

RESOLUTION NO. 73-97

RESOLUTION OF THE BOARD OF DIRECTORS OF BLUE LAKE CIRCLE IMPROVEMENT DISTRICT OF NAVAJO COUNTY, ARIZONA, RULING ON OBJECTIONS TO THE ASSESSMENT; AND APPROVING THE ASSESSMENT AS CORRECTED.

WHEREAS, the Board of Directors of Blue Lake Circle Improvement District of Navajo County, Arizona (the "District"), initiated an improvement by the adoption of its Resolution No. 2-97 (the "Resolution of Intention"); and

WHEREAS, the District acquired jurisdiction to order such improvement and the Board of Directors adopted Resolution No. 24-97 (the "Resolution Ordering the Work"); and

WHEREAS, after the public bidding, the contract was awarded to Hatch Construction and Paving, Inc., for the construction of the work described in the Resolution of Intention; and

WHEREAS, an assessment (the "Assessment") and warrant was drawn, executed and recorded as provided by law and demands for payments were made; and

WHEREAS, this Board of Directors ordered that June 16, 1997, be set as the date for hearing the Assessment and all proceedings theretofore had and taken and ordered that notice be given as provided by law; and

WHEREAS, notice of such hearing was given by publication two times in *The White Mountain Independent*, a semi-weekly newspaper published and circulated in Navajo County, and by mailing notices of the hearing by first class mail, at least twenty (20) days prior to the date set for hearing, to all persons owning real property affected by the Assessment as the names and addresses appear on the last assessment roll for state and county purposes; and

WHEREAS, written objections have been filed with the Clerk; and the Board of Directors has heard each and every objection and, being fully informed in the premises, finds and determines that each and every objection so filed and so presented are without merit and are therefore overruled except for the claim of the Frank Sluder Trust seeking a reduction in assessment No. 1 against the parcel listed as Assessor's parcel No. 211-71-076A; and

WHEREAS, said objection of the Frank Sluder Trust is hereby upheld; and

WHEREAS, it appears that, upon making the corrections herein set forth, the total costs and expenses of said improvement have been assessed upon each of the several pieces, parcels, lots, portions of lots and parcels of land included within the assessment district described in the Resolution of Intention for said work, in proportion to the benefits to be received by each

of said pieces, parcels, lots, portions of lots and parcels of land and that none of the respective pieces, parcels, lots, portions of lots and parcels of land have been assessed in excess of the benefits to be received from said improvement by such respective pieces, parcels, lots, portions of lots and parcels of land; and

WHEREAS, said Assessment, as herein corrected, in all respects complies with the laws providing for such Assessment and under which said improvement was ordered;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF BLUE LAKE CIRCLE IMPROVEMENT DISTRICT OF NAVAJO COUNTY, ARIZONA, AS FOLLOWS:

Section 1. The objection of the Frank Sluder Trust to reduce Assessment No. 1 from \$6,549.74 to \$3,274.87 is upheld and Assessment No. 1 shall be reduced to \$3,274.87, before addition of financing costs. To produce funds necessary to cover this reduction, the Superintendent of Streets shall apply the following funds in the following order: (1) savings on the construction contract; (2) interest income on bond proceeds and (3) reduced incidental expenses or (4) any combination of the foregoing. Should further moneys be needed to pay all costs and expenses of construction, the County's Special Projects Fund shall be responsible for such funding.

All other objections, if any, filed against the Assessment and the proceedings theretofore had and taken are found to be without merit and are therefore overruled.

Section 2. The Assessment as above corrected be and the same is hereby fully and finally approved and confirmed.

Section 3. All acts of the Clerk, the Superintendent of Streets and any person acting for such officials in setting the date for the hearing on the Assessment and causing notice thereof to be mailed and published is hereby ratified and confirmed.

PASSED AND ADOPTED by the Board of Directors of Blue Lake Circle Improvement District of Navajo County, Arizona, on June 16, 1997.


Chairman

ATTEST:


Clerk