



## **BOARD OF SUPERVISORS AGENDA ITEM REPORT**

**Requested Board Meeting Date:** January 17, 2017

Resolution No. 2017- XX

**Title:** RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, DECLARING ITS INTENT AND ORDERING AND DECLARING FORMATION OF THE ROCKING K SOUTH COMMUNITY FACILITIES DISTRICT.

### **Introduction/Background:**

Community facilities districts are separate legal entities with the power to tax and issue debt to purchase and operate public infrastructure like roads and sewer systems. Typically the Board of Supervisors would sit at the governing body of the district. Several other Arizona counties and several municipalities within Pima County have established community facilities districts to help finance development. Pima County recently received its first application from a developer to form a community facilities district from a portion of unincorporated Pima County.

### **Discussion:**

The proposed Rocking K South Community Facilities District would consist of approximately 2,047 acres south of Old Spanish Trail and east of where Valencia Road ends. The District would issue \$46 million of District general obligation debt to purchase completed roads, sewer systems, parks, and other public infrastructure from the developer. The District would tax property owners within the District to do two things: 1) repay the debt and 2) operate and maintain the public infrastructure. As a separate legal entity, both the debt and the tax would be the District's, not Pima County's.

### **Conclusion:**

The County's comprehensive plan, Pima Prospers, calls for the County to encourage planned development and to explore methods to fund and finance new public facilities. Rocking K South Community Facilities District is in line with the County's comprehensive plan for development. Creating a community facilities district to finance the purchase and operation of the related public infrastructure is allowable by State statutes.

### **Recommendation:**

Staff recommends approval of the resolution to form Rocking K South Community Facilities District. At a later time, the Board, sitting as the Board of Directors of the District, if formed, would need to separately approve debt issuances, tax levies and any development agreements relating to the infrastructure.

### **Fiscal Impact:**

The fiscal impact to Pima County will net to zero. The County's costs for reviewing and processing the application have been reimbursed by the Developer through an application fee. The County's costs for helping to administer the newly formed District will be reimbursed by the District through an intergovernmental agreement to be considered by the Board at a later date. As a separate legal entity, the District, not the County, may tax and issue debt to purchase public infrastructure and pay for the District's operating costs.

### **Board of Supervisor District:**


☐ 1      ☐ 2      ☐ 3      ☐ 4      ☐ 5      ☒ All

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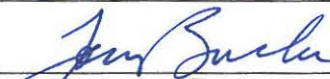
Department: Finance and Risk Management

Telephone: 520.724.8496

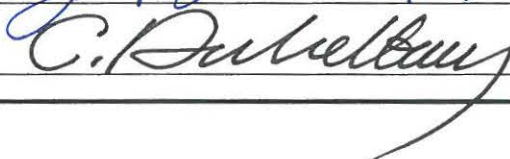
Department Director Signature/Date:

 1/4/17

Deputy County Administrator Signature/Date:

 1-4-17

County Administrator Signature/Date:

 1/4/17

**RESOLUTION NO. 2017-\_\_**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, DECLARING ITS INTENT AND ORDERING AND DECLARING FORMATION OF THE ROCKING K SOUTH COMMUNITY FACILITIES DISTRICT.**

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, as follows:

Section 1. Findings. This Board of Supervisors (this "Board") of Pima County, Arizona (the "County"), hereby makes the following findings:

A. Fidelity National Title Agency, Inc., an Arizona corporation, in its capacity as trustee under Trust No. 60,380 and not in its corporate capacity (the "Trust"), on behalf of the trust's beneficiaries as represented by Rocking K Development Company, an Arizona corporation ("Rocking K" and, together with the Trust, the "Petitioner"), has submitted a petition (the "Petition") attached hereto as Appendix I and incorporated herein, asking this Board to adopt this Resolution declaring and ordering formation of a community facilities district pursuant to Title 48, Chapter 4, Article 6 of the Arizona Revised Statutes (A.R.S. §§ 48-701 through 48-725) ("the Act"), to be known as the "Rocking K South Community Facilities District" (the "District").

B. The District is to be composed of the land described on Exhibit "A" to the Petition (the "Land") and shown on the map attached as Exhibit "B" to the Petition, each of which is made a part hereof for all purposes. The Land contains an area of approximately 2,047 acres, more or less, wholly within the unincorporated areas of the County and not within a county island.

C. The formation of the District may result in the levy of ad valorem taxes to pay for the District's construction or acquisition of improvements, for operation and maintenance of those improvements if determined by the District, and for administration of the District.

D. There is on file with the Clerk of this Board a general plan for the District entitled "General Plan for the Proposed Rocking K South Community Facilities District," a copy of which is attached as Exhibit "C" to the Petition, setting out a general description of the improvements for which the District is proposed to be formed and the general areas to be improved (the "General Plan").

E. The purposes for which the District is to be formed are as described in the Petition and the General Plan and are purposes for which a community facilities district created pursuant to the Act may be lawfully formed.

F. The public convenience and necessity require the adoption of this Resolution and formation of the District.

G. The Petitioner represents that the Land is wholly owned by the Petitioner and that there are not now, and shall not be within fifty (50) days preceding the first anticipated election of the District, any residents on the Land; that Petitioner has therefore waived any and all requirements of posting, publication, mailing, notice, hearing and election otherwise required by the Act in connection with the adoption of the Resolution and formation of the District; and that this Board may, and Petitioner has requested that this Board in fact, adopt this Resolution to declare the District formed without complying with such provisions for posting, publication, mailing, notice, hearing or election.

Section 2. 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, subject to any restrictions and modifications set forth in this Resolution, with jurisdiction over the Land. As the Petition is signed by the sole owner of all the Land and there are not now, and shall not be within fifty (50) days preceding the first anticipated election of the District, residents on the Land, 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. The area included within the District shall consist of the Land. The County shall in no way be liable for the payment of any of the costs of the public infrastructure described in the General Plan, nor liable for any liability, debt or obligation of the District.

Section 3. Approval of the General Plan. The General Plan is hereby approved in all respects.

Section 4. District Board and Officers. The governing board of the District will be comprised of the members of this Board, ex officio. The County Administrator will serve as the District Administrator of the District; the County Treasurer will serve as the District Treasurer; and the Clerk of this Board will serve as the District Clerk.

Section 5. Dissemination of this Resolution. The Clerk is hereby directed to file and record with the County Recorder a copy of this Resolution and the General Plan, and provide copies of those documents to the Arizona Department of Real Estate, as required by A.R.S. § 48-718, and deliver a copy of this Resolution to the County Assessor.

PASSED AND ADOPTED by the Board of Supervisors of Pima County,  
Arizona, this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Chair, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk, Board of Supervisors

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy County Attorney  
**REGINA NASSEN**

ATTACHMENT 1  
TO RESOLUTION FORMING  
ROCKING K SOUTH COMMUNITY FACILITIES DISTRICT  
COPY OF PETITION, WITH ALL EXHIBITS

PETITION TO THE BOARD OF SUPERVISORS OF PIMA COUNTY,  
ARIZONA, FOR ADOPTION OF A RESOLUTION ORDERING AND  
DECLARING FORMATION OF ROCKING K SOUTH COMMUNITY  
FACILITIES DISTRICT

STATE OF ARIZONA        )

ss

COUNTY OF PIMA        )

Fidelity National Title Agency, Inc., an Arizona corporation, in its capacity as trustee under Trust No. 60,380 and not in its corporate capacity (the "Trust"), on behalf of the Trust's beneficiaries as represented by Rocking K. Development Company, an Arizona corporation ("Rocking K"), hereby petitions the Board of Supervisors (the "Board") of Pima County, Arizona (the "County") to adopt a resolution (the "Resolution") declaring and ordering formation of a community facilities district pursuant to Title 48, Chapter 4, Article 6 of the Arizona Revised Statutes (A.R.S. §§ 48-701 through 48-725) (the "Act"), to be known as the "Rocking K South Community Facilities District" (the "District"). Rocking K and the Trust, acting on behalf of its beneficiaries, each represent and warrant as follows:

1. The District is to be composed of the real property described on Exhibit "A" to this Petition (the "Land") and shown on the map attached as Exhibit "B" to this Petition, each of which is made a part hereof for all purposes. The Land contains an area of approximately 2,047 acres, more or less, wholly within the unincorporated areas of the County and not within a county island.
2. The formation of the District may result in the levy of ad valorem taxes to pay for the District's construction or acquisition of improvements, for operation and maintenance of those improvements if determined by the District, and for administration of the District.
3. There is on file with the Clerk of the Board a general plan for the District entitled "General Plan for the Proposed Rocking K South Community Facilities District," a copy of which is attached as Exhibit "C" to this Petition, setting out a general description of the improvements for which the District is proposed to be formed and the general areas to be improved (the "General Plan").
4. The purposes for which the District is to be formed are as described in this Petition and the General Plan and are purposes for which a community facilities district created pursuant to the Act may be lawfully formed.
5. Rocking K has the power and authority to act for and bind all the beneficiaries of the Trust.
6. The Trust, on behalf of the Trust's beneficiaries, is the sole owner of all the Land within the proposed District; there are no residents on the Land and there shall be no residents within fifty (50) days preceding the first anticipated election of the District; the District shall be formed and exist pursuant to the

terms and provisions of the Act; and the County shall in no way be liable for the payment of any of the costs of the public infrastructure described in the General Plan, nor liable for any liability, debt or obligation of the District.

7. All information and documentation provided in the Application for Formation of Rocking K South Community Facilities District, dated December 16, 2016, which Rocking K previously submitted to the County, and all statements in this Petition, are true, complete, and accurate in all material respects.
8. 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, and the Board may, on receipt of this Petition, adopt the Resolution to declare the District formed without being required to comply with such provisions for posting, publication, mailing, notice, hearing or election.

The Petitioner respectfully requests that this Petition be filed as provided by law; that the Board adopt the Resolution and declare and order the District formed pursuant to the provisions of the Act, but without complying with the provisions for posting, publication, mailing, notice, hearing and election otherwise required by the Act in connection with the adoption of the Resolution and formation of the District; and that the Board take and direct such other acts as the Board deems proper, necessary and appropriate for the purposes of organizing the District and executing the purposes for which the District is organized.



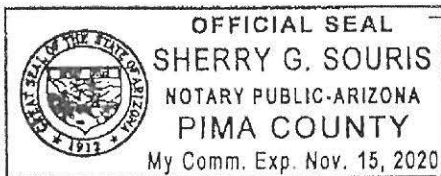
FIDELITY NATIONAL TITLE AGENCY, INC., an  
Arizona corporation, as trustee of Trust No. 60,380  
and not in its corporate capacity

By: Martha L. Hill  
Martha L. Hill, Trust Officer

STATE OF ARIZONA       )  
                                      )ss.  
COUNTY OF PIMA       )


The foregoing instrument was acknowledged before me this 31<sup>st</sup> day of  
JANUARY, 2017, by Martha L. Hill, Trust Officer of Fidelity National Title Agency,  
Inc., an Arizona corporation.

My commission expires:



[Signature]  
Notary Public

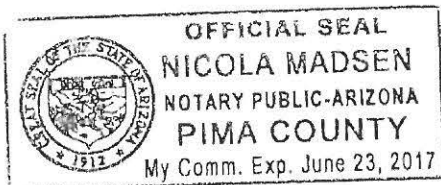
ROCKING K DEVELOPMENT COMPANY, INC., an  
Arizona corporation, on behalf itself and all beneficiaries  
of the Trust

By:   
David Goldstein, President

STATE OF ARIZONA       )  
                                  )ss.  
COUNTY OF PIMA       )

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of  
JANUARY, 2017, by DAVID GOLDSTEIN, the PRESIDENT of Rocking K  
Development Co., an Arizona corporation.

My commission expires: June 23, 2017



  
Notary Public

**EXHIBIT A**  
**TO PETITION FOR FORMATION OF ROCKING K SOUTH CFD**

**Legal Description of the Land to be Included in the CFD**

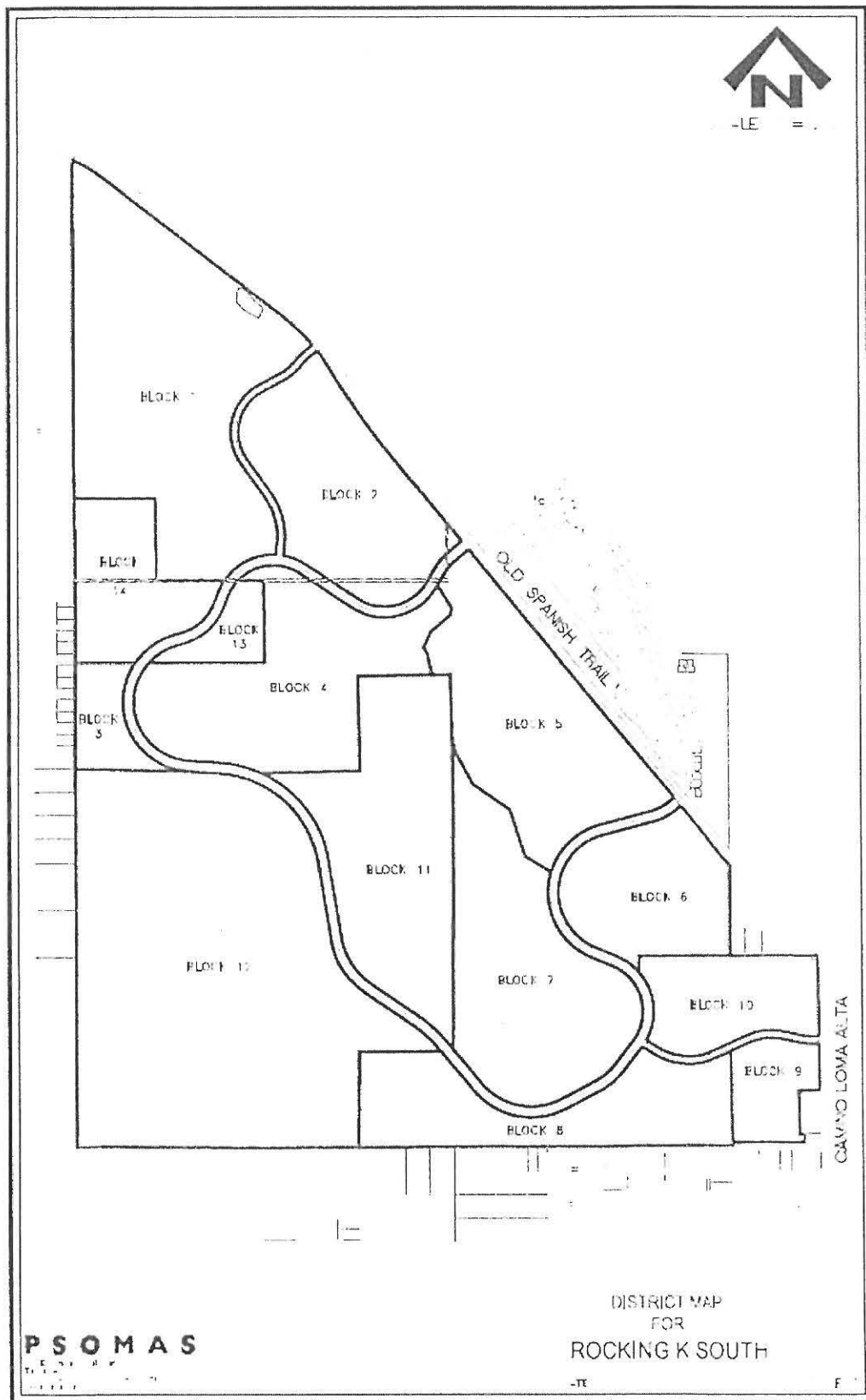
Blocks 1 through 14 of Rocking K South, a subdivision of Pima County, Arizona, as recorded in Book 64 of Maps and Plats, at Page 85, in the office of the Pima County Recorder.

**EXHIBIT B**  
**TO PETITION FOR FORMATION OF ROCKING K SOUTH CFD**  
**Map Showing The Land To Be Included In The CFD**

53835 / 00438599 / v3

B-1

010-8395-1091/4



53835 / 00438599 / v3

B-2

010-8395-1091/4

**EXHIBIT C**  
**TO PETITION FOR FORMATION OF ROCKING K SOUTH CFD**  
**General Plan For The Proposed Rocking K South CFD**

When recorded, please return to:

Andrew Flagg  
Deputy County Attorney  
Pima County Attorney's Office  
32 North Stone Avenue, Suite 2100  
Tucson, Arizona 85701-1412

**GENERAL PLAN FOR THE PROPOSED  
ROCKING K SOUTH  
COMMUNITY FACILITIES DISTRICT**

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**GENERAL PLAN FOR THE PROPOSED  
ROCKING K SOUTH  
COMMUNITY FACILITIES DISTRICT**

TO: CLERK, PIMA COUNTY, ARIZONA

For the purposes of Section 48-702(B), Arizona Revised Statutes, the following is the general plan for the proposed captioned district (the "District"):

**GENERAL AREA TO BE IMPROVED WITHIN THE DISTRICT:**

All that area in the parcels described in Exhibit A attached hereto and made a part hereof for all purposes shall comprise the area to be benefitted.

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

All "public infrastructure" described in Exhibit B attached hereto and made a part hereof for all purposes and "public infrastructure purposes" (as such terms are defined in Section 48-701, Arizona Revised Statutes). The public infrastructure improvements shall be constructed in public rights-of-way or easements located both within and outside the Rocking K South Community Facilities District and within the area described in Exhibit A hereto, and shall result in a beneficial use principally to the area described in Exhibit A hereto.



Dated: January 3, 2017

ROCKING K DEVELOPMENT CO., an Arizona corporation

By: [Signature]

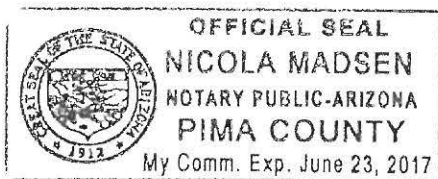
Name: DAVID GOLDSTEIN

Title: PRESIDENT

STATE OF ARIZONA      )  
                                  )ss.  
COUNTY OF PIMA      )

The foregoing instrument was acknowledged before me this 3rd day of January, 2017, by DAVID GOLDSTEIN, the PRESIDENT of Rocking K Development Co., an Arizona corporation.

My commission expires: June 23, 2017



[Signature: Nicola Madsen]  
Notary Public

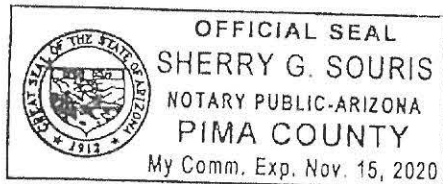
FIDELITY NATIONAL TITLE AGENCY INC., an  
Arizona corporation as Trustee under Trust No. 60380  
and not in its corporate capacity

By: Martha L Hill  
Name: MARTHA L. HILL  
Title: TRUST OFFICER

STATE OF ARIZONA       )  
                                  )ss.  
COUNTY OF PIMA       )

The foregoing instrument was acknowledged before me this 3rd day of  
JANUARY, 2017, by Martha L. Hill, Trust Officer for Fidelity National Title Agency,  
Inc., an Arizona corporation.

My commission expires:



[Signature]  
Notary Public

ATTACHMENTS:

EXHIBIT A—General Area to be Improved within the District

EXHIBIT B—General Description of Public Infrastructure Improvements for which the District  
is Proposed to be Formed

## **EXHIBIT A**

### **GENERAL AREA TO BE IMPROVED WITHIN THE DISTRICT**

Blocks 1 thru 14 of ROCKING K SOUTH, a subdivision of Pima County, Arizona as recorded in Book 64 of Maps and Plats at Page 85.

## **EXHIBIT B**

### **GENERAL DESCRIPTION OF PUBLIC INFRASTRUCTURE IMPROVEMENTS FOR WHICH THE DISTRICT IS PROPOSED TO BE FORMED**

- (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) Pedestrian malls, 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.
- (k) Equipment, vehicles, furnishings and other personalty related to the items listed in this paragraph.
- (l) Operation and maintenance of the items listed in clauses (a) through and including (k) above.