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on County, Utah  
May 14, 2007



The Board of County Commissioners of Iron County, Utah, met in regular public session at the regular meeting place of said Board at 68 S. 100 East, Parowan City, Utah, on the 14<sup>th</sup> day of May, 2007, at the hour of 9:00 o'clock A.M., with the following Commissioners being present, constituting a quorum of said Board:

- Wayne A. Smith, Commissioner and Chair
- Lois L. Bulloch, Commissioner
- Alma L. Adams, Commissioner

Absent:

There were also present at said meeting:

- David I. Yardley, County Clerk
- Scott F. Garrett, County Attorney
- H. Eugene Adams, County Auditor

During the course of the meeting, agenda item No. \_\_\_\_\_, concerning the creation and establishment of an unincorporated area services district, to be known as Iron County Unincorporated Area Services District No.2, was called up by the Chair for consideration by the Board. Following due discussion thereof, the following resolution creating said District was introduced, approved and passed. The Resolution is as follows:

**IRON COUNTY RESOLUTION NO. 2007-5**

**Date: May 14, 2007**

**A RESOLUTION OF THE COUNTY LEGISLATIVE BODY OF IRON COUNTY, UTAH, INITIATING PROCEEDINGS FOR THE CREATION AND ESTABLISHMENT OF AN UNINCORPORATED AREA SERVICES DISTRICT WITHIN IRON COUNTY; DESCRIBING THE BOUNDARIES THEREOF; SPECIFYING THE TYPES OF SERVICES TO BE PROVIDED WITHIN SAID DISTRICT; PROVIDING FOR A NOTICE OF INTENTION OF THE COUNTY TO ESTABLISH SAID DISTRICT; CALLING A PUBLIC HEARING ON THE PROPOSAL TO CREATE THE DISTRICT; AND PRESCRIBING OTHER MATTERS AND DETAILS RELATING TO THE CREATION AND ESTABLISHMENT OF AN UNINCORPORATED AREA SERVICES DISTRICT.**

BE IT KNOWN AND REMEMBERED:

THAT, the Board of County Commissioners of Iron County (the Board), hereby finds, determines and declares that the public health, convenience and necessity requires the establishment of an unincorporated area services district within Iron County (the County) for the purpose of providing essential governmental functions and services to County residents living in the unincorporated area of the County, which functions and services shall be paid for only by the residents of said unincorporated area, and,

THAT, to accomplish the foregoing purpose the Board proposes to create an unincorporated area services district within the County, the territory and jurisdiction of which shall be described herein and which shall be exclusive of the territory of each and all of the incorporated cities and towns in the County, as permitted by and in accordance with the provisions of Title 17, Chapter 34, U.C.A., 1953, entitled "Municipal-Type Services to Unincorporated Areas Act" (the Act),

THEREFORE, the Board of County Commissioners of the County of Iron, RESOLVES as follows:

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1. An unincorporated area services district is hereby proposed to be established in the unincorporated area of Iron County, which, upon establishment, shall be named and known as Iron County Unincorporated Area Services District No.2 (herein called the District).

2. The proposed District shall include the territory and area of Iron County as described below and which is not incorporated as a city or town.

There shall be excluded from the foregoing description the territorial areas of each of the incorporated cities and towns of Iron County as the boundaries of such cities and town exist and are recorded on the date of the adoption of the ordinance or resolution finally establishing the Unincorporated Area Services District No. 2, designated in this Resolution or as the boundaries of such cities and towns may change from time to time.

Description of the boundaries of the proposed District:

Iron County: Beginning at the northwest corner of township 31 south, range 5 west, thence west to the boundary of the state; thence south to the line between townships 36 and 37 south; thence east to the line between ranges 16 and 15 west; thence north to the northwest corner of township 37 south, range 15 west; thence east to the northeast corner of township 37 south, range 15 west; thence south to the southeast corner of township 37 south, range 15 west; thence east to the southeast corner of township 37 south, range 13 west; thence south to the northeast corner of section 24, township 38 south, range 13 west; thence east on the section lines to the intersection of the range line between ranges 12 and 11 west; thence south on that range line to the southwest corner of section 18, township 38 south, range 11 west; thence east on the section lines to the intersection of the range line between ranges 11 and 10 west; thence north along the range line to the southwest corner of section 18, township 38 south, range 10 west; thence east on the section lines to the intersection of the range line between ranges 11 and 10 west, at the northeast corner of section 24, township 38 south, range 10 west; thence north to the line separating townships 37 and 38 south; thence east to the line between ranges 8 and 7 west; thence north to the northwest corner of township 35 south, range 7 west; thence east to the northeast corner of said township 35 south, range 7 west; thence north to the northwest corner of township 34 south, range 6 west; thence east to the northeast corner of township 34 south, range 6 west; thence north to the point of beginning.

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3. The proposed District shall be empowered to and shall have the authority to provide any or all of the following services within the territory of the District as and to the extent they are deemed necessary or desirable by the governing body thereof, to-wit: any service or function defined as a "municipal service" or "municipal capital project" pursuant to the Uniform Fiscal Procedures Act for Counties (U.C.A. §17-36-1, et seq.). The foregoing services and functions may be provided through facilities or systems acquired for that purpose through construction, purchase, gift, or condemnation or any combination of the foregoing means, or by any other means available to such districts as provided by law. The acquisition of facilities, systems and property may include the appurtenances thereof and may be for partial or joint ownership interests therein.

4. Upon establishment of the District, the governing authority of the County or the governing authority of the District, as appropriate, may levy taxes annually on all taxable property within the District and may impose and collect periodic fees or charges to pay for all or a part of the services, systems, commodities or facilities to be provided by the District. All taxes levied for the District shall be properly authorized in accordance with law and shall be in addition to all other taxes levied by the County or by any other public corporation, district or political subdivision located in the District as proposed. The governing authority of the District shall have the authority to adopt such regulations as are necessary to assure the proper collection and enforcement of any and all fees and charges imposed and taxes levied.

5. A public hearing is hereby called and set on the creation and establishment of the District. Said public hearing shall be held on June 11, 2007, at the hour of 1:30 o'clock P.M. at the regular meeting place of the Board of County Commissioners of Iron County, Utah. All interested persons may attend this hearing at which time and place the Board will give consideration to all protests which may have been filed and shall hear and consider all interested persons desiring to be heard. The hearing may be continued from time to time.

6. Upon adoption of this Resolution, the County Clerk shall give notice of the intention of the County to establish the District. Said notice shall be given by publication of this Resolution, in its entirety, at least once a week during three (3) consecutive weeks in a newspaper having general circulation in Iron County, the first publication of which shall be not less than twenty one (21) days nor more than thirty five (35) days before the hearing date specified in paragraph 5 above. Upon publication of this Resolution, as provided above, the

following heading shall be placed hereon:



NOTICE OF THE INTENTION OF IRON  
COUNTY, UTAH, TO ESTABLISH AN  
UNINCORPORATED AREA SERVICES DISTRICT

When so published, this Resolution, in its entirety, shall be considered to be a public Notice of Intention to create the proposed District containing at least the following information: (1) a description of the boundaries of the District, as set forth in paragraph 2 above, (2) a general description of the types of services proposed to be provided within the District, as set forth in paragraph 3 above, (3) a statement regarding the levying of taxes within the District and the imposition of fees and charges to pay for the services to be provided, as set forth in paragraph 4 above, (4) the designation of a time and place for a public hearing on the establishment of the District, as set forth in paragraph 5 above, and (5) such other information concerning the proposed District as is contained in this Resolution.

7. Upon establishment of the District proposed herein it shall be a separate political and administrative subdivision of the County and shall have the rights, powers and authority granted to the District as set froth herein and in the final resolution establishing the said District.

8. It is proposed that the Board of County Commissioners as it is comprised from time to time shall be and act as the governing authority of the District when created and shall supervise and control all of the activities thereof. The Board may also delegate to designated officers or employees of the County the authority to perform the activities, functions and operations of the District.

9. No part of the proposed District described herein is included within the boundaries of any city or town and no territory of the District is included within the boundaries of any improvement district or special service district of the County which has been established for the purpose of providing the same services proposed to be supplied by this District.

10. At the public hearing, for which provision is made in paragraph 5 above, or prior thereto, protests against the establishment of the District or the furnishing of specified types of services within the District may be made orally or in writing by any interested person. Any protest made may be withdrawn by the protestant any time before the Board of County Commissioners establishes or abandons the proposed District.

11. If persons constituting and consisting of over 50 percent of the qualified voters of the territory proposed to be included within the District file written protests prior to the conclusion of the public hearing specified in paragraph 5 above against the establishment of the District, the Board shall abandon the proposed establishment of the District.

12. After conclusion of the hearing specified herein, the Board shall adopt a resolution either establishing the proposed District or determining that it should be abandoned. A resolution establishing the proposed District may contain any changes from this Resolution the Board determines to be appropriate, including reduction of the boundaries of the District and elimination of one or more of the types of services proposed to be supplied. Any abandonment of this District shall be without prejudice as to whether all or a part of the area proposed herein shall be included in a new unincorporated area services district established in a manner provided by law at a later date. Any resolution finally establishing the District proposed hereby shall specifically set forth the duties and obligations of the District and the rights, powers and authority thereof.

13. The officers and employees of Iron County are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

14. If any one or more sections, sentences, clauses or parts of this Resolution shall for any reason be held inapplicable or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution, but shall be confined in its operation to the specific sections, sentences, clauses or parts hereof held inapplicable or invalid. The inapplicability or invalidity of any section, sentence, clause, or part of this Resolution in any one or more instances shall not affect or prejudice in any way the applicability or validity of this Resolution in any other instance.

15. All resolutions and regulations of the County of Iron that may be inconsistent or in conflict with this Resolution are hereby repealed only with respect to this District and to the extent only of such conflict or inconsistency. This repealer shall not be construed to revive any resolution or regulation, or part thereof, heretofore repealed.

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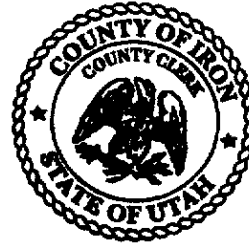


APPROVED and PASSED this 14<sup>th</sup> day of May, 2007.

BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY,  
UTAH

By Wayne A. Smith  
Wayne A. Smith, Chair

ATTEST:  
David I. Yardley  
David I. Yardley, County Clerk



Commissioner Wayne A. Smith      voted: Aye  
Commissioner Lois L Bulloch      voted: Aye  
Commissioner Alma L. Adams      voted: Aye

Other business not pertinent to the passage of the foregoing resolution appears in the minutes of the meeting upon the completion of which was duly adjourned.

DATED this 14<sup>th</sup> day of May, 2007.

By Wayne A. Smith  
Wayne A. Smith, Chair  
Board of County Commissioners

ATTEST:  
David I. Yardley  
David I. Yardley, County Clerk



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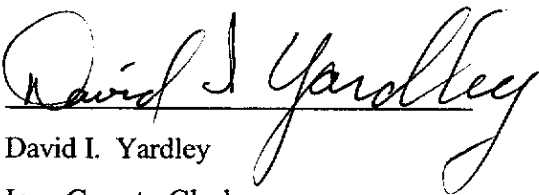
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STATE OF UTAH                    )  
  : ss.  
COUNTY OF IRON                )

I, David I. Yardley, the duly qualified and acting County Clerk of Iron County, Utah, do hereby certify that the foregoing pages numbered from one to eight inclusive, are a true, complete and correct excerpt of the record of the proceedings of the Board of County Commissioners of the County of Iron, had and taken at a lawful meeting of said Board held at 68 S. 100 East, in Parowan City, Utah on the 14<sup>th</sup> day of May, 2007, at the hour of 10:00 o'clock A. M., as recorded in the official book of records of the proceedings of said Board kept in my office. I further certify that the meeting recorded therein was duly held, that the proceedings recorded were duly performed and that the persons therein named as being present at said meeting were present as recorded. according to the records of said Board in my official possession, that the above and foregoing is a true and correct excerpt of the minutes of a regular meeting of the Board of County Commissioners of Iron County, Utah, held on the 14<sup>th</sup> day of May, 2007, to include a resolution approved and passed at said meeting.

IN WITNESS my signature and the seal of Iron County, Utah this 14<sup>th</sup> day of May, 2007.



David I. Yardley  
Iron County Clerk

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