RESOLUTION NO. 03-97

RESOLUTION OF THE BOARD OF DIRECTORS OF SHORE LINE DRIVE COUNTY ROAD IMPROVEMENT DISTRICT OF NAVAJO COUNTY, ARIZONA, DECLARING ITS INTENTION TO IMPROVE CERTAIN STREETS AND RIGHTS-OF-WAY WITHIN THE LIMITS OF SAID DISTRICT; AND ALL APPURTENANCES THERETO AS SHOWN ON THE PLANS; DESIGNATING SUCH IMPROVEMENT AS "SHORE LINE DRIVE COUNTY ROAD IMPROVEMENT DISTRICT OF NAVAJO COUNTY, ARIZONA"; DETERMINING THAT IMPROVEMENT BONDS WILL BE ISSUED TO REPRESENT THE COSTS AND EXPENSES THEREOF AND DECLARING THE WORK OR IMPROVEMENT TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT AND THAT THE COSTS OF SAID WORK OR IMPROVEMENT WILL BE ASSESSED UPON A CERTAIN DISTRICT; AND PROVIDING THAT THE PROPOSED WORK OR IMPROVEMENT WILL BE PERFORMED UNDER THE PROVISIONS OF SECTION 48-901 THROUGH 48-965, INCLUSIVE, ARIZONA REVISED STATUTES, AND ALL AMENDMENTS THERETO.

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SHORE LINE DRIVE COUNTY ROAD IMPROVEMENT DISTRICT OF NAVAJO COUNTY, ARIZONA, that:

Section 1. Definitions.

In this resolution, the following terms shall have the following meanings:

"Assessment Diagrams" shall mean those duplicate diagrams of the property contained within the Assessment District as hereafter filed with the Clerk and approved by the Board of Directors of the District.

"Assessment District" shall mean the lots, pieces or parcels of land lying within the area described in Exhibit A attached hereto and incorporated by reference herein. For a more particular description, reference is hereby made to an Assessment District Map attached hereto as Exhibit A, which map is on file with the Superintendent of Streets, the Clerk and the District Engineer.

"Assessment District Map' shall mean the map delineating the Assessment District attached hereto as Exhibit A on file with the Superintendent of Streets, District Engineer and Clerk.

"County" shall mean Navajo County, Arizona.

"Clerk" shall mean the Clerk of the Board of Supervisors of Navajo County, Arizona, ex officio Clerk of the Board of Directors of the District.

"District" shall mean Shore Line Drive County Road Improvement District of Navajo County, Arizona.

"District Engineer" shall mean Navajo County Public Works Department.

"Estimate" shall mean the estimate of costs and expenses of the work filed with the Clerk prior to adoption of this resolution.

"Governing Body" shall mean the Board of Directors of this District.

"Incidental Expenses" shall mean compensation paid to the District Engineer for work done by him, the costs of printing, advertising and posting, the amount paid the District Engineer to take charge and superintend the work of constructing the improvements and the agent's fee, appraiser's fees, all legal and financial fees, expenses and costs incurred in the drafting of the proceedings and in the sale of bonds and all interest to be paid on the bonds for the period of construction and up to six (6) months beyond.

"Plans and Specifications" shall mean the plans and the specifications and contract documents for the District filed with the Clerk prior to the adoption of this resolution.

"Streets" or "streets to be improved" shall mean the length and width of the following streets: Shore Line Drive and Ponderosa Lane; at the locations described in the definition of Work and as shown on the Plans.

"Superintendent of Streets" shall mean Chuck Williams, the County Engineer of Navajo County, Arizona, and any successor to such person.

"Work" shall mean the improvement of the Streets within the District by the paving and otherwise improving the Streets within the District to Navajo County road standards as set forth in the Plans and Specifications including the providing of all labor, materials and equipment therefor. The Work also includes construction of drainage improvements, culvert installation, major outlet riprap protection, and channel protection.

Section 2. Declaration of Intention.

The public interest and convenience require and it is the intention of the Governing Body to order the Work to be performed. All items of the Work shall be performed as prescribed by the Plans and Specifications and no assessment for any lot shall exceed its proportion of the Estimate. For purposes of this resolution and of all resolutions and notices pertaining to this resolution, the improvement of the Streets as herein described is hereby designated Shore Line Drive County Road Improvements District of Navajo County, Arizona.

Section 3. Determination of Need.

In the opinion of the Governing Body, the Work is of more than local or ordinary public benefit, and the Governing Body hereby orders that all amounts due or to become due with respect to the Work shall be chargeable upon the respective lots, pieces and parcels of land within the Assessment District.

Section 4. Exclusion of Certain Property.

Any public street or alley within the boundaries of the Assessment District is hereby omitted from the Assessment District. Any lot belonging to the United States, the state, county, city, school district or any political subdivision or institution of the state or county, which is included within the Assessment District shall be omitted from the assessment hereafter made except as otherwise agreed between the District and the owners.

Section 5. Necessity to Issue Bonds.

The Governing Board finds that the public convenience requires that Bonds shall be issued to represent the costs and expenses of the Work to be assessed upon the District and determines that Bonds shall be issued in the name of the District payable, however, solely and only out of a special fund collectible from special assessments levied and assessed upon the lots, pieces and parcels of land within the Assessment District in not to exceed ten (10) annual principal installments from the assessments of $25.00 or more remaining unpaid as of the date of the Bonds.

The Bonds will mature on the first day of January in amounts to be set by the Governing Body prior to their issuance. Said Bonds will bear interest at the rate of not to exceed nine percent (9%) per annum, payable on the first day of January and July of each year.

Section 6. Bond Anticipation Notes.

The Governing Body reserves the right to issue bond anticipation notes pursuant to § 48-962, A.R.S. The Governing Body also reserves the right to retain any Bonds which may be issued and to sell the same for cash to pay the contractor the amounts due it in cash.

Section 7. Establishment of Grade.

The grades and elevations for the Streets are hereby officially changed to correspond with the grades and elevations shown on the Plans.

Section 8. Statutory Authority.

The Work and all proceedings pertaining thereto shall be performed under the provisions of Section 48-901 through 48-965, inclusive, Arizona Revised Statutes, and all amendments thereto.

Section 9. Protests and Objections to Extent of Assessment District.

The owners of property within the assessment District May file written protests against the construction of the Work or objections against the extend of the Assessment District. Said protests or objections shall be filed with Clerk of the Board of Supervisors of Navajo County, ex officio Clerk of the Board of Directors of the District, P.O. Box 668, County Complex, Holbrook, AZ 86025. Said protests or objections must be filed within fifteen (15) days after the Last publication of this resolution, or within fifteen (15) days after the completion of posting of the Notices of the Proposed Improvement whichever date is later.

Section 10. Delegation of Authority.

The District Engineer is hereby authorized to fill in any blanks and to make any minor corrections necessary to complete the Plans and the Specifications and Contract Documents.

Section 11. Right to Reduce Scope of Work.

If, because of pending or threatened litigation concerning any one or more parcels subject to assessment, the District and the wining bidder receive a written opinion of Bond Counsel stating that bonds cannot be issued against such parcel or parcels, the District may then cause the construction contract to be modified to exclude from the applicable 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, may be deemed to be threatened litigation.

Section 12. County Duty to Maintain Roads.

From and after completion and full acceptance of the Work as evidenced by the final acceptance thereof by the County Engineer, the County will maintain the public roads within the District; provided, however, that nothing herein will terminate or suspend or otherwise impair any existing levy made by this Board prior to such final acceptance; and further provided, that nothing in this Section shall preclude the District from levying and collecting any assessment or assessments hereinafter levied to pay for the costs and expenses of the Work and all other incidental expenses appertaining thereto.

Section 13. Miscellaneous.

The Work shall be done and all proceedings therefor shall be taken, the Superintendent of Streets shall cause to be posted notices in the substantially the form attached hereto, at not more than 300 feet apart on all Streets within the Assessment District, which notices shall be headed "Notice of Proposed Improvement", such heading to be in letters at least 1" in height; the Clerk shall certify to the passage of this Resolution of Intention, and shall cause the same to be published in two (2) successive issues of the White Mountain Independent. The District Engineer shall make duplicate diagrams of the property contained within the Assessment District; the diagrams shall show each separate lot, numbered consecutively, the area in square feet of each lot, and the location of the lot in relation to the work proposed to be done. This resolution shall be filed with the Clerk and made a part of the records of the Governing Body.

PASSED, ADOPTED AND APPROVE ON January 6, 1997.

Jesse Thompson
Chairman

ATTEST:

Judy Jones
Clerk

Attachments: Exhibit A - Description and Map of District
Notice of Proposed Improvement

CERTIFICATE

I hereby certify that the above and foregoing Resolution No. 03-97 was duly passed by the Board of Directors of Shore Line Drive County Road Improvement District of Navajo County, Arizona, at a regular meeting held on January 6, 1997, and that a quorum was present thereat and that the vote thereon was 5 ayes and 0 nays. 0 were no vote or absent.

Judy Jones

Clerk

EXHIBIT A

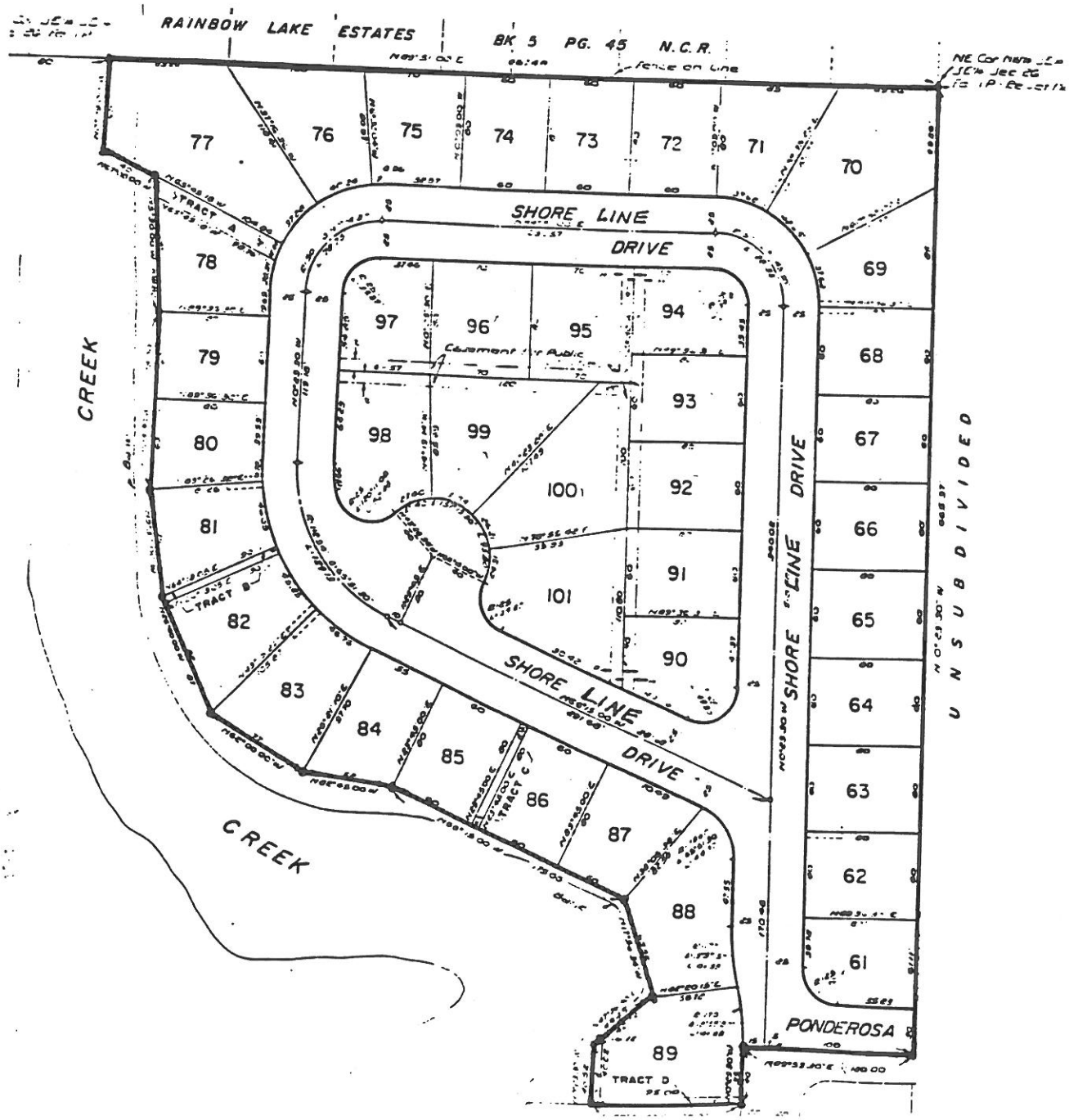
Description of the Shore Line Drive County Road Improvement District in Ponderosa Park Shores Unit Two, as recorded in Book 8, Page 35 of the Navajo County Records.

Ponderosa Park Shores Unit Two

Shore Line Drive
Lots 61 through 101 inclusive

For a total of 41 lots.

Containing 7.2 acres more or less



NOTICE OF PROPOSED IMPROVEMENT

TO: ALL OWNERS OF OR PERSONS INTERESTED IN LAND LYING WITHIN THE ASSESSMENT DISTRICT DESCRIBED BELOW.

Please take notice that on January 6, 1997, the Board of Directors of Shore Line Drive County Road Improvement District of Navajo County, Arizona, adopted Resolution No. 0.-97 declaring its intention to make the following improvements through the letting of a construction contract for the improvement of paving and otherwise improving the Streets within the District to Navajo County paved road standards as set forth in the Plans and Specification including the providing of all labor, materials and equipment therefor. The Work also includes construction of drainage improvements, culvert installation, major outlet riprap protection, and channel protection.

The costs and expenses of such work shall be assessed against the land lying within the Assessment District described in Exhibit A attached to and made part of this Notice. The Assessment District is also shown on the Assessment District Map attached to this Notice as Exhibit A. The work and all proceedings connected therewith shall be known as Shore Line Drive County Road Improvement District of Navajo County, Arizona.

For further particulars, reference is hereby made to Resolution No. 03-97 and the Plans, Specification and Estimate of cost and expenses on file in the office of the Clerk of the Board of Directors of the District.

The Governing Body finds that the public convenience requires that Bonds shall be issued to represent the costs and expenses of the Work to be assessed upon the District and determines that Bonds shall be issued in the name of the District payable, however, solely and only out of a special fund collectible from special assessments levied and assessed upon the lots, pieces and parcels of land within the Assessment District in not to exceed ten (10) annual principal installments from the assessments of $25.00 or over remaining unpaid as of the date of the bonds.

The first principal installment of the Assessment shall be due on the first December first occurring no earlier than 180 days after the expected date of completion of the Work and shall be payable to bond holders on the first day of January next after the collection of the first installment of the assessments can be made. The Bonds shall mature on the first day of January in amounts to be set by the Governing Body prior to their issuance.

Said Bonds shall bear interest at the rate of not to exceed nine percent (9%) per annum, payable on the first day of January and July of each year.

DATED January 6, 1997.

Judy Jones

Clerk, Board of Directors of Shore Line Drive County Road Improvement District of Navajo County, Arizona

Post at intervals of 300 feet along all streets within the Assessment District.

NOTICE OF PROPOSED IMPROVEMENT

TO: ALL OWNERS OF OR PERSONS INTERESTED IN LAND LYING WITHIN THE ASSESSMENT DISTRICT DESCRIBED BELOW.

Please take notice that on January 6, 1997, the Board of Directors of Shore Line Drive County Road Improvement District of Navajo County, Arizona, adopted Resolution No. 03-97 declaring its intention to make the following improvements through the letting of a construction contract for the improvement of paving and otherwise improving the Streets within the District to Navajo County road standards as set forth in the Plans and Specification including the providing of all labor, materials and equipment therefor. The work also includes construction of drainage improvements, culvert installation, major outlet riprap protection, and channel protection.

The costs and expenses of such work shall be assessed against the land lying within the Assessment District described in Exhibit A attached to and made part of this Notice. The Assessment District is also shown on the Assessment District Map attached to this Notice as Exhibit A. The work and all proceedings connected therewith shall be known as Shore Line Drive County Road Improvement District of Navajo County, Arizona.

For further particulars, reference is hereby made to Resolution No. 03-97 and the Plans, Specification and Estimate of cost and expenses on file in the office of the Clerk of the Board of Directors of the District.

The Governing Body finds that the public convenience requires that Bonds shall be issued to represent the costs and expenses of the Work to be assessed upon the District and determines that Bonds shall be issued in the name of the District payable, however, solely and only out of a special fund collectible from special assessments levied and assessed upon the lots, pieces and parcels of land within the Assessment District in not to exceed ten (10) annual principal installments from the assessments of $25.00 or over remaining unpaid as of the date of the bonds.

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Said Bonds shall bear interest at the rate of not to exceed nine percent (9%) per annum, payable on the first day of January and July of each year.

DATED January 6, 1997.

Judy Jones

Clerk, Board of Directors of Shore Line Drive County Road Improvement District of Navajo County, Arizona

Post at intervals of 300 feet along all streets within the Assessment District.

District I
PERCY DEAL
P.O. Box 365
Oraibi, AZ 86039
Phone 524-4053

District II
JESSE THOMPSON
P.O. Box 504
Kykotsmovi, AZ 86039
Phone 524-4053

District III
M.E. "TOMMY TEE" THOMPSON
P.O. Box 668
Holbrook, AZ 86025
Phone 289-4732

District IV
LEWIS TENNEY
P.O. Box 219
Heber, AZ 85928
Phone 535-4453

District V
LARRY VICARIO
P.O. Box 1255
Pinetop, AZ 85935
Phone 367-2008

NAVAJO COUNTY BOARD OF SUPERVISORS
Governmental Complex - NC #18
P.O. Box 668 - 100 E. Carter Drive
Holbrook, AZ 86025
PHONE (520) 524-4053 FAX (520) 524-4239

EDWARD J. KOURY
County Manager

JUDY JONES
Clerk of the Board

RECEIPT AND ACKNOWLEDGMENT

I, Judy Jones, Clerk of the Board of Supervisors, have received the Plans and Specification for the following Improvement District:

Shore Line Drive County Road Improvement District

These Plans and Specifications were filed with me on January, 3, 1997 at 9:30 A.m.

Sharon Tank for
Judy Jones
Clerk of the Board of Supervisors