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 GARY W. OTT  
 RECORDER, SALT LAKE COUNTY, UTAH  
 KEARNS IMPROVEMENT DISTRICT  
 PO BOX 18608  
 KEARNS UT 84118  
 BY: ZJM, DEPUTY - WI 9 P.

**JOINT RESOLUTION  
 OF THE  
 KEARNS IMPROVEMENT DISTRICT  
 (Resolution 07-8-1)  
 AND OF WEST JORDAN CITY  
 (Resolution 07-124 )  
 APPROVING AN ADJUSTMENT OF THE DISTRICT'S BOUNDARY  
 TO INCLUDE A PORTION OF THE CITY**

WHEREAS, the Kearns Improvement District (the "District") owns and operates a water distribution system and a sewage collection system that serve a portion of west central Salt Lake County, Utah, including a relatively small part of West Jordan;

WHEREAS, West Jordan City (the "City") owns and operates a water distribution system and a sewage collection system that serve most parts of the City;

WHEREAS, the Jordan School District has declared an intention to construct an elementary school on the south side of 7000 South Street at approximately 6000 West in West Jordan;

WHEREAS, development in the City has not extended water or sewer service to the proposed location of the elementary school, and may not extend one or both of those services to that area for a number of years;

WHEREAS, across the street to the north of the proposed elementary school site, the Bluffs Subdivision is part of the District and is served by the District;

WHEREAS, the Jordan School District has declared an immediate need for construction of the proposed elementary school;

WHEREAS, the Jordan School District, the only property owner in the affected area, has requested that the affected area be annexed into and receive culinary water and sanitary sewer service from the District;

WHEREAS, the City desires the District to provide culinary water and sanitary sewer services to the proposed elementary school site, and the District is willing to do so;

WHEREAS, the District generally requires that property that is to receive services provided by the District, conditioned upon the payment of impact fees, service fees, and other fees and charges assessed by the District and in accordance with the District's rules and regulations, first be annexed into the District;

WHEREAS, the District and the City are sometimes referred to in this Joint Resolution as the "Entities";

WHEREAS, Utah Code Ann. § § 17B-1-503 and 17B-1-417 (formerly Sections 17B-2-602 and 17B-2-516) provide a procedure whereby the boundaries of the District may be adjusted to include part of the City;

WHEREAS, the area within the City proposed for inclusion within the District is capable of being served by the District and would benefit from that service;

WHEREAS, a Joint Resolution of the Kearns Improvement District ("Resolution 07-5-3) and the City (Resolution 07-78) declaring an intent to adjust the District's boundary was adopted by the District Board of Trustees and by the City Council;

WHEREAS, the Board of Trustees of the District has held a public hearing on the proposed adjustment of the District's boundary within the City after having provided public notice as required by law;

WHEREAS, the West Jordan City Council has held a public hearing on the proposed adjustment of the District's boundary within the City after having provided public notice as required by law;

WHEREAS, no protests to the boundary adjustment have been filed by owners of private land within the affected area or by registered voters residing within the affected area;

WHEREAS, all statutory requirements preparatory to the adoption of this Joint Resolution have been satisfied; and

WHEREAS, the District Board of Trustees, after having considered any comments made at the District public hearing and the reasons for the proposed boundary adjustment, and the West Jordan City Council, after having considered any comments made at the City public hearing and the reasons for the proposed boundary adjustment, deem it to be in the best interests of the respective Entities and their residents and customers, and the owner of the affected area, to adjust the boundary of the District to include a portion of the City as reflected in attached Attachments "A" and "B" in accordance with this Resolution.

NOW, THEREFORE, BE IT RESOLVED and enacted by the Kearns Improvement District Board of Trustees and by the West Jordan City Council as follows:

1. That this Resolution is adopted by each legislative body for the purpose of fulfilling and complying with the requirements of Utah Code Ann. § § 17B-1-503 and 17B-1-417 relating to adjusting the boundary of the District to include a portion of the City.
2. That the Board of Trustees of the District has determined and hereby does determine the proposed District boundary adjustment to be equitable and necessary under the circumstances.
3. That the West Jordan City Council has determined and hereby does determine the proposed District boundary adjustment to be equitable and necessary under the circumstances.
4. That the proposed boundary adjustment, which will include the "affected area" as part of the District, as described in attached Attachment "A" and as depicted in attached Attachment "B" which are incorporated by reference as part of this Joint Resolution, is hereby approved with the boundary adjustment to be effective upon the Lieutenant Governor's issuance of a certificate of boundary change under Utah Code Ann. § § 17B-1-417(7) and 67-1a-6.5. In the event of a conflict between Attachment "A" and Attachment "B", Attachment "A" shall control.

5. That, from and after the effective date of this boundary adjustment, the affected area shall be annexed to and be part of the District.

6. That, from and after the effective date of the boundary adjustment, the affected area shall be an integral part of the District. All properties within and users of services provided by the District, as modified by this boundary adjustment, shall be subject to the payment of service and user fees and such other applicable fees and charges as may lawfully be assessed from time to time by the District and shall be subject to all rules, regulations, powers and authority of the District and of the District Board of Trustees as provided by law or otherwise.

7. That the Chairman of the District Board of Trustees, acting for the Board, shall be and hereby is authorized and instructed to issue a written notice of the boundary adjustment for delivery to the Lieutenant Governor, including a certification by the District Board of Trustees that all requirements for the boundary adjustment have been complied with.

8. That the General Manager of the District be and is instructed, within thirty days after the adoption of this Joint Resolution by the later of the legislative bodies to adopt the Resolution, to file the written notice of boundary adjustment with the Lieutenant Governor of the State of Utah accompanied by a copy of this Joint Resolution and an accurate map and/or a legal description of the affected area which is adequate for the purposes of the Salt Lake County Assessor and the Salt Lake County Recorder.

9. That this Resolution has been placed on the agenda of meetings of the legislative bodies of the respective Entities and this action is taken in compliance with the Utah Open and Public Meetings Act.

10. That this Joint Resolution shall take effect upon its approval and adoption by the later of the legislative bodies to act on this Resolution, but the annexation shall not be complete until the Lieutenant Governor issues a certificate of boundary change as provided in paragraph 4 above.

Approved and passed by the Board of Trustees of the Kearns Improvement District on the date set forth below and by the West Jordan City Council on the date set forth below.

KEARNS IMPROVEMENT DISTRICT

Date: Aug. 14, 2007

By: Royce A. Gibson  
Royce A. Gibson, Chairman

ATTEST  
George Sadowski  
George Sadowski, Board Clerk

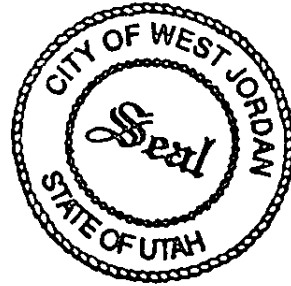


WEST JORDAN CITY

Date: July 17, 2007

By: *David B. Newton*  
David B. Newton, Mayor

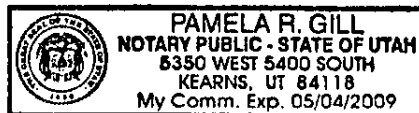
ATTEST:  
*Melanie Briggs*  
Melanie Briggs, City Recorder



STATE OF UTAH            )  
  ss.  
COUNTY OF SALT LAKE )

The foregoing Joint Resolution was subscribed before me, a notary public, this 4<sup>th</sup> day of August, 2007 by Royce A. Gibson, Chairman of the Board of Trustees, and by George Sadowski, Board Clerk, of the Kearns Improvement District.

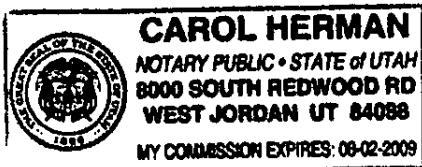
*Pamela R. Gill*  
Notary Public



STATE OF UTAH            )  
  ss.  
COUNTY OF SALT LAKE )

The foregoing Joint Resolution was subscribed before me, a notary public, this 17 day of July, 2007 by David B. Newton, Mayor, and by Melanie Briggs, City Recorder, of the City of West Jordan.

*Carol Herman*  
Notary Public



Joint Resolution of the Kearns Improvement District (Resolution 07-8-1), and of the City of West Jordan (Resolution 07-124) Approving an Adjustment of The District's Boundary to include a portion of the City

Voting by the City Council

	"AYE"	"NAY"
Rob Bennett	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kathy Hilton	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Melissa K. Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Kellermeyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kim V. Rolfe	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lyle C. Summers	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor David B. Newton	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**ATTACHMENT "A"**  
**(Legal Description of Affected Area)**

Located in the Northwest Quarter of Section 26, Township 2 South, Range 2 West, Salt Lake Base and meridian, more particularly described as follows:

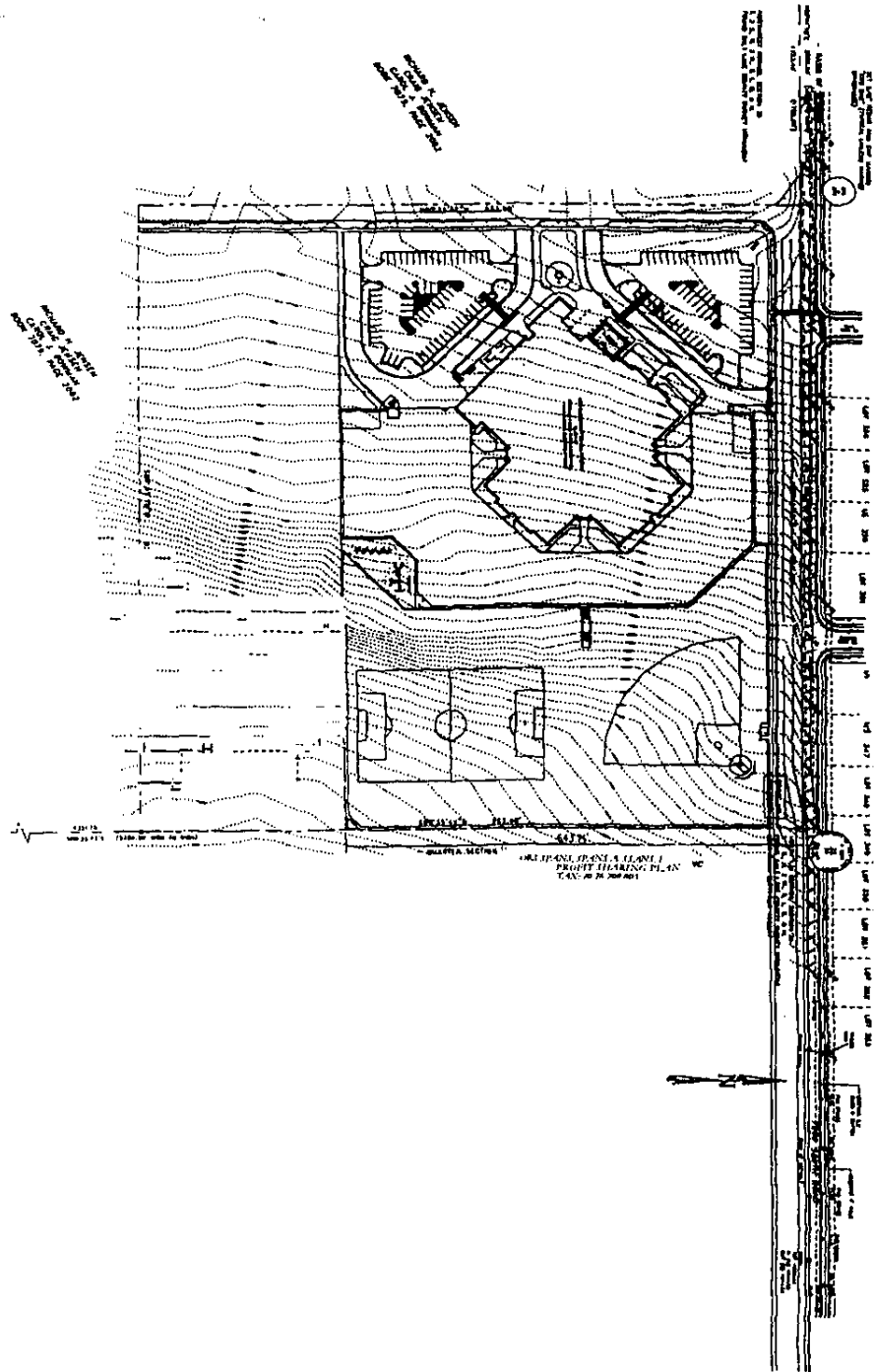
Beginning at the North Quarter Corner of said Section 26 and running thence South  $00^{\circ}35'42''$  East 643.71 feet along the Quarter Section line; thence South  $89^{\circ}41'18''$  West 933.40 feet; thence North  $00^{\circ}35'42''$  West 643.71 feet to the north line of said Section 26; thence North  $89^{\circ}41'18''$  East 933.40 feet along said north line to the point of beginning

Containing 13.793 Acres.

# ATTACHMENT "B"

(Map showing Affected Area to be included within the District)

CONSTRUCTION DOCUMENTS - BID SET



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WEST JORDAN ELEMENTARY IV

7000 SOUTH, 6000 WEST, WEST JORDAN, UTAH



if

BK 9510 PG 7627



**SCHOOL ANNEXATION BOUNDARY DESCRIPTION:**

**LOCATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 26 AND RUNNING THENCE SOUTH 00°35'42" EAST 643.71 FEET ALONG THE QUARTER SECTION LINE; THENCE SOUTH 89°41'18" WEST 933.40 FEET; THENCE NORTH 00°35'42" WEST 643.71 FEET TO THE NORTH LINE OF SAID SECTION 26; THENCE NORTH 89°41'18" EAST 933.40 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.**

**CONTAINS 13.793 ACRES.**

**THIS LEGAL DESCRIPTION WAS PREPARED BY BENCHMARK CIVIL ENGINEERING AND LAND SURVEYING, LLC.**

Part of APN 20-26-100-002

