

RESOLUTION NO. R05-22 (08-23-05)

ENT 104287 2005 PG 1 of 5  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
2005 Sep 16 10:48 am FEE 0.00 BY SB  
RECORDED FOR SARATOGA SPRINGS CITY

**ADDENDUM TO RESOLUTION OF THE CITY OF  
SARATOGA SPRINGS CREATING STREET  
LIGHTING SPECIAL IMPROVEMENT DISTRICT  
TO INCLUDE ADDITIONAL SUBDIVISION  
LOTS. (Stillwater Plat 1)**

WHEREAS, on May 10, 2001, the City Council adopted Resolution No. 01-0510-01 creating a street lighting special improvement district (the "Lighting SID") consisting of all lots and parcels included within the Subdivisions set out in said Resolution for the maintenance of street lighting within the Lighting SID.

WHEREAS, *Utah Code Ann. § 17A-3-307* provides that before the completion of the improvements covered by a special improvement district, additional properties may be added to the special improvement district and assessed upon the conditions set out therein. Since the improvements covered by the Lighting SID are the maintenance of street lighting in the Lighting SID, said improvements are not completed so additional properties may be added to the Lighting SID pursuant to said § 17A-3-307.

WHEREAS, the City Council has given final plat approval to Stillwater Phase 1, (the "Subdivision") conditioned upon all lots in the Subdivision being included in the Lighting SID.

WHEREAS, the City Council finds that the inclusion of all of the lots covered by the Subdivision in the Lighting SID will not adversely affect the owners of the lots already included within the Lighting SID.

WHEREAS, the owner of the property covered by the Subdivision has given written consent: (i) to have all lots and parcels covered by that Subdivision included within the Lighting SID, (ii) to the improvements to that property (maintenance of the street lighting), (iii) to payment of the assessments for the maintenance of street lighting within the Lighting SID, and (iv) waiving any right to protest the Lighting SID and/or assessments currently being assessed for all lots in the Lighting SID (which consent is or shall be attached as Exhibit 1 to this Resolution).

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SARATOGA SPRINGS THAT:

1. All lots and parcels in the Subdivision be added to and included in the Lighting SID based upon the above findings and the written consent attached as Exhibit 1 to this Resolution.
2. City staff is directed to file a copy of this Resolution, as an Addendum to Resolution No. 01-0510-01 creating the Lighting SID, as required by *Utah Code Ann. § 17A-3-307*.
3. Assessments will be hereafter levied against owners of all lots within the Subdivision on the same basis as assessments are being levied against other lots included in the Lighting SID.
4. The provisions of this Resolution shall take effect upon the passage and publication of this Resolution as required by law.

Passed this 23<sup>rd</sup> day of August, 2005 on motion by

Councilor Hildahl, seconded by Councilor Taylor.

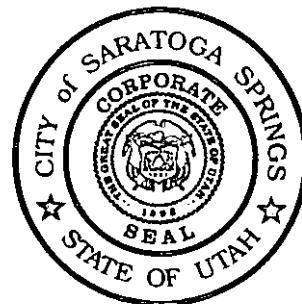
CITY OF SARATOGA SPRINGS  
A UTAH MUNICIPAL CORPORATION

Signed: T. D. Johnson Date

Mayor

Date

Attest: Dee Yates 8-23-05  
Recorder Date



**CONSENT OF OWNER OF PROPERTY  
TO BE INCLUDED IN STREET LIGHTING SPECIAL IMPROVEMENT DISTRICT**

WHEREAS the City of Saratoga Springs (the "City"), by and through its City Council, has created a Street Lighting Special Improvement District (the "Lighting SID") to pay for maintenance of street lighting within the subdivisions covered by the Lighting SID.

WHEREAS the undersigned ("Developer") is the developer of Stillwater Phase 1 Subdivision (the "Subdivision") located within the City for which the City Council has given or is expected to give final plat approval.

WHEREAS, *Utah Code Ann.* § 17A-3-307 provides that before the completion of the improvements covered by a special improvement district, additional properties may be added to the special improvement district and assessed upon the conditions set out therein. Since the improvements covered by the Lighting SID are the maintenance of street lighting in the Lighting SID, said improvements are not completed so additional properties may be added to the Lighting SID pursuant to said § 17A-3-307.

WHEREAS, the City is requiring that the Subdivision be included within the Lighting SID in order to provide for the maintenance of street lighting within the Subdivision as a condition of final approval of the Subdivision.

WHEREAS, Developer, as the owner of the property covered by the Subdivision, is required by *Utah Code Ann.* § 17A-3-307 to give written consent to having the property covered by that Subdivision included within the Lighting SID and to consent to the proposed improvements to the property covered by the Subdivision and to waive any right to protest the Lighting SID.

NOW THEREFORE, Developer hereby consents to including the lots and parcels within the Subdivision in the Lighting SID. On behalf of itself and all lot purchasers and/or successors in interests, Developer consents and agrees as follows:

1. Consents to have all property covered by the Subdivision and all lots and parcels created by the Subdivision included within the Lighting SID. The legal description and the tax identification number(s) of the property covered by the Subdivision are set out in Exhibit A attached to this Consent.
2. Consents to the improvements with respect to the property covered by the Subdivision -- that is the maintenance of street lighting within the Subdivision. The street lighting within the Subdivision will be installed by Developer as part of the "Subdivision Improvements."
3. Agrees to the assessments by the Lighting SID for the maintenance of street lighting within the Lighting SID.

4. Waives any right to protest against the Lighting SID and/or the assessments currently being assessed for all lots in the Lighting SID.

Dated this 23rd day of August, 2005.

DEVELOPER:

Name: Stillwater Property, LLC

Authorized 

Signature: Manager

Its:

Mike green

## Surveyor's Certificate

I, Roger D. Dudley, do hereby Certify that I am a Registered Land Surveyor, and that I hold Certificate No. 147809 as prescribed under the laws of the State of Utah. I further certify by authority of the owners, I have made a Survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into Lots, Blocks, Streets, and Easements and the same has been correctly Surveyed and staked on the ground as shown on this plat and that this plat is true and correct.

### Boundary Description

Commencing at a point located East 5.39 feet and South 526.71 feet from the North quarter corner of Section 12, Township 6 South, Range 1 West, Salt Lake Base and Meridian; thence along the arc of a 1273.24 foot radius curve to the right 435.06 feet (chord bears South 44°14'13" East 432.94 feet); thence South 34°26'53" East 679.81 feet; thence along the arc of a 1800.00 foot radius curve to the right 430.49 feet (chord bears South 27°35'47" East 429.47 feet); thence along the arc of a 5000.00 foot radius curve to the left 397.86 feet. (chord bears South 23°01'28" East 397.78 feet); thence South 25°18'15" East 414.29 feet; thence along the arc of a 2090.00 foot radius curve to the right 52.30 feet (chord bears South 24°35'15" East 52.30 feet); thence South 23°52'14" East 41.25 feet; thence South 89°49'52" West along the quarter Section line 985.45 feet; thence North 00°10'08" West 66.41 feet; thence North 47°16'19" West 207.69 feet; thence North 43°53'47" West 56.08 feet; thence North 45°07'29" West 128.74 feet; thence North 33°31'25" West 178.00 feet; thence North 561.88 feet; thence East 50.92 feet; thence North 254.18 feet; thence South 89°57'11" East 66.85 feet; thence North 00°34'24" West 777.27 feet to the point of beginning.

Area: 1,544,931 SF 35.47 Acres

Total number of lots = 69 Residential lots  
 BASIS OF BEARING = North 89°44'12" West along the Section line

DATE

SURVEYOR

(See Seal Below)

### Owner's Dedication

Know all men by these presents that we, all of the undersigned owners of all the property described in the Surveyor's Certificate hereon and shown on this map, have caused the same to be subdivided into Lots, Blocks, Streets, and Easements and do hereby dedicated the streets and other Public areas as indicated hereon for perpetual use of the public.

In witness hereof we have hereunto set our hands this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

Summerset Corporation

By:

Michael Green, Manager

### Acceptance of Legislative Body

The Mayor of the City of Saratoga Springs, County of Utah, approves this Subdivision, subject to the conditions and restrictions stated hereon, and hereby accepts the Dedication of all Streets, Easements and other parcels of land intended for the public purpose of the perpetual use of the public this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2004.

Attest

Mayor

City Recorder  
 (see Seal below)