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DOC # 20240029127

Notice Page 1 of 22
Gary Christensen Washington County Recorder
09/17/2024 12:00:06 PM Fee \$ 46.00
By SNOW JENSEN & REECE



NOTICE OF IMPENDING BOUNDARY ACTION

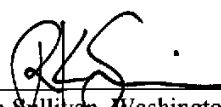
**Divario Infrastructure Financing District No. 1
Incorporation**

TO: Lieutenant Governor, State of Utah

NOTICE IS HEREBY GIVEN that a petition proposing the creation of the Divario Infrastructure Financing District No. 1, affecting the property more particularly identified in Exhibit A hereto, has been certified by the County Clerk of Washington County, Utah. A copy of the Final Local Entity Plat satisfying the applicable legal requirements as set forth in Utah Code Ann. §17-23-20, approved as a final local entity plat by the Surveyor of Washington County, Utah, is submitted herewith and incorporated by this reference. The undersigned County Clerk hereby certifies that all requirements applicable to the creation of the District, have been met. The District is not anticipated to result in the employment of personnel.

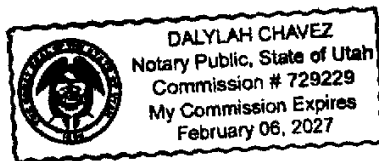
WHEREFORE, the undersigned County Clerk hereby respectfully requests the issuance of a Certificate of Incorporation pursuant to and in conformance with the provisions of Utah Code Ann. §17B-1-215.

DATED this 20 day of August 2024.

By: 
Ryan Sullivan Washington County Clerk

STATE OF UTAH)
)ss.
COUNTY OF WASHINGTON)

SUBSCRIBED AND SWORN to before me this 20 day of August 2024.




NOTARY PUBLIC

EXHIBIT A
TO NOTICE OF IMPENDING BOUNDARY ACTION

LEGAL DESCRIPTION

PA-8:

Beginning at a point on the southeast corner of Salarno Hills at Divario, as found on record as Entry No. 20220029519 with the Washington County Recorder's Office, said point being South 88°33'41" East 364.82 feet along the section line and South 397.82 feet from the Southwest Corner of Section 27, Township 42 South, Range 16 West, Salt Lake Base & Meridian, and running; thence North 39°29'26" East 667.79 feet along said southeasterly line of Salarno Hills at Divario to the westerly line of Divario Canyon Drive, as found on record as Entry No. 20230015330 with the Washington County Recorder's Office; thence the following (4) courses along said westerly line of Divario Canyon Drive; thence South 50°30'34" East 95.47 feet; thence Southeasterly 447.80 feet along an arc of a 2,033.00 foot radius curve to the left (center bears North 39°29'26" East, long chord bears South 56°49'11" East 446.90 feet with a central angle of 12°37'14"); thence Southeasterly 1,045.99 feet along an arc of a 1,967.00 foot radius curve to the right (center bears South 26°52'12" West, long chord bears South 47°53'45" East 1,033.71 feet with a central angle of 30°28'05"); thence South 32°39'43" East 100.44 feet; thence Southeasterly 473.27 feet along an arc of a 1,967.00 foot radius curve to the right (center bears South 57°20'17" West, long chord bears South 25°46'09" East 472.13 feet with a central angle of 13°47'08"); thence South 71°07'25" West 15.00 feet; thence North 67°03'28" West 213.19 feet; thence North 56°04'17" West 176.32 feet; thence North 43°11'35" West 236.85 feet; thence North 56°01'06" West 118.59 feet; thence North 51°32'07" West 113.91 feet; thence North 60°24'33" West 231.43 feet; thence North 64°36'46" West 128.45 feet; thence North 74°29'16" West 136.40 feet; thence North 70°25'08" West 410.09 feet; thence North 59°40'14" West 108.63 feet; thence North 67°40'57" West 284.82 feet to the Point of Beginning.

Containing 870,904 square feet or 19.99 acres.

PA-5:

Beginning at the Center-West 1/16th Corner of Section 34, Township 42 South, Range 16 West, Salt Lake Base & Meridian, said point being South 88°23'46" East 1,333.98 feet along the center section line from the West Quarter Corner of said Section 34, Township 42 South, Range 16 West, Salt Lake Base & Meridian and running; thence North 79°03'37" East 124.87 feet; thence North 58°59'45" East 465.47 feet; thence North 56°00'24" East 238.75 feet; thence North 63°29'17" East 49.16 feet;

thence North 65°41'46" East 12.65 feet;
thence North 71°51'54" East 18.49 feet;
thence North 74°04'34" East 45.59 feet;
thence North 71°08'51" East 19.36 feet;
thence North 76°11'36" East 26.58 feet;
thence North 79°36'47" East 22.71 feet;
thence North 85°15'13" East 26.97 feet;
thence North 88°22'42" East 185.39 feet;
thence North 81°12'26" East 10.29 feet;
thence North 77°26'31" East 15.00 feet;
thence Southerly 583.05 feet along an arc of a 1,783.00 foot radius curve to the left (center bears North 77°26'31" East, long chord bears South 21°55'34" East 580.46 feet with a central angle of 18°44'10");
thence South 58°42'20" West 15.00 feet;
thence South 79°01'49" West 384.23 feet;
thence South 56°00'24" West 116.78 feet;
thence South 63°13'32" West 316.89 feet;
thence South 41°40'12" West 188.84 feet;
thence South 53°44'25" West 310.07 feet;
thence South 82°56'22" West 84.49 feet;
thence North 76°07'10" West 146.48 feet to the 1/16th line;
thence North 01°17'02" East 655.91 feet along said 1/16th line to the Point of Beginning.

Containing 838,302 square feet or 19.24 acres.

PA-6:

Beginning at the West Quarter Corner of Section 34, Township 42 South, Range 16 West, Salt Lake Base & Meridian, and running;

thence North 01°17'37" East 290.43 feet along the section line;
thence South 88°23'42" East 83.30 feet;
thence North 31°50'43" East 116.34 feet;
thence North 11°41'29" West 190.14 feet;
thence North 13°14'45" East 76.26 feet;
thence North 26°26'33" East 165.20 feet;
thence North 78°19'47" East 192.60 feet;
thence North 25°37'50" East 90.77 feet;
thence North 04°50'26" West 103.34 feet;
thence North 25°54'06" West 93.95 feet;
thence North 15°07'52" East 185.59 feet;
thence North 30°52'33" East 159.37 feet;
thence North 02°53'32" East 133.46 feet;
thence North 19°59'03" East 162.97 feet;
thence North 06°41'06" East 67.99 feet;
thence North 23°24'08" East 38.55 feet;
thence North 23°24'08" East 141.05 feet;

thence South 86°18'11" East 174.69 feet;
thence South 67°54'58" East 277.77 feet;
thence South 85°05'43" East 26.48 feet;
thence South 63°00'17" East 120.28 feet;
thence South 59°12'56" East 140.89 feet;
thence South 55°51'03" East 111.68 feet;
thence South 76°17'55" East 97.27 feet;
thence South 46°41'40" East 99.23 feet;
thence South 61°02'25" East 173.70 feet;
thence South 67°25'22" East 181.26 feet;
thence South 43°04'23" East 329.25 feet;
thence South 80°18'00" East 80.05 feet;
thence North 85°43'34" East 76.10 feet;
thence South 81°54'53" East 52.27 feet;
thence North 75°13'07" East 15.00 feet to the westerly line of Divario Canyon Drive, as found on record as Entry No. 20230015330 with the Washington County Recorder's Office; thence the following (3) courses along said westerly line of Divario Canyon Drive; thence Southerly 297.29 feet along an arc of a 1,967.00 foot radius curve to the right (center bears South 75°13'07" West, long chord bears South 10°27'06" East 297.01 feet with a central angle of 08°39'35");
thence South 06°07'18" East 55.55 feet;
thence Southwesterly 120.95 feet along an arc of a 77.00 foot radius curve to the right (center bears South 83°52'42" West, long chord bears South 38°52'42" West 108.89 feet with a central angle of 90°00'00");
thence South 06°58'44" East 50.01 feet;
thence South 83°52'42" West 518.74 feet;
thence Westerly 460.48 feet along an arc of a 954.00 foot radius curve to the left (center bears South 06°07'15" East, long chord bears South 70°03'05" West 456.02 feet with a central angle of 27°39'20");
thence South 56°13'25" West 178.08 feet;
thence Westerly 460.05 feet along an arc of a 745.00 foot radius curve to the right (center bears North 33°46'35" West, long chord bears South 73°54'51" West 452.78 feet with a central angle of 35°22'53");
thence North 88°23'42" West 118.56 feet;
thence South 01°36'18" West 103.57 feet;
thence South 71°52'48" West 82.27 feet;
thence South 76°51'41" West 82.72 feet;
thence South 01°36'18" West 21.72 feet;
thence South 86°33'07" West 80.31 feet;
thence South 01°36'18" West 9.71 feet;
thence South 75°02'37" West 83.46 feet;
thence South 01°36'18" West 25.74 feet to the center section line;
thence North 88°23'46" West 392.05 feet along said center section line to the Point of Beginning.

Containing 2,579,292 square feet or 59.21 acres.

Affects portions of Parcel Nos.:

SG-6-2-34-241
SG-6-2-34-411
SG-6-2-34-412
SG-6-2-34-1003
SG-6-2-34-1004

**PETITION REQUESTING THE CREATION OF
DIVARIO INFRASTRUCTURE FINANCING DISTRICT NO. 1
LOCATED IN WASHINGTON COUNTY, UTAH**

June 19, 2024

WASHINGTON COUNTY
Attn: Ryan Sullivan, County Clerk/Auditor
111 East Tabernacle St.
St. George, UT 84770
(435) 301-7220

The undersigned (the "Petitioners") hereby request that the Clerk of Washington County, Utah (the "County Clerk") certify this Petition for the Divario Infrastructure Financing District No. 1 (the "District") pursuant to the Special District Act, Title 17B, Chapter 1, Utah Code Annotated 1953 (the "Act"). The Petitioners request the formation of the District in order to assist in the financing of public infrastructure to service and benefit the area within the proposed District.

I. Petitioners

Petitioner / Owner:

St George 730 LLC
8716 Spanish Ridge Ave., Ste. 110
Las Vegas, NV 89148

Contact Sponsor:

St. George 730, LLC
c/o Mark Schnippel
8716 Spanish Ridge Ave., Ste. 110
Las Vegas, NV 89148
(702) 592-3364
Markschnippel@cox.net

The Petitioner represent 100% of the surface property owners within the proposed District's boundaries. The Petitioners further represent that all of the property within the proposed District's boundaries are within Washington County, Utah.

II. Proposed District Boundaries

The Petitioners request that the initial District's boundaries include the real property described in **Exhibit A** (the "Original District Boundaries"). The Original District Boundaries are further described and depicted in the final local entity plat, as shown in **Exhibit B** (the "Final Local Entity Plat").

III. Requested Service

The Petitioners request the Infrastructure Financing District be created in accordance with Chapter 2a Part 13 of the Act for the purpose of financing the construction of public infrastructure relating to the Development, as permitted under the Act, to service and benefit the District area.

IV. Governing Document

In accordance with the requirements of the Act, attached hereto as **Exhibit C** and incorporated by reference is a draft of the Governing Document, as the same may be amended and restated hereafter, for the District (the "Governing Document").

V. Engineer's Certificate

In accordance with the requirements of the Act, attached hereto as **Exhibit D** and incorporated by reference is certificate of an engineer, licensed under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act, certifying that the costs of public infrastructure and improvements to be constructed within the boundary of the District exceeds \$1,000,000.

VI. Board of Trustees

- a) The Petitioners hereby waive the residency requirement of Section 17B-1-302 of the Act.
- b) The Petitioners propose that the Board of Trustees for each District be initially composed of three (3) appointed members who are property owners, or agents or officers of the property owners, as follows:

Trustee 1: Mark Schnippel for an initial term of six years
8716 Spanish Ridge Ave., Ste. 110
Las Vegas, NV 89148

Trustee 2: Mark Teeppen for an initial term of four years
1636 Indian Wells Dr.
Boulder City, NV 89005

Trustee 3: Rod Packer for an initial term of six years
308 W. Tabernacle
St George, UT 84770

- c) Transition to Elected Board. Respective board seats shall transition from appointed to elected seats according to the following milestones:
 - i) Trustee 1. Trustee 1 shall transition to an elected seat at the end of a full term during which certificates of occupancy for 50% of units have been issued within the District.
 - ii) Trustee 2. Trustee 2 shall transition to an elected seat at the end of a full term during which certificates of occupancy for 65% of units have been issued within the District.
 - iii) Trustee 3. Trustee 3 shall transition to an elected seat at the end of a full term during

which certificates of occupancy for 80% of units have been issued within the District.

No transition pursuant to this Section shall become effective until the scheduled regular election of the District in conjunction with the expiration of the then current term.

VII. Petitioners Consent and Acknowledgements

- d) The Petitioners hereby consent to:
 - i) The creation of the District within the Original District Boundaries;
 - ii) A waiver of the residency requirement for members of the Board of Trustees of the District as permitted under Section 17B-1-302 of the Act;
 - iii) A waiver of the entirety of the protest period described in Section 17B-1-213 of the Act;
 - iv) The recording of a notice as required under Section 17B-1-215(2)(a), which will apply to all real property within the Original District Boundaries.
- e) The Petitioners hereby acknowledge and certify that the foregoing Trustees are either owners of property within the District or agents or officers of owners of property within the District.

VIII. Electronic Means; Counterparts

This Petition may be circulated by electronic means and executed in several counterparts, including by electronic signature, all or any of which may be treated for all purposes as an original and shall constitute and be one and the same document.

IX. Instructions for Clerk

a) In accordance with the requirements of Section 17B-1-209 of the Act, the County Clerk has 45 days to determine whether this Petition complies with the requirements of Sections 17B-1-203(d), 17B-1-205(1), and 17B-1-208(1). If the County Clerk determines that the petition complies with the applicable requirements, the County Clerk shall mail or deliver written notification of the certification and a copy of the certified petition to the Contact Sponsor. An email to the Contact Sponsor at the email address provided above is an acceptable written notification.

b) If the County Clerk certifies this Petition, the County Clerk shall, within the 45 days specified above, file with the lieutenant governor, in addition to a copy of the certified Petition (including the exhibits hereto):

- i) a PDF copy of the signed and notarized Notice of an Impending Boundary Action, attached hereto as **Exhibit E**; and

- ii) a PDF copy of the signed Final Local Entity Plat.

c) Documents may be uploaded to the Lieutenant Governor's Office using the web form found at <https://cs.utah.gov/s/annexations-request> with notice in writing to the Contact Sponsor that such filing has been completed.

d) If the County Clerk determines that this Petition fails to comply with any of the applicable requirements, the County Clerk shall reject this Petition and notify the Contact Sponsor in writing of the rejection and the reasons for the rejection. An email to the Contact Sponsor at the email address provided above is an acceptable written notification.

e) In the event the County Clerk fails to certify or reject this Petition within 45 days, this Petition will be deemed certified and the Petitioners may notify the Lieutenant Governor's Office and submit the required documents for creation of the District.

IN WITNESS WHEREOF, the Petitioners have executed this Petition as of the date indicated above.

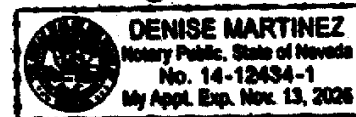
St George 730 LLC

By: 
Its: Manager

STATE OF NEVADA)
 ss:
COUNTY OF CLARK)

On this 20th day of June, 2024, personally appeared before me Mark Schnippel, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn did say that Mark Schnippel, is the Manager of St George 730 LLC., that he was duly authorized by St George 730 LLC to sign this Petition, and that they acknowledged to me that said company executed the same for the uses and purposes set forth herein.


NOTARY PUBLIC



**EXHIBIT A
LEGAL DESCRIPTION**

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Beginning at a point on the southeast corner of Salarno Hills at Divario, as found on record as Entry No. 20220029519 with the Washington County Recorder's Office, said point being South 88°33'41" East 364.82 feet along the section line and South 397.82 feet from the Southwest Corner of Section 27, Township 42 South, Range 16 West, Salt Lake Base & Meridian, and running; thence North 39°29'26" East 667.79 feet along said southeasterly line of Salarno Hills at Divario to the westerly line of Divario Canyon Drive, as found on record as Entry No. 20230015330 with the Washington County Recorder's Office; thence the following (4) courses along said westerly line of Divario Canyon Drive; thence South 50°30'34" East 95.47 feet; thence Southeasterly 447.80 feet along an arc of a 2,033.00 foot radius curve to the left (center bears North 39°29'26" East, long chord bears South 56°49'11" East 446.90 feet with a central angle of 12°37'14"); thence Southeasterly 1,045.99 feet along an arc of a 1,967.00 foot radius curve to the right (center bears South 26°52'12" West, long chord bears South 47°53'45" East 1,033.71 feet with a central angle of 30°28'05"); thence South 32°39'43" East 100.44 feet; thence Southeasterly 473.27 feet along an arc of a 1,967.00 foot radius curve to the right (center bears South 57°20'17" West, long chord bears South 25°46'09" East 472.13 feet with a central angle of 13°47'08"); thence South 71°07'25" West 15.00 feet; thence North 67°03'28" West 213.19 feet; thence North 56°04'17" West 176.32 feet; thence North 43°11'35" West 236.85 feet; thence North 56°01'06" West 118.59 feet; thence North 51°32'07" West 113.91 feet; thence North 60°24'33" West 231.43 feet; thence North 64°36'46" West 128.45 feet; thence North 74°29'16" West 136.40 feet; thence North 70°25'08" West 410.09 feet; thence North 59°40'14" West 108.63 feet; thence North 67°40'57" West 284.82 feet to the Point of Beginning.

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thence North 79°36'47" East 22.71 feet;
thence North 85°15'13" East 26.97 feet;
thence North 88°22'42" East 185.39 feet;
thence North 81°12'26" East 10.29 feet;
thence North 77°26'31" East 15.00 feet;
thence Southerly 583.05 feet along an arc of a 1,783.00 foot radius curve to the left (center bears North 77°26'31" East, long chord bears South 21°55'34" East 580.46 feet with a central angle of 18°44'10");
thence South 58°42'20" West 15.00 feet;
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thence North 01°17'02" East 655.91 feet along said 1/16th line to the Point of Beginning.

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thence South 88°23'42" East 83.30 feet;
thence North 31°50'43" East 116.34 feet;
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thence North 26°26'33" East 165.20 feet;
thence North 78°19'47" East 192.60 feet;
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thence South 67°54'58" East 277.77 feet;
thence South 85°05'43" East 26.48 feet;
thence South 63°00'17" East 120.28 feet;
thence South 59°12'56" East 140.89 feet;
thence South 55°51'03" East 111.68 feet;
thence South 76°17'55" East 97.27 feet;
thence South 46°41'40" East 99.23 feet;
thence South 61°02'25" East 173.70 feet;
thence South 67°25'22" East 181.26 feet;
thence South 43°04'23" East 329.25 feet;
thence South 80°18'00" East 80.05 feet;
thence North 85°43'34" East 76.10 feet;
thence South 81°54'53" East 52.27 feet;
thence North 75°13'07" East 15.00 feet to the westerly line of Divario Canyon Drive, as found on record as Entry No. 20230015330 with the Washington County Recorder's Office; thence the following (3) courses along said westerly line of Divario Canyon Drive; thence Southerly 297.29 feet along an arc of a 1,967.00 foot radius curve to the right (center bears South 75°13'07" West, long chord bears South 10°27'06" East 297.01 feet with a central angle of 08°39'35");
thence South 06°07'18" East 55.55 feet;
thence Southwesterly 120.95 feet along an arc of a 77.00 foot radius curve to the right (center bears South 83°52'42" West, long chord bears South 38°52'42" West 108.89 feet

with a central angle of 90°00'00");
thence South 06°58'44" East 50.01 feet;
thence South 83°52'42" West 518.74 feet;
thence Westerly 460.48 feet along an arc of a 954.00 foot radius curve to the left (center bears South 06°07'15" East, long chord bears South 70°03'05" West 456.02 feet with a central angle of 27°39'20");
thence South 56°13'25" West 178.08 feet;
thence Westerly 460.05 feet along an arc of a 745.00 foot radius curve to the right (center bears North 33°46'35" West, long chord bears South 73°54'51" West 452.78 feet with a central angle of 35°22'53");
thence North 88°23'42" West 118.56 feet;
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thence South 71°52'48" West 82.27 feet;
thence South 76°51'41" West 82.72 feet;
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thence South 01°36'18" West 9.71 feet;
thence South 75°02'37" West 83.46 feet;
thence South 01°36'18" West 25.74 feet to the center section line;
thence North 88°23'46" West 392.05 feet along said center section line to the Point of Beginning.

Containing 2,579,292 square feet or 59.21 acres.

PA-4:

Beginning at the South-West 1/16th Corner of Section 34, Township 42 South, Range 16 West, Salt Lake Base & Meridian, said point being South 88°23'46" East 1,333.98 feet along the center section line and South 01°17'02" West 1,329.59 feet from the West Quarter Corner of said Section 34, Township 42 South, Range 16 West, Salt Lake Base & Meridian and running;

thence North 01°17'02" East 233.41 feet along the 1/16th line;

thence North 54°36'43" East 337.31 feet;

thence North 34°34'38" East 258.63 feet;

thence North 58°39'52" East 241.13 feet;

thence North 54°49'16" East 275.15 feet;

thence North 81°34'39" East 193.85 feet;

thence North 77°33'24" East 186.67 feet;

thence North 41°13'47" East 195.21 feet;

thence North 66°46'02" East 73.62 feet;

thence North 55°30'17" East 15.00 feet;

thence Southeasterly 213.15 feet along an arc of a 1,783.00 foot radius curve to the left (center bears North 55°30'17" East, long chord bears South 37°55'13" East 213.02 feet with a central angle of 06°50'58");

thence Southeasterly 380.15 feet along an arc of a 617.00 foot radius curve to the right (center bears South 48°39'18" West, long chord bears South 23°41'39" East 374.17 feet with a central angle of 35°18'06");

thence Southerly 349.04 feet along an arc of a 661.00 foot radius curve to the left (center bears North 83°57'24" East, long chord bears South 21°10'14" East 345.00 feet with a central angle of 30°15'17");

thence Southeasterly 271.60 feet along an arc of a 595.00 foot radius curve to the right (center bears South 53°42'07" West, long chord bears South 23°13'15" East 269.25 feet with a central angle of 26°09'15");

thence Southerly 11.54 feet along an arc of a 633.00 foot radius curve to the left (center bears North 79°51'23" East, long chord bears South 10°39'57" East 11.54 feet with a central angle of 01°02'40");

thence South 24°30'11" West 152.57 feet to the 1/16th line;

thence North 88°27'41" West 437.26 feet along said 1/16th line;

thence North 40°22'38" East 72.80 feet;

thence North 42°54'27" East 127.64 feet;

thence North 54°03'15" East 16.35 feet;

thence North 62°28'20" East 81.13 feet;

thence North 58°00'12" East 88.19 feet;

thence Northwesterly 61.89 feet along an arc of a 416.26 feet radius curve to the left (center bears South 61°26'26" West, long chord bears North 32°49'09" West 61.84 feet with a central angle of 08°31'09");

thence South 60°33'59" West 83.42 feet;

thence South 64°06'34" West 84.79 feet;

thence South 58°32'16" West 23.72 feet;
thence South 48°41'58" West 148.72 feet;
thence South 53°21'39" West 170.80 feet to the 1/16th line;
thence North 88°25'58" West 1,297.42 feet along said 1/16th line to the Point of
Beginning.

Containing 1,467,502 square feet or 33.69 acres.

EXHIBIT B
FINAL LOCAL ENTITY PLAT

EXHIBIT C
GOVERNING DOCUMENT

EXHIBIT D
CERTIFICATE OF ENGINEER

EXHIBIT E
NOTICE OF IMPENDING BOUNDARY ACTION

