

NOTICE OF ESTABLISHMENT OF  
WASATCH COUNTY SUBDIVISION SPECIAL SERVICE DISTRICT # 10  
WASATCH COUNTY, UTAH

NOTICE IS HEREBY GIVEN pursuant to the provisions of Chapter 12 of Title 11, Utah Code Annotated, 1953, as amended that the Board of County Commissioners of Wasatch County, Utah on November 18, 1991, adopted a resolution estblishing, WASATCH COUNTY SUBDIVISION SPECIAL SERVICE DISTRICT # 10, as described below, pursuant to the provisions of Chapter 23 of Title 11, Utah Code Annotated, 1953, as amended.

The metes and bounds description of the boundaries of the District are as follows:

Wasatch County Subdivision Special Service District #10  
(Timberlakes Subdivision Area)

Beginning at the Northeast corner of Timberlakes lot 1470, said point being South 1.007.82 feet from the Northwest corner of section 8, township 4S, R 6 E. of the S L.B.M; thence North 80 degrees, 0' 49" East 837 feet to the Northwest corner of Timberlakes lot 1476; thence North to the North line of section 8, thence Easterly along the section line to the Northwest corner of lot 1270; thence North 32 degrees, East 94.80 feet; thence North 89 degrees, 33' 24" East 380.74 feet; thence South 3 degrees East, 80.15 feet to the section line; thence Easterly along the section line to the Northeast corner of section 8; thence Northerly to Lake Creek; thence Easterly along Lake Creek to a point which is North 0 degrees 16' 43" West, 700 feet plus or minus from the Southeast corner of Timberlakes lot 209; thence South 0 degrees 16' 43" East 700 feet to the Southeast corner of Timberlakes lot 209; thence Easterly along the section line to Lake Creek, thence Southerly and Easterly along Lake Creek to the South line of the Southeast quarter of section 14; thence South 89 degrees, 43' 6" East 931.69 feet plus or minus to the Northeast corner of section 23; thence Southerly to the East quarter corner of section 23; thence Easterly to the Northeast corner of the Northwest quarter of the Southwest

ENTRY NO. 164880 DATE 3-10-93 TIME 12:00 FEE BLD.50

RECORDED FOR TIMBERLAKES OWNERS ASSOC. BOOK 254 PAGE 619-658

RECORDER JOE DEAN HUBER BY PEGGY SHILSF

PAGE 0 INDEX () ABSTRACT () PLAT () CHECK ()

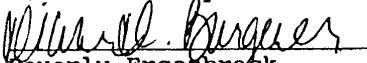
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quarter of section 24; thence Southerly to the Southeast corner of the Southwest quarter of the Southwest quarter of section 24; thence Westerly along the section line to the Southwest corner of Timberlakes lot 2018; thence along the Westerly line of Timberlakes Subdivision Plat 20, 19, 18, and 16, to the Southeast corner of Timberlakes lot 1718; thence Northerly and Westerly along the West line of the Stein Brief Group property, serial number OWC-2243-2-015-046, the following four courses, 79 degrees 16' 10" West 2340.44 feet; North 6 degrees 43' 53" East 496.66 feet; North 9 degrees 19' 30" West, 655.69 feet; North 82 degrees 56' 21" West 350.53 feet to the Northeast corner of Timberlakes lot 1729; thence South 9 degrees 49' 37" West 243 feet along the East line of Timberlakes lot 1729; thence along the Southwesterly line of Timberlakes subdivision plat 16A to the most Southerly corner of Timberlakes lot #1087; thence along the Southwesterly line of Timberlakes Subdivision Plats 10 and 9, to the Southwest corner of Timberlakes of lot #992; thence West 1921.00 feet, along the South boundary line of Timberlakes Common Area; thence North 78 degrees 58' 23" West 1487.96 feet along the boundary line of Timberlakes Common Area; thence North 65 degrees West 592.0 feet, along Timberlakes Subdivision Plat #12, thence along the Easterly Southerly Westerly boundary of Timberlakes Subdivision plats 13 and 14 to the beginning.

We the Chairman and Clerk of the Board of County Commissioners of Wasatch County, acting in our capacity as the governing authority of Wasatch County and the Wasatch County Subdivision Special Service District #10, do hereby certify that all of the necessary legal requirements relating to the organization of said district have now been fully completed.

IN WITNESS WHEREOF we have hereunto signed our official signatures and the official seal of Wasatch County, Utah, this  
18 day of November 1991.

  
J. Moroni Besendorfer, Chairman  
Wasatch County Commission  
  
Beverly Ercanbrack  
Wasatch County Clerk

Receipt of the foregoing notice concerning the organization of the Wasatch County Subdivision Special Service District #10, Wasatch County, Utah, together with a certified copy of the November 18, 1991, resolution of the Board of County Commissioners of Wasatch County Utah, establishing said District is hereby acknowledged this \_\_\_\_\_ day of \_\_\_\_\_, 1992.

for  
Utah State Tax Commission

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October 7, 1991

The Board of County Commissioners of Wasatch County, State of Utah met in regular public session on October 7, 1991, at the hour of 9:00 A.M., at the County Courthouse, 25 North Main Street, in Heber City, Utah.

The meeting was called to order and on roll call, the following members, constituting a quorum, were determined present:

J. Moroni Besendorfer, Chairman  
Pete A. Coleman, Commissioner  
T. LaRen Provost, Commissioner

Also present:

Beverly Ercanbrack, County Clerk  
Steven L. Hansen, County Attorney  
Robert A. Mathis, County Planner

Absent

None

After the meeting had been duly called to order and the minutes of the preceding meeting read and approved, the Clerk presented to the board an affidavit evidencing the giving of not less than twenty-four (24) hours public notice of the agenda, date, time and place of the October 7, 1991 meeting in compliance with the requirements of Section 52-4-6(2), Utah Code Annotated 1953, as amended, by (1) posting written notice of the meeting at the principal office of the board, and (2) providing notice to at least

one newspaper of general circulation within the geographic jurisdiction of Wasatch County, Utah, or to a local media correspondent. The affidavit was ordered recorded in the minutes of the meeting and is as follows:

STATE OF UTAH )

COUNTY OF WASATCH)

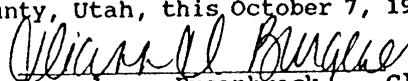
I, the undersigned, the duly qualified and acting County Clerk of Wasatch County, Utah, and ex-officio Clerk of the Board of County Commissioners, do hereby certify, according to the records of said Board in my official possession, and upon my own knowledge and belief, that in accordance with requirements of Section 52-4-6(2), Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the October 7, 1991 public meeting held by the Board of County Commissioners of Wasatch County, Utah, by:

(a) causing a Notice of Public Meeting to be posted at the principal office of the Board at the County Courthouse, in Heber City, Utah, on October 4, 1991, at least twenty-four (24) hours before the convening of the meeting, in the form attached hereto as Exhibit A; said Notice of Public Meeting having continuously remained so posted and available for public inspection during the regular office hours of the board until the convening of the meeting; and

(b) causing a copy of the Notice of Public Meeting in the form attached hereto as Exhibit A to be provided on October 4,

1991, at least twenty-four (24) hours before the convening of the meeting, to The Wasatch Wave, a newspaper of general circulation within the geographic jurisdiction of Wasatch County, and to each local media correspondent, newspaper, radio station or television station which has requested notification of meetings of the Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of the Board of County Commissioners of Wasatch County, Utah, this October 7, 1991.

  
Dennis Ercanbrack  
Secretary Ercanbrack Clerk  
Board of County Commissioners  
Wasatch County, Utah

(SEAL)

**EXHIBIT A**

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After the conduct of other business not pertinent to the following, the Chairman stated that one purpose of the meeting was to adopt a resolution declaring that the public health, convenience and necessity requires the creation of new Special Service District and calling a public hearing on such creation.

The following resolution was thereupon introduced in written form by Robert A. Mathis, County Planner, and after full discussion of the matter, pursuant to motion made by Pete A. Coleman and seconded by J. Moroni Besendorfer, was adopted by the following vote:

Aye: Commissioner Besendorfer

Commissioner Coleman

Commissioner Provost

The resolution was executed by the Chairman, attested by the County Clerk, ordered recorded in the official minutes of the meeting, and is as follows:

No. 91-8

A RESOLUTION declaring that the public health, creation of a convenience and necessity requires the establishment of a Special Service District in Wasatch County, Utah, defining the boundaries of the territory to be included in said special service district, providing for the holding of a hearing on the inclusion said property in said special service district and providing for the giving of notice of the holding of such hearing.

\*\*\*            \*\*\*            \*\*\*

WHEREAS it appears to the Board that the public health, convenience and necessity requires the creation of a Special

Service District in the area hereinafter described pursuant to the provisions of the Act and Article XIV, Section 8 of the Utah Constitution; and

WHEREAS it appears that all of the property to be included in District will be benefitted by said district and the provision drainage, flood control and transportation (roads) drainage, flood control and transportation (roads) services by the District; and

WHEREAS it appears that none of the property to be included in the District will be contained within the boundaries of any other special service district created under the Act to provide drainage, flood control and transportation (roads) services;

NOW THEREFORE, Be It, and It Hereby Is, Resolved by the Board of County Commissioners of Wasatch County, Utah, as follows:

Section 1. That the public health, convenience and necessity requires establishment of a Special Service District for the following described territory, pursuant to the provisions of the Act and of Article XIV, Section 8 of the Utah Constitution.

Section 2. That the boundaries of the territory to be so included shall be as shown on the map attached to this resolution as Exhibit B and more fully described as follows:

Section 3. That the the territory to be included in the District, will first be disconnected from the Wasatch County Special Service District No. 9, before the District is established.

Section 4. That a public hearing on the question of the establishment the District shall be held by the Board, at the Commission Chambers of the Wasatch County Courthouse, in Heber City, Utah, at 11:00 o'clock A.M. on October 28, 1991, at which time and place all interested parties may appear and be heard either in support of or in opposition to the establishment of, or inclusion of such territory to, the District as more fully set forth in the notice of intention set forth in Section 5 hereof.

Section 5. That notice of the intention of the Board to annex such territory to the District shall be given by the County Clerk through the publication of an appropriate notice in the Wasatch Wave, a newspaper published in Heber City, Utah, and having general circulation in Wasatch County, Utah, and in the District. Such notice shall be published once a week during three consecutive weeks the first of such publications to be made on such date that the date of hearing shall be not less than twenty-one (21) days nor more than thirty-five (35) days after such first publication.

Section 6. That the notice be so given shall be in substantially the following form:

NOTICE OF INTENTION TO ESTABLISH A SPECIAL SERVICE DISTRICT, IN  
WASATCH COUNTY, UTAH

NOTICE is hereby given to all persons interested that on date,  
the Board of County Commissioners of Wasatch County, Utah, adopted

a resolution: (1) declaring that the public health, convenience and necessity requires the creation of a Special Service District to be known as, Wasatch County Timberlakes Subdivision Special Service District # 10, Wasatch County, Utah, which is to be established for the purpose of providing drainage, flood control and transportation (roads) within the area thereof, and (2) providing for the holding of a public hearing on the proposed establishment of said district. Said public hearing shall be held at the Commission Chambers of the Wasatch county Courthouse, in Heber City, Utah, at 11:00 o'clock A.M. on October 28, 1991.

The boundaries of the territory proposed to be included in said district are described as follows:

The boundaries of the proposed special service district are set forth on the map printed below:

[See Attached Map Exhibit]

Pursuant to the provisions of the Utah Special Service district Act (Chapter 23 of Title 11, Utah Code Annotated, 1953, as

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amended) and of Article XIV, Section 8 of the Utah Constitution, the Wasatch County Subdivision District # 10 may annually levy taxes upon all taxable property within its boundaries and may impose fees and charges to pay for all or a part of the services to be provided by the district. The Utah Special Service District Act provides, however, that no tax may be levied and no bonds of said district which are payable in whole or in part from taxes to be levied on the taxable property in said district shall be issued unless authorized by a majority of the qualified electors of said district voting at an election held for that purpose, as provided in the Utah Special Service District Act.

All interested parties may appear before the Board of County Commissioners at the above time and place and be heard, either in support of or in opposition to the proposed creation of the Wasatch County Timberlakes Subdivision Special Service District # 10, and the furnishing of drainage, flood control and transportation (roads) within the district, and may on or before said date protest against the proposed Special Service district or the furnishing of drainage, flood control and transportation (roads) services within the territory of the district in writing, filed with the County Clerk of Wasatch County. Any protest may be withdrawn by the protestant at any time before the Board of County Commissioners orders or abandons the proposed special service district.

At the place and on the date and time above specified, the Board of County Commissioners will give full consideration to all

protests which shall have been filed and will hear and consider all interested persons desiring to be heard. The Board may continue the hearing from time to time. After the conclusion of the hearing, the Board of County Commissioners shall adopt a resolution either ordering the establishment of the Wasatch County Timberlakes Subdivision Special Service District # 10 or determining that such district should be abandoned. The Board of County Commissioners may, in its discretion, reduce the boundaries of the area proposed to be included in the district, but the boundaries of the area to be included in the district may not be increased without the giving of a new notice of intention and the holding of a new hearing.

If the owners of more than fifty percent (50%) of the assessed value of the taxable property within the area proposed to be included in the Wasatch County Timberlakes Subdivision Special Service District # 10 or if more than fifty percent (50%) of the assessed value of the taxable property within the proposed district (as determined from the owners, properties, and assessed values shown on the assessment rolls last completed prior to the adoption of the October 7, 1991 resolution of the Board of County Commissioners proposing the establishment of said district or more than fifty percent (50%) of the qualified electors of the area proposed to be included in the Wasatch County Special Service District or more than fifty percent (50%) of the qualified electors of the district (as determined from the registration lists last made or revised) file written protests against the establishment of the new district at or prior to the hearing, then the Board of

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County Commissioners will be required by law, to abandon the proposed district.

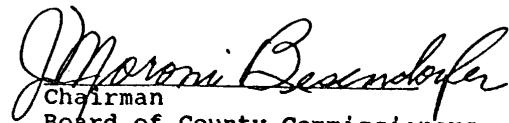
Any person who files a written protest within the period specified above with the County Clerk and who is a qualified voter residing with the district or whose property has been included within the boundaries of the territory proposed for said district notwithstanding such protest, may, within thirty (30) days after the adoption of the resolution ordering such establishment of the district, apply to the District Court of the Fourth Judicial District in and for Wasatch county, Utah, for a writ of review of the actions of the board of county Commissioners in establishing said district. Under Section 11-23-11, Utah Code Annotated 1953, as amended, the only grounds upon which a person may apply for a writ of review are that his property will not be benefitted by one or more of the types with establishment of services authorized to be furnished by the district or that the proceedings taken in the establishment of the district have not been in compliance with law.

A FAILURE TO TIMELY APPLY FOR A WRIT OF REVIEW FORECLOSES THE RIGHT OF ALL OWNERS OF PROPERTY OR QUALIFIED VOTERS WITHIN THE TERRITORY PROPOSED TO BE INCLUDED IN THE WASATCH COUNTY TIMBERLAKES SUBDIVISION SPECIAL SERVICE DISTRICT # 10 TO FURTHER OBJECT THERETO.

Any protest signed on behalf of a corporation owning property in the area proposed to be included in the Wasatch County Timberlakes Special Service District # 10 shall be sufficient if it is signed by the president, vice-president, or any duly authorized

agent of the corporation. Where title to any property is held in the name of more than one person, all of the persons holding title to the property must join in the signing of the protest.

GIVEN by order of the Board of County Commissioners of Wasatch County, Utah, this October 7, 1991.

  
Chairman  
Board of County Commissioners  
Wasatch County, Utah

Attest:

  
County Clerk  
Wasatch County, Utah

Section 7. That the Board hereby finds and determines: (a) that no territory contained within the boundaries of any other special service district organized under the Act to provide drainage, flood control and transportation (roads) services is also contained within the proposed boundaries of the District and (b) that no territory contained within the boundaries of any incorporated city or town or improvement district organized and operating under Title 17, Chapter 6, Utah Code Annotated 1953, as amended, is also contained within the present boundaries of the District or within the area proposed to be included in the District pursuant to the provisions of this resolution.

Section 8. That all acts and resolutions in conflict with this resolution or any part thereof, are to the extent of such conflict hereby repealed.

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Section 9. That immediately after its adoption this resolution shall be signed by the chairman and attested by the County Clerk, shall be recorded in a book kept for that purpose, and shall take immediate effect.

ADOPTED AND APPROVED this October 7, 1991

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Chairman  
Board of County Commissioners  
Wasatch County, Utah

Attest:

  
County Clerk  
Wasatch County, Utah

EXHIBIT B

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STATE OF UTAH)

COUNTY OF WASATCH)

I, the undersigned,, the duly qualified and acting County Clerk of Wasatch County, Utah, do hereby certify that the foregoing constitutes a true and correct copy of excerpts from the minutes of a regular public meeting of the Board of County Commissioners of Wasatch County, Utah, held on the date Oct. 21, 1991 including a resolution adopted at said meeting, as said minutes and resolution are of record in my official possession.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of Wasatch County, Utah this date Oct. 21, 1991.

Diane M. Bangs  
County Clerk  
Wasatch County, Utah

(SEAL)

Heber City,  
Wasatch County, Utah  
October 28, 1991

The Board of County Commissioners of Wasatch County, State of Utah, met in regular public session October 28, 1991, at the hour of 11:00 o'clock A.M., at the Commission Chambers, of the Wasatch County Courthouse in Wasatch County, Utah.

The meeting was called to order and on roll call, the following members, constituting a quorum, were determined present:

J. Moroni Besendorfer, Chairman

Pete A. Coleman, Commissioner

T. LaRen Provost, Commissioner

Also present:

Beverly Ercanbrack, County Clerk

Steven L. Hansen, Wasatch County Attorney

Robert A. Mathis, County Planner

Absent: None

After the meeting had been duly called to order and the minutes of the preceding meeting read and approved, the Clerk presented to the board an affidavit evidencing the giving of not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the October 28, 1991 meeting in compliance with the requirements of Section 52-4-6 (2), Utah code Annotated, 1953, as amended, by (a) posting written notice of the meeting at the principal office of the board, and (b) providing notice to at least one newspaper of general circulation within the geographic jurisdiction of Wasatch County or to a local media correspondent.

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The affidavit was ordered recorded in the minutes of the meeting  
and is as follows:

STATE OF UTAH )

COUNTY OF WASATCH)

I, the undersigned, the duly qualified and acting County Clerk of Wasatch County, Utah, and ex-officio Clerk of the Board of County Commissioners, do hereby certify, according to the records of said board in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-6(2), Utah Code Annotated, 1953, as amended, I gave no less than twenty-four (24) hours notice of the agenda, date, time, and place of the October 28, 1991 public meeting held by the board of County commissioners of Wasatch County, Utah, by:

(a) causing a Notice of Public Meeting to be posted at the principal office of the board at the County Courthouse, in Heber City, Utah, on October 25, 1991, at least twenty-four (24) hours before the convening of the meeting, in the form attached hereto as Exhibit A; said Notice of Public Meeting having continuously remained so posted and available for public inspection during the regular office hours of the board until the convening of the meeting; and

(b) causing a copy of the Notice of Public Meeting in the form attached hereto as Exhibit A to be provided on October 25, 1991, at least twenty-four (24) hours before the convening of the meeting, to The Wasatch Wave, a newspaper of general circulation within the geographic jurisdiction of Wasatch county, and to each local media correspondent, newspaper, radio station or television station which has requested notification of meetings of the Board of County

Commissioners.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of the Board of County Commissioners of Wasatch County, Utah, this October 28, 1991.

Clair M. Bunker  
Clerk, Board of County Commissioners

(AFFIX SEAL HERE)

**EXHIBIT A**  
**(Attach Notice of Public Meeting)**

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The Chairman then announced that the meeting had been called pursuant to notice for the purpose, among those things, of holding a public hearing on the establishment of a Special Service District within the areas hereinafter described and of considering protests which had been filed, and hearing and considering all interested persons desiring to be heard in support of or in opposition to establishing said Special Service District, or the furnishing of drainage, flood control or transportation (roads) services pursuant thereto.

The Chairman thereupon introduced into the record of the hearing the written protest of the following persons, which protests had been filed with the County Clerk up to or at the time of the October 28, 1991, public hearing:

<u>NAME</u>	<u>ADDRESS</u>
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None were submitted.

Written protests filed with the County Clerk by the following persons were withdrawn prior to the adoption of the following resolution:

<u>NAME</u>	<u>ADDRESS</u>
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None were submitted, therefore none were withdrawn.

The Chairman then announced that all of those interested persons wishing presently to contend for or protest against the

inclusion of any area proposed to be within the district or the furnishing of a specified type of service therein, orally protests so filed would be considered.

All interested persons wishing to speak were then given full opportunity to be heard, the persons so speaking being as follows:

NAME

Mr. James Thomas expressed his desire that the District not be established.

Mr. Earl Thomas also expressed his desire that the District not be established.

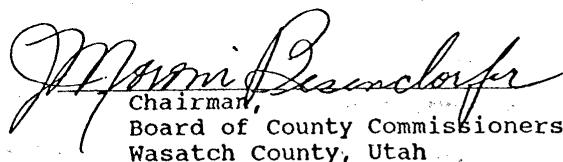
Mr. Bud Breeze expressed his desire to have the District established.

Thereupon, after all persons desiring to speak had been permitted to do so, the Chairman stated that the hearing was concluded and the following resolution was introduced in written form by Commissioner Coleman, was read and discussed.

The Commission determined, that the matter would not be decided this day and postponed further consideration of the resolution until November 18, 1992.

(Other business not pertinent to the above appears in the minutes of the meeting.)

Upon motion duly made by \_\_\_\_\_ and seconded by \_\_\_\_\_, the meeting was adjourned.

  
Chairman,  
Board of County Commissioners  
Wasatch County, Utah

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Attest:

Michael Burger  
County Clerk

Heber City,  
Wasatch County, Utah  
November 18, 1991

The Board of County Commissioners of Wasatch County, State of Utah, met in regular public session November 18, 1991, at the hour of 11:00 o'clock A.M., at the Commission Chambers, of the Wasatch County Courthouse in Wasatch County, Utah.

The meeting was called to order and on roll call, the following members, constituting a quorum, were determined present:

J. Moroni Besendorfer, Chairman

Pete A. Coleman, Commissioner

T. LaRen Provost, Commissioner

Also present:

Beverly Ercanbrack, County Clerk

Steven L. Hansen, Wasatch County Attorney

Robert A. Mathis, County Planner

Absent: None

After the meeting had been duly called to order and the minutes of the preceding meeting read and approved, the Clerk presented to the board an affidavit evidencing the giving of not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the November 18, 1991 meeting in compliance with the requirements of Section 52-4-6 (2), Utah code Annotated, 1953, as amended, by (a) posting written notice of the meeting at the

principal office of the board, and (b) providing notice to at least one newspaper of general circulation within the geographic jurisdiction of Wasatch County or to a local media correspondent. The affidavit was ordered recorded in the minutes of the meeting and is as follows:

STATE OF UTAH )

COUNTY OF WASATCH)

I, the undersigned, the duly qualified and acting County Clerk of Wasatch County, Utah, and ex-officio Clerk of the Board of County Commissioners, do hereby certify, according to the records of said board in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-6(2), Utah Code Annotated, 1953, as amended, I gave no less than twenty-four (24) hours notice of the agenda, date, time, and place of the November 18, 1991 public meeting held by the board of County commissioners of Wasatch County, Utah, by:

(a) causing a Notice of Public Meeting to be posted at the principal office of the board at the County Courthouse, in Heber City, Utah, on November 18, 1991, at least twenty-four (24) hours before the convening of the meeting, in the form attached hereto as Exhibit A; said Notice of Public Meeting having continuously remained so posted and available for public inspection during the regular office hours of the board until the convening of the meeting; and

(b) causing a copy of the Notice of Public Meeting in the form attached hereto as Exhibit B to be provided on November 18, 1991, at least twenty-four (24) hours before the convening of the meeting, to The Wasatch Wave, a newspaper of general circulation within the geographic jurisdiction of Wasatch county, and to each local media correspondent, newspaper, radio station or television station which has requested notification of meetings of the Board of County

Commissioners.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of the Board of County Commissioners of Wasatch County, Utah, this November 18, 1991.

Diane Al Brugler  
Clerk, Board of County Commissioners

(AFFIX SEAL HERE)

**EXHIBIT B**

**(Attach Notice of Public Meeting)**

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The Chairman then announced that the meeting had been called pursuant to notice for the purpose, among those things, of deciding whether or not to establish a Special Service District within the areas hereinafter described. He then noted that the Commission had considered protests which had been filed, and had heard and considered all interested persons desiring to be heard in support of or in opposition to establishment of said Special Service District, or the furnishing of drainage, flood control or transportation (roads) services pursuant thereto.

He said he was concerned that the District was not needed. He read three letters he had received opposing the establishment of the District.

Property owners, Donna Poulson, Mike Camper, and Bud Breeze expressed their points of view.

Pursuant to motion made by Commissioner Coleman and seconded by Commissioner Provost was adopted by the following vote:

Aye:           Pete A. Coleman  
                  T. LaRen Provost  
Nay:            J. Moroni Besendorfer

The resolution is as follows:

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**A RESOLUTION establishing the Wasatch County Subdivision Special Service District No. 10, Wasatch County, Utah.**

★★★ ★★★ ★★★

WHEREAS pursuant to resolution duly adopted October 7, 1991, the Board gave notice of its intention to establish the Wasatch County Subdivision Special Service District No. 10, having the boundaries set out in Section 2, hereof, and to provide therein drainage, flood control and transportation (roads) services; and

WHEREAS pursuant to said resolution, the Board ordered that a public meeting be held on October 28, 1991, at 11:00 o'clock A.M., purpose of holding a public hearing on the establishment of the District or the furnishing of drainage, flood control and transportation (roads) services therein; and

WHEREAS public notice of said intention and of the time and place of said hearing was given by the County Clerk through the publication of an appropriate notice in The Wasatch Wave, a newspaper published and of general circulation in Wasatch county, Utah, once a week during three consecutive weeks on October 9, 1991, October 16, 1991, and October 23, 1991, the first of such publications having been not less than twenty-one (21) days nor more than thirty-five (35) days prior to the date of this hearing; and

WHEREAS said hearing has been held on October 28, 1991, pursuant to said notice at the aforesaid time and place, and the Board has considered all protests filed and has heard and considered all interested persons desiring to be heard:

NOW, THEREFORE, Be It, and It Hereby Is, Resolved by the Board

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of County Commissioners of Wasatch County, Utah, as follows:

Section 1. That this Board does hereby find and determine:

(a) That public notice of the hearing upon the establishment of the district and the furnishing of services therein was duly given by the County Clerk by publication of an appropriate notice in The Wasatch Wave, a newspaper published and of general circulation in Wasatch County, once a week for three consecutive weeks prior to October 28, 1991, to-wit, on October 9, 1991, October 16, 1991, and October 23, 1991, the first of said publications having been made not more than thirty-five (35) days nor less than twenty-one (21) days prior to the date of this hearing.

(b) That the following persons filed written protests against the establishment of the District, at or prior to this hearing, which written protests were not withdrawn prior to the adoption of this resolution:

NAME

ADDRESS

There were none.

(c) That a public hearing on the establishment of the District and the furnishing of drainage, flood control and transportation (roads) services therein was held and conducted by the Board as required by the Act and the resolution of October 7, 1991, on November 18, 1991, at 11:00 o'clock A.M. at the Commission Chambers of the Wasatch County Courthouse, 28 North Main Street, Heber City,

Utah, in Wasatch County, Utah at which public hearing the board gave full consideration to all protests which were filed and heard and considered all interested persons desiring to be heard.

(d) That after careful consideration of all factors involved and of all objections and protests, it has been and is hereby found, determined and declared that: (i) all property included within the boundaries of the District, as such boundaries are set out in the aforesaid resolution of October 7, 1991, and in Section 2 hereof, will be benefitted by the drainage, flood control and transportation (roads) services to be furnished therein by the District, (ii) the property to be included in the District is hereby withdrawn from Wasatch County Special Service District No. 10, and therefore none of the property included within the boundaries of Wasatch County Subdivision Special Service District #10 is also contained within the boundaries of any other special service district created under the Act to provide water, sewerage, drainage, or transportation (roads) services, (iii) that no territory contained within the boundaries of any incorporated city or town or improvement district organized and operating under title 17, Chapter 6, Utah Code Annotated, 1953, as amended, is also contained within the proposed boundaries of the District, (iv) the public health, convenience and necessity requires the establishment of the District pursuant to the provisions of the Act and Article XIV, Section 8 of the Utah Constitution, and (v) that all proceedings taken in establishing said District have been in compliance with law.

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Section 2. That the Wasatch County Subdivision Special Service District No. 10, is hereby established. The boundaries of the district are as follows:

See Attached Description

Section 3. That the properties included within the district are included for the purpose of providing drainage, flood control and transportation (roads) services within said District, through Facilities acquired through construction, purchase, gift, or condemnation, or any combination thereof.

Section 4. That if by December 3, 1991, said date being fifteen (15) days after the conclusion of this hearing, fifty per cent (50%) of the qualified voters, or property owners holding fifty per cent (50%) of the assessed valuation of the territory constituting the District file written protests with the County Clerk against (1) the establishment of the District, then pursuant to the provisions of Section 11-23-9, Utah Code Annotated, 1953, the establishment of the District shall be abandoned, or (2) the furnishing by the District of a specified type or types of service within the District, then pursuant to the provisions of Section 11-23-9, Utah Code Annotated, 1953, the type or types of services objected to shall be eliminated therein.

Section 5. That any person who, at or any time prior to the date and time of this hearing, filed a written protest with the County Clerk against the establishment of the District or against

Legal Description  
for  
Wasatch County Special Service District #10  
(Timberlakes Subdivision Area)

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Beginning at the Northeast corner of Timberlakes lot 1470, said point being South 1.007.82 feet from the Northwest corner of section 8, township 4S, R 6 E. of the S L.B.M; thence North 80 degrees, 0' 49" East 837 feet to the Northwest corner of Timberlakes lot 1476; thence North to the North line of section 8, thence Easterly along the section line to the Northwest corner of lot 1270; thence North 32 degrees, East 94.80 feet; thence North 89 degrees, 33' 24" East 380.74 feet; thence South 3 degrees East, 80.15 feet to the section line; thence Easterly along the section line to the Northeast corner of section 8; thence Northerly to Lake Creek; thence Easterly along Lake Creek to a point which is North 0 degrees 16' 43" West, 700 feet plus or minus from the Southeast corner of Timberlakes lot 209; thence South 0 degrees 16' 43" East 700 feet to the Southeast corner of Timberlakes lot 209; thence Easterly along the section line to Lake Creek, thence Southerly and Easterly along Lake Creek to the South line of the Southeast quarter of section 14; thence South 89 degrees, 43' 6" East 931.69 feet plus or minus to the Northeast corner of section 23; thence Southerly to the East quarter corner of section 23; thence Easterly to the Northeast corner of the Northwest quarter of the Southwest quarter of section 24; thence Southerly to the Southeast corner of the Southwest quarter of the Southwest quarter of section 24; thence Westerly along the section line to the Southwest corner of Timberlakes lot 2018; thence along the Westerly line of Timberlakes Subdivision Plat 20, 19, 18, and 16, to the Southeast corner of Timberlakes lot 1718; thence Northerly and Westerly along the West line of the Stein Brief Group property, serial number OWC-2243-2-015-046, the following four courses, 79 degrees 16' 10" West 2340.44 feet; North 6 degrees 43' 53" East 496.66 feet; North 9 degrees 19' 30" West, 655.69 feet; North 82 degrees 56' 21" West 350.53 feet to the Northeast corner of Timberlakes lot 1729; thence South 9 degrees 49' 37" West 243 feet along the East line of Timberlakes lot 1729; thence along the Southwesterly line of Timberlakes subdivision plat 16A to the most Southerly corner of Timberlakes lot #1087; thence along the Southwesterly line of Timberlakes Subdivision Plats 10 and 9, to the Southwest corner of Timberlakes of lot #992; thence West 1921.00 feet, along the South boundary line of Timberlakes Common Area; thence North 78 degrees 58' 23" West 1487.96 feet along the boundary line of Timberlakes Common Area; thence North 65 degrees West 592.0 feet, along Timberlakes Subdivision Plat #12, thence along the Easterly Southerly Westerly boundary of Timberlakes Subdivision plats 13 and 14 to the beginning.

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the furnishing of a specified type or types of services within the district and whose property has been included within the boundaries of the District notwithstanding such protest, may, with 30 days after the adoption of this resolution, apply to the District Court of the Fourth Judicial District for a writ of review of the actions of the Board in establishing the District. Under Section 11-23-11, Utah Code Annotated, 1953, the only grounds upon which a person may apply for a writ of review are that his property will not be benefitted by one or more of the types of services authorized to be furnished by the District or that the proceedings taken in connection with the establishment of the District have not been in compliance with law.

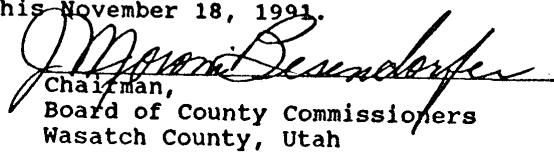
A failure to apply for such writ of review within the prescribed time shall foreclose all owners of property within the District from the right further to object to the establishment the District.

Section 6. That in accordance with the provisions of Title 11, Chapter 12, Utah Code Annotated, 1953, as amended, the Chairman of the Board of County Commissioners and County Clerk are directed to file with the Utah State Tax Commission a notice of the establishment of the District, containing the information and certification therein required. Such notice shall be so filed by December 13, 1991, that date being within ten (10) days of the expiration of the fifteen (15) day period mentioned in Section 4, hereof.

Section 7. That all acts and resolutions in conflict with

this resolution or any part thereof are hereby repealed.

Adopted and approved this November 18, 1991.

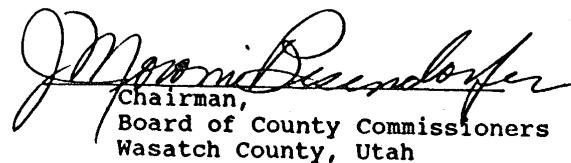
  
Chairman,  
Board of County Commissioners  
Wasatch County, Utah

Attest:

  
County Clerk

(Other business not pertinent to the above appears in the minutes of the meeting.)

Upon motion duly made by \_\_\_\_\_  
and seconded by \_\_\_\_\_, the meeting was adjourned.

  
Chairman,  
Board of County Commissioners  
Wasatch County, Utah

Attest:

  
County Clerk

STATE OF UTAH )

)  
COUNTY OF WASATCH )

I, Beverly Ercanbrack, do hereby certify that I am the duly qualified and acting County Clerk of Wasatch County, Utah.

I further certify that the foregoing constitutes a true and correct copy of the minutes of a meeting of the Board of County Commissioners of Wasatch County held at the Wasatch County Courthouse, in Heber City, in Wasatch County, Utah, beginning at 11:00 o'clock A.M. on November 18, 1991, as recorded in the regular official book of minutes of the proceedings of said Board of County Commissioners, kept in my office, insofar as the same refer to or concern a hearing held on said date and at the aforesaid time, and a resolution adopted at the conclusion of said hearing, that said proceedings were duly had and taken as herein show, that all members were given due, legal and timely notice of said meeting, that the meeting therein shown was in all respects called, held and conducted in accordance of the law, and that the persons therein named were present at said meeting, as therein shown.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said county this November 18, 1991.

Beverly Ercanbrack  
County Clerk

(SEAL)

State of Utah ) ss  
County of Wasatch )  
I, the undersigned, Clerk of the County of Wasatch, Utah, do hereby certify that the aforesaid and foregoing is a true and full copy of an original document on file in my office as such Clerk.

Witness my hand and seal of said county this  
day of November, 1991  
BEVERLY ERGANBRACK  
By: Beverly Ercanbrack  
Deputy