WHEREAS, the Mayor and Council of the City of Litchfield Park, Arizona (the “City”), believe it to be in the best interest of the City to authorize the sale of lots 1, 3, 5, 7, 9, 12, and 13 of the Litchfield Square Plat, commonly known as City Center or Litchfield Square (the “City Parcels”); and,

WHEREAS, pursuant to Arizona Revised Statute (“A.R.S.”) § 9-403, City-owned property valued above $1,500,000 must be referred to voters for authorization of sale; and,

WHEREAS, there is a possibility that some or all of the City Parcels could be valued in excess of $1,500,000; and,

WHEREAS, it is necessary that the Mayor and Council submit the question of the sale of the City Parcels to the qualified electors of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF LITCHFIELD PARK, ARIZONA:

Section 1. Order for Election; Ballot. Pursuant to Arizona Revised Statute (“A.R.S.”) § 9-403, a special election in the City of Litchfield Park, Arizona, hereinafter referred to as the “City”, is hereby ordered and called to be held on May 17, 2022, to submit to the qualified electors of the City for the purpose of determining the following proposition:

QUESTION

Shall the Mayor and Council of the City of Litchfield Park, Arizona, be authorized to sell all or any portion of the following described
real property? Approximately 12 acres of real property commonly known as City Center or Litchfield Square located on the Northeast corner of Litchfield Rd and Wigwam Blvd, which includes lots 1, 3, 5, 7, 9, 12, 13 of the Litchfield Square Plat. A full legal description of the property is available from the City of Litchfield Park and is posted on the City’s website. The Mayor and City Council desire the property to be available for sale to encourage future commercial development of the City Center or Litchfield Square.

A complete description of the City Parcels is attached as Exhibit A.

Section 2. Publication of the Call and Notice of the Election. For either an all mailed ballot election or a polling place election, the publication of the call and notice of the special election shall be given, or caused to be given, by the City Clerk, as provided by law, and as may be deemed necessary and appropriate in the City Clerk’s discretion to advise the public of the election.

Section 3. Informational Pamphlet. The City Clerk is hereby directed to cause the preparation and distribution of an information pamphlet and sample ballot for the City pursuant to A.R.S. § 35-454. The officers of the City are hereby authorized to prepare and deliver or cause to be prepared and delivered to the City Clerk the information necessary or appropriate for completing the information pamphlet.

For either an all mailed ballot election or a polling place election, the informational pamphlet is to be mailed to the residence of each registered voter of the City as shown on the general county register within the time period set forth in the applicable sections of the Arizona Revised Statutes. The City Clerk is hereby authorized and directed to submit a copy of the informational pamphlet to the Arizona Department of Revenue within thirty (30) days after the election.

Section 4. Conduct of Election; Contracts; Expenditures. The election will be conducted and the poll lists kept, and the votes cast thereat shall be counted and tabulated and the returns thereof will be made in the manner provided by law and only persons will be allowed to vote at the election who are qualified electors of the City. The election may be consolidated with any other election conducted in the City on May 17, 2022.

The City Clerk is hereby directed to cause ballots to be printed and delivered to the election boards to be furnished to the qualified electors offering to vote at the election. The special election may be conducted using either electromechanical or electronic vote recording and ballot counting equipment or paper ballots, as shall be determined to be in the best interests of the City by the County Elections Department and the Mayor and the City Clerk or either of them. The Mayor and the City Clerk or either of them is authorized and directed to enter into a contract with the Maricopa County Recorder to obtain precinct registers for the
The City Council hereby authorizes all expenditures as may be necessary to order, notice, hold and administer the special election, including, without limitation, the cost of return postage to return the voted mail ballots, which expenses shall be paid from current operating funds of the City.

**Section 5. Deadline for Voter Registration and Early Voting Dates.** A voter in this special election must be a qualified elector of the City. A qualified elector of the City is defined as a person who is registered to vote and whose name appears on the Maricopa County voter register rolls within the boundaries of the City twenty-nine (29) days prior to the date of the election. Maricopa County registration and voting lists will be used for the special election. To be qualified to vote in the special election, a City resident must be registered to vote by Monday, April 18, 2022.

Early voting will be permitted at the election in accordance with the provisions of Title 16, Chapter 4, Article 8, Arizona Revised Statutes, as amended.

**Section 6. Voter Rights Act and Spanish Translation.** In order to comply with the Voting Rights Act of 1965, as amended, the following proceedings pertaining to this election will be translated into Spanish and posted, published and recorded in each instance where posting, publication and recording of such proceedings are required, to-wit: ballot, voter information pamphlet, all early voting material and all instructions at the polls.

**Section 7. Establishing Polling Places; Voting System.** As applicable, the polling places used in the City will be the polling places established by Maricopa County and used for conducting previous elections in the City, if available. The polls will be open from 6:00 a.m. until 7:00 p.m. on Election Day. Ballots shall be counted by the voting system in use by the Maricopa County Elections Department for the recordation of the electors’ choices as authorized by Arizona law.

**Section 8. Canvas of Election.** The election officials will forward the votes cast to the City Council for canvassing. The City Council will meet at the Council Chambers on a day that is within twenty (20) days after the election date to canvass the returns of the election and certify the results, as provided by Arizona law. The City Clerk will file and record a certificate of result of election in the office of the Maricopa County Recorder: (i) disclosing the purpose of the election, (ii) the total number of votes cast and the total number of votes for and against creating the proposition and (iii) stating whether or not the proposition has passed. The City Council will be governed by the vote of the majority on the question submitted.

**Section 9. Report to President of the Senate and Speaker of the House.** If an all mailed ballot election is held, the City Clerk shall, by January 1, 2021, prepare a written report to the
President of the Senate and the Speaker of the House of Representatives of the Arizona Legislature providing information required by A.R.S. § 16-409(B).

**Section 10. Ratification.** All actions of the City Council, officers, employees and agents of the City which are in conformity with the purposes and intent of this resolution, whether heretofore or hereafter taken, shall be and are hereby ratified, confirmed, authorized and approved.

**PASSED AND ADOPTED** by the Mayor and Common Council of City of Litchfield Park, Arizona, on January 19, 2022.

**APPROVED:**

Thomas L. Schoaf, Mayor

**ATTEST:**

Terri Roth, MMC, City Clerk

**APPROVED AS TO FORM:**

Gust Rosenfeld, PLC, City Attorneys
By: Joseph D. Estes
LOT AREAS (SF):

- LOT 1: 29,359 SF
- LOT 3: 53,104 SF
- LOT 5: 25,560 SF
- LOT 7: 25,580 SF
- LOT 9: 78,402 SF
- LOT 12: 51,748 SF
- LOT 13: 42,670 SF