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RESOLUTION NO. 56-86

BOARD OF SUPERVISORS  
NAVAJO COUNTY, ARIZONA

**A RESOLUTION AND ORDER ESTABLISHING AND ORGANIZING  
OVERGAARD DOMESTIC WATER IMPROVEMENT DISTRICT**

WHEREAS, the Clerk of the Board of Supervisors of Navajo County set July 8, 1986, at the hour of 10:00 o'clock A.M., as the time and place for the hearing on the formation of the Overgaard Domestic Water Improvement District and any objections thereto; and

WHEREAS, notice was appropriately posted, published and mailed to the property owners pursuant to the provisions of A.R.S. Section 48-905; and

WHEREAS, it appears that the Petition is signed by the requisite number of owners of real property, and that the public convenience, necessity or welfare will be promoted by the establishment of the Overgaard Domestic Water Improvement District.

WHEREAS, the property included within the boundaries of the Overgaard Domestic Water Improvement District, as those boundaries are described in the petition for the formation of the Overgaard Domestic Water Improvement District, will be benefited by the acquisition of the improvements within the Overgaard Domestic Water Improvement District.

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

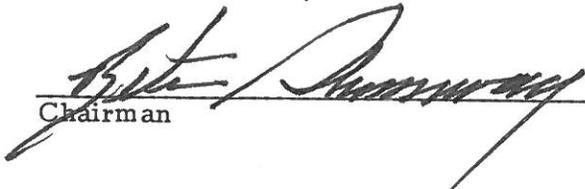
1. The Board of Supervisors finds that:

- a. The Petition is signed by a majority of the owners or by the owners of more than fifty-one percent (51%) of the real property, which is the requisite number of owners as provided by A.R.S. Section 48-903;
- b. That the public convenience, necessity or welfare will be promoted by the establishment of the Overgaard Domestic Water Improvement District;
- c. That notice has been published, posted and mailed pursuant to A.R.S. Section 48-905;

- d. That the property included within the Overgaard Domestic Water Improvement District will be benefited thereby.
2. That the boundaries of the Overgaard Domestic Water Improvement District shall be those set forth in Exhibit A, attached hereto and incorporated herein by reference.
  3. That the Improvement District shall be known in all proceedings as the Overgaard Domestic Water Improvement District.
  4. That these findings and orders are made after public hearing required by A.R.S. Section 48-905.
  5. That by virtue of the authority set forth in A.R.S. Section 48-906 the Overgaard Domestic Water Improvement District is hereby established, formed, organized, and shall be a body corporate with the powers of a municipal corporation for the purposes of carrying out the provisions of Title 48, Chapter 6, Articles 1 and 4, of the Arizona Revised Statutes.
  6. That the Overgaard Domestic Water Improvement District is to be governed by an elected Board of Directors of five (5) members who are qualified electors of the district. The first Board of Directors shall be:
    1. James Rhinehart
    2. Kenneth E. Brown
    3. Frank DeSpain
    4. Dianne Brown
    5. Margaret Rhinehart
  7. That the term of every elected office shall commence on the second day of January following the election of Board members to fill vacancies on the Board, said election to be held on the first Tuesday of each November of every even numbered year, commencing in 1988.
  8. That request is hereby made of the Department of Property Valuation, State of Arizona, that the establishment of the Overgaard Domestic Water Improvement District become effective for assessment and tax levying purposes for the tax years beginning from and after December 31, 1986.
  9. That the Clerk of the Board file with said Department and with the County Assessor of Navajo County, a certified copy of this resolution on or before November 1, 1986.
  10. That said filing shall constitute the notice provided to be given pursuant to A.R.S. Section 42-483.

ADOPTED this 8<sup>th</sup> day of July, 1986.

BOARD OF SUPERVISORS  
NAVAJO COUNTY, ARIZONA

  
\_\_\_\_\_  
Chairman

ATTEST:

  
\_\_\_\_\_  
Clerk

(SEAL)

DD/ResOrdHDWI  
R.04/17/86

Commencing at the Southwest Corner of Section 29, Township 12N R17E, G.& S.R. B & M, thence Easterly along said line to the Eastern line of Arizona State Highway 260, thence Northwesterly along the Eastern line of Arizona State Highway 260 to the South point of Assessors Parcel 206-15-7B, thence Northeasterly along the Southern boundary of Assessors Parcel 206-15-7B, to the Eastern most point of said parcel; thence East along the South line of Assessors Parcel 206-15-7A; thence Northwesterly along the Eastern side of Assessors Parcel 206-15-7A and 206-15-17A to the Northern point of said Assessors Parcel 206-15-17A; thence Southwesterly to the Western point of said Assessors Parcel 206-15-17A; thence Northwesterly along the Eastern line of Assessors Parcel 206-15-16D to the Northern point of said parcel; thence Southwesterly along the Northern boundary of said parcel to the point where it intersects the Easterly line of Arizona State Highway 260; thence Northwesterly along the Easterly line of said highway to the point where it intersects the line between Corners seven (7) and eight (8) of H.E.S. 460; thence Southwesterly along the aforesaid line between Corner seven (7) and eight (8) of H.E.S. 460 to Corner seven (7) of H.E.S. 460; thence Southeasterly along the line between Corners six (6) and seven (7) of H.E.S. 460, a distance approximately 950 feet to the Northeast Corner of Assessors Parcel 206-15-2A, thence Westerly along the North line of Assessors Parcel 206-15-2A to the Western line of Section 29, T.12N. R.17E; thence Southerly along the aforesaid Western line of Section 29, T.12N. R.17E to the Point of Beginning. All references to Assessors Parcels are as found in the records of the Navajo County Assessor, February 12, 1986.



FEE # 86 09767  
RECORDED AT THE REQUEST OF  
*Navajo County Board of Supervisors*  
ON JUL 16 1986 AM -10 50  
IN DOCKET 830 PAGE(S) 279-282 incl  
OFFICIAL RECORDS OF NAVAJO COUNTY, ARIZONA  
JAY H. TURLEY, RECORDER

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3/17/86

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DOCKET 830 PAGE 282

To Recorder 7/16/86 DM

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BOARD OF SUPERVISORS  
NAVAJO COUNTY, ARIZONA

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

1. The Board of Supervisors finds that:
  - a. The Petition is signed by a majority of the owners or by the owners of more than fifty-one percent (51%) of the real property, which is the requisite number of owners as provided by A.R.S. Section 48-903;
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2. That the boundaries of the Overgaard Domestic Water Improvement District shall be those set forth in Exhibit A, attached hereto and incorporated herein by reference.
3. That the Improvement District shall be known in all proceedings as the Overgaard Domestic Water Improvement District.
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5. That by virtue of the authority set forth in A.R.S. Section 48-906 the Overgaard Domestic Water Improvement District is hereby established, formed, organized, and shall be a body corporate with the powers of a municipal corporation for the purposes of carrying out the provisions of Title 48, Chapter 6, Articles 1 and 4, of the Arizona Revised Statutes.
6. That the Overgaard Domestic Water Improvement District is to be governed by an elected Board of Directors of five (5) members who are qualified electors of the district. The first Board of Directors shall be:
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10. That said filing shall constitute the notice provided to be given pursuant to A.R.S. Section 42-483.

ADOPTED this 8<sup>th</sup> day of July, 1986.

BOARD OF SUPERVISORS  
NAVAJO COUNTY, ARIZONA

  
Chairman

ATTEST:

  
Clerk

(SEAL)

DD/ResOrdHDWI  
R.04/17/86

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DZ6/LegDes  
3/17/86.

orig. copy

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ADOPTED this 8<sup>th</sup> day of July, 1986.

BOARD OF SUPERVISORS  
NAVAJO COUNTY, ARIZONA

  
Chairman

ATTEST:

  
Clerk

(SEAL)

DD/ResOrdHDWI  
R.04/17/86

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DZ6/LegDes  
3/17/86

STATE OF ARIZONA )  
 ) ss.  
County of Navajo )

AFFIDAVIT OF MAILING  
NOTICE OF HEARING ON  
ESTABLISHMENT OF THE  
OVERGAARD DOMESTIC  
WATER IMPROVEMENT  
DISTRICT

Lenny Newland, being first duly sworn upon his/her oath, deposes and says:

1. That he/she makes this Affidavit from and of his/her own personal knowledge of the facts herein set forth;

2. That not less than fourteen (14) days prior to the date set for hearing on the petition for formation of the Overgaard Domestic Water Improvement District he administered the sending, by first-class mail to the home address of each property owner within the proposed District, notification that a petition for the establishment of a district has been filed with the Clerk of the Board of Supervisors of Navajo County.

3. That said notices were mailed in Holbrook, Arizona.

Further the affiant sayeth not.

Lenny Newland

SUBSCRIBED AND SWORN to before me this 7 day of July, 1986.

[Signature]  
Notary Public

My Commission Expires:

Jan 20, 1989

DD/AfMailHDWI  
6/23/86

BOND

Bond given by Dianne E. Browne on the 19 day of June, 1986.

WHEREAS, pursuant to Arizona Revised Statutes Sec. 48-901, et seq., a Petition has been filed before the Board of Supervisors, Navajo County, State of Arizona for formation of a County Improvement District; and

WHEREAS, Arizona Revised Statutes Sec. 48-904 requires the Petitioners to post a bond.

Dianne E. Browne, on behalf of the Petitioners, is bound to Navajo County, Arizona in the sum of Five Hundred Dollars (\$500.00) for the payment of which he firmly binds himself.

The condition of this obligation is that upon final order of the Board of Supervisors denying the formation of the Overgaard Domestic Water Improvement District, the Bond shall be forfeited or returned as directed by the Board of Supervisors pursuant to Arizona Revised Statutes Section 48-904. No claim shall be levied against the Bond prior to the entry of the Order by the Board.

IN WITNESS WHEREOF Dianne E. Browne has executed this Bond.

DATED this 19 day of June, 1986.

Dianne E. Browne

STATE OF ARIZONA )  
 ) ss.  
County of Navajo )

SUBSCRIBED AND SWORN TO before me this 19 day of June, 1986.

[Signature]  
Notary Public

My Commission Expires:  
Jan 21 1987

STATE OF ARIZONA )  
 ) ss.  
County of Navajo )

AFFIDAVIT OF MAILING  
NOTICE OF HEARING ON  
ESTABLISHMENT OF THE  
OVERGAARD DOMESTIC  
WATER IMPROVEMENT  
DISTRICT

Serry Newland, being first duly sworn upon his/her oath, deposes and says:

1. That he/she makes this Affidavit from and of his/her own personal knowledge of the facts herein set forth;

2. That not less than fourteen (14) days prior to the date set for hearing on the petition for formation of the Overgaard Domestic Water Improvement District he administered the sending, by first-class mail to the home address of each property owner within the proposed District, notification that a petition for the establishment of a district has been filed with the Clerk of the Board of Supervisors of Navajo County.

3. That said notices were mailed in Holbrook, Arizona.

Further the affiant sayeth not.

Serry Newland

SUBSCRIBED AND SWORN to before me this 7 day of July, 1986.

[Signature]  
Notary Public

My Commission Expires:

Jan 20, 1989

STATE OF ARIZONA )  
County of Navajo ) ss.

AFFIDAVIT OF POSTING  
NOTICE OF HEARING ON  
ESTABLISHMENT OF THE  
OVERGAARD DOMESTIC WATER  
IMPROVEMENT DISTRICT

Dianne E. Browne, being first duly sworn upon his oath, deposes and says:

1. That he makes this Affidavit from and of his own personal knowledge of the facts herein set forth;

2. That on the 19 day of June, 1986, he inspected the posting of true and correct copies of the attached Notice of Hearing on petition for establishment of the Overgaard Domestic Water Improvement District, and has determined that said notices were posted publicly at intervals of no more than 300 feet apart along the streets within the proposed District, said posting occurring not less than ten (10) days prior to the date of the hearing.

Further the affiant sayeth not.

Dianne E. Browne

SUBSCRIBED AND SWORN to before me this 8 day of July, 1986.

[Signature]  
Notary Public

My Commission Expires:

Jan 20, 1987

25