RESOLUTION NO. 123-87

MOGOLLON AIRPARK COUNTY IMPROVEMENT DISTRICT

RESOLUTION ORDERING IMPROVEMENT AND APPROVING ASSESSMENT DIAGRAM

WHEREAS, on November 2, 1987, the Board of Directors of the Mogollon Airpark County Improvement District (the "Board") passed and adopted Resolution No. 102-87 declaring its intention to pave the roads within the District, all as shown on the Plans, Specifications and Estimate; determining that improvement bonds shall be issued to represent the costs and expenses thereof, declaring the work or improvement to be of more than local or ordinary public benefit, and that the costs and expenses thereof shall be assessed upon a certain district, providing that the proposed work or improvement shall be performed under the provisions of Title 48, Chapter 6, Article 1, Arizona Revised Statutes, and all amendments thereto, the said work or improvement, the district to be assessed and the improvement bonds to be issued being more fully described in Resolution No. 102-87 to which reference is hereby made for such description; and

WHEREAS, Notice of the Adoption of the Resolution of Intention to Order Improvements was posted according to A.R.S. Sec. 48-916(B); and

WHEREAS, said Resolution was published as required by A.R.S. Sec. 48-916(A); and

WHEREAS, Notice of the Passage of said Resolution was mailed to all property owners; and

WHEREAS, Notice of a Hearing to hear all protests has been published and mailed as required by A.R.S. Sec. 48-917 and 48-918; and

WHEREAS, more than fifteen (15) days have elapsed since the date of the last publication of said Resolution of Intention, and since the completion of the posting of said notices of the proposed improvement; and

WHEREAS, no protests have been found to be sufficient against the proposed work to be constructed and all objections have been denied.

WHEREAS, the board hereby finds and determines that it has jurisdiction to order

the improvement as described in Resolution of Intention No. 102-87; and

WHEREAS, the district intends to pay for the costs of the construction of the improvements and all incidental costs as depicted on the estimate through the application of funds obtained pursuant to an agreement between the District, Navajo County and the Developer of the property, and the levy and collection of assessments upon all of the property to be benefited thereby; with bonds being issued to represent assessments not paid in full during the cash collection period following the recording of the Assessments; and,

WHEREAS, there has been prepared a diagram as required by A.R.S. Section 48-927, which said diagram shows each separate lot, numbered consecutively, the approximate area in square feet of each lot, and the location of the lot in relation to the work proposed to be done; and,

WHEREAS, the board having thereby acquired jurisdiction to order the work.

NOW THEREFORE BE IT RESOLVED THAT:

The Board of Directors of the Mogollon Airpark County Improvement District hereby orders:

1. That the streets described in Resolution No. 102-87, the Resolution of Intention to Order the Improvement, and more particularly described in the Plans and Specifications filed pursuant to A.R.S. Sec. 48-914 be paved.

2. That for purposes of construction this project is combined with several others pursuant to an intergovernmental agreement of even date.

3. That the Superintendent of Streets shall execute and publish a notice attached hereto as Exhibit A, of the passage of this Resolution and inviting sealed bids for the construction of the improvements ordered therein, in the Holbrook Tribune News one time and post the notice for five days on or near the door of the Supervisors' Chambers, Navajo County, Arizona.

4. That all proposals to construct the improvements shall be received before 10:00, A.M. MST on the 18th day of January, 1988, at the office of the Clerk of the Board of Supervisors of Navajo County, ex officio Clerk of the Board of Directors of the Mogollon Airpark County Improvement District, Navajo County, Holbrook, Arizona .

5. That all such proposals shall be accompanied by those bonds as are necessary as set forth in A.R.S. Sec. 48-922 and 34-201.

6. That the construction of the improvements shall be done in conformance with the Plans and Specifications filed pursuant to A.R.S. Sec. 48-914.

7. That the diagram is hereby approved and that the clerk shall certify that fact and a copy of the diagram shall be delivered to the Superintendent of Streets.

ADOPTED this 21st day of December, 1987.

BOARD OF DIRECTORS
MOGOLLON AIRPARK COUNTY
IMPROVEMENT DISTRICT

BY: _____
Chairman

ATTEST:

_____
Clerk

APPROVED AS TO FORM:

_____

DD3/ResOrder

ADVERTISEMENT FOR PROPOSALS
NOTICE
OF THE PASSAGE OF THE RESOLUTION ORDERING THE IMPROVEMENT AND INVITING PROPOSALS TO CONSTRUCT ROAD IMPROVEMENT AND PAVING SOUTHERN NAVAJO COUNTY COMBINED COUNTY IMPROVEMENT DISTRICTS

This Notice is given pursuant to the provisions of title 48, Chapter 6, Article 1, Sections 48-901 to 48-965, inclusive, Arizona Revised Statutes, and amendments and supplements thereto.

On _____, 1987, the BOARD of Directors of the Mogollon Airpark County Improvement District, (the Board), Holbrook, Arizona, duly passed and adopted its Resolution Number _____ Ordering that the Work described in Resolution of Intention Number 102-87 be done, and that for purposes of construction this project be combined with several others pursuant to an intergovernmental agreement of even date, said Resolution also directing this notice to be given, and said agreement allowing for one combined Notice to be given.

On _____, 1987, the BOARD of Directors of the Forest Trails County Improvement District, (the Board), Holbrook, Arizona, duly passed and adopted its Resolution Number _____ Ordering that the Work described in Resolution of Intention Number 104-87 be done, and that for purposes of construction this project be combined with several others pursuant to an intergovernmental agreement of even date, said Resolution also directing this notice to be given, and said agreement allowing for one combined Notice to be given.

On _____, 1987, the BOARD of Directors of the Forest Trails Unit Two County Improvement District, (the Board), Holbrook, Arizona, duly passed and adopted its Resolution Number _____ Ordering that the Work described in Resolution of Intention Number 105-87 be done, and that for purposes of construction this project be combined with several others pursuant to an intergovernmental agreement of even date, said Resolution also directing this notice to be given, and said agreement allowing for one combined Notice to be given.

On _____, 1987, the BOARD of Directors of the High Country Pines County Improvement District, (the Board), Holbrook, Arizona, duly passed and adopted its Resolution Number _____ Ordering that the Work described in Resolution of Intention Number 103-87 be done, and that for purposes of construction this project be combined with several others pursuant to an intergovernmental agreement of even date, said Resolution also directing this notice to be given, and said agreement allowing for one combined Notice to be given.

SEALED BIDS for the construction of each schedule of the Road Improvement and Paving will be received by the OWNER, the Southern Navajo County Combined County Improvement Districts, Navajo County Governmental Complex, South Highway 77, Holbrook, Arizona until _____ Mountain Standard Time on the _____ day of _____, 1988. As soon thereafter as possible, the BIDS will be opened publicly and read aloud. BIDS SHALL be addressed to Southern Navajo County Combined County Improvement Districts, Navajo County Governmental Complex, South Highway

77, Holbrook, AZ 86025, and SHALL be labeled "Bids for Southern Navajo County Combined County Improvement Districts Road Improvement and Paving.

All PROPOSALS will be opened and the total amounts so BID for each schedule read aloud in a public meeting of the BOARD and held at the DISTRICT Office Navajo County Governmental Complex, South Highway 77, Holbrook, Arizona on _____, 1988. All PROPOSALS SHALL be tabulated by the DISTRICT ENGINEER who SHALL report his findings to the Board of Directors of the DISTRICT. It is expected that the Board of Directors will award a CONTRACT for each individual schedule or the combined schedule to the most responsive, responsible BIDDER or BIDDERS on _____, 1988, at the Board meeting following the BID opening, and receipt of all necessary approvals.

The WORK includes the FURNISHING of all labor, materials and EQUIPMENT for the Improvement and Paving of certain Roads and all other WORK as described in the PLANS and SPECIFICATIONS on file with the District for the construction of the Works. The PROJECT is located in Southern Navajo County (Heber Area), Arizona.

Copies of the PROJECT MANUAL which indicate the seven schedules may be inspected and obtained at the following locations upon deposit of _____ for each set.

Navajo County Engineer
Navajo County Governmental Complex
South Highway 77
Holbrook, AZ 86025

Full-size DRAWINGS may be obtained at the address noted above, at a cost of_____ for each complete set. Individual full-size DRAWINGS sheets may also be obtained at a cost of _____ for each sheet. No refunds for the cost of full-size DRAWINGS will be made. Full-size DRAWINGS will not be sent to full-size DRAWINGS holders when DRAWINGS are revised and issued as ADDENDA unless reordered. Full-size DRAWINGS will contain only the revisions made to the DRAWINGS at the time of issuance.

BIDDERS must be eligible to do said WORK under and in accordance with, and must agree to conform to, the laws of the State of Arizona.

Each BID SHALL be accompanied by a Surety Bid Guaranty Bond or a certified or cashier's check payable to the order of the Southern Navajo County Combined County Improvement Districts in an amount not less than ten percent (10%) of the amount of the BID as a guaranty that the BIDDER will execute the CONTRACT if it be awarded in conformity with the BID form. The successful BIDDER will be required to FURNISH Performance and Payment Bonds in the form specified in the CONTRACT DOCUMENTS each in an amount not less than one hundred percent (100%) of the CONTRACT PRICE. The bonding company must be licensed to conduct business in the State of Arizona.

The DISTRICT reserves the right to reject any or all PROPOSALS or BIDS or to withhold the award of the CONTRACT for any reason it may determine. The DISTRICT SHALL determine which BID is the lowest responsive BID of a responsible BIDDER.

BIDS received after the time established for receiving BIDS will not be considered. No BIDDER may withdraw his BID after the time established for receiving BIDS or before the award and execution of the CONTRACT, unless the award is delayed for a period exceeding ninety (90) calendar DAYS.

The Board of each District has determined that improvement bonds may be issued by each District to represent a portion of the construction cost and the incidental costs of such WORK and improvement, including engineering, printing, advertising and posting and preparation of proceedings; and notice is hereby given that such bonds SHALL be issued by the individual entities comprising the DISTRICT under the provisions of Title 48, Chapter 6, Article 1, Arizona Revised Statutes, as amended, but payable only out of special funds, one for each District or for each phase of a District in the case of Mogollon Airpark County Improvment District, collected in not more than 20 annual installments from the assessments of $25.00 or over remaining unpaid 40 DAYS after the date of the warrant. The bonds payable out of the first installment collected SHALL be payable on the first day of January next after the collection of the first installment of the assessments can be made under the provisions of Title 48, Chapter 6, Article 1, Arizona Revised Statutes, and amendments and supplements thereto, and on the first day of January of each year thereafter until all are paid. Said bonds SHALL bear interest at a rate of not to exceed 15.0% per annum. Interest will be payable on the first day of January and July of each year.

THE CONTRACTOR WILL BE PAID WITH CASH PAYMENTS ONCE EACH MONTH, SUCH PAYMENTS TO BE ON THE BASIS OF 90% OF THE VALUE OF THE WORK ACTUALLY PERFORMED AS ESTIMATED BY THE DISTRICT ENGINEER. THE RETAINAGE WILL BE PAID AFTER THE GOVERNING BODY HAS APPROVED THE WORK. APPROVAL OF THE WORK IS EXPECTED TO OCCUR APPROXIMATELY 90 DAYS AFTER ALL WORK TO BE LET FOR THE IMPROVEMENT DISTRICT HAS BEEN COMPLETED. THE CONTRACTOR WILL NOT BE RESPONSIBLE FOR MAKING CASH COLLECTIONS FROM PROPERTY OWNERS.

Without charge, the DISTRICT will provide the winning BIDDER with the opinion of the Law Office of John G. Gliege, Flagstaff, Arizona, concerning the validity of the proceedings to and including the execution of the construction CONTRACT. The fees of the Law Office of John G. Gliege will be paid as part of the incidental expenses.

No BIDDER MAY withdraw his PROPOSAL for a period of 91 DAYS after the date set for the opening thereof.

The DISTRICT reserves the right to cancel this notice at any time.

Further information concerning the Southern Navajo County Combined County Improvement Districts and the construction CONTRACT for the WORK MAY be obtained by contacting Navajo County Engineer, Governmental Complex, Holbrook, Arizona.

DATED this _____ day of _____, 198__.

MOGOLLON AIRPARK COUNTY IMPROVEMENT DISTRICT
FOREST TRAILS COUNTY IMPROVEMENT DISTRICT
FOREST TRAILS UNIT TWO COUNTY IMPROVEMENT DISTRICT
HIGH COUNTRY PINES COUNTY IMPROVEMENT DISTRICT

BY: _____

(Must be published in the Holbrook Tribune News not less than 10 days before the date of BID opening.)

(Must be posted for 5 days at or near the door of the Meeting Place of the Board of Directors).