

RESOLUTION NO. 658

A RESOLUTION ESTABLISHING THE NORTHWESTERN SPECIAL SERVICE DISTRICT, DEFINING THE SERVICES TO BE PROVIDED, AUTHORIZING CONSTRUCTION OF FACILITIES AND METHOD OF FINANCING AS SET FORTH IN THE NOTICE OF INTENTION TO CREATE THE DISTRICT.

RECITALS:

WHEREAS, the County Legislative Body of Washington County, Utah is the Board of County Commissioners;

NOW, THEREFORE, BE IT RESOLVED by the Washington County Commission:

Section 1. The public health, convenience and necessity require the construction or acquisition of facilities and equipment identified and described in the Notice of Intention concerning the establishment of the Northwestern Special Service Commission.

Section 2. The Commission has considered each and every protest filed and had heard each and every person who wished to be heard in protest against the creation of the District or the construction or acquisition of any of the improvements therein or on any other matter pertinent to said Special Service District.

Section 3. The services, improvements, and method of financing proposed and described in the Notice of Intention to create the Northwestern Special Service District of Washington County, Utah, are hereby authorized, and Northwestern Special Service District is hereby created for the purposes of providing fire protection facilities and services within the boundaries of said Special Service District.

Section 4. The territory to be included within the boundaries of the Special Service District, located entirely within Washington County, Utah shall be as follows:

Township 37 South, Range 15 West, Salt Lake Base and Meridian, all of Sections 27 and 34, less and excepting any State or Federal land in these sections.

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FOR: WASHINGTON COUNTY

Township 38 South, Range 15 West, Salt Lake Base and Meridian, all of Section 2, less and excepting any State or Federal land in this section.

Township 37 South, Range 16 West, Salt Lake Base and Meridian, all of Sections 26, 34, and 35, less and excepting any State or Federal land in these sections.

Township 38 South, Range 16 West, Salt Lake Base and Meridian, all of Sections 2, 3, 10, 11, 14, 15, 16, 21 and 22, less and excepting any State or Federal land in these sections.

Township 39 South, Range 16 West, Salt Lake Base and Meridian, all of Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, and 33, less and excepting any State or Federal land in these sections.

Township 40 South, Range 16 West, Salt Lake Base and Meridian, all of Sections 5, 6, 7, the NW 1/4 of the NW 1/4 of Section 8 and Section 18 lying North of Sand Cove Road, W 1/2 Section 19 and the W 1/2 Section 30, less and excepting any State or Federal land in these sections.

Township 39 South, Range 17 West, Salt Lake Base and Meridian, all of Sections 25, 26, 35, 36, less and excepting any State or Federal land in these sections.

Township 40 South, Range 17 West, Salt Lake Base and Meridian, all of Sections 1, 2, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 33, and 36, less and excepting any State or Federal land in these sections.

Section 5(a). The affairs of the Northwestern Special Service District shall be governed by an Administrative Control Board, consisting of five (5) members, each of whom shall be elected by the qualified electors of the Special Service District at the next municipal election scheduled to be held within Washington County, Utah, in November of 1999 in accordance with Title 17A, Chapter 1, Part 3, Utah Code Annotated, and each of whom shall be a qualified elector of the Special Service District.

Section 5(b). The affairs of the Northwestern Special Service District shall initially be governed by an Administrative Control Board until the election referred to in 5(a) above, consisting

of five (5) members, appointed by the Board of Commissioners of Washington County, Utah, from among qualified electors of the Special Service District, pursuant to 17A-1-301 et seq. Utah Code Ann. In selecting members of the Administrative Control Board the Board of Commissioners shall endeavor to select members representing the various communities within the District. No applicant for the position of member of the Administrative Control Board shall be disqualified as a result of his or her appointment or election as a member of an Administrative Control Board providing other services to all or part of a special service district located wholly or partially within Northwestern Special Service District.

Section 6(a). Said Administrative Control Board shall, upon election, act as the governing authority of the district, and shall exercise all powers provided for in Sections 17A-2-1314, 17A-2-1316, 17A-2-1320, and 17A-2-1321 Utah Code Annotated.

Section 6(b). Said Administrative Control Board shall, upon appointment, act as the governing authority of the Special Service District, and shall exercise all powers provided for in Sections 17A-2-1314, 17A-2-1316, 17A-2-1320, and 17A-2-1321 Utah Code Ann.

Section 7. In the event a municipal corporation is incorporated and includes lands, wholly or partially within the boundaries of the Special Service District, the municipality may elect to provide the facilities and services then provided by the District. Upon written request from the municipality to the Administrative Control Board and County Commission requesting that the lands within its boundaries be excluded from the District and making provision for any outstanding debt secured by lands within the municipal corporation pursuant to 17A-2-1328, the Administrative Control Board and County Commission shall change the boundaries of the Special Service District by removing the lands within the municipality from the Special Service District.

Section 8. To the extent that assessments from the various communities comprising District can be identified and tracked, the Administrative Control Board shall, to the extent reasonably possible, allocate those funds originating in the various communities for training, operation and maintenance and the acquisition of equipment and facilities for use in the communities generating the assessments. The general intent of this provision is that to the extent reasonably possible, assessments generated in one community should be used for activities, equipment and facilities in that community. This shall not restrict the Board's judgment, but shall act as an overall guideline for planning expenditures.

Section 9. In general, undeveloped parcels of land shall not be charged service fees at the same rate as developed parcels. As a general rule undeveloped lands, should in general, bear a proportionate share of the expenses as the ratio of that assessed value of the property bears to the total assessed valuation of the Special Service District.

Section 10. This resolution shall take effect at least fifteen (15) days after its passage and after one publication in The Daily Spectrum, a newspaper having general circulation in Washington County, Utah.

Motion to adopt the foregoing Resolution was made by Commissioner Gardner and seconded by Commissioner Lewis. The Resolution was thereupon put to a vote and unanimously adopted on the following recorded vote:


Commissioners:


Gayle M. Aldred
Jerry B. Lewis
Alan Gardner

Vote:

aye
aye
aye

APPROVED AND ADOPTED this 15th day of September, 1997.


Gayle M. Aldred, Chairman,
Board of Washington County
Commissioners

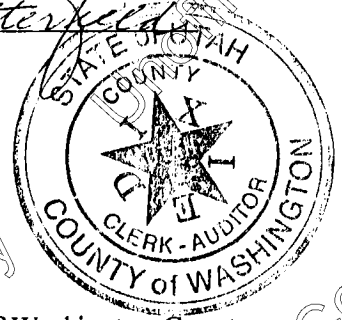

Calvin R. Robison
County Clerk

STATE OF UTAH)
) ss.
COUNTY OF WASHINGTON)

I, Carolyn Sutterfield, the duly qualified and acting Deputy Clerk of Washington County, Utah, do hereby certify that the foregoing constitutes a true and correct copy of excerpts from the minutes of a meeting of a duly qualified and acting members of the Board of County Commissioners of Washington County, Utah, held on the 15th day of September, 1997, including a resolution adopted at said meeting, as said minutes and Resolution are of record in my official possession.

IN WITNESS WHEREOF, I have this 15th day of September, 1997, subscribed my official signature and impressed hereon the official seal of Washington County.


Carolyn Sutterfield
Deputy County Clerk



STATE OF UTAH)
) ss.
COUNTY OF WASHINGTON)

I, Carolyn Sutterfield, the duly qualified and acting Deputy Clerk of Washington County, Utah, do hereby certify that on the 11th day of September, 1997, pursuant to the Utah Code Annotated, §52-4-6(1953), as amended, I personally posted (at least 24 hours prior to the meeting time) at the regular meeting place of the Board of county Commissioners of Washington County, Utah, written notice of the regular meeting of the Board of County Commissioners held on the 15th day of September, 1997, at said meeting place. I further certify that there was delivered to the Daily Spectrum, at least 24 hours prior to said meeting, a copy of said Notice of Regular Meeting. A

correct copy of the Notice is attached hereto.

IN WITNESS WHEREOF, I have this 15th day of September, 1997, subscribed my official signature and impressed hereon the official seal of Washington County.

Carolyn Sutterfield
Carolyn Sutterfield
Deputy County Clerk

