PETITION FOR ADOPTION OF A RESOLUTION
ORDERING AND DECLARING
FORMATION OF
WILDFLOWER 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. 60,471 and not in its corporate capacity (the “Trust”), on behalf of the Trust’s beneficiaries as represented by Pomegranate Farms – Tucson, LLC, a Delaware limited liability company (“Pomegranate Farms – Tucson, LLC”), in the parcel hereinafter described, acting pursuant to the provisions of Title 48, Chapter 4, Article 6, Arizona Revised Statutes, as amended (hereinafter referred to as the “Act”), respectfully petitions The Honorable Board of Supervisors (hereinafter referred to as the “Board”) of Pima County, Arizona (hereinafter referred to as the “Municipality”), to adopt a resolution (hereinafter referred to as the “Resolution”) declaring and ordering formation of a community facilities district (hereinafter referred to as the “District”) pursuant to the Act, and Pomegranate Farms – Tucson, LLC and the Trust, acting on behalf of all of its beneficiaries, each represent and warrant and respectfully request, as applicable, the following with respect thereto:

I.

The name of the District will be “Wildflower Community Facilities District”,

II.

The District will be formed and exist pursuant to the terms and provisions of the Act as such terms and provisions are modified, waived or restricted pursuant to the agreements to be entered into by and among Petitioners, the Municipality and the District,

III.

The District will contain an area of approximately 644.6 acres of land, more or less, wholly within unincorporated Pima County, Arizona, and not within a county island and to be composed of the land included in the parcel, as provided in Exhibit “A” hereto (the “Land”), which is made a part hereof for all purposes,
IV.

The District will 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, will be considered a municipal corporation and political subdivision of the State of Arizona, separate and apart from the Municipality; 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,

V.

The formation of the District may result in the levy of ad valorem taxes to pay costs of public infrastructure constructed or acquired by the District and for its operation and maintenance if determined by the District and for administration of the District,

VI.

There is on file with the Clerk of the Board a general plan for the District entitled "General Plan for the Proposed Wildflower Community Facilities District," a copy of which is attached as Exhibit B 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"),

VII.

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 formed,

VIII.

The District will be governed by a District Board that consists of the members of the governing body, ex officio, only; the undersigned hereby waiving the right to designate two additional members of the District Board,

IX.

Pomegranate Farms – Tucson, LLC has the power and authority to act for and bind all the beneficiaries of the Trust,
X.

The Trust, on behalf of the Trust’s beneficiaries, is the sole owner of all of 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; that the Land to be included in the District shall be benefited from the public infrastructure for which the District is proposed to be formed; the District shall be formed and exist pursuant to the terms and provisions of the Act; and the Municipality shall in no way be liable for the payment of any costs of the public infrastructure described in the General Plan, nor liable for any liability, debt or obligation of the District.

XI.

All information and documentation provided in the Application for Formation of Wildflower Community Facilities District, dated September 13, 2021, which Pomegranate Farms – Tucson, LLC previously submitted to the Municipality, and all statements in this Petition are true, complete, and accurate in all material respects.

XII.

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.

WHEREFORE, Pomegranate Farms – Tucson, LLC and the Trust, acting on behalf of all of its beneficiaries, each respectfully pray that this Petition be properly 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 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.

RESPECTFULLY SUBMITTED this 27th day of September 2021.

[Signatures on following page]
FIDELITY NATIONAL TITLE AGENCY, INC., an Arizona corporation, as trustee of Trust Nu. 60471 and not in its corporate capacity

By: [Signature]
Rachel Turnipseed, Trust Officer

STATE OF ARIZONA) ) ss.
) ) ss.
COUNTY OF PIMA

The foregoing instrument was acknowledged before me on this 27th day of September, 2021, by Rachel Turnipseed, Trust Officer of Fidelity National Title Agency, Inc., an Arizona corporation

My commission expires: [Signature]
May 18, 2023

[Notary Seal]
POMEGRANATE FARMS - TUCSON, LLC, a Delaware limited liability company

By: Its Managing Member, Crown West Realty, LLC, a New York limited liability company

By: Dean Wingert, Vice President

STATE OF ARIZONA   )
                   ) ss.
COUNTY OF PIMA    )

The foregoing instrument was acknowledged before me on this 27th day of September, 2021, by Dean Wingert, Vice President of Crown West Realty, LLC, a New York limited liability company, managing member of Pomegranate Farms-Tucson, LLC, a Delaware limited liability company, on behalf of the limited liability company.

Notary Public

My commission expires: 4/10/2024

ATTACHMENT:

EXHIBIT A   Legal Description of Property To Be Included In The District

EXHIBIT B   General Plan
EXHIBIT A

TO PETITION FOR FORMATION OF POMEGRANATE FARMS – TUCSON, LLC CFD

LEGAL DESCRIPTION OF PROPERTY TO BE INCLUDED IN THE DISTRICT

The Final Block Plat for Wildflower Blocks 1-22 and Common Area “A” (Natural Open Space and Drainage) and Common Area “B” (Enhanced Natural Open space) Section 18, T15S, R12F, G&SRB&M, Pima County, Arizona, recorded by the Pima County Recorder under sequence No. 20172440197 on September 1, 2017.
EXHIBIT B

TO PETITION FOR FORMATION OF POMEGRANATE FARMS – TUCSON, LLC CFD

General Plan For The Proposed Pomegranate Farms – Tucson, LLC CFD