

sent to  
Perry City

Ent 217883 Bk 937 Pg 473  
Date 8-Sep-2005 11:39AM Fee \$0.00  
LuAnn Adams - Filed By df  
Box Elder Co., UT  
For PERRY CITY

NOTICE OF SPECIAL MEETING

03-155-0052, 0053

TO THE MEMBERS OF THE CITY COUNCIL OF

PERRY CITY, UTAH: 03-236-0011 thru 0019

NOTICE IS HEREBY GIVEN that a special meeting of the City Council of Perry City, Utah, will be held at the Council's regular meeting place at 5:00 p.m. on Thursday, August 18, 2005, for the purpose of ratifying and reaffirming all actions heretofore taken by the City Staff and others on behalf of the City in the issuance of the Perry City, Utah Variable Rate Special Assessment Bonds, Series 2005 (Special Improvement District No. 99-1) and related matters, and for the transaction of such other business incidental to the foregoing as may come before said meeting.

Jessie W. Blystone  
City Recorder

ACKNOWLEDGMENT OF NOTICE  
AND CONSENT TO SPECIAL MEETING

We, the Mayor and members of the City Council of Perry City, Utah, do hereby acknowledge receipt of the foregoing Notice of Special Meeting, and we hereby waive any and all irregularities, if any, in such notice and in the manner of service thereof upon us and consent and agree to the holding of such special meeting at the time and place specified in said notice, and to the transaction of any and all business which may come before said meeting.

Edward J. Sherbienewski  
Mayor

Ray Benner  
Councilmember

Boaz J. Malone  
Councilmember

D. Jacob  
Councilmember

B. H. Edwards  
Councilmember

B. H. Edwards  
Councilmember

January 23, 2004

**Overall Boundary Description**  
**Pointe Perry Subdivision**

A PART OF SECTION 27 AND THE NORTH HALF OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN, U.S. SURVEY:

BEGINNING AT A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 15 LOCATED NORTH 89°30'33" EAST 2768.15 FEET ALONG THE NORTH LINE OF SAID SECTION 27 AND SOUTH 00°00'00" WEST 1365.66 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 27; RUNNING THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING FOUR COURSES: (1) TO THE RIGHT ALONG THE ARC OF A 5609.58 FOOT RADIUS CURVE, A DISTANCE OF 140.55 FEET, CHORD BEARS SOUTH 11°31'46" EAST 140.54 FEET; (2) SOUTH 04°03'25" EAST 646.38 FEET; (3) TO THE RIGHT ALONG THE ARC OF A 1095.92 FOOT RADIUS CURVE A DISTANCE OF 346.00 FEET, CHORD BEARS SOUTH 04°59'14" WEST 344.57 FEET; (4) SOUTH 14°01'54" WEST 122.00 FEET; THENCE NORTH 90°00'00" WEST 98.00 FEET; THENCE SOUTH 00°00'00" WEST 161.74 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 15 AND OF A FRONTAGE ROAD; THENCE SOUTH 14°01'53" WEST 440.07 FEET ALONG THE SAID WESTERLY RIGHT-OF-WAY LINE TO THE INTERSECTION OF SAID WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 15 AND THE WESTERLY RIGHT-OF-WAY LINE OF THE OLD CENTRAL PACIFIC RAILROAD, SAID POINT BEING LOCATED NORTH 00°31'01" EAST 2033.89 FEET ALONG THE EAST LINE OF SAID SECTION 27 AND NORTH 90°00'00" WEST 2735.58 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 27: THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF SAID FRONTAGE ROAD THE FOLLOWING FOUR (4) COURSES: (1) SOUTH 14°01'53" WEST 116.50 FEET; (2) TO THE RIGHT ALONG THE ARC OF A 77.46 FOOT RADIUS CURVE, A DISTANCE OF 93.70 FEET. CHORD BEARS SOUTH 48°15'17" WEST 88.09 FEET; (3) SOUTH 81°28'31" WEST 29.90 FEET; (4) TO THE LEFT ALONG THE ARC OF A 528.00 FOOT RADIUS CURVE, A DISTANCE OF 319.71 FEET, CHORD BEARS SOUTH 64°07'42" WEST 314.85 FEET; THENCE SOUTH 11°14'51" WEST 75.76 FEET; THENCE SOUTH 37°01'22" EAST 30.78 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID FRONTAGE ROAD; THENCE NORTH 87°26'42" EAST 107.70 FEET; THENCE SOUTH 85°44'49" EAST 303.02 FEET; THENCE SOUTH 02°33'13" EAST 1012.52 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID FRONTAGE ROAD; THENCE NORTH 69°33'22" WEST 110.89 FEET TO THE WESTERLY RIGHT-OF-WAY LINE; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING FOUR (4) COURSES: (1) TO THE RIGHT ALONG THE ARC OF A 807.00 FOOT RADIUS CURVE, A DISTANCE OF 550.19 FEET, CHORD BEARS SOUTH 13°52' 22" EAST 539.59 FEET; (2) SOUTH 05°23'16" WEST 17.75 FEET; (3) SOUTH 84°20'38" EAST 27.45 FEET; (4) SOUTH 03°54'27" WEST 1353.41 FEET; THENCE NORTH 86°55'59" WEST 191.77 FEET; THENCE NORTH 87°44'25" WEST 552.57 FEET; THENCE NORTH 00°25'24" EAST 256.37 FEET; THENCE NORTH 58°54'38" EAST 421.00 FEET; THENCE NORTH 24°34'10" WEST 332.32 FEET; THENCE NORTH 89°34'26" WEST 80.00 FEET; THENCE NORTH 00°25'24" EAST 132.00 FEET; THENCE NORTH 68°43'59" WEST 611.00 FEET; THENCE NORTH 06°27'19" WEST 110.71 FEET; THENCE NORTH 08°35'29" EAST 180.53 FEET; THENCE NORTH 16°06'19" WEST 291.65 FEET; THENCE SOUTH 88°09'05" WEST 64.34 FEET; THENCE NORTH 43°00'35" WEST 42.58 FEET; THENCE NORTH 04°53'47" EAST 72.91 FEET; THENCE NORTH 44°59'05" WEST 149.66 FEET; THENCE NORTH 09°07'31" WEST 117.72 FEET; THENCE NORTH 19°00'20" WEST 172.57 FEET TO AN EXISTING FENCE LINE BEING THE PREVIOUS GRANTORS PROPERTY LINE; THENCE SOUTH 87°15'35" EAST 262.49 FEET ALONG SAID FENCE; THENCE NORTH 13°25'58" WEST 330.73 FEET; THENCE NORTH 19°38'32" WEST 414.60

FEET; THENCE NORTH  $36^{\circ}58'17''$  WEST 365.28 FEET; THENCE NORTH  $45^{\circ}00'59''$  EAST 273.97 FEET; THENCE NORTH  $87^{\circ}59'09''$  EAST 331.13 FEET; THENCE NORTH  $85^{\circ}04'12''$  EAST 308.60 FEET; THENCE NORTH  $29^{\circ}03'53''$  EAST 96.56 FEET; THENCE NORTH  $80^{\circ}14'06''$  EAST 101.31 FEET; THENCE NORTH  $10^{\circ}58'47''$  EAST 106.26 FEET; THENCE NORTH  $09^{\circ}56'45''$  EAST 210.20 FEET; THENCE NORTH  $88^{\circ}39'23''$  EAST 214.80 FEET; THENCE NORTH  $01^{\circ}20'37''$  WEST 377.37 FEET; THENCE SOUTH  $75^{\circ}41'16''$  EAST 260.87 FEET; THENCE SOUTH  $61^{\circ}29'01''$  EAST 62.96 FEET; THENCE NORTH  $78^{\circ}02'05''$  EAST 170.62 FEET TO A POINT 33.00 FEET WEST OF AND PERPENDICULAR TO THE CENTERLINE OF THE OLD CENTRAL PACIFIC RAILROAD; THENCE PARALLEL TO SAID CENTERLINE TO THE LEFT ALONG THE ARC OF A 5696.58 FOOT RADIUS CURVE A DISTANCE OF 851.25 FEET, CHORD BEARS NORTH  $16^{\circ}14'46''$  WEST 850.46 FEET; THENCE NORTH  $70^{\circ}06'44''$  EAST 400.81 FEET TO THE POINT OF BEGINNING.

BASIS OF BEARING: THE SECTION LINE BETWEEN THE SE CORNER OF SECTION 27 TO THE NE CORNER OF SECTION 27, WHICH BEARS N  $00^{\circ}03'23''$  W.

CONTAINS: 106.70 ACRES.

Perry City, Utah

August 18, 2005

The City Council of Perry City, Box Elder County, Utah, met in special session on August 18, 2005, at its regular meeting place. The following members of the City Council were present:

Ed Skrobiszewski	Mayor
Cory Bennion	Councilmember
Boyd Malan	Councilmember
Ben Ashcroft	Councilmember
Bruce Howard	Councilmember
Jon Rackham	Councilmember

Also present:

Judy Bylsma	City Recorder
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Absent:

Ben Ashcroft	Councilmember
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The meeting had been duly called to order and after other matters not pertinent to this resolution had been discussed, the City Recorder presented to the City Council a Certificate of Compliance with Open Meeting Law with respect to this August 18, 2005, meeting, a copy of which is attached hereto as Exhibit A.

The following resolution was then introduced in writing, was fully discussed and, pursuant to motion duly made by Councilmember Bruce Howard and seconded by Councilmember Boyd Malan, adopted by the following vote:

YEA:

Bruce Howard  
Boyd Malan  
Jon Rackham  
Cory Bennion

NAY:

The resolution was then signed by the Mayor in open meeting and recorded by the City Recorder in the official records of Perry City, Utah. The resolution is as follows:

A RESOLUTION OF THE CITY COUNCIL OF PERRY CITY, UTAH (THE "ISSUER"); RATIFYING ALL ACTIONS TAKEN BY THE CITY WITH RESPECT TO THE PERRY CITY, UTAH SPECIAL IMPROVEMENT DISTRICT NO. 99-1; REAFFIRMING THE INCLUSION OF CERTAIN PROPERTIES WITHIN THE DISTRICT; AND RATIFYING ALL ACTION HERETOFORE TAKEN BY THE CITY STAFF AND OTHERS ON BEHALF OF THE CITY IN THE ISSUANCE OF THE PERRY CITY, UTAH VARIABLE RATE SPECIAL ASSESSMENT BONDS, SERIES 2005 (SPECIAL IMPROVEMENT DISTRICT NO. 99-1)

WHEREAS, On November 18, 1999, the City Council (the "City Council") of Perry City, Utah (the "City"), adopted a notice of intention (the "Notice of Intention") declaring its intention to create the Perry City, Utah Special Improvement District No. 99-1 (the "District"). After publishing and mailing the Notice of Intention as required by the Act, the City Council held a public hearing on January 13, 2000, it adopted a resolution (the "Creation Resolution") creating the District.

WHEREAS, the City constructed and installed the improvements within the District as described in the Notice of Intention; and

WHEREAS, on August 11, 2005, the City Council adopted an ordinance (the "Assessment Ordinance") assessing the properties benefited within the District and a Resolution authorizing the issuance of the Perry City, Utah Variable Rate Special Assessment Bonds, Series 2005 (Special Improvement District No. 99-1) (the "Series 2005 Bonds"); and

WHEREAS, concurrently with the adoption of the Assessment Ordinance and the Resolution authorizing the issuance of the Series 2005 Bonds, the City included within the District all property described in Exhibit B attached hereto and authorized the modification of the boundaries of the District to include said Property; and

WHEREAS, the Issuer desires to ratify all action heretofore taken by the City staff and others on behalf of the City in creating the Special Improvement District and ratify all action heretofore taken by the City in issuing its Series 2005 Bonds; and

WHEREAS, the property owner of all property assessed within the District, upon request of the City, has executed a waiver and consent form waiving certain procedural rights and consenting to having its property included within and assessed for the improvements constructed within the District; and

WHEREAS, pursuant to Section 17A-3-307, Utah Code Annotated 1953, as amended, the City Council desires to reaffirm the inclusion within the District of the property described on Exhibit B:

NOW THEREFORE, BE IT RESOLVED BY THE City Council of Perry City, Utah as follows:

Section 1. The City Council hereby ratifies all action heretofore taken by the City staff and others on behalf of the City in creating the Special Improvement District and ratifies all action heretofore taken by the City in issuing its Series 2005 Bonds.

Section 2. The City Council hereby reaffirms the inclusion of the property described in Exhibit B attached hereto within the District which was improved and assessed within the District. To the extent necessary, the boundaries of the District are hereby reaffirmed to include all property described in Exhibit B attached hereto.

Section 3. The City Council reaffirms its findings that the inclusion of any property not already with the boundaries of the District will not adversely affect the owners of properties already included within the District.

Section 4. The City Council hereby approves for recording this resolution as an addendum to the resolution that created the District and hereby authorizes and directs the City Recorder to file a copy of this resolution, together with the list of properties described in Exhibit B to be included within the District, in the Box Elder County Recorder's office within five days from the date hereof.

ADOPTED AND APPROVED this August 18, 2005.



ATTEST:

Edward J. Skrobajewski  
Mayor

Judy W. Bybena  
City Recorder

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



Edward J. Skrobiszewski  
Mayor

ATTEST:

Judy W. Bylsma  
City Recorder

STATE OF UTAH )  
: ss.  
COUNTY OF BOX ELDER )

I, Judy W. Bylsma, the duly appointed, qualified and acting City Recorder of Perry City, Box Elder County, Utah, do hereby certify that the foregoing is a full, true and correct copy of the minutes of a special meeting of the City Council of Perry City held in the City Chambers in Perry City on August 18, 2005, at the hour of 5:00 p.m. as recorded in the regular official book of minutes as kept in my official office, that said proceedings were duly had and taken as therein shown, and that all the members were given due, legal and timely notice of said meeting as therein shown.

I further certify that pursuant to Title 17A, Chapter 3, Part 3, Utah Code Annotated 1953, as amended, a copy of the Addendum Resolution, together with a list of revised properties proposed to be included within the District described by tax identification number and legal description, has been filed in the Box Elder County Recorder's office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of Perry City this August 25, 2005.

Judy W. Bylsma  
City Recorder

(SEAL)



EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Judy W. Bylsma, the undersigned City Recorder of Perry City, Utah (the "City"), do hereby certify, according to the records of the City 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 public notice of the agenda, date, time, and place of the August 18, 2005, public meeting held by the City in the best practical manner available as follows:

By causing a Notice, in the form attached hereto as Schedule I, to be posted at the City's principal offices on Aug. 16, 2005, 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

By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to the Standard Examiner, on Aug. 16, 2005, at least twenty-four (24) hours prior to the convening of the meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this 25 day of August, 2005.

Judy W. Bylsma  
City Recorder

(SEAL)



SCHEDULE I  
NOTICE OF MEETING

**EMERGENCY MEETING**

**PUBLIC NOTICE**

Notice is hereby given that the Perry City Council will hold an emergency meeting Thursday, August 18, 2005 at 5:00 p.m. at the City Building to adopt Resolution 05-17, Consideration for Adoption of a Resolution of the City Council of Perry City, Utah (The "Issuer"); Ratifying all actions taken by the City with respect to the Perry City, Utah Special Improvement District No. 99-1; Reaffirming the addition of certain properties within the District; and ratifying all action heretofore taken by the City Staff and others on behalf of the City in the Issuance of the Perry City, Utah Variable Rate Special Assessment Bonds, Series 2005 (Special Improvement District No. 99-1). Interested citizens are invited to attend.

Judy W. Bylsma  
City Recorder

August 17, 2005  
10:00 a.m.

EXHIBIT B

LEGAL DESCRIPTION