

**CFD RESOLUTION NO. 4-2021**

A RESOLUTION OF THE DISTRICT BOARD OF THE ALAMAR COMMUNITY FACILITIES DISTRICT RECONCILING THE COMPOSITION OF BOARD OF DIRECTORS BY PERMANENTLY REMOVING FROM SUCH BOARD THE TWO ADDITIONAL APPOINTED MEMBERS AND THEIR POSITIONS ON SUCH BOARD.

**WHEREAS**, On May 21, 2018, the Mayor and Council of the City of Avondale, Arizona (hereinafter called the “Municipality”), adopted Resolution No. 3453-310 which, among other things, ordered and declared formation of Alamar Community Facilities District (hereinafter called the “District”); and

**WHEREAS**, the District is a special purpose district for purposes of Article IX, Section 19, Constitution of Arizona, a tax levying public improvement district for the purposes of Article XIII, Section 7, Constitution of Arizona, and a municipal corporation for all purposes of Title 35, Chapter 3, Articles 3, 3.1, 3.2, 4 and 5, Arizona Revised Statutes and, except as otherwise provided in Ariz. Rev. Stat. §48-708(B), is considered to be a municipal corporation and political subdivision of the State of Arizona, separate and apart from the Municipality; and

**WHEREAS**, certain matters relating to the organization of the District were determined by the District by Resolution No. 1-2018 adopted by the Board of Directors of the District (hereinafter referred to as the “District Board”) on October 15, 2018; and

**WHEREAS**, pursuant to Ariz. Rev. Stat. §48-729, at any time after receipt of a petition signed by the owners of a majority of the privately owned real property within the boundaries of a district as measured by square footage or acreage, the board of directors of such district may adopt a resolution to reconcile the board composition by permanently removing from such board the two additional appointed members and their positions, and on removal of the two additional members and their positions, such district will be governed by a board that consists of the governing body of the municipality, *ex officio*; and

**WHEREAS**, there has been placed on file with the District Clerk of the District and attached hereto as Exhibit A and incorporated herein by reference, the petition to accomplish the foregoing with respect to the District signed by the owner of the majority of the privately owned real property within the District (hereinafter referred to as the “Petition”).

**NOW, THEREFORE, BE IT RESOLVED BY THE DISTRICT BOARD OF THE ALAMAR COMMUNITY FACILITIES DISTRICT** as follows:

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

**SECTION 2.** Based on the Petition, the composition of the District Board is reconciled by permanently removing from the District Board the two additional appointed members and their positions on the District Board, and the District is hereby to be governed by the District Board that consists of the governing body of the Municipality, ex officio.

**SECTION 3.** If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

**SECTION 4.** All resolutions or parts thereof inconsistent herewith are hereby waived to the extent only of such inconsistency.

**SECTION 5.** This Resolution shall be effectively immediately.

**SECTION 6.** The District Board Chairman, the District Manager, the District Clerk and the District Attorney 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 District Board of the Alamar (formerly Lakin) Community Facilities District on June 7, 2021.

  
Kenn Weise (Jun 15, 2021 09:36 PDT)

Kenneth N. Weise, Chairman District Board  
Alamar Community Facilities District

ATTEST:



\_\_\_\_\_  
Marcella Carrillo, District Clerk  
Alamar Community Facilities District

APPROVED AS TO FORM:

  
Nicholle Harris (Jun 15, 2021 07:15 PDT)

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Nicholle Harris, District Attorney  
Alamar Community Facilities District

EXHIBIT A  
TO  
CFD RESOLUTION NO. 4-2021

[Petition]

See following pages.

PETITION FOR ADOPTION OF A RESOLUTION BY THE BOARD OF DIRECTORS OF ALAMAR COMMUNITY FACILITIES DISTRICT TO RECONCILE THE COMPOSITION OF SUCH BOARD BY PERMANENTLY REMOVING FROM SUCH BOARD THE TWO ADDITIONAL APPOINTED MEMBERS AND THEIR POSITIONS ON SUCH BOARD

STATE OF ARIZONA        )  
COUNTY OF MARICOPA    ) ss.  
CITY OF AVONDALE        )

WHEREFORE, on May 21, 2018, the Mayor and Council of the City of Avondale, Arizona (hereinafter referred to as the "Municipality"), adopted Resolution No. 3453-310 forming what is now known as Alamar Community Facilities District (hereinafter referred to as the "District") over the parcel of real property described in the Exhibit hereto pursuant to the terms and provisions of Title 48, Chapter 4, Article 6, Arizona Revised Statutes (hereinafter referred to as the "Act"), as such terms and provisions are modified, waived or restricted pursuant to agreements entered into in connection therewith;

WHEREFORE, pursuant to such Resolution, it was provided that the District would be governed by a board of directors of the District that consists of the members of a governing body of the Municipality, *ex officio*, with Ron Antoniak and Kevin Kugler as additional members who were designated by the owners of land who signed the petition requesting formation of the District (hereinafter referred to as the "Board");

WHEREFORE, the undersigned[s] attest[s] and declare[s] that on the date hereof, as shown on the assessment roll for State and county taxes in Maricopa County, Arizona, a majority of the privately owned real property in the District is owned by the undersigned[s] or, if a person listed on such assessment roll is no longer the owner of land in the District, that the name of the successor owner has become known and has been verified by recorded deed or other similar evidence of transfer of ownership to be Petitioner (hereinafter referred to as[, collectively,] "Petitioner");

Petitioner, acting pursuant to the provisions of the Act, respectfully prays that this Petition be properly filed as provided by law; that the Board adopt a resolution (hereinafter referred to as the "Resolution") to reconcile the composition of the Board by permanently removing from the Board the two additional appointed members of the Board and their positions on the Board and that such other orders, acts, procedures and relief as are proper, necessary and appropriate to the purposes of the Resolution be granted as the Board shall deem proper and necessary.

