RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS

9-80

PORTER MOUNTAIN ESTATES NO. 2 COUNTY IMPROVEMENT DISTRICT

WHEREAS, a Petition requesting that roads be improved within this County Improvement District has been filed pursuant to A.R.S. Sec. 11-714, which Petition authorizes expenditures; and

WHEREAS, pursuant to A.R.S. Sec. 11-712 the Engineering Firm of Lowry and Associates has been appointed as the District Engineer to perform all engineering and surveying tasks in order to accomplish the proposed improvement; and

WHEREAS, pursuant to A.R.S. Sec. 11-713 the Engineer has filed with the Clerk plans and specifications and estimates of the costs and expenses of the proposed improvement project; and

WHEREAS, pursuant to A.R.S. Sec. 11-761 the estimates of the costs of the project and a diagram of the assessment District and an assessment apportioning the total estimated costs among the parcels of land in that District have been filed with the Clerk; and

WHEREAS, the Board has examined the plans, specifications, estimates, diagram and assessments and has preliminarily approved and adopted the same;

NOW, THEREFORE IT IS RESOLVED, DETERMINED AND ORDERED AS FOLLOWS:

1. That the public interest and convenience require and it is the intention of this Board to order the construction of certain public improvements to all roads within the District to bring them up to a standard whereby the County will accept them for maintenance by grading and paving in accordance with the applicable Standards of Navajo County, and all improvements auxiliary to any of same and necessary or useful in copmpleting same.

2. When any public way is herein referred to as running between two public ways or from or to any public way, the intersection of the public ways referred to is included to the extent that the work shall be shown on the plans to be done therein.

3. All of the streets and grounds to be improved are either open to public use or have been dedicated thereto by a plat of record or otherwise, or separate easements, leases or permits have been obtained therefor, or shall be acquired and shall be deemed to be public and subject to improvement and maintenance by the Board.

4. None of said streets or grounds are County roads or highways or maintained by the County, and none of the provisions hereof shall be held to impose on the County the duty to maintain the same as County roads or highways by appropriate resolution to that effect.

5. The descriptions of the public improvements and the terms describing the proposed work used in this Resolution are general in nature. All items of work and improvements do not necessarily extend for the full length of the description thereof or may extend beyond said description. The plans and detailed drawings for the work and improvements shall be controlling as to the correct and detailed descriptiuon thereof.

6. All of said work and improvements are to be constructed at the places and in the particular locations, of the forms, sizes, dimensions and materials and at the lines, grades and elevations as shown and delineated on the plans and specifications therefor, prepared by the Engineer and filed with the Clerk, and preliminarily adopted and approved.

7. There is excepted from the work herein described any of such work already done to line and grade and marked excepted or shown not to be done on the plans, profiles and specifications.

8. The grades and elevations shown in the plans and specifications are hereby adopted and established as the official grades for said work. All such grades and elevations are in feet and decimals thereof with reference to the datum plane established by the United States Geological Survey.

9. Notice is hereby given of the fact that in many cases said work and improvements will bring the finished work to a grade different from that formerly existing and that to said extent said grades are hereby changed and that said work will be done to said changed grades.

10. All of said work will be done under the direction of the District Engineer, such being a suitable firm appointed therefor by the Superintendent of Streets and this Board, and it shall see that the contract is fulfilled.

11. To the extent that said plans, detailed drawings and specifications show that any of the improvements described therein may be done according to any of several alternative plans and specifications, or methods, classes or kinds of construction, or classes or kinds of material, the Board reserves the right to hereafter determine according to which the work shall be done.

12. The total estimated costs of said proposed work and improvements and of all expenses incidental thereto is the total sum of One Hundred Ninety Four Thousand Four Hundred Dollars ($194,400.00).

13. The costs of said improvements and the incidental expenses pertinent thereto, in the opinion of this Board, are to be charged directly to the property in accordance with the benefits to be received.

14. There is exempted from the assessment all publicly owned streets and lands, and they shall be omitted from the assessment, and the costs of the proposed improvements shall be assessed on the lots and parcels of land lying within the Assessment Area, without regard to the omitted streets and lands.

15. To the extent that work, rights, or improvements indicated in the Engineer's Report, to be made as provided herein, are shown to be connected to the facilities, works or systems of, or are to be owned, managed, controlled, maintained or operated by, any public agency other than this entity, or any public utility or other person, it is the intention of this Board to enter into an agreement or agreements with the public agency, public utility or other person, or each, with agreement or agreements shall provide for same, and may provide for the installation of all or a portion thereof by said agency, utility or person, for the serving of the properties in the area benefiting from said work, rights, or improvements by said agency, utility or person in accordance with its rates, rules and regulations, and that any amounts payable by such agency, utility or person for such work, rights, improvements or acquisitions be contributed to this project and credited proportionately upon the assessments and returned to those who shall have paid in cash or credited on assessments which will go to bond or are still then subject to the bond lien.

16. Notice is hereby given that serial bonds will be issued, to bear interest from their date at the rate of not to exceed nine and one-half percent (9 1/2%) per annum, to be paid from a special fund collected in not to exceed twenty (20) annual installments from assessments of under Twenty-five Dollars ($25.00) remaining unpaid thirty (30) days

after the date of recording the assessment, and from the date or dates of the bonds as to assessments of Twenty-five Dollars ($25.00) or over. Said bonds and the interest thereon shall be payable as provided in A.R.S. Sec. 11-761.02 D, and the assessment installments and interest will be collected as provided in A.R.S. Sec. 11-761.03.

17. Owners of property within the District may file with the Clerk of the Board of Supervisors and ex officio Clerk of this Board written protests against the improvements or the extent of the District to be assessed to pay the expenses of the improvements, within fifteen (15) days after the last publication of this resolution, or within fifteen (15) days after the completion of the posting of the notices of proposed improvement, whichever date is later.

18. Notice is hereby given that all protests made pursuant to Section 17 will be heard by the Board at the time fixed in Section 18 of this Resolution, and protesting owners shall appear at said time and show cause why their protests should not be overruled.

19. Tuesday, _____, 1979, at the hour of _____ o'clock _.M., Supervisors Chambers, Courthouse, Holbrook, Arizona, are fixed as the time and place when and where the Board will consider all protests against the improvements, the grades at which the work will be done, the diagram, the estimated costs of the improvements or the apportionment thereof to any lot.

20. Owners and all other persons directly interested in the assessment, who have any objection to the legality of the assessment or to any of the previous proceedings connected therewith, may, prior to the time fixed in Section 18 of this resolution, file a written notice briefly specifying the grounds of their objections.

21. All protests made pursuant to Sections 16 and 19 of this resolution shall be in writing, shall clearly state the grounds of protests, shall describe the property as to which the protest relates, shall state its frontage in feet and decimals thereof, shall be signed by the owner and shall have attached an affidavit of an owner that each signature was affixed in his presence and is the signer's genuine signature.

22. A copy of this resloution shall be published in two successive issues of the White Mountain Independent, a newspaper published and of general circulation in the County in which the District is located.

23. Notices entitled "Notice of Proposed Improvement and of Hearing on Assessment" in one-inch letters, stating the fact of passage of this resolution and briefly describing the proposed improvements, that the proceedings are had pursuant to Chapter 5, Title 11, Arizona Revised Statutes, Article 1.1 and Article 1 as supplemented by Article 1.1, thereof, that the diagram and assessment has been prepared and referring to it as being on file with the Clerk, and notifying as to the time and place of hearing all protests, shall be conspicuously posted along the line of the proposed improvements at intervals of not more than three hundred (300) feet apart.

24. On or before the first day of publication of the Resolution of Intention, the Clerk shall cause notices of the fact of passage of this resolution, briefly describing the proposed improvements, that the proceedings are had pursuant to Chapter 5, Title 11, Arizona Revised Statutes, Article 1.1 and Article 1 as supplemented by Article 1.1, thereof, that the diagram and assessment has been prepared and referring to it as being on file with the Clerk, and notifying as to the time and place of hearing all protests, to be mailed to the owners of real property within the assessment district, as their names and addresses appear on the last equalized county tax roll or as known to the Clerk.

25. Copies of the notice referred to in Section 23 of this Resolution, showing the amount of the proposed assessment, shall also be mailed at least ten (10) days prior to the hearing, to every person interested who has filed his name and address with the Superintendent of Streets, or Clerk of the Board of Supervisors.

26. This proceeding is had pursuant to Chapter 5, Title 11, Arizona Revised Statutes, Article 1.1 and Article 1 as supplemented by Article 1.1, thereof, a diagram and assessment has been prepared pursuant thereof, and reference is made to it on file with the Clerk of the Board of Supervisors and ex officio Clerk of this District.

ADOPTED THIS 15th day of January, 1980.

Norman H. Turley

Johnny L. Butler

Charles H. Patten

I hereby certify that the foregoing is a full, true and correct copy of a resolution duly passed and adopted at a regularly held meeting of the Board of Directors of the Porter Mountain Estates No. 2 County Improvement District, Navajo County, Arizona, on the 15th day of January, 1980.

Connie Mazon, Clerk
Navajo County Board of Supervisors

(S E A L)