

RESOLUTION NO. 1154

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, CANVASSING THE ELECTION HELD JANUARY 21, 2003, TO FORM THE RAVEN RIDGE COMMUNITY FACILITIES DISTRICT AND THEN ORDERING FORMATION OF THE RAVEN RIDGE COMMUNITY FACILITIES DISTRICT; PROVIDING FOR CERTAIN OTHER MATTERS; AND PROVIDING THAT THIS RESOLUTION SHALL BE EFFECTIVE AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

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. 1135 adopted thereafter with respect to Raven Ridge Community Facilities District (hereinafter referred to as the "District"); and

WHEREAS, the hearing called for by such Resolution was held on December 19, 2002, and Resolution No. 1148 adopted thereafter; and

WHEREAS, pursuant to A.R.S. § 48-705(B), 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 "Landowner Election") and a vote of the qualified electors who reside within the boundaries of the District (hereinafter referred to as the "Resident Election" and, collectively with the Landowner Election, as the "Election") was held on January 21, 2003;

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

1. Findings.

a. On November 21, 2002, we, the governing body of the Town of Prescott Valley, Arizona (hereinafter referred to as the "Municipality"), adopted a "Resolution Declaring Intention to Form Raven Ridge Community Facilities District" (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 December 19, 2002, 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 zero (0) 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. On December 19, 2002, we adopted a "Resolution Ordering, Subject to Approval at a Forthcoming Election, Formation of, and Ordering and Calling an Election to Form, Raven Ridge Community Facilities District" ordering and calling the Election on January 21, 2003.

d. 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 Question 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 95.6 votes or portions of votes, as provided by Section 48-705(B), Arizona Revised Statutes, as amended, were marked "Formation, Yes" and ballots representing 0 votes or portions of votes, as provided by Section 48-705(B), Arizona Revised Statutes, as amended, were marked "Formation, No" in the Landowner Election and in answer to the Question submitted, 44 ballots were marked "Formation, Yes" and 0 ballots were marked "Formation, No" in the Resident Election.

2. Declaration. Each of the Landowner Election and the Resident Election has been conducted and the returns thereof made as required by law and that only qualified electors were permitted to vote at the Landowner Election and the Resident 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 Landowner Election and a majority of the votes cast by the qualified electors voting at the Resident Election, each held on January 21, 2003, were cast "Formation, Yes" in response to the Ballot.

b. We shall certify the results of the Landowner Election and the Resident 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 January 21, 2003" in the form hereto attached and marked "Exhibit B".

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 Resolu-

tion 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.

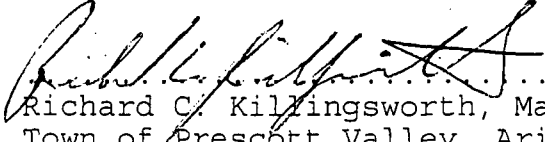
8. Amounts to be Paid to the Municipality by the District. In connection with the District financing on behalf of its residents certain fees to be paid to the Municipality for interconnecting with the sewage treatment system of the Municipality, expenditure of the amounts so paid by the District to the Municipality for costs of expanding such system shall be spent to pay costs of such expansion within three (3) years from the date of receipt of such amounts from the District.

9. 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 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.

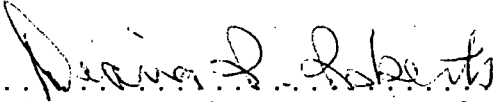
10. Effect of this Resolution. If any provision, section, sentence, clause or phrase of this Resolution is held by any reason to be invalid, such invalid portions shall not affect the validity of the remaining portion of this Resolution.

11. Effective Date. This Resolution shall be effective after its passage and approval according to law.

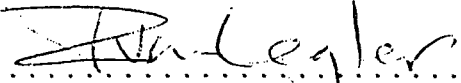
PASSED by the Mayor and Common Council of the Town of
Prescott Valley, Arizona, this 23rd day of January, 2003.


Richard C. Killingsworth, Mayor,
Town of Prescott Valley, Arizona

ATTEST:


Diana R. Roberts, 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"

OFFICIAL BALLOT
SPECIAL ELECTION
TOWN OF PRESCOTT VALLEY, ARIZONA
JANUARY 21, 2003

SHALL THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA, FORM A COMMUNITY FACILITIES DISTRICT TO BE KNOWN AS RAVEN RIDGE COMMUNITY FACILITIES DISTRICT TO BE FORMED OVER AND INCLUDING THE LAND DESCRIBED AS FOLLOWS:

All of Prescott County Club Unit Six, a subdivision of a portion of Section 29, T14N, R1E, G&SRB&M, Yavapai County, Arizona, as shown on that plat filed on December 18, 1972, in Book 17 of Maps and Plats, Pages 31 and 32, Records of Yavapai County, Arizona, except the following: Lots 100-107.

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

NOTICE TO VOTERS:

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

EXHIBIT "B"

CERTIFICATE OF RESULTS OF SPECIAL ELECTION HELD
BY THE TOWN OF PRESCOTT VALLEY, ARIZONA ON
JANUARY 21, 2003

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

1. That a special election was duly called and held in and for the proposed Raven Ridge Community Facilities District (the "District") to submit the formation of the District to (1) 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 "Landowner Election") and (2) an election of those who would be qualified resident electors in the District if the District is formed (the "Resident Election"), on January 21, 2003, 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 December 19, 2002, and there was submitted to the qualified electors for the Landowner Election and the Resident Election the question as shown on the attached form of ballot;

2. That the poll and tally lists and the official returns of the election board that conducted the Landowner Election and the Resident 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 Landowner Election and the Resident Election, as prescribed by law and

3. That after careful and complete canvass of the official election returns, in answer to the Question submitted to the qualified electors for the Landowner Election and the Resident Election, the majority of the votes cast in both the Landowner Election and the Resident Election were cast in favor of formation of the District as described in the Question submitted at the Landowner Election and the Resident Election as determined by the election board at the polling place in the City, the Landowner Election and the Resident Election had each been conducted and the returns thereof made as required by law and the result of the Landowner Election and the Resident 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>
Landowner Election	_____	_____	_____
Resident Election	_____	_____	_____

IN WITNESS WHEREOF, we have hereunto set our hands on
this, this ____ day of January, 2003.

MAYOR OF THE TOWN OF PRESCOTT
VALLEY, ARIZONA.

.....
Mayor

ATTEST:

.....
Town Clerk

ATTACHMENT

OFFICIAL BALLOT
SPECIAL ELECTION
TOWN OF PRESCOTT VALLEY, ARIZONA
JANUARY 21, 2000

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