

RESOLUTION NO. 2011-12

A RESOLUTION APPOINTING DAVE SEAL, ALAN HARRISON, AND GARY CANADA, JR. AS SUCCESSOR COMMISSIONERS FOR ELKINS MUNICIPAL PROPERTY OWNERS' IMPROVEMENT DISTRICT NO. 2- OAKLEAF MANOR SUBDIVISION INFRASTRUCTURE PROJECT

WHEREAS, Elkins Municipal Property Owners' Improvement District No. 2- Oakleaf Manor Subdivision Infrastructure Project (the "District") was established upon petition of the all the property owners in the District by Ordinance No. 11-06-2008B passed and approved by the Elkins City Council on November 6, 2008; and,

WHEREAS, pursuant to statute, said Ordinance appointed as commissioners of the District the three individuals named in the petition to establish the District; and,

WHEREAS, all three Commissioners of the District have resigned; and,

WHEREAS, Ark. Code Ann. Sec. 14-94-107(a)(2)(A) provides that in case of a vacancy on the board of commissioners after all improvements in the district have been completed, the governing body of the municipality shall select the successor who shall be a creditor of the district or a property owner in the district; and,

WHEREAS, all the improvements in the District have been completed; and,

WHEREAS, Ark. Code Ann. Sec. 14-94-105(a)(2)(B) provides that in the event a property owner or creditor is a corporation or other legal entity, any officer, director, employee, or other designated representative of the entity may be named and appointed as a commissioner; and

WHEREAS, District Counsel James N. McCord has advised the Elkins City Council that banks which own bonds sold by the District, and are therefore creditors of the District, have designated Dave Seal, Alan Harrison and Gary Canada, Jr., who are officers or directors of said banks, to be named and appointed as successor commissioners for the District; and,

WHEREAS, District Counsel James N. McCord has advised the Elkins City Council that Dave Seal, Alan Harrison and Gary Canada, Jr. have agreed to serve as successor commissioners for the District.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELKINS, ARKANSAS:

Section 1. That Dave Seal, Alan Harrison and Gary Canada, Jr. are hereby appointed as commissioners for Elkins Municipal Property Owners' Improvement District No.3 – Oakleaf Manor Subdivision Project..

PASSED AND APPROVED the 19th of May, 2011.

APPROVED: 
MAYOR

ATTEST: 
CITY CLERK