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RESOLUTION NO. 02-87

NIGHT HAWK AND BLACK PANTHER COUNTY ROAD IMPROVEMENT DISTRICT

RESOLUTION CONFIRMING ASSESSMENT AND APPROVING AND RATIFYING ALL PROCEEDINGS; APPROVING FORM OF NOTICE OF SALE OF BONDS; AUTHORIZING REFUNDABLE REPAYMENTS; AND AUTHORIZING THE SUPERINTENDENT OF STREETS TO CERTIFY THE ASSESSMENT ROLL AND EXECUTE THE CERTIFICATE THEREFOR

WHEREAS, October 14, 1986, the Board of Directors of the Night Hawk and Black Panther County Road Improvement District adopted a Resolution of Intention to acquire certain improvements within the District; and

WHEREAS, on November 18, 1986, the Board of Directors of the Night Hawk and Black Panther County Road Improvement District adopted a Resolution, which among other things is a Resolution Approving the Diagram; and

WHEREAS, on December 9, 1986, the Board of Directors of the Night Hawk and Black Panther County Road Improvement District adopted a Resolution which among other things Acknowledged the Recording of the Assessment; and

WHEREAS, a Notice of Assessment has been published and mailed to the property owners of record within the area to be assessed in accordance with Arizona Revised Statutes Section 48-928; and

WHEREAS, the Board of Directors of the Night Hawk and Black Panther County Road Improvement District held a hearing on January 12, 1987, to hear any objections to the assessments in the District; and

WHEREAS, assessments of some property owners who prepaid in the initial proceedings have been reduced for the present proceedings due to a change by the County in the amount of assessments for culverts and the Board of Directors wishes to refund any overpayments of the assessment; and

WHEREAS, the Board of Directors of the Night Hawk and Black Panther County Road Improvement District has heard any and all objections by any owner, the contractor and all other persons interested in the work or in the assessment who have any objections to the legality of the assessment or to any of the previous proceedings connected

therewith and hereby determines that any objections received were not sufficient to cause the modification of the assessments, except with regard to the refundable repayment noted in the preceding paragraph, or affect the legality of any proceedings of the Night Hawk and Black Panther County Road Improvement District; and

WHEREAS, all lawful proceedings prior to the issuance and sale of bonds of the District have been completed or are being completed; and

WHEREAS, pursuant to Arizona Revised Statutes Section 48-935, the Board may sell the bonds at a public or private sale; and

WHEREAS, in order to effectuate the sale of the bonds, it is necessary to have a Notice Inviting Proposals to Purchase the Bonds prepared by the District and circulated among the potential buyers; and

WHEREAS, the Superintendent of Streets prepared an Assessment; and

WHEREAS, the time period allowed by statute for property owners to payoff the Assessment for their parcel of property in cash will expire on January 18, 1987; and

WHEREAS, the Board of Directors is desirous of having the Superintendent of Streets certify the unpaid Assessments, after January 18, 1987.

THEREFORE, BE IT RESOLVED THAT:

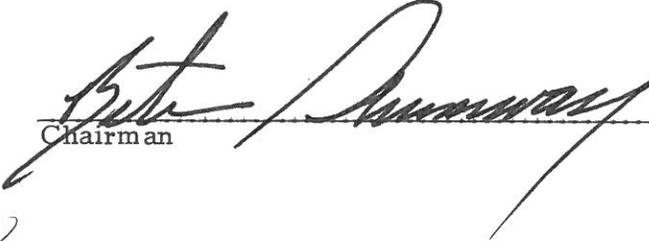
1. The Board of Directors of the Night Hawk and Black Panther County Road Improvement District hereby confirms the diagram and assessment as heretofore recorded.
2. The Board of Directors of the Night Hawk and Black Panther County Road Improvement District hereby orders the County Treasurer to repay any District property owners who prepaid their assessment during the initial proceedings the difference between the amount of the initial assessment and the present assessment in any case where the assessment has been reduced.
3. The Board of Directors of the Night Hawk and Black Panther County Road Improvement District hereby approves, ratifies, confirms and validates all proceedings in this matter heretofore taken.
4. The annual assessment installments are to be collected in the same manner as Navajo County taxes.
5. That in confirming said assessment the Board of Directors has reaffirmed its position set forth earlier in these proceedings in the

Resolution forming said District and the Resolution of Intention to Order the Improvements that each parcel set forth in the assessment will be benefited by the improvements to be constructed.

6. The assessment so confirmed includes the sum due for the work performed and specified in the Contract and incidental expenses of said work and assessment.
7. The form of the Notice Inviting Proposals for the Purchase of Bonds attached hereto is hereby approved in substance and the Clerk of the Board of Supervisors, ex officio Clerk of the Board of Directors, is authorized to execute said notice, and to make such minor corrections in said notice as may be necessary in the opinion of bond counsel, John G. Gliege, which do not materially affect the information presented therein.
8. The Board of Directors of the Night Hawk and Black Panther County Road Improvement District hereby authorizes the Superintendent of Streets to certify the unpaid Assessments for the Night Hawk and Black Panther County Road Improvement District upon the conclusion of the prepaid period.

DATED this 12 day of January, 1987.

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


Chairman

ATTEST:


Clerk

APPROVED AS TO FORM:

DW/RConfAssmt
R.01/08/87