor of the city shall be the "Vice Chairperson of the District Board"; the City Clerk of the city shall be the "District Clerk"; the City Treasurer of the city shall be the "District Treasurer"; the City Manager of the city shall be the "District Manager"; the Chief Financial Officer of the city shall be the "District Chief Financial Officer" and the City Attorney of the city shall be the "District Counsel."

SECTION 5. District Boundaries and Map. The District boundaries are as described in Exhibit "A" to the Petition. A map showing the District boundaries is hereby ordered to be drawn and provided to the District Manager.

SECTION 6. 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 Maricopa County, Arizona, and to the Department of Revenue of the State of Arizona.

SECTION 7. No Liability of or for the Municipality Except as Specifically Accepted by Municipality. Except to the extent specifically agreed to by the city, neither the city nor the State of Arizona or any political subdivision of either (other than the District) shall be directly, indirectly or morally liable or obligated for the costs and expenses of the District nor for the payment or repayment of any indebtedness, liability, cost, expense or obligation 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, provided that the city may provide funds to the District pursuant to agreements with the District as are determined necessary and appropriate by the city.

SECTION 8. Effect of Resolution.

a. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any remaining provisions of this Resolution.

b. All resolutions or parts thereof inconsistent herewith are hereby waived to the extent only of such inconsistency.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this _____ day of _____, 2010.

MAYOR

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager

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EXHIBIT "A"

**CONFORMED COPY OF PETITION
FOR ADOPTION OF THIS RESOLUTION**

Exhibit "A"

**PETITION FOR THE CREATION OF
CITY OF GLENDALE, ARIZONA
COMMUNITY FACILITIES DISTRICT NUMBER TWO**

In accordance with Title 48, Chapter 4, Article 6, Arizona Revised Statutes, as amended (hereinafter referred to as the "Act"), the undersigned landowner hereby petitions the City Council of the City of Glendale ("City Council") to adopt a resolution declaring and ordering the formation of a community facilities district with the name of "City of Glendale, Arizona Community Facilities District Number Two" (the "District") and, for the City Council to further find, resolve, and order that:

1. The District be initially comprised of an area of approximately 54.63772 acres of land, more or less, wholly within the corporate boundaries of the city and to be composed of the land included in the parcels described in Exhibit A to this Petition, which is made a part of this Petition for all purposes (hereinafter referred to as the "Property");

2. The District 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, to be considered a municipal corporation and political subdivision of the State of Arizona separate and apart from the city; and to be formed for, and to have, all the purposes of a "district" as such term is defined, and as provided, in the Act;

3. The formation of the District may result as determined by the District's Board in the levy of *ad valorem* taxes to pay costs and obligations of the District, and for its operation and maintenance, and to assure continued and beneficial use of the public buildings within the District;

4. A General Plan for Community Facilities District No. Two has been filed with the City Clerk and properly sets forth a general description of the uses of the District's funds and the general areas to benefit from the District's operations (the "General Plan");

5. The District serves public convenience and necessity, and the District will greatly benefit the City and its citizens by assuring the maintenance, operations, and maximum use of public buildings and infrastructure and continued economic development and prosperity in and surrounding the District;

6. Petitioner attests that it is the only landowner within the area of the District, that there are no residents of the District, that it will benefit from the creation and operation of the District, and, therefore, all posting, publication, mailing, notice, hearing and landowner election land may and should be waived by the City.

Therefore, Petitioner respectfully prays that upon this Petition, which is properly filed as provided by law, the City Council adopt a resolution declaring and ordering that all acts, procedures and relief as are proper, necessary and appropriate to the purposes of organizing the District and to the execution of the purposes for which the District is organized be granted.


Ed Beasley, City Manager

Exhibit A

Community Facilities District Number Two Area

The following land, described more fully on The Final Plat for Westgate recorded on May 2, 2005 in the official records of the Maricopa County Recorder's Office, Book 745, Map 14, as amended will initially comprise the District:

Lot No.	Square Feet
Lot 4	142,305
Lot 8	447,917
Lot 9	588,222
Lot 10	240,516
Lot 11	26,704
Lot 13	379,507
Lot 14B	86,476
Lot 15	367,831
Lot 16	100,541
Total	2,380,019

The total of this land comprising 54.63772 acres.