



W2076513

ORDINANCE NO. 12-2004

AN ORDINANCE, OF THE BONA VISTA WATER IMPROVEMENT DISTRICT, FOR THE PURPOSE OF ADJUSTING ITS COMMON BOUNDARY WITH OGDEN CITY BY ACQUIESCING IN THE DISCONNECTION OF CERTAIN PROPERTY FROM BONA VISTA WATER IMPROVEMENT DISTRICT AND ITS ANNEXATION INTO OGDEN CITY; IDENTIFYING SAID PROPERTIES BY THEIR LAND SERIAL NUMBERS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of Trustees of the Bona Vista Water Improvement District (herein "District") is a quasi-municipal corporation and water improvement district, duly organized and existing under the laws of the State of Utah; and,

WHEREAS, in conformance with the relevant provisions of UCA, the governing body of the District may exercise all administrative powers by resolution or ordinance; and

WHEREAS, the Board of Trustees of the Bona Vista Water Improvement District find that certain properties are within the service area of both the District and Ogden City and that realignment of the boundaries of the District are necessary to avoid double taxation problems; and,

WHEREAS, the Board of Trustees finds that UCA §17A-2-101.3, et.seq., provides that where two or more service providers share a common border they may adjust that border; and,

WHEREAS, the Board of Trustees finds that it is in the best interest of the District and Ogden City to adjust the common boundary between them and that to this end that certain property be disconnected from Bona Vista Water Improvement District and that it then be annexed into Ogden City, that thereby the common boundary between the entities might be adjusted as provided by statute and that owner's properties might thereby be unified within one political entity and service and taxing area; and,

WHEREAS, the Board of Trustees finds that the District acknowledges the desirability of disconnecting these affected properties from Bona Vista Water Improvement District as a means of creating a more logical District and property boundary; and,

WHEREAS, the District Board of Trustees finds that it is in the best interest of its citizens to support this boundary amendment; and,

WHEREAS, the Board of Trustees finds that, as required, a Resolution indicating its intention to adjust its common boundary with Ogden City by acquiescing in the disconnection of certain property from Bona Vista Water Improvement District and its subsequent annexation into Ogden City, identifying said properties affected, and setting a public hearing to consider same was properly adopted; and,

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DOUG CROFTS, WEBER COUNTY RECORDER
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REC FOR: BONA.VISTA.WATER

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WHEREAS, the Board of Trustees finds that after due publication of notice at least 30 days prior thereto, which notice was published in the Ogden Standard Examiner, the District held a public hearing on said boundary change which public hearing commenced as scheduled and was properly recorded and minutes thereof provided; and,

WHEREAS, the Board of Trustees finds that UCA §17A-2-101 et.seq., provides that annexation of additional territory to the District or adjustment of boundaries shared by two or more of these types of entities shall be governed by UCA Title 17B, Chapter 2, Part 5, Annexation, to the same extent as if the district were a local district under Title 17B, Chapter 2, Local Districts; and,

WHEREAS, the Board of Trustees finds that UCA §17B-2-201 et.seq., provides for creation, management, and modification of a District; and makes provisions for and establishes the procedures whereby petitions for service and boundary amendment may be received and effectuated; and,

WHEREAS, the Board of Trustees finds that UCA §17A-1-102, Notice to State Tax Commission, requires certain notice to be given following the proposed boundary adjustment with Ogden City,

NOW, THEREFORE, the District Board of Trustees of Bona Vista Water Improvement District hereby ordains as follows:

The Bona Vista Water Improvement District shall adjust its common boundary with Ogden City by acquiescing in the disconnection of certain property from Bona Vista Water Improvement District and its annexation into Ogden City, identifying said properties as those listed in Attachment "A" hereto, and by this reference incorporated herein as if fully set out herein

Section 1. Prior Ordinances and Resolutions

That the above actions, and the body and substance of prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are hereby reaffirmed and readopted.

Section 2. Repealer of Conflicting Enactments

All orders, ordinances and resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the District, or parts thereof, which are in conflict with any of the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 3. Savings Clause

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If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of

rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Ordinance and the provisions of this Ordinance being deemed to be the separate independent and severable act of the Board of Trustees of Bona Vista Water Improvement District.

Section 4. Date of Effect

BE IT FURTHER ORDAINED that this Ordinance, and the fees listed herein, shall become effective on the 27th day of December, 2004 and after publication or posting as required by law.

DATED this 27th day of December, 2004

BONA VISTA WATER IMPROVEMENT DISTRICT

by: *Jimmie Papageorge*
Lynn Moyes Jimmie Papageorge
Chairman Board of Trustees

Attested and recorded

Paul Hodson
District Secretary / Recorder

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Attachment "A"

On October 27th, 2004 the Trustees of the Bona Vista Water Imp. District passed a resolution for the intent to de-annex parcels and/or subdivisions of land located in Ogden City.

These parcels and/or subdivisions have already been annexed into Ogden City and said City provides the water service to these properties.

These parcels were part of the original boundaries of the Bona Vista Water Imp. District and therefore paid a property tax to the District. By de-annexing these parcels they will no longer be a part of the District and will no longer be assessed a tax for the District.

The affected areas are as follows: All of Kapp Industrial Park Subdivision, Phase 1; all of East Oaks Subdivision; Meadow Ridge No. 1 lots 3 thru 17; all of Meadow Ridge No. 2 Subdivision; Meadow Ridge No. 3 lots 2, 3, 4, 5; all of North Ridge Estates Subdivision phase 2; Tru-Ridge Phase 2 Subdivision lots 5, 6, 7; all of Midland Business Park; all of Ogden Commercial & Industrial Park Plat N; all of North Park Meadows Prud in Ogden City, Weber County, Utah. This will also include the following land serial numbers located in Ogden City. Serial numbers ~~080020001, 080020005, 080020032, 080050006, 110270051, 121000013, 121000016, 121000026, 121760001, 140300009, 140300011, 140300012, 140300013, 140300014, 140300015, 140310048, 150670002, 150670003, 150970013, 151020044, 152360002, 153450003, 153450001, 151980002, 152120008, 152120001, 152120002, 152120006, 152120007, 152120009, 152120010, 152220003, 152280002, 152280003, 152360001, 152360003, 152360004, 152510001, 152510003, 152630001, 152710001, 152710002, 152710003, 152710004, 152840002, 113170003, 113170005, 113340004, 113340001, 113270004, 113270003, 113270006, 112810008, 151020010, 153450002, 150680005, 150600047, 110800030, 110800032, 150980003, 150010016, 150320039, 110220004, 110210060, 120940056, 120940057, 150620032~~, in Ogden City, Weber County, Utah. Also included, The NW 1/4 of Sec 19 T.6N, R.1W SLB&M that portion lying North of the center line of 12th street; all of the NW 1/4 and the SW 1/4 of Sec 18, T.6N, R.1W SLB&M; all of the NW 1/4 and all of the SW 1/4 of Sec 7, T.6N, R.1W, SLB&M; NE 1/4 of Sec 7, T.6N, R. 1W SLB&M that portion lying West of the West line of the O.S.L.R.R.; The North half of the SE 1/4 of Sec 7, T.6N, R. 1W, SLB&M lying West of the West line of the O.S.L.R.R.; all of the Business Depot Ogden Plat 8 Weber County.

The Board of Trustee's will hold a public hearing on December 27, 2004 at 3:00 p.m. at the District Office - 1483 Wall Avenue Ogden - whereby they may adopt a resolution to de-annex those properties listed unless at or before this hearing is held a written protest is filed at the District Office.

For further information or questions you may call (621-0474) or stop by the office between 9:00 a.m. and 5:00 p.m. Monday - Friday.

Paul Hodson/General Manager

- 11-207-0001 - 10001 -
- 11-023-0044 -
- 11-351-0001, 0002, 0003 -
- 11-350-0033 (11-350-0034) -
- 08-272-0001 to 0004 -
- 15-285-0001, 0002, 0004 to 0006 -
- 11-226-0001 to 0045 -
- 15-366-0001 to 0004 -
- 11-298-0003 to 0017 -
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- 11-281-0001 to 0028 -
- 15-339-0001, 0002 -
- 11-327-0002 to 0005 -
- 15-369-0001 to 0003 -
- 11-291-0001, 0002 -
- 11-350-0012 to 0018 -
- 11-291-0003 to 0010 -
- 11-350-0001 to 0011, 0019 to 0032 -
- 11-317-0003 to 0005 -
- 12-100-0002, 0020, 0025, 0018
- 12-197-0001 -
- 0019, 0022 -
- 12-198-0001, 0002 -
- 12-094-0040, 0039, 0033, 0052,
- 0041, 0052, 0046,
- 0054, 0045, 0046, 0051, 0042,
- 0049, 0039, 0051,
- 0048 -
- 0042, 0050 -
- 12-208-0003, 0004 -
- 11-023-0022, 0029 -
- 12-196-0001, 0002 -
- 12-197-0003 to 0008 -
- 12-197-0002 (12-197-0003) -
- 11-346-0002, 0005 -
- 11-346-0001 (11-346-0005) -
- 15-349-0001, 0002 -