

RESOLUTION NO 102-86

NIGHT HAWK AND BLACK PANTHER  
COUNTY ROAD IMPROVEMENT DISTRICT

A RESOLUTION TENTATIVELY AWARDING CONTRACT AND APPROVING THE DIAGRAM AND ACKNOWLEDGING THE RECORDING OF THE ASSESSMENT AND PROVIDING THAT DEMANDS FOR ASSESSMENTS BE MADE AND PROVIDING FOR NOTICE OF HEARING ON ASSESSMENTS.

WHEREAS, the Board of Directors of the Night Hawk and Black Panther County Road Improvement District adopted a Resolution ordering certain work be done and acquired within the District; and

WHEREAS, a Notice of Passage of the Resolution ordering work and inviting bids was posted and published as required by law; and

WHEREAS, sealed bids having been opened and read in accordance with A.R.S. Sec. 48-922 at the time and place and as provided in the invitation for bids on a Contract for acquisition of work and the performance of certain work consisting of the improvement of certain roads within the District, and it having determined, upon the finding and report of the Superintendent of Streets that:

Joy T. Pearce Const. is the lowest qualified bidder; and

WHEREAS, on November 18, 1986 the Board of Directors adopted a Resolution Ordering Improvements in the Night Hawk and Black Panther County Road Improvement District described in the Resolution of Intention to Acquire Paved Roads adopted on October 14, 1986; and

WHEREAS, the proceedings are being held in accordance with Article 1, Chapter 6, Title 48, Arizona Revised Statutes; and

WHEREAS, there has been prepared a diagram as required by A.R.S. Sec. 48-927 and an Assessment levied against the lots and parcels of property within the District; and

WHEREAS, a contract for the construction of the work has been awarded this date, subject to the terms and conditions thereof to the above named bidder

whose bondsman is Fidelity & Deposit of Maryland for the amount of \$137,007; and

WHEREAS, the Assessment, a copy of which is attached hereto and incorporated herein by reference has been recorded in the office of the Superintendent of Streets, which Assessment covers the cost of the project plus incidentals for a total amount of \$179,400.00

THEREFORE, BE IT RESOLVED THAT:

1. It is hereby ordered this 9th day of December, 1986 that the Contract be awarded to Joy T. Pearce Construction Inc. in accordance with the bid submitted, in an amount not to exceed \$129,638.30 and that the same be entered into in accordance with law by the Superintendent of Streets on Monday, the 5th day of January, 1987.
2. That the Contract and all work done thereunder shall be in accordance with the plans and specifications prepared by the District's Engineer, said plans and specifications having been heretofore filed with the Clerk of this District. Any change orders must be approved by this Board.
3. This award is contingent upon the payment of assessments and sale of bonds by the District in sufficient amount to pay the costs of said improvements. The issuance of the Notice to Proceed with the work shall be deemed a waiver of this contingency and said Notice shall only be issued after the bonds are sold and monies collected.
4. That the Clerk of this Board shall execute a Notice of Award and shall cause the same to be published one time in the Pinetop-Lakeside News as required by A.R.S. Sec. 48-923.

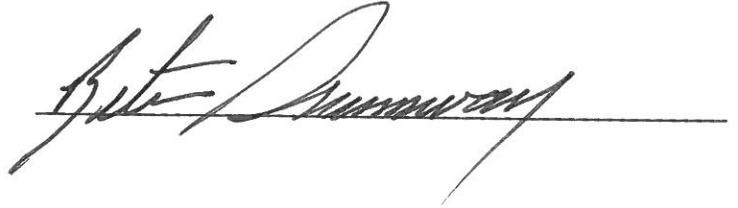
BE IT FURTHER RESOLVED THAT:

1. The diagram heretofore filed for Night Hawk and Black Panther County Road Improvements District, a copy of which is incorporated herein by reference, is hereby approved in all respects; and the recording of the Assessment, a copy of which is attached and which is approved, is acknowledged.
2. That the Board of Directors shall give notice of a time when it will hear and pass upon the Assessment and the proceedings had and taken, as required by A.R.S. Sec.48-928(E); a copy of said Notice being attached hereto and incorporated herein by reference.
3. That at any time after the recording of the return of the Assessment as set forth in A.R.S. Sec 48-935(C), bonds will be issued to represent unpaid Assessments.

4. That the Board of Directors hereby reaffirms its position set forth earlier in these proceedings in the Resolution forming said District and the Resolution of Intention to Acquire Paved Roads that each parcel set forth in the Assessment will be benefitted by the improvements to be constructed.
5. The Assessment includes the sum due for the work performed and specified in the Contract and incidental expenses of said work and Assessment.
6. The form of the Assessment is approved and the Superintendent of Streets is authorized to record the same.
7. All Assessment installments shall be collected in the manner provided for the collection of County Taxes, pursuant to A.R.S. Sec. 48-946.

ADOPTED this 9<sup>th</sup> day of Dec., 1986.

BOARD OF DIRECTORS  
NIGHT HAWK AND BLACK PANTHER  
COUNTY ROAD IMPROVEMENT DISTRICT



A handwritten signature in cursive script, appearing to read "B. F. Summary", is written over a horizontal line.

ATTEST:



A handwritten signature in cursive script, appearing to read "Sharon S. Keens", is written over a horizontal line.

Clerk

APPROVED AS TO FORM:

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Attorney for Night Hawk and Black Panther  
County Road Improvement District

DC/NHBPCRID

NIGHT HAWK AND BLACK PANTHER  
COUNTY ROAD IMPROVEMENT DISTRICT

**ASSESSMENT**

IN THE MATTER OF NIGHT HAWK AND BLACK PANTHER COUNTY ROAD IMPROVEMENT DISTRICT PERTAINING TO THE ACQUISITION OF PAVED AND GRADED CERTAIN ROADS WITHIN THE NIGHT HAWK AND BLACK PANTHER COUNTY ROAD IMPROVEMENT DISTRICT, NAVAJO COUNTY, ARIZONA.

Pursuant to the provisions of Title 48, Chapter 6, Article 1, Arizona Revised Statutes, and amendments and supplements thereto, I, Jim Bruce, Superintendent of Streets, Navajo County, Arizona, hereby assess and apportion the total amount of the costs and expenses of the work, as shown hereinafter, and in the Assessment Diagram (a copy of which was heretofore approved and is on file in the offices of the Superintendent of Streets, Navajo County, Arizona) upon the lots and parcels of land as described in Resolution of Intention No. 88-86, adopted by the Board of Directors of the District on October 14 1986, to be paid to the District, its agents or assigns, to finance the grading and paving of certain Roads within the District, all of the above work or improvements to be done in accordance with that certain set of Plans and Specifications as approved and adopted by the Board of Directors of the District on October 14, 1986, and on file in the office of the District designated as the Plans, Specifications and Estimate for Night Hawk and Black Panther County Road Improvement District. Said Plans, Specifications and detailed drawings are hereby referred to for a more particular description of the work and made a part hereof and as the said work is more fully described in the official contract documents for acquisition of such improvement. The District has entered into a contract for such acquisition with Joy T. Pearce Construction Incorporated, whose bondsman is Fidelity and Deposit of Maryland. The total amount of said contract is \$137,007. Pursuant to Section 48-927, Arizona Revised Statutes, I hereby apportion the cost of said work, and hereby assess against each lot, portion of lot, or parcel of land within the District to be assessed, each in proportion to the benefits to be received, the respective amounts set forth below. Opposite the description of each lot or parcel of land the District has set out the names of the owners of property as known to me and as shown on the most recently certified assessment roll for State and local taxes.

THE COST OF THIS WORK ASSESSABLE AGAINST THE PARCELS BENEFITTING AS DETERMINED BY THE BID OF THE CONTRACTOR FOR THE WORK OR IMPROVEMENT DESCRIBED IN THE PLANS AND SPECIFICATIONS FOR NIGHT HAWK AND BLACK PANTHER COUNTY ROAD IMPROVEMENT DISTRICT, AND THE ESTIMATED INCIDENTAL EXPENSES, IS \$179,400.00 AND IS MORE PARTICULARLY BROKEN DOWN AS FOLLOWS:

SUMMARY OF COSTS

Construction Cost: \$138,000

Incidental Costs:

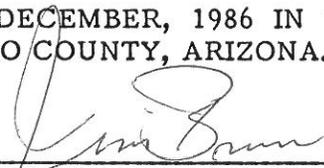
Engineering	\$ 1,000
County Reimbursements	400
Legal Fees	10,000
Construction Staking and Inspection	3,000
Bonds Sale, Printing, etc.	5,000

Incidentals, Bond Discount Interest on  
Bonds for First Year. \$22,000

GRAND TOTAL \$179,400

DONE AT HOLBROOK, ARIZONA, on the 11 day of DEC, 1986.

RECORDED THIS 9TH DAY OF DECEMBER, 1986 IN THE OFFICE OF THE  
SUPERINTENDENT OF STREETS, NAVAJO COUNTY, ARIZONA.

  
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Jim Bruce  
Superintendent of Streets  
Navajo County, Arizona

DZ5/Assessment  
12/05/86