

Recorded AUG 1 1973 at 11:09 a.m.
Request of SALT LAKE COUNTY, COMMISSIONER CLERK
Fee Paid JERADEAN MARTIN
Recorder, Salt Lake County, Utah
\$ NO FEE By Deputy
Ref.

2558401

R E S O L U T I O N

The Board of County Commissioners of Salt Lake County, State of Utah, met in regular public session at the regular meeting place of said Board in the City and County Building in Salt Lake City, Utah, at 10:00 o'clock a.m. on the 20th day of December, 1972, legal and timely notice thereof having been given to all members as required by law and the rules and procedures of said Board. There were present at said meeting, Chairman Ralph Y. McClure and Commissioner William E. Dunn, constituting a quorum of all members of said Board.

There were also present at said meeting, Helen M. Houston, Deputy County Clerk; Carl J. Nemelka, County Attorney; and Gerald R. Hansen, County Auditor.

During the course of said meeting the following Resolution was introduced and considered. By a call for a vote of approval by the Chairman on said Resolution, the vote showed as follows:

AYE: William E. Dunn
Ralph Y. McClure

NAY: None

The Resolution is as follows:

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A RESOLUTION
OF THE BOARD OF COUNTY COMMISSIONERS
OF SALT LAKE COUNTY, UTAH, CREATING,
ESTABLISHING AND ORGANIZING A WATER
AND SEWER IMPROVEMENT DISTRICT IN SALT
LAKE COUNTY, UTAH, TO BE KNOWN AS LITTLE
COTTONWOOD IMPROVEMENT DISTRICT; DESCRIB-
ING AND FIXING THE BOUNDARIES THEREOF;
DESIGNATING THE TYPES OF SERVICES TO BE
FURNISHED AND PERFORMED BY SAID DISTRICT
AND THE METHOD OF FINANCING SUCH SERVICES;
APPOINTING THE INITIAL BOARD OF TRUSTEES;
AND SETTING FORTH AND AUTHORIZING ALL OTHER
MATTERS AND DETAILS PRESCRIBED BY LAW FOR
A WATER AND SEWER IMPROVEMENT DISTRICT

BE IT KNOWN AND REMEMBERED:

THAT, WHEREAS, Salt Lake County, State of Utah, herein-
after referred to as the COUNTY, is an organized and existing
county under the Constitution and laws of the State of Utah, and

WHEREAS, the Board of County Commissioners of said Salt
Lake County, as the duly constituted governing body thereof,
hereinafter referred to as the BOARD, is authorized by the pro-
visions of Title 17, Chapter 6, Utah Code Annotated (U.C.A.), 1953,
as amended, to create, organize and establish a water and sewer
improvement district within the boundaries of the COUNTY, and

WHEREAS, the BOARD determined on October 16, 1972, by
action duly taken to create in accordance with law such an improve-
ment district, and

WHEREAS, on the 15th day of November, 1972, the BOARD
passed and adopted a Resolution, as required by Section 17-6-2,
U.C.A., 1953, pertaining to the creation of a water and sewer
improvement district in Salt Lake County, State of Utah, which
Resolution contained the notice of intention to establish such
a district required by Section 17-6-3, U.C.A., 1953. Said
Resolution also recited, stated and resolved as to the following,
to-wit:

- (a) That the public health, welfare, convenience and
necessity requires the creation and establishment of a

water and sewer improvement district within the general area of Little Cottonwood Canyon, Salt Lake County, Utah,

(b) That the proposed district shall be named Little Cottonwood Improvement District,

(c) The purposes for which said district is to be created and function,

(d) The boundaries of the territory proposed to be included in said district described with definiteness and particularity,

(e) The nature and extent of the improvements proposed to be made available to the inhabitants of the district,

(f) An estimate of the cost of all proposed improvements and facilities and an estimate of the amount of bonds to be proposed for issuance and sale to finance the projects including a statement that the bonds, when issued, may be payable from either or both taxes or revenues of the district,

(g) The setting of a time and place for a public hearing on the creation of the district; and providing that any taxpayer within the proposed district may protest in writing against the establishment of such district and that all interested parties may appear and be heard at that time and place either in support of or in opposition to the creation of the district, and

(h) All other matters required or deemed necessary to the creation of an improvement district under Title 17, Chapter 6, U C.A., 1953, as amended, and

WHEREAS, a copy of the aforesaid Resolution, containing the Notice of Intention and public hearing, was published pursuant to Section 17-6-3 U.C.A., 1953, in the Salt Lake Tribune, a newspaper

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published in and of general circulation in the County and the proposed district, once a week for three (3) successive weeks as follows:

first publication - November 19, 1972
second publication - November 26, 1972,
third publication - December 3, 1972,

and,

WHEREAS, a public hearing was held by the Board as published at the regular meeting place of the Board at the City and County Building in Salt Lake City, Utah, on Monday, December 11, 1972, at 10:30 a.m., on said day, which hearing day was not more than forty (40) days nor less than twenty-one (21) days after the first publication of said Resolution and Notice, and

WHEREAS, at said public hearing all persons desiring to be heard were heard either in support of or in opposition to the creation of the district, and all documents presented were received. No written protests against the establishment of the district were filed with the BOARD or the County Clerk by any taxpayer within said district on or before the date of the aforesaid hearing. As to all protests voiced or written, presented or filed relating to the creation of the proposed district, the BOARD hereby determines and recites that all such protests represent less than 25% in number of the property owners in the district, and

WHEREAS, the BOARD does hereby finally determine that the service and facilities to be provided in and by the proposed district are necessary and required for the public health, welfare, convenience and necessity and that the proposed district should be created to provide the services and facilities and to do all things set forth in the Resolution of the Board pertaining thereto adopted November 15, 1972, and such as may be hereinafter set forth or provided by law, and

WHEREAS, the BOARD is vested of the power and authority to create and establish said proposed district under the provisions of Chapter 6, Title 17, U C.A., 1953, as amended,

NOW, THEREFORE, in accordance with law, IT IS HEREBY RESOLVED by the Board of County Commissioners of the County of Salt Lake, State of Utah, as follows, to-wit:

Section 1. There is hereby created and ordered to be established and organized a water and sewer improvement district within Salt Lake County, State of Utah, which district shall be a body corporate and politic and a quasi-municipal public corporation of the County of Salt Lake and the State of Utah.

Section 2. The corporate name of said improvement district is and it shall hereafter be known and titled as Little Cottonwood Improvement District, herein called District.

Section 3. The District shall have and exercise all powers and authority reposing in or conferred upon improvement districts under and by virtue of the provisions of Chapter 6, Title 17, U.C.A., 1953, as amended, and all laws amendatory thereof and supplemental thereto, and all such powers, and authority as may be implied therefrom or otherwise conferred by law pertaining to an improvement district.

Section 4. The District is created for the purposes of providing services and acquiring and holding facilities, improvements or systems, or any combination thereof, for the supply, treatment and distribution of water; the collection, treatment and disposition of sewage; and the collection, retention and disposition of storm and flood waters. Any or all or any combination of the foregoing may be provided, acquired and held by all lawful means including purchase, construction, lease, gift, grant or condemnation, or any

combination thereof, and the same may be operated and maintained by the District for all lawful purposes.

Section 5. The boundaries of the District are hereby established and described with particularity as follows:

Beginning at a point on the South boundary of the Big Cottonwood Canyon Game Preserve which point lies North 500 feet, more or less, West 2230 feet, more or less, from the Southeast Corner of Section 31, Township 2 South, Range 3 East, Salt Lake Base and Meridian, and running thence due South 2,400 feet, more or less, to the Northwest Corner of the Hellgate No. 2 Mining Claim (Lot No. 5232); thence South 22°40' West 600 feet, more or less, following the Western boundaries of the Hellgate No. 2 (5282) and Huron (5195) Mining Claims; thence South 67° 20' East 1,450 feet, more or less, along the South boundary of the Huron Mining Claim (Lot No. 5195); thence North 22° 40' East 540 feet, more or less, along the eastern boundaries of the before mentioned claims; thence North 71° 45' East 565 feet, more or less, along the Northern boundary of Blackjack Village to the Northeast Corner of said property; thence South 58° 35' East 422 feet, more or less, to the Alta Town Boundary; thence East 45 feet, more or less, to the East line of Section 6; thence South 600 feet, more or less, to Peruvian Ridge; thence Southeasterly 6,600 feet, more or less, along said Ridge to Mt. Baldy and Salt Lake County Line; thence Southwesterly 20,000 feet, more or less, along the Salt Lake County boundary line to an unnamed peak on the County line on the ridge dividing Red Pine and White Pine Forks; thence Northerly along said ridge 10,200 feet, more or less, to the South boundary of Rainbow No. 11 Mining Claim; thence North 66° 46' East along the South line of said claim 1,390 feet, more or less to Corner No. 3 of said claim; thence North 1° 46' East along the East lines of Rainbow Mining Claim No's, 11, 12, and 13, 1,986 feet, more or less, to Corner No. 4 of Rainbow Mining Claim No. 13; thence South 66° 46' West 1,500 feet along the North line of said claim to Corner No. 4 of Rainbow Mining Claim No. 2; thence North 88° 14' West 255 feet, more or less, to the Ridge dividing Red Pine and White Pine Forks; thence North 3,900 feet, more or less to the South boundary of the Big Cottonwood Canyon Game Preserve; thence Easterly along said South line 11,300 feet, more or less to the point of beginning.

Section 6. All of the foregoing territory included within the District is within the boundaries of Salt Lake County, Utah, only, and does not include all or any part of any incorporated town or city within said Salt Lake County. No land is included within the District which will not benefit from the extended services and

facilities to be provided.

Section 7. The territory of the District does not include all or any part of the area or territory of another improvement district created under Chapters 6 or 7 of Title 17, U.C.A., 1953, as amended. The District does include, however, the territory included within the boundaries of Salt Lake County Service Area No. 3 - Snowbird, which Service Area was created under Chapter 29, Title 17, Utah Code Annotated, 1953, as amended, for the purpose of providing certain specified municipal type services to said Service Area. The District and the Service Area shall not simultaneously operate facilities of like kind nor perform services of like kind within the overlapping territories of each except to the extent and during the time when the Service Area facilities, services and functions are phased out and being assumed by the District.

Section 8. The governing body of the District shall consist of a Board of Trustees of three (3) members who shall be elected or appointed as provided by law. The initial Board of Trustees shall be and consist of the Board of County Commissioners of Salt Lake County as such Board is now or hereafter constituted. Said Board of County Commissioners shall act as the trustees of the District and hereafter the duly elected and qualified Board of County Commissioners shall act and serve as the said trustees of the District until such time when a succeeding board of trustees is either appointed or elected and qualified in accordance with law. The Board of Trustees shall meet immediately after the establishment of the District and shall qualify as the trustees thereof. They shall organize as a Board and give and file such bond as is required by law.

Section 9. The Board of Trustees of the District shall have, and they are hereby vested with all of the powers and duties ordi-

narily exercised by the governing body of a political subdivision of the State of Utah and such as are conferred by Title 17, Chapter 6, U.C.A., 1953, as amended, and all laws amendatory thereof and supplemental thereto, and as may be hereafter provided by law. Said Board shall exercise all powers and authority of the District and shall perform all duties and functions required in the operation of the properties, facilities and improvements of the District.

Section 10. It is expected that the purposes for which the District is created shall require the incurrence of long term indebtedness of the District to pay the expense and cost thereof and that such bonds or other obligations of the District as are permitted by law shall be issued to finance the facilities and services required. The payment of such bonds or obligations shall be by levy and collection of ad valorem property taxes up to the limits prescribed by the laws of the State of Utah or by revenues of the District obtained through the imposition and collection of service charges or fees for the services or facilities provided or by a combination of both such taxes and charges or fees. The incurrence by the District of any long term indebtedness shall be proposed to the residents of the District in detail as to amount and other matters and authorized by election in the District in accordance with applicable law.

Section 11. Any property owner within said District who shall have filed a written protest against the establishment of the District and whose property has been included in the territory of the District may within thirty days (30 days) after the adoption of this Resolution apply to the District Court of the Third Judicial District, State of Utah, for a writ of review of the creation of the District but only on the grounds that the property of the protestor which is included in the District will not be benefited thereby or that the proceedings in establishing the

District have not been in compliance with law.

Section 12. All acts, proceedings and Resolutions pertaining to the creation of the District are hereby approved and ratified, except that all acts and Resolutions or parts of Resolutions that may be inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any Resolution or part of any Resolution heretofore repealed.

Section 13. That if any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 14. That the officers of the County be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 15. This Resolution shall be published in full upon its passage and adoption. Such publication shall be in a newspaper published in Salt Lake County and having general circulation in the County and the District. For a period of thirty days (30) after the date of publication hereof, any person in interest shall have the right to contest the legality of this Resolution or proceedings and after said thirty days no one shall have any cause of action to contest the regularity, formality or legality hereof for any cause whatsoever. The foregoing Publication shall give public notice of this Resolution and the creation and establishment of the District.

Section 16. Publication of this Resolution is hereby ordered as provided herein and said Resolution shall be entered at length and in its entirety in the official records of Salt Lake County.

Section 17. This Resolution shall be effective immediately upon its passage and adoption by the Board of County Commissioners in accordance with its rules and proceedings.

PASSED, APPROVED and ADOPTED this 20th day of December, 1972.

SALT LAKE COUNTY

BY [Signature]
Chairman
Board of County Commissioners

ATTEST
[Signature]
Salt Lake County
Clerk

Commissioner McClure voting "Aye" _____

Commissioner Dunn voting "Aye" _____

Commissioner Blomquist voting _____ Absent

"APPROVED AS TO FORM
Salt Lake County Attorney's Office
Date 12-20-72
[Signature]
Deputy County Attorney"

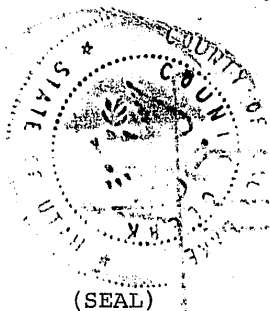
STATE OF UTAH)
 :
County of Salt Lake)

I, W. STERLING EVANS, the duly elected, qualified and acting Clerk of the Board of County Commissioners of Salt Lake County, State of Utah, do hereby certify:

1. That the foregoing proceedings, consisting of a cover page and pages 1 through 10, both inclusive, are a full, true and correct excerpt from the minutes of a regular public meeting of said Board of County Commissioners held at the regular meeting place of said Board in the City and County Building, Salt Lake City, Utah, within said County, on Wednesday, the 20th day of December, 1972, as recorded in the official book of minutes of the proceedings of said Board of County Commissioners kept in my office insofar as the same refers to or concerns the Resolution of creation and organization of Little Cottonwood Improvement District.

2. That said proceedings were duly had and taken as therein shown; that all members had due, legal and timely notice of said meeting; that the meeting therein shown was in all respects called, held and conducted in accordance with law and in full conformity therewith; and that the persons therein named were present at said meeting as therein shown.

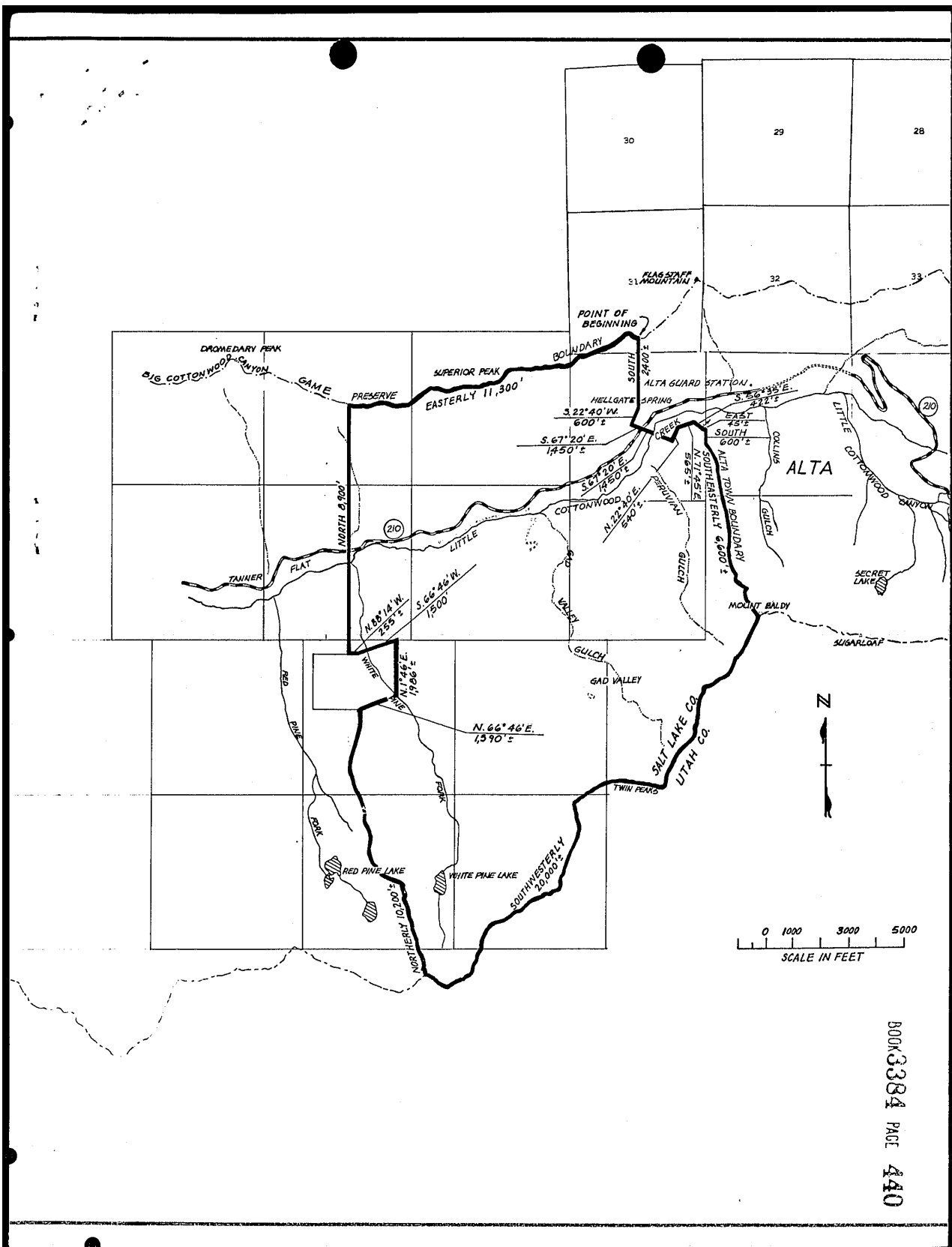
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the County Clerk of Salt Lake County, State of Utah, this 20th day of December, 1972.



W. Sterling Evans

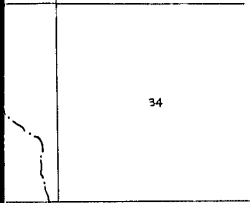
W. STERLING EVANS
County Clerk and Clerk of the
Board of County Commissioners
of Salt Lake County, Utah

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ATTACHMENT "A"



LITTLE COTTONWOOD IMPROVEMENT DISTRICT

BEGINNING AT A POINT ON THE SOUTH BOUNDARY OF THE BIG COTTONWOOD CANYON GAME PRESERVE WHICH POINT LIES NORTH 500 FEET, MORE OR LESS, WEST 2230 FEET, MORE OR LESS, FROM THE SOUTHEAST CORNER OF SECTION 31, TOWNSHIP 2 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE DUE SOUTH 2,400 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF THE HELLGATE No. 2 MINING CLAIM (LOT No. 5232); THENCE SOUTH 22° 40' WEST 600 FEET, MORE OR LESS, FOLLOWING THE WESTERN BOUNDARIES OF THE HELLGATE No. 2 (5232) AND HURON (5195) MINING CLAIMS; THENCE SOUTH 77° 20' EAST 1,450 FEET, MORE OR LESS, ALONG THE SOUTH BOUNDARY OF THE HURON MINING CLAIM (LOT No. 5195); THENCE NORTH 22° 40' EAST 540 FEET, MORE OR LESS, ALONG THE EASTERN BOUNDARIES OF THE BEFORE MENTIONED CLAIMS; THENCE NORTH 71° 45' EAST 365 FEET, MORE OR LESS, ALONG THE NORTHERN BOUNDARY OF BLACKJACK VILLAGE TO THE NORTHEAST CORNER OF SAID PROPERTY; THENCE SOUTH 56° 35' EAST 422 FEET, MORE OR LESS, TO THE ALTA TOWN BOUNDARY; THENCE EAST 45 FEET, MORE OR LESS, TO THE EAST LINE OF SECTION 6; THENCE SOUTH 600 FEET, MORE OR LESS, TO PERUVIAN RIDGE; THENCE SOUTHEASTERLY 6,600 FEET, MORE OR LESS, ALONG SAID RIDGE TO Mt. BALDY AND SALT LAKE COUNTY LINE; THENCE SOUTHWESTERLY 20,000 FEET, MORE OR LESS, ALONG THE SALT LAKE COUNTY BOUNDARY LINE TO AN UNNAMED PEAK ON THE COUNTY LINE ON THE RIDGE DIVIDING RED PINE AND WHITE PINE FORKS; THENCE NORTHERLY ALONG SAID RIDGE 10,200 FEET, MORE OR LESS, TO THE SOUTH BOUNDARY OF RAINBOW No. 11 MINING CLAIM; THENCE NORTH 66° 46' EAST ALONG THE SOUTH LINE OF SAID CLAIM 1,390 FEET, MORE OR LESS TO CORNER No. 3 OF SAID CLAIM; THENCE NORTH 1° 46' EAST ALONG THE EAST LINES OF RAINBOW MINING CLAIM No's. 11, 12, AND 13, 1,986 FEET, MORE OR LESS, TO CORNER No. 4 OF RAINBOW MINING CLAIM No. 13; THENCE SOUTH 66° 46' WEST 1,500 FEET ALONG THE NORTH LINE OF SAID CLAIM TO CORNER No. 4 OF RAINBOW MINING CLAIM No. 2; THENCE NORTH 88° 14' WEST 255 FEET, MORE OR LESS, TO THE RIDGE DIVIDING RED PINE AND WHITE PINE FORKS; THENCE NORTH 3,900 FEET, MORE OR LESS TO THE SOUTH BOUNDARY OF THE BIG COTTONWOOD CANYON GAME PRESERVE; THENCE EASTERLY ALONG SAID SOUTH LINE 11,300 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

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TEMPLETON, LINKE & ALSUP - CONSULTING ENGINEERS 40 WEST 2950 SOUTH - SALT LAKE CITY, UTAH		
LITTLE COTTONWOOD IMPROVEMENT DISTRICT		
DRAWN <i>DS. D.A.</i>	SCALE AS SHOWN	DWG. NO. 1
CHECKED	DATE MAY 1972	FILE NO. 330-
APPROVED <i>[Signature]</i>		

NO.	DATE	REVISION	BY
2			
1			