

Town of Carefree

RESOLUTION 2021-14

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA ("TOWN") AUTHORIZING THE MAYOR TO EXECUTE ADDENDUM NO. 3 TO THE ADVANCE IN AID OF CONSTRUCTION WATER FACILITIES AGREEMENT DATED JUNE 7, 2006, WITH THE TOWN OF CAREFREE, ARIZONA UTILITIES COMMUNITY FACILITIES DISTRICT ("DISTRICT") AND THE CAREFREE WATER COMPANY, INC. ("COMPANY").

WHEREAS, on June 7, 2006, the Town and the District entered into an Advance In Aid of Construction Water Facilities Agreement ("Agreement") which was accepted and approved by the Company; and

WHEREAS, Exhibit "B" of the Agreement establishes a schedule of repayment by the District and Company for certain public infrastructure improvements provided by the Town; and

WHEREAS, Exhibit "B" was subsequently modified twice by agreement among the Town, District, and Company; and

WHEREAS, the District and Company in good faith began making payments in accordance with latest version of Exhibit "B" in FY 18-19 and are current with payments through the end of FY 20-21; and

WHEREAS, the District and Company will be incurring significant additional bonding debt which shall enter into repayment status in calendar year 2023 for the Carefree Water Consolidation Project; and

WHEREAS, the District and Company have requested a restructuring of the payments detailed in Exhibit "B" in order to meet the required new bond debt coverage in the early years of the new bond repayment.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA AS FOLLOWS:

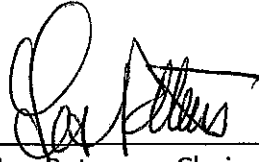
Section 1. The Mayor is hereby authorized to execute Addendum No. 3 to the Agreement, a copy of the Addendum being attached to this Resolution; and

Section 2. The previous addenda to the Agreement dated July 7, 2011, and June 7, 2012, shall henceforth be known as Addendum No. 1 and Addendum No. 2, respectively; and

Section 3. All resolutions and parts of resolutions in conflict with this Resolution are hereby repealed; and

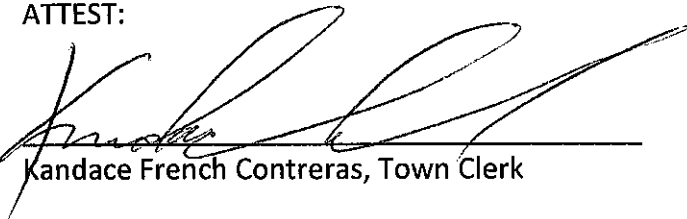
Section 4. This Resolution is effective immediately.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Carefree, Arizona this 3rd day of August, 2021.



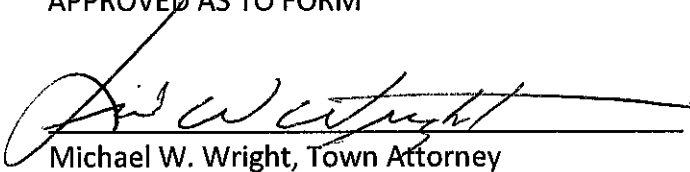
Les Peterson, Chairman - Mayor

ATTEST:



Kandace French Contreras, Town Clerk

APPROVED AS TO FORM



Michael W. Wright, Town Attorney

CERTIFICATE

I hereby certify that the above and foregoing resolution was duly passed by the Council of the Town of Carefree, Arizona at a regular meeting held on August 3, 2021, and that a quorum was present thereat and that the vote thereon was 6 ayes and 0 nays; 0 did not vote or were absent.



Kandace French Contreras, District Clerk

ATTACHMENTS:

Addendum No. 3 to the Advance in Aid of Construction Water Facilities Agreement

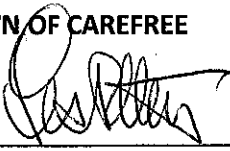
ADDENDUM NO. 3
to the
Advance in Aid of Construction
Water Facilities Agreement
Originally Dated June 7, 2006

The Town of Carefree ("Town"), the Town of Carefree, Arizona Utilities Community Facilities District ("District"), and the Carefree Water Company, Inc. ("Utility") hereby amend the Advance in Aid of Construction Water Facilities Agreement, originally dated June 7, 2006, as follows:

The attached Exhibit "B" Rev. 3 shall replace and supersede in its entirety Exhibit "B" – Schedule Lease Payments to Advance in Aid of Construction Water Facilities Agreement, originally dated June 7, 2006.

Dated: August 3, 2021

TOWN OF CAREFREE

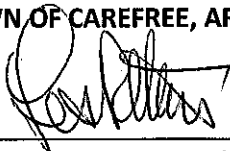
By: 

Les Peterson, Mayor

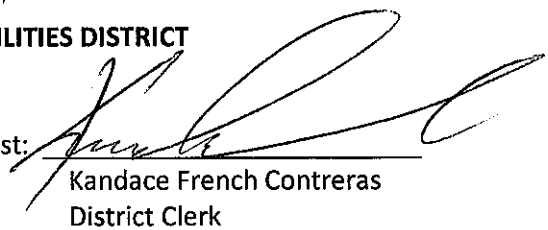
Attest: 

Kandace French Contreras
Town Clerk

TOWN OF CAREFREE, ARIZONA UTILITIES COMMUNITY FACILITIES DISTRICT

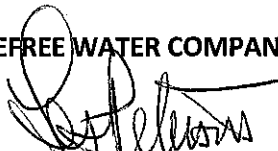
By: 

Les Peterson, Chairman

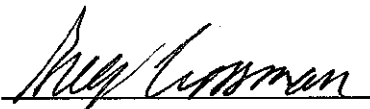
Attest: 

Kandace French Contreras
District Clerk

CAREFREE WATER COMPANY, INC.

By: 

Les Peterson, Chairman

Attest: 

Greg Crossman
General Manager

**EXHIBIT "B" – REV. 3
SCHEDULE LEASE PAYMENTS
TO
ADVANCE IN AID OF CONSTRUCTION
WATER FACILITIES AGREEMENT**

Original Exhibit "B" Repayment Amount: \$2,303,124.81 Dated: June 7, 2006

Exhibit "B" – Rev. 1 Repayment Amount: \$3,020,217.21 Dated: July 12, 2011

Exhibit "B" – Rev. 2 Repayment Amount: \$3,217,354.08 Dated: June 7, 2012

Exhibit "B" – Rev. 3 Repayment Amount: \$3,217,354.08 Dated: August 3, 2021

NEW REPAYMENT SCHEDULE

Pay by Date	Payment Amount	Balance After Payment	Payment Status
Beg. Balance		\$3,217,354.08	
12/31/2018	\$207,170.81	\$3,010,183.27	Paid
06/30/2019	\$207,170.00	\$2,803,013.27	Paid
12/31/2019	\$207,170.00	\$2,595,843.27	Paid
06/30/2020	\$207,170.00	\$2,388,673.27	Paid
12/31/2020	\$207,170.00	\$2,181,503.27	Paid
06/30/2021	\$207,170.00	\$1,974,333.27	Paid
12/31/2021	\$207,170.00	\$1,767,163.27	Pending
06/30/2022	\$207,170.00	\$1,559,993.27	Pending
12/31/2022	\$207,170.00	\$1,352,823.27	Pending
06/30/2023	\$207,170.00	\$1,145,653.27	Pending
12/31/2023	\$10,000.00	\$1,135,653.27	Pending
06/30/2024	\$10,000.00	\$1,125,653.27	Pending
12/31/2024	\$50,000.00	\$1,075,653.27	Pending
06/30/2025	\$50,000.00	\$1,025,653.27	Pending
12/31/2025	\$100,000.00	\$ 925,653.27	Pending
06/30/2026	\$100,000.00	\$ 825,653.27	Pending
12/31/2026	\$100,000.00	\$ 725,653.27	Pending
06/30/2027	\$100,000.00	\$ 625,653.27	Pending
12/31/2027	\$207,170.00	\$ 418,483.27	Pending
06/30/2028	\$207,170.00	\$ 211,313.27	Pending
12/31/2028	\$211,313.27	\$ 0	Pending