

**PETITION FOR THE ESTABLISHMENT OF THE
RIO VERDE FOOTHILLS DOMESTIC WATER IMPROVEMENT DISTRICT
AND PETITION TO INCUR EXPENSE**

TO THE HONORABLE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA:

The undersigned real property owners (“Petitioners”), as identified in Exhibit A attached hereto and incorporated herein, petition (“Petition”) the Board of Supervisors of Maricopa County, Arizona (“County”) to enter its final order declaring the formation, organization and establishment of the **RIO VERDE FOOTHILLS DOMESTIC WATER IMPROVEMENT DISTRICT** (“District”). This Petition is made pursuant to Sections 48-901 to 48-967, inclusive, and Sections 48-1011 to 48-1019, inclusive, of the Arizona Revised Statutes (“A.R.S.”), as the same may be amended from time to time (collectively, the “County Domestic Water Improvement District Laws”).

As required by A.R.S. Section 48-903(C), the Petitioners hereby assert and declare the following facts and make the following representations in support of this Petition:

1. The name of the proposed District is the “Rio Verde Foothills Domestic Water Improvement District” of Maricopa County, Arizona.
2. The necessity for the proposed District is the need to provide a secure source of water, purchase land and construct one or more standpipes for a domestic water system and other local improvements, and the financing of such improvements by the issuance of bonds or such other financial mechanisms as the District may determine in its discretion for the benefit of the parcels of land so benefitted within the proposed District, charging and collecting fees and charges as may be permitted by law, and levying taxes within the proposed District to operate and maintain such improvements.
3. The public convenience, necessity and welfare will be promoted by the establishment of the District and the real property to be included therein will be benefitted by the improvements which can be ordered upon the formation of the District.
4. The **Initial Proposed Boundary Description** for the District is described in **Exhibit B: PROPOSED BOUNDARY DESCRIPTION** attached hereto and the **Initial Proposed Boundaries Map** for the District is depicted in **Exhibit C: PROPOSED BOUNDARIES MAP** attached hereto. The intent is to show the boundaries within which Petitioners are required to own land in order to sign the Petition.

After all petition signatures are gathered, there will be an amended **Exhibit B: PROPOSED BOUNDARY DESCRIPTION** and an amended **Exhibit C: PROPOSED BOUNDARIES MAP** created that will include only those parcels whose owners have signed this Petition. Parcels whose owners did NOT sign this petition will NOT be included in the District.

The parcels to be included within the boundaries of the proposed District are not, wholly or partially, within either of the following:

- a. The boundaries of the existing service territory of a public service corporation that provides domestic water or wastewater services as defined by a certificate of convenience and necessity issued by the Arizona Corporation Commission.
- b. The boundaries of the proposed service territory of a public service corporation that provides domestic water or wastewater services as defined in an application for a certificate of convenience and necessity that is pending before the Arizona Corporation Commission or that has been considered by the Arizona Corporation

Commission within one year before the date this Petition for an improvement district is filed with the Clerk of the Board of the County.

5. The proposed improvements may include, but are not limited to, acquiring a secure source of water, acquisition or construction of a well or wells, installation of a pump or pumps, construction of a water storage tank or tanks, and construction of a standpipe or standpipes, combined with water hauling by independent commercial and/or private water haulers delivering water from the constructed water infrastructure to parcels included within the District, or the sale of water from the domestic water system, all as part of a domestic water system.
6. Petitioners ask that the proposed District have the power and authority to: (i) construct, acquire and/or improve a domestic water system and all appurtenances thereto, within and without the District; (ii) make any and all other local improvements as may be required or necessary to fulfill such purpose; (iii) fund by loans, grants, assessments, special assessments, the issuance of bonds, and/or imposition of charges as may now or hereafter be ordered under and pursuant to the County Domestic Water Improvement District Laws; and (iv) provide for the operation, maintenance, repair and replacement of such improvements, as the need may arise. The proposed District shall be a special purpose district and municipal corporation for all applicable purposes. These purposes consist of, but are not limited to, the purposes prescribed in A.R.S. Section 48-909(A) as well as the related powers prescribed in A.R.S. Section 48-909(B) and A.R.S. Section 48-910.
7. Petitioners request that the District have an elected Board of Directors consisting of five members and that the following qualified electors of the District be appointed as the initial Board of Directors:

<u>Name of Director</u>	<u>Address</u>
Jennifer Simpson	13824 E Olesen Rd Scottsdale, Arizona 85262
John Jouas	35607 N 138 th Way Scottsdale, AZ 85262
Karen Nabity	13730 E. Cavedale Drive Scottsdale, Arizona 85262
Michelle Jameson	30507 N 164 th St Scottsdale, Arizona 85262

[INSERT]

8. Election dates shall be the same as the county-wide general election date of each even numbered year commencing in 2022, and terms of the applicable class shall expire on the last day of December following the election.
9. When the District is formed, this Petition shall be deemed to be a petition to the Board of Directors of the District that the District incur the expense of appointing and employing a District engineer, drafting and preparing plans, specifications and estimates of the District's improvements or any one of them, and of taking all action to initiate and complete such improvements. Further, this Petition shall be deemed to be a petition to the Board of Directors of the District to incur the expenses of acquiring a secure source of water and constructing a domestic water system, to pay a required bond, other fees and expenses, costs of mailings, notifications, professionals and of taking all action to initiate and complete the process of obtaining a secure source of water and any improvements.

10. The Petitioners agree to pay all expenses connected with the proceedings in case the Board of Supervisors refuses to establish the District. If the District is established but the improvement work is abandoned by the District, the costs incurred previous to the abandonment (*i.e.*, costs for engineering, legal, financial, and other incidental expenses) will be paid by the District, such payment will be provided for by the levy and collection of taxes upon all the property, real and personal, in the District, or payment for such costs will be made by any other remedy or law in force at the time of abandonment.
11. Petitioners understand that the engineer's estimate of costs of the improvements have not been completed nor has the assessment methodology been determined or approved by the Board of Directors, and therefore no maximum limit on the amount of any assessment or the aggregate amount of all assessments has been established.
12. Petitioners acknowledge that the formation of the District may result in the levy of ad valorem taxes, assessments, and other charges to pay the costs of taking all action to initiate and complete the anticipated improvements, and for their operation and maintenance, and that the real property included within the District will be subject to the ordinances, resolutions, and other laws of the District. **The owners of real property within Exhibit B: PROPOSED BOUNDARY DESCRIPTION and Exhibit C: PROPOSED BOUNDARIES MAP who do not sign this Petition shall be excluded from the District.**
13. The Petitioners represent and/or acknowledge that: (1) this Petition constitutes a binding obligation; (2) this Petition has been validly authorized and executed as verified in the verification attached hereto; (3) this Petition meets the majority requirements of A.R.S. Sections 48-903(A); (4) the proposed District is a non-contiguous District and after all Petitioners sign this petition, an amended **Exhibit B: PROPOSED BOUNDARY DESCRIPTION** and an amended **Exhibit C: PROPOSED BOUNDARIES MAP** will be created including ONLY those parcels whose owners have signed this Petition; and as a result (5) 100% of the owners of 100% of the real property to be included in the District will have signed this Petition.

IN LIGHT OF THE FOREGOING, and in furtherance of their desire to provide a permanent and reliable source of domestic water to landowners within the boundaries of the proposed District, the Petitioners ask the Board of Supervisors: (i) to summarily order the formation of the District since the Petition will have been signed by the owners of all real property to be included in the proposed District; and (ii) (iii) after consideration of any objections that may be made, enter a formal order declaring the following:

- A. That the County finds this Petition was signed by the owners of all of the real property to be included within the proposed District, and all of such property owners are qualified electors of the proposed District;
- B. That the County finds the public health, convenience, necessity and welfare will be promoted by the establishment of the proposed District, and the real property to be included therein will be benefited by the improvements to be constructed by the proposed District;
- C. That the County issue a formal order declaring that this Petition conforms with all applicable legal requirements relating to the formation of the District, and define and establish the boundaries of the District as described in the amended **Exhibit B: PROPOSED BOUNDARY DESCRIPTION** and the amended **Exhibit C: PROPOSED BOUNDARIES MAP**;
- D. That in accordance with A.R.S. Sections 48-1011 *et seq.*, the County finds that the proposed District should be governed by an elected Board of Directors, and that the first Board of Directors shall consist of the five persons listed in Paragraph 7 of this Petition;

- E. That the first election for at least two of the initial members of the Board of Directors be held on the first Tuesday after the first Monday in November 2022, with subsequent elections being held in each even-numbered year on the first Tuesday after the first Monday in November;
- F. That, in accordance with A.R.S. Section 48-915, the District be authorized to incur expenses and debt for which the District will be liable; and
- G. That the County performs such other and further acts as are required by law.

RESPECTFULLY SUBMITTED this ___ day of _____, ____.

[Signatures are attached as Exhibit A]

Approved as to form:

Jeffrey W. Crockett, Esq.
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Attorney for the Petitioners

EXHIBIT A
PETIONERS SIGNATURE PAGE

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Exhibit B
PROPOSED BOUNDARY DESCRIPTION
Rio Verde Foothills Domestic Water Improvement District

The **Initial Proposed Boundary Description** is:

The area is located in Maricopa County and is bounded by the City of Scottsdale to the West, Tonto National Forest to the North, Tonto National Forest North of Dixileta Dr.; Dixileta West to 172nd St.; 172nd St. South to Rio Verde Dr.; Rio Verde Dr. East to 176th St.; 176th St. to The McDowell Mountain Regional Park comprise the East boundary, and The McDowell Mountain Regional Park on the South.

EXCEPT the following areas:

Granite Mountain Ranch; encompassed by Lone Mountain Rd. to the North, 144th St. to the East, Dixileta Dr. to the South and 140th St. to the West.

Rio Mountain Estates; encompassed by Dixileta Dr. to the North, 152nd St. to the East, Rio Verde Dr. to the South and 150th St. to the West.

The following parcels which are included in EPCOR's service area:

These are located West of 172nd St. and North of Rio Verde Dr.:

Parcel 219-38-009H	Parcel 219-39-009P	Parcel 219-38-979
Parcel 219-38-009N	Parcel 219-38-978	

These are located West of 176th St. South of Rio Verde Dr.:

Parcel 219-38-046	Parcel 219-38-056C	Parcel 219-38-160F
Parcel 219-38-047	Parcel 219-38-158	Parcel 219-38-160G
Parcel 219-38-052C	Parcel 219-38-159A	Parcel 219-38-160H
Parcel 219-38-052H	Parcel 219-38-159C	Parcel 219-38-160J
Parcel 219-38-052J	Parcel 219-38-159D	Parcel 219-38-160K
Parcel 219-38-052N	Parcel 219-38-159E	Parcel 219-38-161
Parcel 219-38-052P	Parcel 219-38-159F	Parcel 219-38-162
Parcel 219-38-052Q	Parcel 219-38-106A	Parcel 219-38-163
Parcel 219-38-052S	Parcel 219-38-106B	Parcel 219-38-164
Parcel 219-38-052T	Parcel 219-38-106C	Parcel 219-38-165
Parcel 219-38-052U	Parcel 219-38-160D	
Parcel 219-38-056B	Parcel 219-38-160E	

An **Amended Proposed Boundary Description** will supersede and replace this Exhibit B and will list only those Parcels whose owners have signed the accompanying Petition and are within the above Initial Proposed Boundary description. No other parcels will be included.

Exhibit C
PROPOSED BOUNDARIES MAP
Rio Verde Foothills Domestic Water Improvement District

This is the **INITIAL PROPOSED BOUNDARIES MAP**. The intent of this map is to show the boundaries within which Petitioners are required to own property to sign the accompanying Petition.

After all petition signatures are gathered, there will be an **AMENDED PROPOSED BOUNDARIES MAP** created that will include only those parcels whose owners have signed the accompanying Petition. The AMENDED PROPOSED BOUNDARIES MAP will supersede and replace this Exhibit C. Parcels whose owners did NOT sign will NOT be included in the Amended Proposed Boundaries Map.

