

EMRCFD RES 2021-142

RESOLUTION OF THE BOARD OF DIRECTORS OF THE ESTRELLA MOUNTAIN RANCH COMMUNITY FACILITIES DISTRICT (CITY OF GOODYEAR, ARIZONA) ORDERING THE PUBLIC INFRASTRUCTURE PROJECT PERFORMED AS DESCRIBED IN EMRCFD RES 2021-141.

WHEREAS, on August 23, 2021, the Board of Directors (the “*Board*”) of the Estrella Mountain Ranch Community Facilities District (City of Goodyear, Arizona) (the “*District*”) passed and adopted EMRCFD RES 2021-141 (the “*Resolution of Intention*”), declaring its intention to acquire the Project (as such term and all other initially capitalized terms are defined in the Resolution of Intention), together with all appurtenances and adjuncts necessary; determining that the District’s assessment revenue bonds shall be issued to represent the costs and expenses thereof; declaring the Project to be of more than local or ordinary public benefit; declaring that the costs and expenses thereof shall be assessed upon the Assessment District; and providing that the Project shall be performed under the provisions of Title 48, Chapter 4, Article 6, Arizona Revised Statutes, and all amendments thereto; and

WHEREAS, the Waiver Agreement has been signed by all property owners in the Assessment District and any other persons having an interest in the property within the Assessment District, waiving, among other things, all requirements for notice and time for protests against the Project and objections to the extent of the Assessment District; and

WHEREAS, the Board has thereby acquired jurisdiction to order the acquisition and performance of the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE ESTRELLA MOUNTAIN RANCH COMMUNITY FACILITIES DISTRICT (CITY OF GOODYEAR, ARIZONA) as follows:

Section 1. Definitions. Terms defined in the Resolution of Intention shall have the same meanings herein as therein.

Section 2. Findings. In accordance with A.R.S. § 48-579, the Board hereby finds there are no protests against the Project and there are not objections to the extent of the Assessment District.

Section 3. Ordering the Performance of the Project. By virtue of the authority vested in Title 48, Chapter 4, Article 6, Arizona Revised Statutes, and all amendments thereto, the Board hereby orders the acquisition or performance of the Project as described in the Resolution of Intention. The District Engineer shall cause to be prepared, if and where necessary, final Plans and contract documents for the Project. The acquisition of any portion of the Project may be performed upon the sale and delivery of the Bonds in an amount sufficient to pay the costs of acquisition.

Section 4. **Assessment and Collection.** The District Engineer and Superintendent of Streets are hereby authorized and directed to prepare and record an assessment against the real property contained within the Assessment District. The assessment shall be allocated among the parcels and lots within the Assessment District as shown on the Assessment Diagram, in the manner established by the Assessment District Engineer. The treasurer of the District is hereby directed to make demand on the owners of the real property assessed for payment of the amount assessed, and with respect to any assessments that bonds are issued against, bill and collect each installment payment then due and owing.

(Signatures on following page)

PASSES, ADOPTED AND APPROVED by the Board of Directors of the Estrella Mountain Ranch Community Facilities District (City of Goodyear, Arizona) on August 23, 2021, with a vote of _____.

District Chair

ATTEST:

District Clerk

Approved:

District Attorney