

## **RESOLUTION EMCFD 2018-03**

A RESOLUTION OF THE BOARD OF THE EAGLE MOUNTAIN COMMUNITY FACILITIES DISTRICT, MARICOPA COUNTY, ARIZONA, LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE DISTRICT SUBJECT TO AD VALOREM TAXATION A CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNTS ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET, SPECIFICALLY FOR THE PURPOSE OF PAYING PRINCIPAL AND INTEREST UPON BONDED INDEBTEDNESS; ALL FOR FISCAL YEAR BEGINNING JULY 1, 2018, AND ENDING ON JUNE 30, 2019.

**WHEREAS**, in accordance with ARIZ. REV. STAT. § 48-716 and following published notice, public hearings were conducted on May 1, 2018, and June 5, 2018, at which hearings any taxpayer was permitted to appear and be heard regarding the 2018-19 annual budget for the Eagle Mountain Community Facilities District, Maricopa County, Arizona (the "District");

**WHEREAS**, on June 5, 2018 the District Board adopted Resolution EMCFD 2018-02, approving the District's annual budget; and

**WHEREAS**, in accordance with ARIZ. REV. STAT. § 48-723, the District Board desires to levy such amounts as necessary for the District's 2018-19 annual budget.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE DISTRICT**, as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. There is hereby levied on each one hundred dollars (\$100.00) of the assessed value of all taxable property, both real and personal, within the corporate limits of the District and not exempt from taxation, an ad valorem property tax rate of \$1.3724, or such other rate as determined by the Maricopa County Treasurer, to be sufficient to raise the aggregate amount of \$410,026, for the purpose of paying principal and interest on bonded indebtedness for the District for the fiscal year beginning July 1, 2018 and ending June 30, 2019.

SECTION 3. Failure by the officials of Maricopa County, Arizona, to properly return the delinquent list, any irregularity in the assessments or omissions in the same, or any irregularity in any proceedings shall not invalidate such proceedings or invalidate any title conveyed by any tax or foreclosure deed; failure or neglect of any officer or officers to timely perform any of the duties assigned to him or to them, shall not invalidate any proceedings or any deed or sale pursuant thereto, the validity of the assessment and levy of taxes or of the judgment or sale by which the collection of the same may be enforced or in any manner affect the lien of the District upon such property for the delinquent taxes unpaid thereon, and no overcharge as to part of the taxes or of costs shall invalidate any proceedings for collecting of taxes or the foreclosure, and all acts of officers de facto shall be valid as if performed by officers de jure.

SECTION 4. All resolutions and parts of resolutions in conflict with this Resolution are hereby repealed.

SECTION 5. The District Clerk is hereby authorized and directed to transmit a certified copy of this Resolution to the Maricopa County Board of Supervisors and to the Arizona Department of Revenue.

SECTION 6. If any provision of this Resolution is for any reason held by any court of competent jurisdiction to be unenforceable, such provision of portion hereof shall be deemed separate, distinct, and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Resolution.

SECTION 7. The District Chairperson, the District Clerk, and the District Counsel are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

**PASSED AND ADOPTED** by the Board of Directors of the Eagle Mountain Community Facilities District, Maricopa County, Arizona, June 19, 2018.

  
Linda M. Kavanagh, District Chairperson

ATTEST:

  
Bevelyn J. Bender, District Clerk

APPROVED AS TO FORM:

  
Mitesh V. Patel, Interim District Counsel  
Dickinson Wright PLLC

**CERTIFICATION**

I, Bevelyn J. Bender, the duly appointed Clerk of the Eagle Mountain Community Facilities District, do hereby certify that the above and foregoing Resolution No. 2018-03 was duly passed by the Chairperson and District Board of the Eagle Mountain Community Facilities District, at a regular meeting held on June 19, 2018, and the roll call of the vote thereon was 6 Ayes, 0 Nays, and that the Chairperson and 5 board members were present thereat.



Bevelyn J. Bender, District Clerk  
Eagle Mountain Community Facilities District