

**RESOLUTION NO. 2011-21**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE TOWN OF FOUNTAIN HILLS, SUBJECT TO TAXATION A CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET TO PROVIDE FUNDS FOR BOND REDEMPTIONS, FOR THE PURPOSE OF PAYING INTEREST UPON BONDED INDEBTEDNESS; ALL FOR THE FISCAL YEAR ENDING THE 30TH DAY OF JUNE, 2012.

**WHEREAS**, the Mayor and Town Council of the Town of Fountain Hills (the "Town Council") is required by ARIZ. REV. STAT §§ 42-17151 and 42-17253 to adopt an annual tax levy based upon the rate to be assessed per each one hundred dollars (\$100.00) of valuation of real and personal property within the Town; and

**WHEREAS**, by the provisions of State law, a resolution levying the property taxes for fiscal year 2011-12 is required to be finally adopted on or before the third Monday in August and not less than 14 days after a hearing on the tax levy is held; and

**WHEREAS**, the Town Council held a public hearing on the tax levy and adopted the Town's annual budget on June 16, 2011; and

**WHEREAS**, the County of Maricopa is assessing and collecting authority for the Town of Fountain Hills.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS**, as follows:

**SECTION 1.** The foregoing recitals are incorporated as if fully set forth herein.

**SECTION 2.** There is hereby levied on each one hundred dollars (\$100.00) of assessed valuation of all property, both real and personal, within the corporate limits of the Town of Fountain Hills, except such property as may be by law exempt from taxation, a secondary property tax rate of \$0.2230, or such other rate as determined by the Treasurer to be sufficient to raise the sum of \$1,020,100, for the purpose of providing a bond interest and redemption fund for General Obligation Bond debt service for the fiscal year ending June 30, 2012.

**SECTION 3.** Failure by the county officials of Maricopa County, Arizona, to properly return the delinquent list, any irregularity in 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 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 or levy of taxes or of the judgment of sale by which the collection of the same may be enforced shall not affect the lien of the Town of Fountain Hills 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 the collection of taxes or the foreclosure; and all acts of officers de facto shall be valid as if performed by officers de jure.

SECTION 4. The Town Clerk is hereby directed to transmit a certified copy of this Resolution to the County Assessor and the Board of Supervisors of the County of Maricopa, Arizona.

SECTION 5. 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.

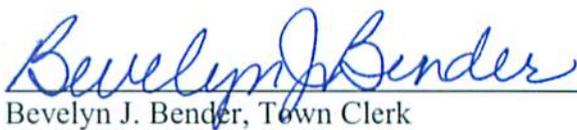
SECTION 6. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Fountain Hills, August 4, 2011.

**FOR THE TOWN OF FOUNTAIN HILLS:**

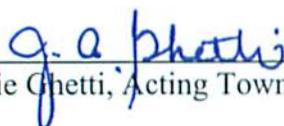
**ATTESTED TO:**

  
\_\_\_\_\_  
Jay T. Schlum, Mayor

  
\_\_\_\_\_  
Bevelyn J. Bender, Town Clerk

**REVIEWED BY:**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Julie Ghetti, Acting Town Manager

  
\_\_\_\_\_  
Andrew J. McGuire, Town Attorney