

Ent 161316 Bk 583 Pg 1626  
Date: 18-FEB-2009 4:34PM  
Fee: \$3,371.00 Check  
Filed By: KEH  
REED D HATCH, Recorder  
SANPETE COUNTY CORPORATION  
For: SANPETE COUNTY

STATE OF UTAH        )  
                              )  
COUNTY OF SANPETE )

I, the undersigned, the duly qualified and acting County Clerk of Sanpete County, Utah (the "County"), do hereby certify, according to the records of the County in my official possession, that there is delivered herewith a true, correct and complete copy of Resolution No. 02-03-09 (the "Resolution"), which was adopted at the meeting of the Board of County Commissioners (the "Board") that was held on February 3, 2009, as such Resolution is recorded in the regular official book of minutes of the proceedings of the Board kept in my office. Such Resolution designates the Sanpete County, Utah Special Assessment Area No. 1 (Indianola Valley Fire Station SAA).

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed the official seal of the County, at Manti, Utah, this 17th day of February, 2009.



Sandy Neill  
Sandy Neill  
County Clerk,  
Sanpete County, Utah

RESOLUTION NO. 02-03-09

A RESOLUTION TO DESIGNATE THE SANPETE COUNTY, UTAH SPECIAL ASSESSMENT AREA NO. 1 (INDIANOLA VALLEY FIRE STATION SAA) AND AUTHORIZING THE COUNTY OFFICIALS TO PROCEED TO MAKE IMPROVEMENTS AS SET FORTH IN THE NOTICE OF INTENTION TO DESIGNATE SUCH AREA.

WHEREAS, pursuant to the Assessment Area Act, Title 11, Chapter 42 of the Utah Code Annotated 1953, as amended, the Board of County Commissioners (the "*Board*") of Sanpete County, Utah (the "*County*"), is authorized to designate a special assessment area to finance improvements consisting of the acquisition and construction of a new fire station to provide fire protection for certain properties in the County (the "*Improvements*"), which Improvements are more fully described in the Notice of Intention to Designate Special Assessment Area (the "*Notice of Intention*") attached hereto as *Exhibit A*;

WHEREAS, the Board desires to designate the Sanpete County, Utah Special Assessment Area No. 1 (Indianola Valley Fire Station SAA), as more fully described in the Notice of Intention (the "*Area*"), to make and finance the Improvements;

WHEREAS, at a public hearing on January 20, 2009, the Board considered all filed protests and heard all objections concerning (a) the designation of the Area, (b) the inclusion of an owner's property in the Area, (c) the Improvements or (d) any other aspect of the proposed designation of the Area; and

WHEREAS, the Board has determined that the percentage of written protests for the entire proposed Area was approximately 1.66% of the total lots to be assessed and such percentage is

less than the percentage specified in the Notice of Intention that would require the Board to abandon the designation of the Area;

NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of County Commissioners of Sanpete County, Utah as follows:

*Section 1.* It will be in the best interests of the County to designate the Area to make and finance the Improvements.

*Section 2.* The Board has heretofore considered each and every protest filed and has heard each and every person who wished to be heard in objection against the designation of the Area, the inclusion of an owner's property in the Area, the Improvements or any other aspect of the proposed designation of the Area. The County Clerk has tabulated the protests and has submitted the tabulation to the Board. Attached hereto as *Exhibit B* is a tabulation of protests received in writing.

*Section 3.* The Improvements, as proposed and described in the Notice of Intention, are hereby authorized; *provided, however,* that notwithstanding the location of the Improvements described in the Notice of Intention, the Improvements shall be located at the northeast corner of the intersection of Meadow View Drive and Highway 89. The Area, as proposed and described in the Notice of Intention, is hereby designated.

*Section 4.* The properties to be included in the Area described in the Notice of Intention were approved by the Board on December 2, 2008. None of such properties have been excluded from the Area. The legal description and tax identification numbers of said properties are more fully set forth in *Exhibit C* attached hereto.

*Section 5.* As required by law, the County Clerk is hereby authorized and directed to file a copy of the Notice of Intention and this Resolution designating the Area as finally approved, together with a list of properties proposed to be assessed described by tax identification number and a valid legal description of the property within the Area in the Sanpete County Recorder's office within fifteen days from the date hereof.

*Section 6.* Immediately after its passage, this Resolution shall be signed by the Chair and attested by the County Clerk and shall be recorded in a book kept by the County Clerk for that purpose. A copy of this Resolution shall be forthwith filed in the office of the County Clerk where it will be continuously available for public inspection on a reasonable basis at the office of the County Clerk during regular business hours of the County, from and after the date hereof through and including the last date of issuance of the bonds or such later time as is determined by the County.

*Section 7.* It is hereby declared that all parts of this Resolution are severable, and if any section, paragraph, clause or provision of this Resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining provisions of this Resolution.

*Section 8.* All ordinances, resolutions, orders and regulations or parts thereof heretofore adopted or passed that are in conflict with any of the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

*Section 9.* This Resolution shall become effective immediately upon its approval and passage.

ADOPTED AND APPROVED this 3rd day of February, 2009.

SANPETE COUNTY, UTAH

By

*Lauder J. J. J. J.*  
Chair, Board of County Commissioners  
Sanpete County, Utah

ATTEST:

*Sandy Neill*  
County Clerk

[SEAL]



**EXHIBIT A**

**[ATTACH NOTICE OF INTENTION]**

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#### NOTICE OF INTENTION TO DESIGNATE SPECIAL ASSESSMENT AREA

PUBLIC NOTICE IS HEREBY GIVEN that on December 2, 2008, the Board of County Commissioners (the "Board") of Sanpete County, Utah (the "County"), adopted a resolution declaring its intention to designate a special assessment area to be known as Sanpete County, Utah Special Assessment Area No. 1 (Indianola Valley Fire Station SAA) (the "Area"). It is the intention of the Board to make improvements described below within the Area and to levy special assessments as provided in the Special Assessment Area Act, Title 11, Chapter 42, Utah Code Annotated 1953, as amended (the "Assessment Area Act"), on the property lying within the Area for the benefit of which such assessments are to be expended in the making of such improvements.

#### PURPOSE OF THE AREA

The Area is being designated and the assessments are being levied for the purpose of acquiring and constructing a new fire station to provide fire protection for all properties located within the boundaries of the Area (the "Improvements").

#### DESCRIPTION OF AREA

The Area will be designated and Improvements will be made within the boundaries of Sanpete County, Utah. The Area consists of all lots in the following subdivisions in Northern Sanpete County, namely: Hideaway Valley, Blackhawk and Blackhawk Amended, Fairview Ranchos, Indian Ridge, Elk Ridge, Oaker Hills, Big Hollow and Big Hollow Amended; plus all parcels located in the following sections and townships which are outside of the named subdivisions: Sections 1 thru 12, Township 12 South Range 4 East; Sections 14 thru 23,

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Township 12 South Range 4 East; Sections 27 thru 34, Township 12 South Range 4 East; SW quarter of Section 7, Township 12 South Range 5 East; Section 3 thru 6 Township 13 South, Range 4 East, and Sections 1 thru 3, 10 thru 15 and 22 thru 26, Township 12 South Range 3 East. There are available for review at the Sanpete County Recorder's Office, 160 North Main Street, Manti, Utah 84642; Telephone: (435) 835-2181 and on the County's website at [www.sanpete.com](http://www.sanpete.com):

1. A map showing the proposed boundaries of the Area; and
2. A list of all property owners to be assessed.

Property located in the Area that is owned by the federal government, the State of Utah, the County, any school district, a municipality or other political subdivision of the State of Utah will not be assessed.

#### DESCRIPTION AND LOCATION OF IMPROVEMENTS

The Improvements proposed to be made in the Area consists of an approximately 4800 square feet fire station that will house 4 fire trucks, gear and other personal protective equipment to support wild land and structure fire fighting activities. The fire station will be located at the southwest corner of the intersection of Meadow View Drive and Highway 89 and will service all property located within the Area.

#### ESTIMATED COST OF IMPROVEMENTS

The total cost of the Improvements, as estimated by Ludlow Engineering, a project engineer, is \$723,000 (which includes various contingencies), together with other overhead costs estimated to be approximately \$57,000, for a total of \$780,000. Costs of the Improvements will

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be paid from a \$100,000 grant from the United States of America acting through the United States Department of Agriculture, Rural Housing Services and the remaining \$680,000 will be paid from grant and loan monies provided by the State of Utah, Permanent Community Impact Fund Board (the "State"). The monies from the State will, subject to prepayments, if any, be allocated proportionately between a grant and a zero percent loan (the "Loan"). Loan payments shall be paid by a special assessment to be levied against the property within the Area that is directly or indirectly benefited by the Improvements financed with the Loan. The property owners' portion of the total estimated cost of the Improvements may be financed during the construction period by the use of interim warrants. If so used, the interest on said warrants will be assessed to the property owners.

#### LEVY OF ASSESSMENTS

It is the intention of the Board to levy assessments as provided by the laws of the State of Utah on all property within the Area benefiting from the Improvements. The purpose of the assessments is to pay the cost of the Improvements that have been financed with proceeds from the Loan according to the benefits to be derived by the property.

The assessments may be paid by property owners in twenty (20) annual principal installments. The whole or any part of the assessment may be paid within twenty-five (25) days after the ordinance levying the assessment becomes effective. Other payment provisions and enforcement remedies shall be in accordance with the Assessment Area Act.

#### METHOD OF ASSESSMENT

The property owners whose property is directly or indirectly benefited by the proposed Improvements will be assessed a portion of the cost of such Improvements that have been financed with the Loan. Such portion of the costs of such Improvements will be assessed by lot, which for purposes of the Area means a lot or a parcel as identified by a separate tax identification number.

#### TIME FOR FILING PROTESTS AND PUBLIC HEARING

Any person who is the owner of property to be assessed in the Area described in this Notice of Intention shall have the right to file in writing a protest against (a) the designation of the Area, (b) the inclusion of the owner's property in the Area, (c) the Improvements or (d) any other aspect of the proposed designation of the Area. Protests shall describe or otherwise identify the property owned by the person or persons making the protest. Protests must be filed with the County Clerk of Sanpete County, Utah, at 160 North Main Street, Manti, Utah 84642 on or before 5:00 p.m. on January 16, 2009. No written protest will be considered for purposes of designating the Area if it is received by the County Clerk later than this protest filing deadline. Thereafter at 3:00 p.m. on January 20, 2009, the Board will hold a public hearing during the meeting of the Board at the regular meeting place of the Board at 160 North Main Street, Manti, Utah to consider all protests so filed and hear all objections relating to the proposed Area. All members of the public are invited to attend and participate in the public hearing.

#### CALCULATION OF PROTEST RATE

The protest rate shall be determined by totaling the total number of lots to be assessed in the Area. The Board will abandon its intention to create the Area if, after the deletions from the

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Area, as described below, the necessary number of protests have been filed on or before the time specified in this Notice of Intention for the filing of protests. The necessary number of protests shall mean the following:

Protests representing one-half of the lots to be assessed in the Area.

In determining the rate of protest, the Board shall eliminate from the number of filed protests those protests relating to property or relating to a type of Improvement that has been deleted from the Board and those protests that have been withdrawn in writing prior to the conclusion of the hearing.

#### CREATION AND FUNDING OF DEBT SERVICE RESERVE FUND

In order to finance the acquisition and construction of the Improvement, the County intends to issue a series of special assessment revenue bonds (the "Bonds") to secure the payment of the Loan. In connection with the issuance of the Bonds, the County will establish a reserve fund in an amount equal to the maximum annual debt service on the Bonds. The reserve fund will be funded by proceeds of the Bonds. In the event that moneys on deposit are used to pay debt service on the Bonds, the reserve fund will be replenished from monies received by the enforcement of the assessment lien. Amounts of deposit in the reserve fund will be used to make the final debt service payments on the Bonds. Any amounts remaining after the payment of the Bonds will be transferred and deposited into the County's General Fund.

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF SANPETE COUNTY, UTAH

/s/ Sandy Neill  
County Clerk

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**Estimated Amount of Assessment on a Per Lot Basis**

In connection with the Notice of Intention to Designate Special Assessment Area delivered herewith (the "Notice") relating to the proposed designation of the Sanpete County, Utah Special Assessment Area No. 1 (Indianola Valley Fire Station SAA) (the "Area"), Sanpete County, Utah, currently estimates (based on a Loan (as defined in the Notice) amount of \$340,000 and 2712 lots in the Area) that the assessment levied against each lot (as identified by a separate tax identification number) would be approximately \$125.37 (plus certain overhead costs), or approximately \$6.27 (plus certain overhead costs and interest, if any) per year for a 20-year period.

**EXHIBIT B**

**SUMMARY OF TABULATION OF PROTESTS**

26 letters of protests filed representing 45 lots of a total of 2,712 lots.

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**EXHIBIT C**

**TAX IDENTIFICATION NUMBERS AND LEGAL  
DESCRIPTIONS OF PROPERTIES TO BE ASSESSED**

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