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RESOLUTION NO. 37-88

FOREST TRAILS COUNTY IMPROVEMENT DISTRICT

RESOLUTION REJECTING ALL BIDS RECEIVED FOR THE WORK FOR SOUTHERN NAVAJO COUNTY COMBINED COUNTY IMPROVEMENT DISTRICTS, AUTHORIZING THE CHAIRMAN OF THE BOARD OF DIRECTORS TO EXECUTE A SETTLEMENT AND AUTHORIZING THE EXECUTION OF A NEW NOTICE OF PASSAGE OF THE RESOLUTION ORDERING THE WORK AND INVITING PROPOSALS FOR CONSTRUCTION

WHEREAS, the Board of Directors of the Forest Trails County Improvement District, acting in conjunction with other County Improvement Districts in Navajo County pursuant to that certain agreement recorded in Docket 897, page 965, records of Navajo County Recorder, as the Southern Navajo County Combined County Improvement Districts has heretofore tentatively Awarded a Construction Contract to F n F Construction Inc. to do that work described in the Resolution of Intention adopted on the 2nd date of, Nov, 1987; and

WHEREAS, certain litigation has arisen pertaining to the Adoption of Set Notice tentatively Awarding the Contract to wit, Joy T. Pearce Construction Inc. v. Southern Navajo County Combined Improvement Districts, No. 24-365, Superior Court of State of the State of Arizona in and for the County of Navajo; and

WHEREAS, without admitting fault, liability, or responsibility, the Board has determined that it is in the best interest of the Citizens of the District that the offer of settlement of the above described litigation from Joy T. Pearce Construction Company, Inc., and the assurances and covenant not to maintain legal action of F n F Construction Company, Inc.; and

WHEREAS, the Board shall reject all bids heretofore receive for the above named project on January 18, 1988; and

WHEREAS, this is the best of interest of the Citizens of Navajo County and of the herein described District that the paving of the roads proceed in orderly and timely manner.

THEREFORE, be it resolved that the Board of Directors of the Forest Trails County Improvement District hereby orders:

1. That the all bids received as a part of the Southern Navajo County Combined County Improvement Districts for the construction of the District's project on January 18, 1988, be rejected, as of the execution of the Settlement Agreement described in paragraph 2 below.

2. That the Chairman of the Board of Directors of the District be authorized to execute a settlement of the above described litigation upon the terms of condition setforth therein following the execution of the same by representatives of Joy T. Pearce Company, Inc. and F n F Construction Company, Inc.

3. That the Superintendent of Streets and the Clerk of the Board are hereby authorized to execute a new Notice of Passage of the Resolution Ordering the Work and Inviting Proposals for the Construction of the Work within the District, jointly with all other Districts, said Notice to be issued in the name of the Southern Navajo County Combined County Improvement District, said Notice to be executed after the execution of the Settlement Agreement described in paragraph 2.

ADOPTED THIS 29th date of February, 1988.

BOARD OF DIRECTORS,
FOREST TRAILS COUNTY IMPROVEMENT
DISTRICT

Chairman

ATTEST:

Clerk

DZ13/ResFT