RESOLUTION NO. 54-88

SOUTHERN NAVAJO COUNTY COMBINED COUNTY
IMPROVEMENT DISTRICTS CONSISTING OF:
FOREST TRAILS COUNTY IMPROVEMENT DISTRICT
FOREST TRAILS UNIT TWO COUNTY IMPROVEMENT DISTRICT
HIGH COUNTRY PINES COUNTY ROAD IMPROVEMENT DISTRICT
MOGOLLON AIRPARK COUNTY IMPROVEMENT DISTRICT

A RESOLUTION TENTATIVELY AWARDING CONTRACT AND APPROVING FORM OF NOTICE OF AWARD.

WHEREAS, the Board of Directors of the Forest Trails County Improvement District adopted Resolution No. 127-87 ordering certain work to be done within the Forest Trails County Improvement District, said work described in the Plans and Specifications and in Resolution No. 104-87, the Resolution of Intention to Order the Improvements; and

WHEREAS, the Board of Directors of the Forest Trails Unit Two County Improvement District adopted Resolution No. 129-87 ordering certain work to be done within the Forest Trails Unit Two County Improvement District, said work described in the Plans and Specifications and in Resolution No. 105-87, the Resolution of Intention to Order the Improvements; and

WHEREAS, the Board of Directors of the High Country Pines County Road Improvement District adopted Resolution No. 125-87 ordering certain work to be done within the High Country Pines County Road Improvement District, said work described in the Plans and Specifications and in Resolution No. 103-87, the Resolution of Intention to Order the Improvements; and

WHEREAS, the Board of Directors of the Mogollon Airpark County Improvement District adopted Resolution No. 123-87 ordering certain work to be done within the Mogollon Airpark County Improvement District, said work described in the Plans and Specifications and in Resolution No. 102-87, the Resolution of Intention to Order the Improvements; and

WHEREAS, a Notice of Passage of the Resolutions Ordering Work and Inviting Bids

was posted and published as required by law; and

WHEREAS, the above named Districts have entered into an intergovernmental agreement regarding the construction of improvement with such districts, and all references herein to the "District" or the "Board" shall refer to the joint Districts and the joint Boards of Directors established thereunder; and

WHEREAS, bids were received on January 18, 1988, February 29, 1988 and March 21, 1988 but all bids were rejected by the Southern Navajo County Combined County Improvement Districts; and

WHEREAS, the project was rebid and bids were received on April 18, 1988; and

WHEREAS, sealed bids having been opened and read in accordance with Arizona Revised Statutes 48-922 at the time and place and as provided in the Invitation for Bids on a Contract to construct road improvement and paving within the boundaries of Districts and it having been determined that the lowest qualified bidder is the one set forth in Section 1 below; and,

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

WHEREAS, the Notice of Award of the Contract has been presented to the Board; and,

THEREFORE, BE IT RESOLVED THAT:

1. It is hereby ordered this 26 day of April, 1988, that the Contract be awarded to Wisner Corporation in accordance with the bid submitted, in an amount not to exceed $ 774,922.78.

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 District.

3. This award is contingent upon the payment of assessments and sale of bonds by the separate County Improvement Districts herein named sufficient in amount to pay the costs of said improvements and all incidental expenses. 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, delivered and monies collected.

4. That the Chairman of the District shall execute the Notice of Award, the form of which is hereby approved, and shall cause the same to be published as required by Arizona Revised Statutes Section 48-923.

ADOPTED this 25th day of April, 1988.

FOREST TRAILS COUNTY IMPROVEMENT DISTRICT

By _____
Chairman

FOREST TRAILS UNIT TWO COUNTY IMPROVEMENT DISTRICT

By _____
Chairman

HIGH COUNTRY PINES COUNTY ROAD IMPROVEMENT DISTRICT

By _____
Chairman

MOGOLLON AIRPARK COUNTY IMPROVEMENT DISTRICT

By _____
Chairman

ATTEST:

_____

APPROVED AS TO FORM

_____
John G. Gliege - attorney for Southern Navajo County Combined County Improvement Districts

DZ11/SCRes

NOTICE OF AWARD OF CONTRACT FOR CONSTRUCTION OF THE WORK KNOWN AS SOUTHERN NAVAJO COUNTY COMBINED COUNTY IMPROVEMENT DISTRICTS

Pursuant to the provisions of Title 48, Chapter 6, Article 1, Sections 48-901 through 48-965 inclusive, Arizona Revised Statutes, and all amendments and supplements thereto, NOTICE IS HEREBY GIVEN that the combined Board of Directors of the Mogollon Airpark, Forest Trails, Forest Trails Unit Two and High Country Pines County Improvement Districts, Arizona (hereinafter the "DISTRICT"), in public session on April 18, 1988, opened, examined and publicly declared all BIDS offered for the construction of the Road Improvement and Paving, and that thereafter on April 25, 1988, the Board awarded the CONTRACT to:

Wisner Corporation

the lowest and most responsible BIDDER for the WORK, kind of material and SPECIFICATIONS as set forth in the PLANS and SPECIFICATIONS for a CONTRACT; the aforesaid proposal on file in the Office of the DISTRICT. The aggregate amount BID by the winning BIDDER when the amounts per unit are extended against the quantities set forth in the ENGINEER'S estimate is:

$774,922.78

The ENGINEER'S estimate of construction costs was:

The DISTRICT reserves the right to rescind the award of the CONSTRUCTION CONTRACT if it is unable to PROVIDE funding or if for any reason the amount available after the collection of all prepayments and the sale of the individual district Bonds and the allocation of any individual District funds is less than the amount necessary to pay the CONTRACT, and all incidental costs.

The liability of the parties under the CONTRACT is contingent upon the individual districts passing on any objections filed against the acts or proceedings or the award of the CONTRACT pursuant to Arizona Revised Statutes Section 48-923 and finally determining all such objections in favor of the award.

If, because of pending or threatened litigation concerning any one or more parcels subject to assessment, the DISTRICT and the winning BIDDER receive a written opinion of Bond Counsel stating that improvement bonds cannot be issued against such parcel or parcels, the DISTRICT may then cause the CONSTRUCTION CONTRACT to be modified to exclude from the CONSTRUCTION CONTRACT some or all of the work which will benefit the parcel or parcels in question. The filing of a certificate and request that no bonds be issued against any parcel pursuant to Section 48-935, Arizona Revised Statutes, as amended, may be deemed to be threatened litigation.

The said Board has determined that Bonds issued in the name of each of the Districts constituting the DISTRICT but payable only out of the special fund collected by the individual Districts from the assessments levied and assessed against the property included within the assessment districts described in Resolution Numbers 102-87, 103-87, 104-87, 105-87 (the Resolutions of Intention) will be issued to represent a portion of the costs and expenses of the improvement. Said bonds will extend over a period of not more than 25 years from their date and will bear interest at the rate of not to exceed 15% per annum. In addition, each District may allocate such other funds as it may have to pay any portion of the costs of

paving with its boundaries.

Any owner, or any other person having an interest in any lot, piece or parcel of land situated within the above-described districts, who claims that any of the provisons, acts or proceedings relating to the above-described improvement are irregular, defective, illegal, erroneous or faulty, may file with the districts, Navajo County Governmental Complex, South Highway 77, Holbrook, AZ 86025, within 15 days from the date of the first publication of this notice, a written notice specifying in what way said acts or proceedings are irregular, defective, illegal, erroneous or faulty; if no such notices are filed, the DISTRICT will, within twenty (20) days after the date of first publication, enter into a CONTRACT with the above-named contractor or contractors to make said improvements at the unit prices specified in said proposal or bid.

The CONTRACTOR is required by the Instructions to BIDDERS to execute the Agreement and FURNISH the required Faithful Performance Bond, Payment Bond and certificates of insurance within ten (10) DAYS from the date of execution of the Agreement.

If a CONTRACTOR fails to execute said Agreement and to FURNISH said Bonds within ten (10) DAYS from the date of execution, said DISTRICT will be entitled to consider all the CONTRACTOR'S rights arising out of the DISTRICT'S ACCEPTANCE of the BID PROPOSAL as abandoned and as a forfeiture of the BID Guaranty Bond. The DISTRICT will be entitled to such other rights as may be granted by law.

The CONTRACTOR is required to return an acknowledged copy of this Notice of Award to the DISTRICT.

DATED this 25th day of April, 1988.

s/s Percy Deal, Chairman
Southern Navajo County Combined
County Improvement Districts
Navajo County, Arizona

Mail copy to the winning bidder and each person who has filed a protest or objection to the Resolution of Intention, and publish one time.

CC5/Not Awd
r. 04/21/88