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Resolution 1446

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RESOLUTION NO. 1446

RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA, A MUNICIPAL CORPORATION OF ARIZONA, CANVASSING AND DECLARING RESULTS OF ELECTION TO FORM PARKWAY COMMUNITY FACILITIES DISTRICT NO. 1 AND WITH RESPECT TO ISSUANCE OF BONDS BY SUCH DISTRICT AND THE LEVY OF AN AD VALOREM PROPERTY TAX THEREFOR AND SEPARATELY THE LEVY OF A SEPARATE AD VALOREM PROPERTY TAX FOR OPERATION AND MAINTENANCE PURPOSES AND THEN ORDERING FORMATION OF PARKWAY COMMUNITY FACILITIES DISTRICT NO. 1 AND PROVIDING FOR CERTAIN OTHER MATTERS

WHEREAS, A.R.S. § 48-702 provides that the governing body of a municipality may adopt a resolution declaring its intention to form a community facilities district (a) if the public convenience and necessity so require, (b) upon presentation of a petition signed by the owners of at least twenty-five percent (25%) of the land area proposed to be included in the district, and (c) upon filing with the clerk a general plan for the district setting out a general description of the public infrastructure improvements for which the district is proposed to be formed and the general areas to be improved; and

WHEREAS, the matters described in clauses (b) and (c) hereinabove were each done and Resolution No. 1414 adopted thereafter with respect to Parkway Community Facilities District No. 1 (hereinafter referred to as the "District"); and

WHEREAS, the hearing called for by such Resolution was held on April 27, 2006, and Resolution No. 1427 adopted thereafter; and

WHEREAS, pursuant to A.R.S. §§ 48-705(B), -719(A) and -723(A) an election of the owners of land in the District who are qualified electors of the State of Arizona and other landowners according to Section 48-3043, Arizona Revised Statutes, as amended (hereinafter referred to as the "Election") was held on June 27, 2006;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA, as follows:

1. Findings.

a. On March 23, 2006, we, the governing body of the Town of Prescott Valley, Arizona (hereinafter referred to as the



"Municipality"), adopted a "Resolution Declaring Intention to Form Parkway Community Facilities District No. 1" (hereinafter referred to as the "Resolution of Intention") finding that (i) a "general plan" for the District (hereinafter referred to as the "General Plan") had been filed with the Clerk of the Municipality, (ii) a "petition" in connection with the District (hereinafter referred to as the "Petition") and all necessary supporting materials had been filed with the Clerk of the Municipality, (iii) the purposes for which the formation of the District is sought are as described in the Petition and are purposes for which the District may be lawfully formed and (iv) the public convenience and necessity required the Municipality to declare and resolve that (a) the Petition was granted and to declare the intention of the Municipality to form the District within the corporate boundaries of the Municipality, (b) the area to be included in the District is described by metes and bounds in Exhibit B to the Petition, (c) the purposes for which the District is to be formed includes all those, express and implied, provided for the District pursuant to applicable law, (d) the General Plan was approved in all respects, (e) a hearing on the formation of the District was to be held on April 27, 2006, at 7:00 p.m. at the Council Chambers of the Municipality, with notice as provided by and pursuant to the procedures established pursuant to applicable law (hereinafter referred to as the "Hearing"), (f) written objection to the formation of the District could be filed with the Clerk of the Municipality during the period established, by those persons provided for, and for the reasons included in, applicable law, (g) formation of the District



could result in the levy of *ad valorem* taxes to pay the costs of improvements constructed by the District and for their operation and maintenance, (h) the Resolution of Intention was provided for by, and adopted pursuant to, Title 48, Chapter 4, Article 6, Arizona Revised Statutes, as amended (hereinafter referred to as the "Act"), and (i) the District is to be governed by a district board comprised of the members of the Common Council of the Municipality, *ex officio*.

b. The Hearing was held at which three (3) objections from persons claiming an interest in real property situated in the District which were filed with the Clerk of the Municipality during the period provided by applicable law were considered and rejected.

c. The District would be authorized by Section 48 719, Arizona Revised Statutes, as amended, to issue and sell general obligation bonds of the District to provide moneys for public infrastructure purposes consistent with the General Plan.

d. Pursuant to Section 48-723, Arizona Revised Statutes, as amended, the District would be authorized to levy an *ad valorem* tax on the assessed value of all real and personal property in the District at a rate which does not exceed the maximum rate specified in the ballot with respect thereto as hereinafter described, including taxes attributable to the operation and maintenance expenses of the District, but not in excess of thirty cents (30¢) per one hundred dollars (\$100) of such assessed valuation for such operation and maintenance.



e. Such bonds may not be issued and such tax may not be levied unless approved at an election which may be held simultaneously with the Election, ordered and called to submit also to those persons who will be qualified to vote for the same reasons as described hereinbelow, the question of authorizing the board of the District to issue such bonds (hereinafter referred to as the "Bonds") and to levy such tax (hereinafter referred to as the "Operation and Maintenance Expenses Tax").

f. On April 27, 2006, we adopted a "Resolution Ordering, Subject to Approval at a Forthcoming Election, Formation of Parkway Community Facilities District No. 1 and Ordering and Calling an Election to Form such District and with Respect to Issuance of Bonds by such District and the Levy of Ad Valorem Property Taxes Therefor and for Operation and Maintenance Expenses," ordering and calling the Election on June 27, 2006.

g. The election board having filed with us their returns of the Election and the ballots cast at the polling place with respect to the Election, we, on the date hereof, canvassed the returns of the Election and determined that in answer to the "Questions" submitted in response to the official ballot for the Election in the form hereto attached and marked Exhibit "A" (hereinafter referred to as the "Ballot"), ballots representing 10 votes or portions of votes were marked "Formation, Yes" and ballots representing 6 votes or portions of votes were marked "Formation, No" with respect to formation of the District, ballots representing 10 votes or portions of the votes were marked "Bonds, Yes" and 6 ballots representing votes



or portions of the votes were marked "Bonds, No" with respect to the issuance of the Bonds and ballots representing 10 votes or portions of the votes were marked "Tax, Yes" and 6 ballots representing votes or portions of votes were marked "Tax, No" with respect to the levying of the Operation and Maintenance Expenses Tax.

2. Declaration. The Election has been conducted and the returns thereof made as required by law and that only qualified electors were permitted to vote at the Election.

3. Canvass.

a. A majority of the votes or portions of votes equal to the number of acres or portion of acres rounded upward to the nearest one-fifth of an acre cast by the qualified electors voting at the Election were cast "Formation, Yes", "Bonds, Yes" and "Tax Yes" in response to the Ballot.

b. We shall certify the results of the Election by authorizing the Mayor of the Municipality to execute the "Certificate of Results of Special Election Held by the Town of Prescott Valley, Arizona on June 27, 2006" in the form hereto attached and marked "Exhibit B". The Clerk of the Municipality is hereby directed to cause to be recorded such Certificate of Results of Election in the Office of the County Recorder of Yavapai County, Arizona; to return said copy with the recording date shown therein to the official records of the District and to cause to be provided a copy thereof to the State Real Estate Department.

4. Formation of District. The District is hereby formed as a district pursuant to the terms and provisions of, and with the



powers and authority established by, the Act, with jurisdiction over the land in the District described by metes and bounds in the Resolution of Intention.

5. District Board and Officers.

a. The District shall be governed by a "District Board" comprised of the Mayor and Common Council of the Municipality, "ex officio".

b. The "Chairperson of the District Board" and the "Vice Chairperson of the District Board" shall be the Mayor and Vice Mayor of the Municipality, respectively, and the "District Clerk" shall be the Clerk of the Municipality; the "District Manager" shall be the Manager of the Municipality; the "District Treasurer" shall be the Treasurer of the Municipality; the "District Counsel" shall be the Town Attorney of the Town and the "District Engineer" shall be the Town Engineer of the Municipality.

6. District Boundaries and Map. The boundaries of the District are as described by metes and bounds in the Resolution of Intention. A map showing the boundaries of the District is hereby ordered to be drawn and provided by the District Engineer.

7. Dissemination of this Resolution. A copy of this Resolution should be delivered to the County Assessor and the Board of Supervisors of Yavapai County, Arizona, and to the Department of Revenue of the State of Arizona.

8. No Liability of or for the Municipality. Neither the Municipality nor the State of Arizona or any political subdivision of either (other than the District) shall be directly, indirectly or

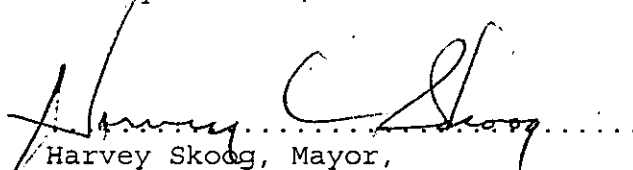
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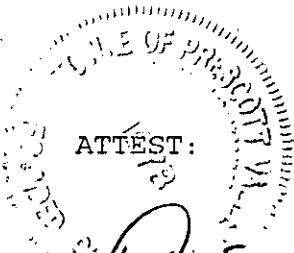

morally liable or obligated for the costs of the public infrastructure contemplated by the "General Plan of the District" nor the payment or repayment of any indebtedness, liability, cost, expense or obligation of the District, and neither the credit nor the taxing power of the Municipality, the State of Arizona or any political subdivision of either (including the District) shall be pledged therefor.

9. Effect of this Resolution. If any provision, section, sentence, clause or phrase of this Resolution is held by any reason to be invalid, such invalid portions shall not affect the validity of the remaining portion of this Resolution.

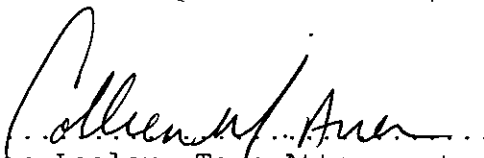


PASSED by the Mayor and Common Council of the Town of
Prescott Valley, Arizona, this 29th day of June, 2006.


Harvey Skodg, Mayor,
Town of Prescott Valley, Arizona

 **SEAL**
ATTEST:

Diane Russell, Town Clerk,
Town of Prescott Valley,
Arizona

APPROVED AS TO FORM:


Ivan Legler, Town Attorney
Town of Prescott Valley,
Arizona

ATTACHMENTS:

- EXHIBIT A - Form of Official Ballot
- EXHIBIT B - Form of Certificate of Results

* * *



EXHIBIT "A"

FORM OF BALLOT

OFFICIAL BALLOT
SPECIAL ELECTION
TOWN OF PRESCOTT VALLEY, ARIZONA
JUNE 27, 2006

SHALL THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA, FORM A COMMUNITY FACILITIES DISTRICT TO BE KNOWN AS PARKWAY COMMUNITY FACILITIES DISTRICT NO. 1 TO BE FORMED OVER AND INCLUDING THE LAND DESCRIBED AS FOLLOWS:

PARCEL 1
(SOUTHEAST SECTION)
LEGAL DESCRIPTION
APRIL 8, 2006

THAT PORTION OF SECTION 22, TOWNSHIP 14 NORTH, RANGE 1 WEST, GILA AND SALT RIVER BASE AND MERIDIAN, WITHIN THE TOWN OF PRESCOTT VALLEY, COUNTY OF YAVAPAI, STATE OF ARIZONA,

BOUNDED ON THE NORTH BY THE NORTHERLY RIGHT-OF-WAY OF A 100.00 FOOT WIDE STRIP OF LAND CONVEYED TO THE TOWN OF PRESCOTT VALLEY BY ARIZONA STATE TRANSPORTATION BOARD RESOLUTION 86-13-A-81 DATED DECEMBER 19, 1986 RECORDED IN BOOK 1895, PAGES 139 THROUGH 144 OF OFFICIAL RECORDS, IN THE OFFICE OF THE RECORDER OF SAID COUNTY, SAID STRIP COMMONLY KNOWN AS "FIRST STREET,"

BOUNDED ON THE SOUTH BY THE NORTHERLY RIGHT-OF-WAY LINE OF SECOND STREET, 68.00 FEET WIDE, AS SHOWN ON PLATS RECORDED IN BOOK 30, PAGE 73, BOOK 25, PAGE 97, AND BOOK 24, PAGE 72, ALL OF MAPS AND PLATS, IN THE OFFICE OF THE RECORDER OF SAID COUNTY,

BOUNDED ON THE EAST BY THE WEST LINE OF THE LAND DESCRIBED IN DEED TO JMH INVESTMENTS LIMITED, RECORDED IN BOOK 2707, PAGE 351 OF OFFICIAL RECORDS, IN THE OFFICE OF THE RECORDER OF SAID COUNTY, AND ITS NORTHERLY PROLONGATION, AND

BOUNDED ON THE WEST BY THE WESTERLY LINE OF PARCEL 3 OF THE LAND DESCRIBED IN DEED TO SHAMROCK WATER COMPANY RECORDED IN BOOK 2537, PAGES 21 THROUGH 27 OF OFFICIAL RECORDS, IN THE



OFFICE OF THE RECORDER OF SAID COUNTY, AND ITS
NORTHERLY PROLONGATION,

EXCEPT THEREFROM THAT PORTION OF VALLEY VIEW
DRIVE, 68.00 FEET WIDE, AS SHOWN ON PLATS
RECORDED BOOK 25, PAGE 97, AND BOOK 24, PAGE 72,
OF MAPS AND PLATS, IN THE OFFICE OF THE RECORDER
OF SAID COUNTY, WHICH IS BOUNDED ON THE NORTH BY
THE PROLONGATION OF THE SOUTHERLY RIGHT-OF-WAY OF
SAID "FIRST STREET", AND BOUNDED ON THE SOUTH BY
THE PROLONGATION OF THE NORTHERLY RIGHT-OF-WAY OF
SAID SECOND STREET, CONTAINING 20.66 ACRES, MORE
OR LESS, AND

PARCEL 2
(NORTHWEST SECTION)
LEGAL DESCRIPTION
JANUARY 31, 2006.

THAT PORTION OF SECTION 22, TOWNSHIP 14 NORTH,
RANGE 1 WEST, GILA AND SALT RIVER BASE AND
MERIDIAN, WITHIN THE TOWN OF PRESCOTT VALLEY,
COUNTY OF YAVAPAI, STATE OF ARIZONA, MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 27 OF PRESCOTT EAST UNIT ONE, AS SHOWN ON
PLAT RECORDED IN BOOK 12, PAGE 2 OF MAPS AND
PLATS, IN THE OFFICE OF THE RECORDER OF SAID
COUNTY, AND

LOTS 441, 442, 443, 444, 445, 446, 447, 448, 449,
450, 451, 452, 453, 454, 455, 456, 457, 458, 461,
462, 463, 464, 465, 466, 467, 468, 469, 470, 471,
472, 473, 474, 475, 476, 477, 478, AND 479 OF
PRESCOTT EAST UNIT TWO, AS SHOWN ON PLAT RECORDED
IN BOOK 13, PAGE 64 OF MAPS AND PLATS, IN THE
OFFICE OF THE RECORDER OF SAID COUNTY, AND

THE LAND DESCRIBED IN DEED TO ADELINE CRUDO AND
MICHAEL CRUDO RECORDED NOVEMBER 29, 1993 IN BOOK
2735, PAGES 449 THROUGH 451 OF OFFICIAL RECORDS,
IN THE OFFICE OF THE RECORDER OF SAID COUNTY, AND

THAT PORTION OF THE ARIZONA STATE ROUTE 69
FRONTAGE ROAD CONVEYED TO THE TOWN OF PRESCOTT
VALLEY BY ARIZONA STATE TRANSPORTATION BOARD
RESOLUTION 86-13-A-81 DATED DECEMBER 19, 1986
RECORDED IN BOOK 1895, PAGES 139 THROUGH 144 OF
OFFICIAL RECORDS, IN THE OFFICE OF THE RECORDER
OF SAID COUNTY WHICH LIES WESTERLY OF THE
SOUTHERLY PROLONGATION OF THE WESTERLY RIGHT-OF-
WAY OF PRESCOTT EAST HIGHWAY, 100.00 FEET WIDE,



AS SHOWN ON SAID PLAT OF PRESCOTT EAST UNIT ONE AND WHICH LIES EASTERLY OF THE EAST LINE OF SAID LAND DESCRIBED IN DEED TO ADELINE AND MICHAEL CRUDO, CONTAINING 7.57 ACRES, MORE OR LESS.

IN ACCORDANCE WITH THE CONSTITUTION AND LAWS OF THE STATE OF ARIZONA, INCLUDING PARTICULARLY (BUT NOT BY WAY OF LIMITATION) SECTION 48-723, ARIZONA REVISED STATUTES, AS AMENDED?

DISTRICT, YES

DISTRICT, NO

SHALL THE DISTRICT BOARD (THE "BOARD") OF PARKWAY COMMUNITY FACILITIES DISTRICT NO. 1 (THE "DISTRICT"), IF FORMED, BE AUTHORIZED TO ISSUE GENERAL OBLIGATION BONDS OF THE DISTRICT, IN THE DENOMINATION OF THE BONDS, THE SIZE OF EACH ISSUE AND THE FORM OF THE BONDS PRESCRIBED, AND HAVING THE MATURITIES (NOT EXCEEDING TWENTY-FIVE (25) YEARS), INTEREST PAYMENT DATES AND INTEREST RATES NOT EXCEEDING NINE AND ONE HALF PERCENT (9.5%) PER ANNUM, ESTABLISHED BY THE BOARD AND CONTAINING SUCH TERMS, CONDITIONS, COVENANTS AND AGREEMENTS AS THE BOARD DEEMS PROPER, IN THE MAXIMUM AMOUNT OF THREE MILLION FOUR HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$3,425,000) TO PROVIDE MONEYS (1) FOR PLANNING, DESIGN, ENGINEERING, CONSTRUCTION, ACQUISITION OR INSTALLATION OF ANY OR ALL OF THE FOLLOWING IMPROVEMENTS, INCLUDING NECESSARY OR INCIDENTAL WORK AND ALL NECESSARY OR DESIRABLE APPURTENANCES ("PUBLIC INFRASTRUCTURE"): (a) HIGHWAYS, STREETS, ROADWAYS AND PARKING FACILITIES INCLUDING ALL AREAS FOR VEHICULAR USE FOR TRAVEL, INGRESS AND EGRESS, (b) AREAS FOR PEDESTRIAN, EQUESTRIAN, BICYCLE OR OTHER NON-MOTOR VEHICLE USE FOR TRAVEL, INGRESS, EGRESS AND PARKING, (c) LANDSCAPING INCLUDING EARTHWORKS, STRUCTURES, PLANTS, TREES AND RELATED WATER DELIVERY SYSTEMS, (d) LIGHTING SYSTEMS AND (e) TRAFFIC CONTROL SYSTEMS AND DEVICES INCLUDING SIGNALS, CONTROLS, MARKINGS AND SIGNAGE; (2) ACQUIRING INTERESTS IN REAL PROPERTY FOR PUBLIC INFRASTRUCTURE; (3) ESTABLISHING, MAINTAINING AND REPLENISHING RESERVES FROM ANY SOURCE IN ORDER TO SECURE PAYMENT OF DEBT SERVICE ON BONDS; (4) FUNDING AND PAYING FROM BOND PROCEEDS INTEREST ACCRUING ON BONDS FOR A PERIOD OF NOT TO EXCEED THREE (3) YEARS FROM THEIR DATE OF ISSUANCE; AND (5) EXPENSES OF THE DISTRICT INCIDENT TO AND REASONABLY NECESSARY TO CARRY OUT THE PURPOSES SPECIFIED IN THIS PARAGRAPH, PAYABLE

FROM AN AD VALOREM TAX LEVIED AND COLLECTED ANNUALLY ON ALL TAXABLE PROPERTY IN THE DISTRICT, SUFFICIENT TO PAY DEBT SERVICE ON SUCH BONDS WHEN DUE, AS AUTHORIZED BY THE CONSTITUTION AND LAWS OF THE STATE OF ARIZONA, INCLUDING PARTICULARLY (BUT NOT BY WAY OF LIMITATION) TITLE 48, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, TOGETHER WITH ALL AMENDMENTS AND ADDITIONS THERETO?

BONDS, YES

BONDS, NO

SHALL THE DISTRICT BOARD OF PARKWAY COMMUNITY FACILITIES DISTRICT NO. 1 (THE "DISTRICT"), IF FORMED, BE AUTHORIZED TO LEVY AND COLLECT AN ANNUAL AD VALOREM TAX ON THE ASSESSED VALUE OF ALL REAL AND PERSONAL PROPERTY IN THE DISTRICT AT A RATE NOT TO EXCEED THIRTY CENTS (30¢) PER ONE HUNDRED DOLLARS (\$100) OF ASSESSED VALUATION OF ALL REAL AND PERSONAL PROPERTY IN THE DISTRICT, ALL ATTRIBUTABLE TO THE OPERATION AND MAINTENANCE EXPENSES OF THE DISTRICT, IN ACCORDANCE WITH THE CONSTITUTION AND LAWS OF THE STATE OF ARIZONA, INCLUDING PARTICULARLY (BUT NOT BY WAY OF LIMITATION) SECTION 48-723, ARIZONA REVISED STATUTES, AS AMENDED?

TAX, YES

TAX, NO

NOTICE TO VOTERS:

The voter shall indicate his or her vote by inserting the mark "X" in the square opposite the phrase which expresses his or her choice.



EXHIBIT "B"

FORM OF CERTIFICATE OF RESULTS

CERTIFICATE OF RESULTS OF SPECIAL ELECTION HELD
BY THE TOWN OF PRESCOTT VALLEY, ARIZONA ON
June 27, 2006

It is hereby certified by the Mayor and Common Council of the Town of Prescott Valley, Arizona (the "Town"), as follows:

1. That a special election was duly called and held in and for the proposed Parkway Community Facilities District No. 1 (the "District") to submit certain matters relating to the District to an election of the owners of land in the District who are qualified electors of the State of Arizona and other landowners according to Section 48-3043, Arizona Revised Statutes, as amended (hereinafter referred to as the "Election"), on June 27, 2006, under the provisions of Title 48, Chapter 4, Article 6, Arizona Revised Statutes, as amended, and a Resolution of the Mayor and Common Council of the Town, adopted on April 27, 2006, and there were submitted to the qualified electors for the Election the questions as shown on the attached form of ballot;

2. That the object of the Election was to obtain authority from such qualified electors or other landowners according to Section 48-3043, Arizona Revised Statutes, as amended, to form the District, to issue and sell general obligation bonds and to levy and collect an annual ad valorem property tax for operation and maintenance expenses described in attached form of ballot;

3. That proof of the due and regular publication and posting of the "Notice of the Election" has been made and filed with the District Board of the District;

4. That no person was registered to vote within fifty (50) days (or at any time) immediately preceding June 27, 2006, within the area comprising the District;

5. That as a result of no qualified electors residing within such area each and every landowner according to Section 48 3043, Arizona Revised Statutes, as amended, was qualified to vote at the Election;

6. That the poll and tally lists and the official returns of the election board that conducted the Election were filed with the Mayor and Common Council of the Town, and the Mayor and Common Council of the Town met and canvassed the returns of the Election, as prescribed by law and

7. That after careful and complete canvass of the official election returns, in answer to the Questions submitted to the



qualified electors for the Election, the majority of the votes cast in the Election were cast in favor of formation of the District, the issuance and sale of not to exceed \$3,425,000 principal amount of general obligation bonds of the District and the levy and collection of an annual ad valorem property tax for operation and maintenance purposes in an amount not to exceed \$0.30 per \$100 of secondary assessed valuation as described in the related Questions submitted at the Election as determined by the election board at the polling place in the Town, the Election had been conducted and the returns thereof made as required by law and the result of the Election are set forth in the following tabulation of the official election returns, to-wit:

<u>Formation, Yes</u>	<u>Formation, No</u>	<u>Total</u>
10	6	16
(13.6 acres)	(6.2 acres)	(19.8 acres)

<u>Bond, Yes</u>	<u>Bond, No</u>	<u>Total</u>
10	6	16
(13.6 acres)	(6.2 acres)	(19.8 acres)

<u>Taxes, Yes</u>	<u>Taxes, No</u>	<u>Total</u>
10	6	16
(13.6 acres)	(6.2 acres)	(19.8 acres)

IN WITNESS WHEREOF, we have hereunto set our hands on this 29th day of June, 2006.

MAYOR OF THE TOWN OF PRESCOTT
VALLEY, ARIZONA

Harvey C. King
Mayor



Diane Russell
Town Clerk

ATTACHMENT

[Repeat ballot]