

5/11 cc Ap. Dist Council.
Dist file 2 n/c

ORIGINAL

RESOLUTION NO. 32-90

BOARD OF SUPERVISORS, NAVAJO COUNTY, ARIZONA

RESOLUTION AND ORDER ESTABLISHING AND CREATING THE HEBER-OVERGAARD SANITARY DISTRICT AND DESCRIBING THE TERRITORY THEREIN CONTAINED; SELECTING THE ORGANIZING BOARD OF DIRECTORS

WHEREAS, pursuant to Arizona Revised Statutes Section 48-261 petitions for the formation of the HEBER-OVERGAARD SANITARY DISTRICT (hereinafter the "District") have been presented to the Board of Supervisors of the County (hereinafter the Board); and

WHEREAS, said petitions have been submitted to the Board of Supervisors of Navajo County for a determination of their validity; and

WHEREAS, pursuant to A.R.S. Section 48-261(8) the Board of Supervisors is required to determine the validity of the petitions; and

WHEREAS, said petitions are valid so long as they contain a description of the boundaries of the areas to be included within the District, a detailed accurate map of the area, and are signed by more than one-half of the property owners; the persons owning collectively more than one-half of the assessed valuation; and more than one-half of the qualified electors within the boundaries of the proposed District; and

WHEREAS, the Board of Supervisors has determined the petitions to be valid; and

WHEREAS, a Hearing on the Petitions was duly called concerning the creation of the District following submission of the petitions; and

WHEREAS, said Hearing on the Petitions was held and it is the finding of the Board of Supervisors that the creation of the District is for the benefit of the territory therein included and for the benefit of the public health, safety and welfare of the citizens residing within the District.

THEREFORE BE IT RESOLVED AND ORDERED THAT:

1. The Board of Supervisors finds that:
 - a. The public convenience, necessity and welfare will be promoted by the formation of the District;
 - b. Notice of all proceedings has been published as required by law;
 - c. The property included within the newly created District will be benefited thereby.
2. Pursuant to Section 48-261 Arizona Revised Statutes, as amended, the Heber-Overgaard Sanitary District is hereby created, established and 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 14, Articles 1 and 2, Arizona Revised Statutes, the boundaries of which are described in Exhibit "A", attached hereto and incorporated herein by reference, said creation to be effective as provided by law thirty (30) days from the date hereof.
3. This order shall be entered into the minutes of the Board of Supervisors of Navajo County, Arizona.
4. A true and correct copy of this order shall be filed in the Office of the Navajo County Recorder, Navajo County, Arizona.
5. A copy of this Resolution shall be filed with the Arizona Department of Revenue pursuant to A.R.S. Section 42-483 and with the Navajo County Assessor, the same to become effective for assessment and tax levying purposes for the tax years beginning from and after thirty (30) days from the date of adoption hereof.
6. The organizing board of directors of the District shall be:
 1. Charles Tyler, Overgaard, Arizona
 2. Clyde Spalding, Overgaard, Arizona
 3. Frank Whitten, Heber, Arizona

who are the persons named in the Boundary Impact Statement and the Petition. Upon the resignation of any member from the organizing Board of Directors, Lewis Tenney of Heber, Arizona is appointed to the position of Organizing Director. Additionally the following are designated as additional organizing directors: Harold Guthrie and Owen Kelly, Sr. The organizing directors shall hold office until the 31st day of December, 1991, or until their successors are duly elected and qualified. The first election of members to the board of directors of the District, which shall be a five (5) member board of directors, shall occur on the second Tuesday in October, 1991, and thereafter on the same day in each and every odd numbered year. Pursuant to Arizona Revised Statutes section

48-2010 the Board elected in October, 1991 shall, upon the commencement of their term divide themselves by lot, three directors to serve for four (4) years, two to initially serve for two years. Thereafter all board members shall serve for four years with the terms staggered so that every two years either two or three board members are elected to serve a term of four years. The term of every elected office shall commence on the first day of January following the election of the Board members.

8. The first meeting of the organizing Board of Directors shall occur as soon as practicable following the effective date of the creation of the District.

ADOPTED this 30th day of April, 1990.

BOARD OF SUPERVISORS
NAVAJO COUNTY, ARIZONA

By: [Signature]
ACTING Chairman

ATTEST:

[Signature]
Clerk

ORDANNEX. RES/HOSD
March 9, 1990

HEBER-OVERGAARD SANITARY DISTRICT

Describing the property contained in Township 11 North, Range 16 East, Township 11 North, Range 17 East, Township 12 North, Range 16 East, Township 12 North, Range 17 East and portions of Township 13 North, Range 16 East, and including Homestead Entry Surveys numbered 179, 181, 182, 187, 194, 196, 198, 199, 246, 451, 455, 460, 461, 464, 465, 547, 548, 549, 550, 551 and 610. More particularly described as follows:

Beginning at the Southwest corner of Section 20, Township 11 North, Range 16 East;

- Thence Northerly along the West section lines of Sections 20, 17, 8, and 5 to the Southwest corner of Section 32, Township 12 North, Range 16 East;
- Thence Northerly along the West section lines of Sections 32, 29, 20, 17, 8 and 5, Township 12 North, Range 16 East;
- Thence Westerly along the South line of Section 32, Township 13 North, Range 16 East to the Southwest corner;
- Thence Northerly along the West section lines of Sections 32 and 29;
- Thence Easterly along the North section lines of Sections 29, 28, 27, 26 and 25 to the Northeast corner of Section 25;
- Thence Southerly along the East section lines of Sections 25 and 36;
- Thence Easterly along the North section line of Section 1, Township 12 North, Range 16 East;
- Thence Easterly along the North section lines of Sections 6, 5, 4, 3, 2 and 1, Township 12 North, Range 17 East;
- Thence Southerly along the East section lines of Sections 1, 12, 13, 24, 25 and 36, Township 12 North, Range 17 East;
- Thence Southerly along the East section lines of Sections 1, 12 and 13, Township 11 North, Range 17 East;
- Thence Westerly along the South section lines of Sections 13, 14, 15, 16, 17 and 18, Township 11 North, Range 17 East;
- Thence Westerly along the South section lines of Sections 13, 14 and 15 to the Southwest corner of said Section 15;
- Thence Southerly along the East section line of Section 21 to the Southeast corner;
- Thence Westerly along the South section lines of Sections 21 and 20 to the Southwest corner of Section 20 which is the Point of Beginning.

Excluding all Government land therefrom.

MAP OF
HEBER-OVERGAARD
SANITARY DISTRICT

