

Beaver, Utah

October 16, 2000

A regular meeting of the Board of County Commissioners of Beaver County, Utah, was held on Monday, the 16th day of October, 2000, at the hour of 10:00 a.m., at the regular meeting place of said Board at which meeting there were present and answering roll call the following members who constituted a quorum:

Chad W. Johnson	Commission Chair
William Dalton	Commissioner
Mark S. Whitney	Commissioner

Also present:

Paul B. Barton	County Auditor/Clerk
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Absent:

After the meeting had been duly called to order and other matters not pertinent to this resolution had been discussed, the County Auditor/Clerk presented to the Board of County Commissioners a Certificate of Compliance with Open Meeting Law with respect to this October 16, 2000, meeting, a copy of which is attached hereto as Exhibit "I".

Commissioner Dalton introduced the following resolution in writing, which was read in its entirety, and moved its adoption:

E 209157 B 333 P 0409  
Date 19-MAR-2001 1:11pm  
Fee: No Fee Check  
R BRUCE BROWN, Recorder  
Filed By CP  
For BEAVER COUNTY  
BEAVER COUNTY CORPORATION

RESOLUTION NO. 2000-05

A RESOLUTION DECLARING THE INTENTION OF THE BOARD OF COUNTY COMMISSIONERS OF BEAVER COUNTY, STATE OF UTAH, TO UPGRADE AND IMPROVE APPROXIMATELY 11.9 MILES OF THE THERMO ROAD FROM THE BEAVER COUNTY/IRON COUNTY LINE TO THE UNION PACIFIC RAILROAD CROSSING AND TO COMPLETE ALL OTHER MISCELLANEOUS WORK NECESSARY TO COMPLETE THE IMPROVEMENTS IN A PROPER WORKMANLIKE MANNER; TO CREATE THE BEAVER COUNTY, UTAH SPECIAL IMPROVEMENT DISTRICT NO. 2000-1; TO DEFRAY THE COST AND EXPENSES OF SAID IMPROVEMENT DISTRICT BY SPECIAL ASSESSMENTS TO BE LEVIED AGAINST THE PROPERTY BENEFITTED BY SUCH IMPROVEMENTS; TO PROVIDE NOTICE OF INTENTION TO AUTHORIZE SUCH IMPROVEMENTS AND TO FIX A TIME AND PLACE FOR PROTESTS AGAINST SUCH IMPROVEMENTS OR THE CREATION OF SAID DISTRICT; TO DECLARE ITS OFFICIAL INTENT TO REIMBURSE ITSELF FOR EXPENDITURES PAID BY IT PRIOR TO THE SALE OF BONDS; AND RELATED MATTERS.

BE IT RESOLVED by the Board of County Commissioners of Beaver County, Utah:

Section 1. The Board of County Commissioners of Beaver County, Utah (the "County") hereby determines that it will be in the best interest of the County to upgrade and improve approximately 11.9 miles of the Thermo Road from the Beaver County/Iron County line to the Union Pacific Railroad Crossing (the "Improvements"), and to complete the whole in a proper and workmanlike manner according to plans, profiles and specifications on file in the Office of the County Engineer. In order to finance the costs of the Improvements, the County proposes to create and establish a special improvement district. A description of the proposed special improvement district is more particularly described in the Notice of Intention to construct the proposed Improvements hereinafter set forth.

Section 2. The proposed district shall be known as "Beaver County, Utah Special Improvement District No. 2000-1 (the "District").

Section 3. The cost and expenses of the proposed Improvements shall be paid by a special assessment to be levied against the property fronting or abutting upon or adjacent to the Improvements or which may be affected or specially benefitted by any of such Improvements, such assessment to be paid in not more than twenty (20) annual installments with interest on the unpaid balance until due and paid; provided, however, that the County Commission shall first have found and determined that the proposed improvements have a reasonable useful life of at least twenty (20) years. An allowance shall be made for corner lots, if applicable, as provided by County ordinance so that such lots are not assessed at full rate on both streets.

Section 4. Written protests against the proposed improvements or against the creation of the District must be presented and filed in the Office of the County Auditor/Clerk on or before the

1st day of December, 2000, at the hour of 5:00 p.m. Thereafter at 10:00 a.m. on Monday, the 4th day of December, 2000, at the Beaver County Administration Building in Beaver, Utah, any such protests shall be heard and considered by the Board of County Commissioners. The County Auditor/Clerk is hereby directed to give notice of intention to make the proposed improvements and of the time within which protests against the proposed improvements or the creation of the District may be filed and the date when such protests will be heard and considered by publishing a notice of intention to create the District in the Beaver Press, a newspaper of general circulation in the County, said notice to be published four times, once during each week for four consecutive weeks, the last publication to be not less than five (5) nor more than twenty (20) days prior to the time fixed in the notice as the last day for the filing of protests. In addition, the County Auditor/Clerk shall mail a copy of such notice by United States Mail, postage prepaid, to each owner of land to be assessed within the proposed District at the last known address of such owner, using for such purpose the names and addresses of said owners appearing on the last completed real property assessment rolls of the County, and, in addition, a copy of such notice shall be mailed, postage prepaid, addressed to "Owner" at the street number of each piece of improved property to be affected by the assessment, said notices to be so mailed not later than ten (10) days after the first publication of the Notice of Intention. If a street number has not been so assigned, then the post office box, rural route number, or any other mailing address of the improved property shall be used for the mailing of the Notice. Said Notice shall be in substantially the following form:

## NOTICE OF INTENTION

PUBLIC NOTICE IS HEREBY GIVEN that on the 16th day of October, 2000, the Board of County Commissioners of Beaver County, Utah (the "County"), adopted a resolution declaring its intention to create a special improvement district to be known as Beaver County, Utah Special Improvement District No. 2000-1 (the "District"). It is the intention of the Board of County Commissioners to make improvements within the District and to levy special assessments as provided in Title 17A, Chapter 3, Part 2, Utah Code Annotated 1953, as amended, on the real estate lying within the District for the benefit of which such assessments are to be assessed in the making of such improvements.

## DESCRIPTION OF DISTRICT

The boundaries of the proposed District shall include all parcels of the following property lying within the boundaries of Beaver County:

Circle Four Farms  
Property Descriptions for Skyline West and Blue Mountain Properties in Beaver County

<b>SKYLINE WEST PROPERTY DESCRIPTIONS</b>				
BEAVER CO. #	LOCATION	ACRES	ACRES GRIMSHAW	REFERENCE
2-125-1 2796	Lots 1,2,3 & S1/2 N1/2 Sec. 3, Twp. 30 S., R. 12 W., SLB&M	312.11	629.37	Agri-Empire 41320 & 41321
2-125-2 2797	S1/2 Sec. 3, Twp. 30 S., R. 12 W., SLB&M Excepting: 10 Acres Dean Carter Windmill	310.00		Agri-Empire 41317 & 41318
2-125-4 2798	SE1/4; Lots 1,2,6 & 7, Sec. 4, Twp. 30 S., R. 12 W., SLB&M	327.43	329.01	Agri-Empire 41316 & 41319
2-125-6 2801	NE1/4 Sec. 9, Twp. 30 S., R. 12 W., SLBB&M Excepting: 10 Acres Dean Carter Windmill	150.00	161.93	Agri-Empire 41107
2-125-8 2802	N1/2 Sec. 10, Twp. 30 S., R 12 W., SLB&M	320.00		Bruce Brown 41108
<b>BLUE MOUNTAIN PROPERTY DESCRIPTIONS</b>				
2-142-3 2850	W1/2 Sec. 22; Twp. 30 S., R. 13 W., SLB&M	320.00	319.79	Agri-Empire 42301, 42302-3
2-144-1 2851	All Sec. 23, Twp. 30 S., R. 13 W., SLB&M Excepting: 10 Acres Dean Carter Windmill	630.00	640.07	Agri-Empire
2-144-3 2852	W1/2; SE1/4 Sec. 24 Twp. 30 S., R13 W., SLB&M	480.00	480.35	Agri-Empire
2-144-11 2853	All Sec. 25, Twp. 30 S., R. 13 W., SLB&M Excepting: 10 Acres Dean Carter Windmill	630.00	640.33	Agri-Empire
2-144-6 2854	N1/2 Sec. 26, Twp. 30 S., R. 13 W., SLB&M	320.00	320.07	Agri-Empire
2-145-1 2855	N1/2 Sec. 27, Twp. 30 S., R. 13 W., SLB&M	320.00		Rosalie Payne
2-145-2 2856	NW1/4 SW1/4; W1/2 of the W1/2 of the NE1/4 SW1/4, Sec. 27, Twp. 30 S., R. 13 W., SLB&M.	50.00		Chuck Smith
2-145-3 2857	S1/2 SW1/4; E. 60 Rds. NE1/4 SW1/4; N1/2 SE1/4; SE 1/4 SE1/4; E1/2 SW1/4 SE1/4, Sec. 27, Twp. 30 S., R. 13 W., SLB&M	250.00	249.76	Agri-Empire
2-147-1 2863	All Sec. 33, Twp. 30 S., R. 13 W., SLB&M Excepting: 10 Acres Dean Carter Windmill	630.00	639.15	Agri-Empire
2-147-3 2864	W1/2 Sec. 34, Twp. 30 S., R. 13 W., SLB&M	320.00	319.74	Agri-Empire 42315

### INTENDED IMPROVEMENTS

The improvements to be constructed and their location within the District are as follows:

The upgrading and improving of approximately 11.9 miles of the Thermo Road beginning at the Beaver County/Iron County line and ending at the Union Pacific Railroad Crossing which consists of vertical and horizontal realignment and widening and paving and related improvements.

A more detailed map showing the location of the proposed improvements is on file and available at the offices of the County Engineer during regular business hours.

### ESTIMATED COST OF IMPROVEMENTS

The total cost of improvements in the District as estimated by the County Engineer is \$1,550,000 of which the County will pay approximately \$750,000 from a Federal Economic Development Administration Grant, leaving a remainder of approximately \$800,000 which shall be paid by a special assessment to be levied against the property abutting upon the streets to be improved or upon property which may be affected or specifically benefitted by such improvements. 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, in which case the interest on said warrants will be assessed to the property owners. The estimated costs of assessment include estimated overhead costs which the County projects to incur in the creation and administration of the District. The estimated cost to be assessed against the properties within the District and the method of assessment shall be as follows:

<u>Improvements</u>	<u>Estimated Assessment</u>	<u>Method of Assessment</u>
All road improvements	\$150	Per acre

### LEVY OF ASSESSMENTS

It is the intention of the Board of County Commissioners of the County to levy assessments as provided by the laws of Utah on all parcels and lots of real property to be benefitted by the proposed improvements within the District. The purpose of the assessment and levy is to pay those costs of the improvements which the County will not assume and pay. The method of assessment shall be by acreage as set forth hereinabove.

The assessments may be paid by property owners in not more than twenty (20) annual installments with interest on the unpaid balance at a rate or rates fixed by the Board of County Commissioners, or the whole or any part of the assessment may be paid without interest within fifteen

(15) days after the ordinance levying the assessment becomes effective. The assessments shall be levied according to the benefits to be derived by each property within the District. Other payment provisions and enforcement remedies shall be in accordance with Title 17A, Chapter 3, Part 2, Utah Code Annotated 1953, as amended.

A map of the proposed District, copies of plans, profiles and specifications of the proposed improvements and other related information are on file in the office of the County Engineer who will make such information available to all interested persons.

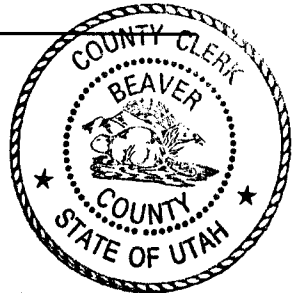
#### TIME FOR FILING PROTESTS

Any person who is the owner of record of property to be assessed in the District described in this Notice of Intention shall have the right to file in writing a protest against the creation of the District or to make any other objections relating thereto. Protests shall describe or otherwise identify the property owned of record by the person or persons making the protest and shall indicate the total acreage represented by said protest. Protests shall be filed with the County Auditor/Clerk of Beaver County, Utah, on or before 5:00 p.m. on the 1st day of December, 2000. Thereafter at 10:00 a.m. on the 4th day of December, 2000, the Board of County Commissioners will meet in public meeting at the offices of the County Commission to consider all protests so filed and hear all objections relating to the proposed District.

After such consideration and determination, the Board of County Commissioners shall adopt a resolution either abandoning the District or creating the District either as described in this Notice of Intention or with deletions and changes made as authorized by law; but the Board of County Commissioners shall abandon the District and not create the same if the necessary number of protests as provided herein have been filed on or before the time specified in this Notice of Intention for the filing of protests after eliminating from such filed protests: (i) protests relating to property or relating to a type of improvement which has been deleted from the District and (ii) protests which have been withdrawn in writing prior to the conclusion of the hearing. The necessary number of protests shall mean protests representing one-half of the acres of property to be assessed.

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

/s/   
County Auditor/Clerk



Published in the Beaver Press

Publication Dates: October 26 and November 2, 9 and 16, 2000



Section 5. The Board of County Commissioners reasonably expects, and hereby confirms its prior expressions of intent, to reimburse the County from proceeds of the Bonds for capital expenditures paid by the County (whether or not such expenditures are paid from proceeds of interim warrants) with respect to the Improvements.

Section 6. This declaration is intended to be a declaration of official intent under Treasury Regulation § 1.103-18(1).

Section 7. The maximum principal amount of debt expected to be issued for reimbursement purposes is \$800,000. This amount will be reduced by cash payments received by the County from property owners who elect to pay their assessment in full during the cash payment period immediately following the effective date of the assessment ordinance.

Section 8. This declaration of official intent is consistent with the County's budgetary and financial circumstances. No funds from sources other than the Bonds are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the County or by any member of the same controlled group pursuant to their budget or financial policies with respect to the expenditures to be reimbursed.

Commissioner Whitney seconded the motion to adopt the foregoing resolution. The motion and resolution were unanimously adopted on the following recorded vote:

Those voting AYE: Chad W. Johnson  
William L. Dalton  
Mark S. Whitney

Those voting NAY: None

After the conduct of other business not pertinent to the above, the meeting was, on motion duly made and seconded, adjourned.

Clad W. Johnson

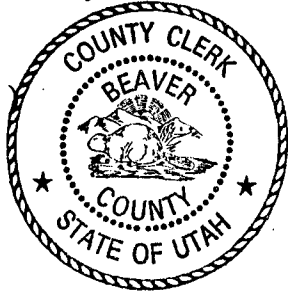
Chair

ATTEST:

Paul B. Burt

County Auditor/Clerk

(SEAL)



STATE OF UTAH                    )  
                                          : ss.  
COUNTY OF BEAVER            )

I, Paul B. Barton, the duly chosen and qualified County Auditor/Clerk of Beaver County, Utah, do hereby certify as follows:

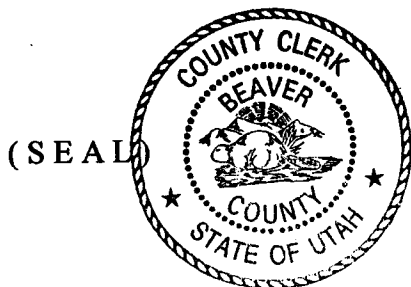
1. That the foregoing typewritten pages constitute a full, true and correct copy of the record of proceedings of the Board of County Commissioners taken at a regular meeting thereof held in said County on October 16, 2000, at the hour of 10:00 a.m., insofar as said proceedings relate to the consideration and adoption of a resolution declaring the intention of the Board of County Commissioners to create Beaver County, Utah Special Improvement District No. 2000-1 and make certain improvements therein described as the same appears of record in my office; that I personally attended said meeting, and that the proceedings were in fact held as in said minutes specified.

2. That due, legal and timely notice of said meeting was served upon all members as required by law and the rules and ordinances of said County.

3. That the above resolution was deposited in my office on October 16, 2000, has been recorded by me, and is a part of the permanent records of Beaver County, Utah.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and affixed the seal of said County this 16th day of October, 2000.

  
\_\_\_\_\_  
County Auditor/Clerk



STATE OF UTAH            )  
                                  : ss.  
COUNTY OF BEAVER    )

AFFIDAVIT OF MAILING  
NOTICE OF INTENTION

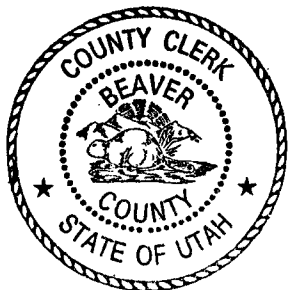
I, Paul B. Barton, the duly chosen and qualified County Auditor/Clerk of Beaver County, Utah, do hereby certify that the attached Notice of Intention was approved and adopted in the proceedings of the Board of County Commissioners had on Monday, the 16th day of October, 2000.

I further certify that on the 17<sup>th</sup> day of October, 2000 (a date not later than ten (10) days after the first publication of the Notice of Intention) I mailed a true copy of the Notice of Intention to create Beaver County, Utah Special Improvement District No. 2000-1 by United States Mail, postage prepaid to each owner of land to be assessed within the proposed Special Improvement District at the last known address of such owner, using for such purpose the names and addresses appearing on the last completed real property assessment rolls of the County and in addition I mailed on the same date a copy of said Notice of Intention addressed to "Owner" addressed to the street number, post office box, rural route number, or other mailing address of each piece of improved property to be affected by the assessment.

I further certify that a certified copy of said Notice of Intention together with profiles of the improvements and a map of the proposed District, was on file in my office for inspection by any interested parties.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of Beaver County, Utah this 17<sup>th</sup> day of October, 2000.

(SEAL



  
\_\_\_\_\_  
County Auditor/Clerk

(Affidavit of proof of publication of the Notice of Intention to create Beaver County, Utah  
Special Improvement District No. 2000-1.)

EXHIBIT "I"

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, the undersigned County Auditor/Clerk of Beaver County, Utah (the "County"), do hereby certify, according to the records of the County 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 not less than twenty-four (24) hours public notice of the agenda, date, time and place of the October 16, 2000, public meeting held by the County as follows:

(a) By causing a Notice in the form attached hereto as Schedule "1", to be posted at the County's principal offices on October 13, 2000, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of such Notice, in the form attached hereto as Schedule "1", to be delivered to the Beaver Press, on October 13, 2000, at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2000 Annual Meeting Schedule for Beaver County, Utah (attached hereto as Schedule "2") was given specifying the date, time and place of the regular meetings of the County Commission to be held during the year, by causing said Notice to be posted on Dec. 29, 1999, ~~2000~~, at the principal office of the County and by causing a copy of said Notice to be provided to at least one newspaper of general circulation within the County on Dec. 29, 1999, ~~2000~~.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this \_\_\_\_ day of October, 2000.



\_\_\_\_\_  
County Auditor/Clerk

SCHEDULE "1"

NOTICE OF MEETING

**NOTICE AND AGENDA OF PUBLIC MEETING**  
**OCTOBER 16, 2000, PUBLIC MEETING OF THE**  
**BOARD OF COUNTY COMMISSIONERS**  
**OF BEAVER COUNTY, UTAH**

PUBLIC NOTICE is hereby given that the Board of County Commissioners of Beaver County, Utah, will hold a work meeting on October 16, 2000, at the place and time set forth below.

MEETING PLACE: Beaver County Office Building, 105 East Center, Beaver, Utah 84713  
MEETING TIME: 10:00 A.M.

10:00 Adoption of Resolution No. 2000-05 – A Resolution Declaring the Intention of the Board of County Commissioners of Beaver County, State of Utah, to Upgrade and Improve Approximately 11.9 Miles of the Thermo Road from the Beaver County/Iron County Line to the Union Pacific Railroad Crossing and to Complete all Other Miscellaneous Work Necessary to Complete the Improvements in a Proper Workmanlike Manner; to Create the Beaver County, Utah, Special Improvement District No. 2000-01; to Defray the Cost and Expenses of Said Improvement District by Special Assessments to be Levied Against the Property Benefitted by Such Improvements; to Provide Notice of Intention to Authorize Such Improvements and to Fix a Time and Place for Protests Against Such Improvements or the Creation of Said District; to Declare its Official Intent to Reimburse Itself for Expenditures Paid by It Prior to the Sale of Bonds; and Related Matters.

10:30 Adjourn for Elk Meadows Special Service District Meeting with Sunrise Engineering

ITEMS OF DISCUSSION

1. Discussion on Tax Abatements
2. Groundwater Well Sampling

Dated the 13th of October, 2000.

*Paul B. Barton*  
BEAVER COUNTY CLERK/AUDITOR  
PAUL B. BARTON  
*by Kari Draper*



SCHEDULE "2"

NOTICE OF ANNUAL MEETING SCHEDULE

## Beaver County Commission

105 East Center  
Post Office Box 789  
Beaver, UT 84713.  
435-438-6466  
Fax 435-438-6481

Chad W. Johnson  
Chairman  
William L. Dalton  
Commissioner  
Mark S. Whitney  
Commissioner



Paul B. Barton  
Clerk/Auditor  
Post Office Box 392  
Beaver UT 84713  
435-438-6463  
Fax 435-438-6462

### COMMISSION MEETING

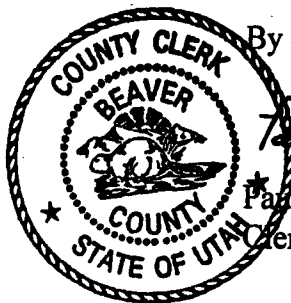
NOTICE is hereby given that, effective May 1, 2000, the Beaver County Commission will hold a work meeting for the remaining 2000 calendar year on the third Monday of each month.

The meetings will begin at 10:00 a.m. and run until noon.

The following is a list of the dates of the meetings:

May 15, 2000	June 19, 2000	July 17, 2000
August 21, 2000	September 18, 2000	October 16, 2000
November 20, 2000	December 18, 2000	

All interested citizens are encouraged to attend these open meetings.



By order of the County Commission

*Paul B. Barton*  
Paul B. Barton  
Clerk/Auditor

Publish: May 4, 2000