

RESOLUTION NO. 96-7

A RESOLUTION ANNEXING CERTAIN REAL PROPERTY
TO THE BEAR LAKE SPECIAL SERVICE DISTRICT

WHEREAS, the Utah Special Service District Act, §17A-2-1301 *et seq.* (the "Act"), specifically §17A-2-1327 thereunder, provides that additional land from that specified in the resolution establishing a special service district may be annexed to the district in conformance with the applicable procedures set forth in the Act; and

WHEREAS, the Board of County Commissioners of Rich County, Utah (the "Commission") adopted a resolution on May 1, 1996 (the "Resolution of Intent") declaring, upon its own motion, in conformance with the provisions of §17A-2-1305(1) of the Act, that the public health, convenience, and necessity may require the annexation of the property described in Section 2 below (the "Property") to the Bear Lake Special Service District (the "District") in conformance with the provisions of the Act; and

WHEREAS, pursuant to the Resolution of Intent, the Commission ordered that a public hearing be held on June 5th, 1996, at 1:15 p.m. at the County Commission Chambers, Rich County Courthouse, in Randolph, Utah, concerning the annexation of the Property to the District; and

WHEREAS, public notice of the intention of the Commission to annex the Property to the District, and the date, time and place of the public hearing, was given by the County Clerk through the publication of an appropriate notice in the News Examiner, Montpelier, Idaho, a newspaper of general circulation in Rich County, once a week during three consecutive weeks prior to the public hearing, the first publication having been not less

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Fee None Debra L. Ames Rich County Recorder

Requested by Bear Lake Special Service District

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than twenty-one (21) days nor more than thirty-five (35) days prior to the date of the public hearing; and

WHEREAS, said public hearing has been held at the time and place as set forth in the notice and the Commission has considered all protests filed and has heard and considered all interested persons desiring to be heard with respect to the matter, and the time for filing protests as provided in Section 17A-2-1309 of the Act has expired;

NOW, THEREFORE, be it hereby resolved by the Commission as follows:

Section 1. Findings. The Commission finds that:

a. Public notice of the intention of the Commission to annex the Property to the District as described in the Resolution of Intent, and of the date, time and place of the public hearing, was duly given by the County Clerk through the publication of an appropriate notice in the News Examiner, Montpelier, Idaho, a newspaper of general circulation in Rich County, once a week during three consecutive weeks prior to the public hearing, the first publication having been not less than twenty-one (21) days nor more than thirty-five (35) days prior to the date of the public hearing;

c. Protests sufficient in number to prevent the annexation as defined in Section 17A-2-1327 of the Act were not filed prior to the hearing, orally or in writing at the hearing, or within 15 days after the conclusion of the hearing;

d. No changes were made or considered to be necessary in the annexation from that set forth in the Resolution of Intent; and

e. The annexation of the Property to the District as described in the Resolution of Intent is in the interest of Rich County and the District, and the Property, upon annexation, will be benefitted by its inclusion in the District.

Section 2. Annexation. The Property, hereinafter more particularly described, being situated in Rich County, State of Utah, is hereby annexed into the boundaries of the District:

Part of Sections 3, 4, 5, 8, 9, and 10, Township 13 North, Range 5 East and Part of Section 32 and 34, Township 14 North, Range 5 East Salt Lake Base and Meridian described as follows:

Beginning at the Northwest Corner of said Section 4, Township 13 North, Range 5 East, Salt Lake Base and Meridian and running thence South 89°21'33" East 2625.89 feet along the North line of said Section 4, to the North Quarter Corner of said Section 4; thence South 0°05'40" West 1339.04 feet along the center one sixteenth line to the North one sixteenth line of said Section 4; thence South 89°20'17" East 1353.58 feet along said one sixteenth line to the East one sixteenth line of said Section 4; thence South 0°16'56" West 4019.65 feet along said East one sixteenth line to the South line of said Section 4; thence South 89°16'30" East 1340.41 feet along said South line to the Southeast corner of said Section 4; thence North 0°28'12" East 5361.41 feet along the East line of said Section 4 to the Northeast corner of said Section 4; thence North 0°28'12" East 395.94 feet to the South line of State Highway No. 30; thence Southeasterly along the southerly and westerly line of said State Road the following nine (courses), South 73°51'11" East 741.30 feet; thence South 61°54'07" East 430.94 feet; thence South 50°02'48" East 290.36 feet to a point (radius point bears South 48°23'34" West) on a 3686.01 foot radius curve the right; thence Southeasterly 746.72 feet along said curve (chord bearing South 35°48'11" East 745.44 feet) to a point of tangency; thence South 30°00'00" East 855.04 feet to a point of curve, thence Southeasterly 934.89 feet along a 1633.92 foot radius curve to the left (chord bearing South 46°23'30" East 922.19

feet) to a point of tangency; thence South 62°47'00" East 300.00 feet to a point of curve; thence Southeasterly 1859.14 feet along a 1672.22 foot radius curve to the right to a point of tangency (chord bearing South 30°56'00" East 1764.86 feet; thence South 0°55'00" West 2918.74 feet to a point on the West line of said State Road and then proceeding West from said Road North 89°30'19" West 2962.30 feet; thence South 49°14'17" West 593.31 feet; thence along a fence line the following four (4) courses; South 48°38'20" West 164.06 feet; thence South 41°06'59" West 181.39 feet; thence North 63°36'10" West 1390.53 feet; thence North 73°47'59" West 1267.02 feet to the South line of Sweetwater Parkway; thence South 37°53'22" West 29.82 feet along said South line to a point of curve; thence Southwesterly 611.67 feet along a 710.97 foot radius curve to the right along said South line of Sweetwater Parkway to a point of tangency; thence South 87°10'57" West 150.96 feet along said South line to a point of curve thence Southwesterly 435.61 feet along a 730.15 foot radius curve to the left to a point of radius curve on said South line; thence South 53°15'15" West 18.05 feet; thence along the South boundary of the Sweetwater Omega Subdivision No. 6 the following four courses; South 431.06 feet; thence South 31°30'00" West 700.00 feet; thence South 72°30'00" West 2070.00 feet; thence North 7°58'00" East 568.06 feet to a point (radius point bears North 82°02'00" West) (said point also lies on the South line of Sweetwater Omega Subdivision No. 5) on a 165.00 foot radius curve to the right; thence westerly along said South line and said curve 518.36 feet to a point of tangency; thence North 7°58'00" East 329.07 feet along said South line, to a point (radius point bears South 7°52'53" West) on a 750.00 foot radius curve to the left (said point lies on the South line of Sweetwater Parkway); thence Westerly 185.98 feet along said curve to a point (radius point bears South 6°19'35" East) on said curve to a point of intersection of two curves (radius point bears South 71°19'28" West) on a 1340.00 foot radius curve to the right; thence Southerly 403.64 feet along said curve (chord bearing South 10°02'46" East 402.12 feet) to a point of tangency on the South line of said Omega Subdivision No. 5; thence South 1°25'00" East 43.30 feet along said South line to a point of curve; thence Westerly 518.36 feet along a 165.00 foot radius curve to the right (chord bearing South 88°35'00" West 330.00 feet) along said South line to a point of tangency; thence North 1°25'00" West 43.30

feet along said South line to a point of curve; thence Northerly 302.16 feet along a 1010.00 foot radius curve to the left (chord bearing North 9°59'14" West 301.04 feet) to a point of intersection with a 750.00 foot radius curve to the left (the radius point of said curve bears South 31°44'42" East) said point lies on the South line of said Omega Subdivision No. 5 and the South line of Sweetwater Parkway; thence Southwesterly 199.69 feet along said curve, (chord bearing South 50°37'39" West 199.10 feet) along said South line of Omega Subdivision No. 5 and Sweetwater Parkway to a point of tangency; thence south 43°00'00" West 10.00 feet along said South line; thence South 47°00'00" East 195.00 feet along the South line of Omega Subdivision No. 5 to a point of curve thence Southwesterly 518.36 feet along a 165.00 foot radius curve to the right, (chord bearing South 43°00'00" West 330.00 feet) along said South line to a point of tangency; thence North 47°00'00" West 219.37 feet along the South line of said Omega Subdivision No. 5 to a point (radius point bears North 41°26'47" West) on a 930.00 foot radius curve to the right, said point also lies on the South line of Sweetwater Parkway; thence Southwesterly 250.72 feet along said curve (chord bearing South 56°16'36" West 249.96 feet) to a point (radius point bears North 26°00'00" West) on said curve; thence North 26°00'00" West 60.00 feet to a point (radius point bears North 26°00'00" West) on an 870.00 foot radius curve to the right said point lies on the South line of Omega Subdivision No. 5; thence Southwesterly 67.66 feet along said curve (chord bearing South 66°13'41" West 67.75 feet) to a point (radius point bears North 21°32'38" West) on said curve said point also lies on the East line of Sweetwater Park Subdivision No. 6; thence North 19°34'04" West 145.05 feet along said East line to a point of curve; thence Northwesterly 96.20 feet along a 300.00 foot radius curve to the left to a point (radius point bears South 52°03'34" West) on said curve; thence North 52°03'34" East 271.56 feet along the East line of said Sweetwater Park Subdivision No. 6; thence North 32°30'00" West 380.00 feet along said East line; thence North 8°36'13" East 413.10; thence North 59°20'19" East 256.84 feet along the East line of Sweetwater Park Subdivision No. 6; thence North 0°09'27" East 530.00 feet along said East line; thence North 24°00'00" West 300.00 feet along said East line; thence North 18°30'00" East 520.22 feet along said East line; thence North 0°09'27" East 315.91 feet along said East line;

thence North $0^{\circ}39'44''$ East 132.32 feet along said East line; thence North $37^{\circ}00'00''$ West 177.36 feet along said East line to a point (radius point bears North $37^{\circ}00'00''$ West) on a 360.00 foot radius curve to the left; thence Northeasterly 282.41 feet along said curve, (chord bearing North $30^{\circ}31'36''$ East 275.22 feet) along the East line of Sweetwater Park Subdivision No. 9; thence South $77^{\circ}10'00''$ East 49.25 feet along the South line of Sweetwater Park Subdivision No. 10A; thence East 222.74 feet along said South line; thence North 1699.99 feet along the East line of said Subdivision No. 10A to a point (radius point bears South $6^{\circ}10'33''$ West) on a 280.00 foot radius curve to the left; thence Southeasterly 136.47 feet along said curve along the North line of said Subdivision 10A to a point of tangency; thence South $68^{\circ}15'00''$ West 150.59 feet along said North line to a point (radius point bears South $78^{\circ}07'15''$ West) on a 175.00 foot radius curve to the left (said point lies on the East line of Sweetwater Park Subdivision No. 9); thence Northwesterly 202.72 feet along said curve (chord bearing North $45^{\circ}03'52''$ West 191.57 feet) to a point of reverse curve, which lies on the East line of said Subdivision No. 9; thence Northerly 238.30 feet along a 105.00 foot radius curve to the right (chord bearing North $13^{\circ}14'00''$ West 190.35 feet) to a point of tangency on said East line; thence North $51^{\circ}47'00''$ East 13.55 feet along said East line; thence North $78^{\circ}32'52''$ East 491.73 feet along said East line; thence North $28^{\circ}30'00''$ East 285.00 feet along said East line; thence North 160.00 feet along said East line; thence North $32^{\circ}30'00''$ West 215.00 feet along the East line of said Subdivision 9 to a point (radius point bears North $32^{\circ}30'00''$ West) on a 445.00 foot radius curve to the left; thence Northeasterly 128.15 feet along said curve, which is the East line of said Subdivision No. 9 (chord bearing North $49^{\circ}15'00''$ East 127.70 feet); thence North $49^{\circ}00'00''$ West 50.00 feet along said East line; thence North $23^{\circ}56'38''$ West 260.71 feet along said East line; thence North $41^{\circ}00'00''$ East 250.00 feet along said East line; thence North 360.00 feet along said East line; thence North $26^{\circ}25'09''$ West 50.00 feet along the East line of said Subdivision No. 9; thence North $32^{\circ}45'00''$ West 302.15 feet; thence North $6^{\circ}45'00''$ West 160.00 feet along said East line; thence North $34^{\circ}00'00''$ West 380.00 feet along said East line; thence North $56^{\circ}00'00''$ East 133.06 feet along said East line; thence North $10^{\circ}00'00''$ West 463.78 feet along said East line; thence North $0^{\circ}45'01''$ East

660.04 feet along said East line to the Northwest corner of the Sweetwater Park Omega No. 2 Subdivision; thence South 89°23'04" East 1310.11 feet along the North line of said Omega No. 2 Subdivision to the East line of Section 32, Township 14 North, Range 5 East, Salt Lake Base and Meridian; thence South 0°34'54" West 660.03 feet along said East line to the point of beginning.

The Property annexed hereby shall become an integral part of the District and the owners thereof shall be entitled to receive the benefit of all services provided by the District.

The Property annexed hereby shall be subject to all ad valorem taxes levied on the Property and the owners thereof shall be liable for payment of all fees and charges which may be imposed to pay for all or part of the services to be provided by the District and for the payment of bonds and other obligations of the District.

Section 3. Direction. All officers and employees of Rich County are hereby directed to take such action as shall be necessary and appropriate to effectuate the provisions of this Resolution and the intent expressed herein.

Section 4. Effective Date. This Resolution shall take effect immediately upon its approval and adoption by the Commission.

APPROVED AND ADOPTED THIS 2nd day of July, 1996.

ATTEST:

Pamela Hall
County Clerk

BOARD OF COUNTY COMMISSIONERS
RICH COUNTY, UTAH

Dee Johnson
Dee Johnson, Chairman