

**RESOLUTION NO. R-2024-3352****A RESOLUTION ANNEXING THE PROPERTY WITHIN THE MUNICIPAL LIMITS
OF THE TOWN OF VIRGIN INTO ASH CREEK SPECIAL SERVICE DISTRICT**

WHEREAS, Washington County (the "County") established the Ash Creek Special Service District ("Ash Creek" or "the District") on December 17, 1979;

WHEREAS, the District currently provides sewage collection, treatment, and disposal services to the residents of Hurricane, La Verkin, Apple Valley, Toquerville, and certain unincorporated areas of Washington County;

WHEREAS, the District and the Town of Virgin (the "Town") enacted a joint resolution (Exhibit A, hereafter referred to as the "Joint Resolution") requesting the annexation of property within the boundaries of the Town into the District; and

WHEREAS, according to the Joint Resolution, the Town anticipates an increase in demand for commercial and residential development of property within the Town, which, in turn, will require the establishment, operation and maintenance of a system or systems for collection, treatment, and disposal of sewage materials;

WHEREAS, Town residents would benefit from the experience and expertise of the District in matters pertaining to the collection, treatment, and disposal of sewage materials;

WHEREAS, on April 16, 2024, the Washington County Commission adopted Resolution No. R-2024-3300, *A Resolution Proposing the Annexation of the Town of Virgin into Ash Creek Special Service District*;

WHEREAS, all notice of the annexation required under Utah Code Section 17D-1-205 has been provided;

WHEREAS, on June 4, 2024, a public hearing was held on the proposed annexation;

WHEREAS, the protest period has passed without adequate protests having been filed;

WHEREAS, it is in the best interest of the citizens of the Town that the property within the boundaries of the Town be annexed into the District for sewer service; and

WHEREAS, the attached map Exhibit B depicts the annexation area and provides a legal description for the annexation area.

NOW THEREFORE, IT IS RESOLVED by the County Commission of Washington County, Utah that all real property within the municipal boundaries of the Town of Virgin are hereby annexed into the boundaries of Ash Creek Special Service District as depicted and described in the attached map (Exhibit B).

NOW THEREFORE, IT IS FURTHER RESOLVED by the County Commission of Washington County, Utah that the attached Final Local Entity Plat is approved and may be signed

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by the Commission chair, and the Commission chair is authorized to sign and issue a notice of impending boundary action in conformity with the annexation accomplished through this Resolution and to submit them to the Lieutenant Governor's Office.

NOW THEREFORE, IT IS FURTHER RESOLVED by the County Commission of Washington County, Utah that prior to the recordation of a certificate of annexation for the District, the Washington County Commission hereby authorizes the Commission chair, in consultation with the county attorney's office, to make any necessary corrections, deletions, additions, or additions to any document herein authorized and approved which may be necessary to conform the same to the intent hereof, to correct errors or omissions therein, to complete the same, to remove ambiguities therefrom, or to conform the same to other provisions of said instruments to the provisions of this Resolution or any resolution adopted by the county commission or the provisions of the laws of the State of Utah or the United States.

VOTED UPON AND PASSED BY THE WASHINGTON COUNTY COMMISSION AT A REGULAR MEETING OF THE WASHINGTON COUNTY COMMISSION HELD ON SEPTEMBER 3, 2024.

WASHINGTON COUNTY COMMISSION,
acting as the governing body of Ash Creek
Special Service District



GIL ALMQUIST, Commission Chair

ATTEST:



Ryan Sullivan
Washington County Clerk/Auditor

Commissioner Almquist voted *Aye*
Commissioner Iverson voted *Aye*
Commissioner Snow voted *Aye*

Approved as to Form:



Deputy Washington County Attorney

Resolution No. R2024-E

A JOINT RESOLUTION OF THE TOWN COUNCIL OF VIRGIN, UTAH AND THE ADMINISTRATIVE CONTROL BOARD OF ASH CREEK SPECIAL SERVICE DISTRICT REQUESTING ANNEXATION OF PROPERTY WITHIN THE BOUNDARIES OF VIRGIN INTO ASH CREEK SPECIAL SERVICE DISTRICT.

WHEREAS Ash Creek Special Service District (hereafter "the District") is a Utah special service district created by the Washington County Commission under the Utah Special Service District Act for the purpose of providing sewage collection, treatment and disposal services to the residents of Hurricane, LaVerkin and Toquerville, as well as to certain other unincorporated areas of Washington County, Utah; and

WHEREAS the Washington County Commission has delegated certain power and authority to said district's Administrative Control Board, while at the same time having retained authority as the governing authority of said District to expand the boundaries of the District through annexation; and

WHEREAS the Town of Virgin (hereafter "the Town") anticipates an increase in demand for commercial and residential development of property within the Town, which, in turn, will require the establishment, operation and maintenance of a system or systems for collection, treatment and disposal of sewage materials; and

WHEREAS the Town Council of Virgin desires to avail itself of the experience and expertise of the District in matters pertaining to collection, treatment and disposal of sewage materials and has engaged in discussions with the Administrative Control Board of the District regarding the desirability of annexing property included within the boundaries of the Town into the boundaries of the District for the purpose of providing sewage collection, treatment and disposal to property in the Town; and

WHEREAS the Administrative Control Board of the District is supportive of the annexation of property within the boundaries of the Town into the District, provided that the Town and District enter into a written agreement whereby the Town shall agree to: (1) be responsible for billing and collection of fees and charges for services provided by the District, (2) adopt by ordinance and incorporate into the Virgin Municipal Code the District's Rules of Operation and Construction Standards as presently constituted or as may be amended from time to time, and (3) comply in all respects with said District's rules, regulations, policies and procedures; and

WHEREAS Utah Code Ann. §17D-1-401(1)(a) provides that the governing authority of a special service district has authority, in accordance with the procedure outlined in §17D-1-201 et. seq., to annex an area into an existing special service district to provide to that area a service that the special service district is authorized to provide; and

WHEREAS the Town Council of Virgin and the Administrative Control Board of Ash Creek Special Service District believe that it is in the best interest of the health, safety and welfare of the residents of Virgin that property within the boundaries of the Town of Virgin be annexed into Ash Creek Special Service District,

BE IT HEREBY RESOLVED by the Town Council of Virgin, Utah and the Administrative Control Board of Ash Creek Special Service District that the Washington County Commission, as governing authority of Ash Creek Special Service District, be requested to commence the process outlined in Utah Code Ann. §17D-1-201 et. seq. for annexation of property within the boundaries of the Town of Virgin into the Ash Creek Special Service District, subject to the Town and District entering into a written agreement whereby the Town shall agree to: (1) be responsible for billing and collection of fees and charges for services provided by the District, (2) adopt by ordinance and incorporate into the Virgin Municipal Code the District's Rules of Operation and Construction Standards as presently constituted or as may be amended from time to time, and (3) comply in all respects with said district's rules, regulations, policies and procedures.

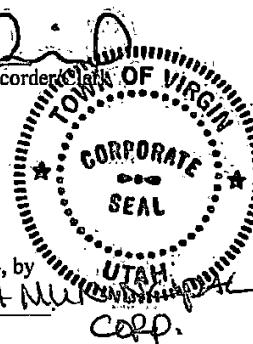
BE IT FURTHER RESOLVED that this Resolution shall be submitted to the Washington County Commission upon execution of the agreement described herein between the Town of Virgin and Ash Creek Special Service District.

APPROVED AND ADOPTED this 20th day of February 2024.

TOWN OF VIRGIN


Jean M. Krause Mayor

ATTEST:

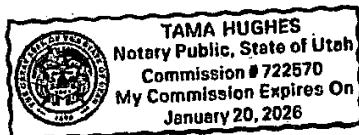

Krystal Percival, Town Recorder

TOWN OF VIRGIN
CORPORATE
SEAL
UTAH
COPP.

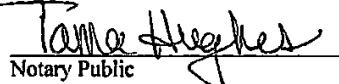
State of UTAH

COUNTY OF WASHINGTON

The foregoing instrument was acknowledged before me this 22 day of February, 2024, by
JEAN KRAUSE, the Mayor of VIRGIN TOWN A MUNICIPAL CORP.

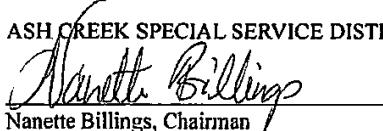
Seal:




Tama Hughes
Notary Public

APPROVED AND ADOPTED this 28 day of March, 2024.

ASH CREEK SPECIAL SERVICE DISTRICT


Nanette Billings, Chairman

ATTEST:


Darrel Humphries, Secretary

COPY CERTIFICATE

State of UTAH

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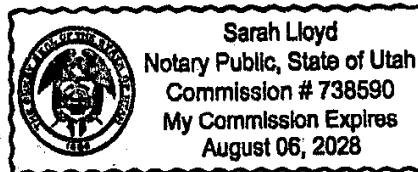
County of WASHINGTON

On this 25 day of November, in the year 2024, I certify that the preceding or attached document, is a true, exact, complete and unaltered photocopy made by me of RESOLUTION NO. R-2024-3352 and that, to the best of my description of document

knowledge, the photocopied document is neither a public record nor a publicly recorded document, certified copies of which are available from an official source other than a notary.



Notary Public

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