

**TOWN OF BRIAN HEAD, UTAH  
TOWN COUNCIL  
RESOLUTION ESTABLISHING SPECIAL SERVICE DISTRICT  
August 12, 2008**

**RESOLUTION NO. 378**

**A RESOLUTION ESTABLISHING THE "BRIAN HEAD SPECIAL SERVICE DISTRICT, UTAH" AND PROVIDING FOR OTHER RELATED MATTERS.**

WHEREAS, pursuant to a Resolution adopted on June 3, 2008, the Town Council of the Town of Brian Head, Utah (the "Council") gave notice of its intention to create a special service district described therein as the Brian Head Special Service District, Utah (the "District"), having the boundaries set out in the Resolution, to potentially provide the services described in the Resolution; and

WHEREAS, the Town Clerk caused public notice to be given of the Council's intention and of the time and place of a public hearing called for July 8, 2008, through the publication of an appropriate notice in the Spectrum, a newspaper published and of general circulation in the Town of Brian Head, Utah, once each week during three consecutive weeks, the first of such publications having been not less than 21 days nor more than 35 days prior to the date of the public hearing; and

WHEREAS, the public hearing was properly noticed and held at the designated time and place, the Town Council considered all protests filed and heard and considered all interested persons desiring to be heard, and received additional protests and comments for fifteen (15) days thereafter and the time for filing protests as provided in Section 17D-1-206, Utah Code Annotated 1953, as amended, has expired; and

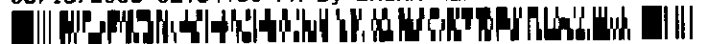
WHEREAS, neither more than 33% of the qualified voters of the territory to be included within the District nor the owners of more than 33% of the taxable value of the taxable property to be included within the District have filed written protests with the Town Clerk against (1) the establishment of the District, or (2) a specified type or types of services within the District;

**NOW, THEREFORE**, the Town Council of the Town of Brian Head, Utah, hereby resolves as follows:

**Section 1.** That the Town Council does hereby find and determine:

(a) That the Town Clerk caused public notice of the hearing regarding the establishment of the District, to be given by publication of an appropriate notice in the Spectrum, a newspaper published and of general circulation in the Town of Brian Head, Utah, once each week for three consecutive weeks prior to July 8, 2008, the first of those

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publications having been made not less than 21 days nor more than 35 days prior to the date of such hearing.

(b) That a public hearing on the establishment of the District and the furnishing of the services described in Section 3 below was held and conducted by this Council as required by law and the Resolution giving notice thereof, on July 8, 2008, at 1:00 p.m. at the regular meeting place of the Council in the Town of Brian Head at which public hearing the Council considered all interested persons desiring to be heard.

(c) That the Council considered all protests, comments, and public input filed within fifteen (15) days following the public hearing.

(d) That after careful consideration of all factors involved and of all objections and protests, it has been and is hereby found, determined and declared that the District shall be created with the following boundaries and to provide the services described herein, and that all proceedings already taken in establishing the District have been in compliance with law.

**Section 2.** That there is hereby established a special service district within the Town of Brian Head, Utah, to be known as the "**Brian Head Special Service District, Utah.**" The boundaries and service area of the District correspond exactly with the boundaries of the Town of Brian Head, Utah as they existed on June 3, 2008 (the date when the Town Council adopted the Resolution of Intent to Establish the District). The boundaries of the District are more particularly described as follows:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 36 SOUTH, RANGE 9 WEST AND RUNNING THENCE SOUTH 00° 11' 40" WEST 2781.02 FEET;  
THENCE SOUTH 00° 18' 07" EAST 2631.33 FEET;  
THENCE SOUTH 89° 43' 39" WEST 2635.20 FEET;  
THENCE NORTH 89° 21' 00" WEST 2643.04 FEET;  
THENCE NORTH 89° 37' 36" WEST 2639.50 FEET;  
THENCE SOUTH 00° 33' 13" WEST 5263.60 FEET;  
THENCE NORTH 89° 31' 52" WEST 2634.31 FEET;  
THENCE NORTH 00° 53' 15" EAST 2639.60 FEET;  
THENCE NORTH 89° 20' 58" WEST 1005.60 FEET;  
THENCE NORTH 25° 36' 02" EAST 121.30 FEET;  
THENCE NORTH 21° 55' 58" WEST 219.10 FEET;  
THENCE SOUTH 67° 54' 02" WEST 141.90 FEET;  
THENCE NORTH 58° 16' 52" WEST 56.53 FEET;  
THENCE NORTH 06° 29' 02" EAST 391.61 FEET;  
THENCE SOUTH 64° 33' 58" EAST 192.24 FEET;  
THENCE NORTH 15° 58' 02" EAST 186.54 FEET;  
THENCE NORTH 00° 12' 58" WEST 291.92 FEET;  
THENCE SOUTH 71° 01' 02" WEST 392.40 FEET;  
THENCE NORTH 00° 12' 03" EAST 381.70 FEET;

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THENCE NORTH 89° 30' 14" WEST 1316.25 FEET;  
THENCE NORTH 00° 24' 10" EAST 1313.67 FEET;  
THENCE NORTH 00° 19' 32" EAST 2634.52 FEET;  
THENCE NORTH 00° 19' 32" EAST 2643.82 FEET;  
THENCE SOUTH 89° 20' 02" EAST 1278.41 FEET;  
THENCE NORTH 00° 08' 10" WEST 673.24 FEET;  
THENCE NORTH 67° 35' 00" EAST 51.92 FEET;  
THENCE NORTH 13° 51' 18" WEST 193.88 FEET;  
THENCE NORTH 76° 08' 42" EAST 47.04 FEET;  
THENCE NORTH 13° 59' 25" WEST 207.45 FEET;  
THENCE NORTH 73° 21' 43" EAST 15.00 FEET;  
THENCE NORTH 13° 59' 25" WEST 183.78 FEET;  
THENCE NORTH 75° 23' 03" EAST 16.82 FEET;  
THENCE NORTH 13° 59' 25" WEST 233.42 FEET;  
THENCE NORTH 76° 00' 35" EAST 248.00 FEET;  
THENCE NORTH 01° 47' 35" WEST 543.67 FEET;  
THENCE NORTH 60° 46' 45" WEST 229.52 FEET;  
THENCE NORTH 29° 13' 15" EAST 200.93 FEET TO A POINT ON A 14.94 FOOT  
RADIUS CURVE TO THE LEFT; THENCE ALONG SAID CURVE 23.54 FEET  
(CHORD BEARS NORTH 15° 54' 48" WEST 21.18 FEET);  
THENCE NORTH 60° 50' 00" WEST 72.12 FEET;  
THENCE NORTH 29° 34' 44" EAST 83.59 FEET;  
THENCE NORTH 83° 42' 28" EAST 30.00 FEET TO A POINT ON A 103.71 FOOT  
RADIUS CURVE TO THE RIGHT; THENCE ALONG SAID CURVE 62.20 FEET  
(CHORD BEARS NORTH 10° 53' 22" EAST 61.27 FEET);  
THENCE SOUTH 61° 59' 38" EAST 216.72 FEET;  
THENCE NORTH 27° 52' 08" EAST 99.22 FEET;  
THENCE NORTH 27° 24' 08" EAST 93.72 FEET TO A POINT ON A 330.03 FOOT  
RADIUS CURVE TO THE LEFT; THENCE ALONG SAID CURVE 217.43 FEET  
(CHORD BEARS NORTH 04° 10' 14" EAST 213.52 FEET);  
THENCE NORTH 01° 21' 39" WEST 31.16 FEET;  
THENCE NORTH 30° 10' 32" EAST 56.40 FEET;  
THENCE NORTH 21° 20' 48" EAST 56.02 FEET;  
THENCE NORTH 21° 12' 17" EAST 50.02 FEET;  
THENCE NORTH 43° 46' 20" EAST 330.25 FEET;  
THENCE NORTH 44° 54' 08" EAST 190.45 TO A POINT ON A 344.80 FOOT  
RADIUS CURVE TO THE LEFT; THENCE ALONG SAID CURVE 38.33 (CHORD  
BEARS NORTH 39° 42' 40" EAST 38.31 FEET) TO A POINT ON A 344.80 FOOT  
RADIUS CURVE TO THE LEFT; THENCE ALONG SAID CURVE 72.17 FEET  
(CHORD BEARS NORTH 26° 26' 44" EAST 72.04 FEET) TO A POINT ON A 344.80  
FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG SAID CURVE 63.12  
FEET (CHORD BEARS NORTH 15° 12' 22" EAST 63.03 FEET) TO A POINT ON A  
344.80 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG SAID CURVE  
132.42 FEET (CHORD BEARS NORTH 05° 29' 37" WEST 131.61 FEET);  
THENCE NORTH 06° 59' 37" WEST 107.71 FEET;  
THENCE NORTH 14° 18' 58" EAST 69.91 FEET;

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THENCE NORTH 05° 21' 49" EAST 125.74 FEET;  
THENCE NORTH 26° 18' 58" EAST 257.55 FEET;  
THENCE NORTH 03° 45' 12" EAST 140.03 FEET;  
THENCE NORTH 07° 05' 58" EAST 69.97 FEET;  
THENCE NORTH 90° 00' 00" EAST 455.00 FEET;  
THENCE SOUTH 50° 23' 00" EAST 420.00 FEET;  
THENCE SOUTH 60° 26' 02" EAST 283.09 FEET;  
THENCE SOUTH 89° 17' 15" EAST 628.16 FEET;  
THENCE SOUTH 00° 07' 11" WEST 1358.95 FEET;  
THENCE SOUTH 00° 32' 01" EAST 1352.93 FEET;  
THENCE NORTH 90° 00' 00" EAST 1320.00 FEET;  
THENCE SOUTH 00° 00' 00" WEST 1335.13 FEET;  
THENCE NORTH 89° 27' 51" WEST 9.82 FEET MORE OR LESS TO THE NORTH  
QUARTER CORNER OF SECTION 2, TOWNSHIP 36 SOUTH RANGE 9 WEST;  
THENCE SOUTH 00° 01' 37" WEST 2633.00 FEET;  
THENCE SOUTH 89° 20' 12" EAST 904.78 FEET;  
THENCE SOUTH 05° 01' 46" WEST 158.93 FEET;  
THENCE SOUTH 70° 04' 38" WEST 293.11 FEET TO THE POINT OF CURVATURE  
WITH A 23.88 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG SAID  
CURVE 35.71 FEET (CHORD BEARS SOUTH 50° 01' 46" WEST 32.48 FEET);  
THENCE SOUTH 07° 11' 26" WEST 348.02 FEET TO A POINT ON A 232.78 FOOT  
RADIUS CURVE TO THE RIGHT; THENCE ALONG SAID CURVE 110.08 FEET  
(CHORD BEARS SOUTH 20° 44' 17" WEST 109.06 FEET);  
THENCE SOUTH 33° 50' 25" WEST 374.43 FEET TO A POINT ON A 120.47 FOOT  
RADIUS CURVE TO THE LEFT; THENCE ALONG SAID CURVE 81.36 FEET  
(CHORD BEARS SOUTH 14° 29' 30" WEST 79.83 FEET);  
THENCE SOUTH 03° 26' 30" EAST 311.80 FEET;  
THENCE SOUTH 79° 04' 45" EAST 183.73 FEET;  
THENCE SOUTH 65° 11' 00" EAST 229.00 FEET;  
THENCE NORTH 87° 07' 00" EAST 99.60 FEET;  
THENCE SOUTH 86° 28' 00" EAST 96.00 FEET;  
THENCE SOUTH 89° 24' 00" EAST 98.00 FEET;  
THENCE NORTH 82° 40' 00" EAST 70.00 FEET;  
THENCE NORTH 72° 41' 00" EAST 271.90 FEET;  
THENCE NORTH 00° 08' 00" EAST 137.40 FEET;  
THENCE SOUTH 89° 20' 12" EAST 292.28 FEET;  
THENCE NORTH 46° 37' 52" EAST 58.92 FEET;  
THENCE SOUTH 86° 34' 55" EAST 274.89 FEET;  
THENCE SOUTH 83° 55' 02" EAST 290.33 FEET;  
THENCE NORTH 12° 08' 24" EAST 109.06 FEET TO A POINT ON A 20.00 FOOT  
RADIUS CURVE TO THE RIGHT; THENCE ALONG SAID CURVE 50.24 FEET  
(CHORD BEARS NORTH 84° 06' 04" EAST 38.03 FEET);  
THENCE SOUTH 23° 56' 14" EAST 108.11 FEET;  
THENCE NORTH 66° 03' 45" EAST 170.97 FEET;  
THENCE SOUTH 89° 14' 20" EAST 165.28 FEET;  
THENCE SOUTH 00° 45' 54" WEST 84.14 FEET;

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THENCE SOUTH 89° 20' 12" EAST 1318.12 FEET;  
THENCE NORTH 00° 04' 00" EAST 2641.73 FEET;  
THENCE SOUTH 89° 10' 41" EAST 1312.71 FEET;  
THENCE NORTH 00° 30' 41" EAST 1393.65 FEET;  
THENCE NORTH 88° 34' 40" EAST 1459.04 FEET;  
THENCE NORTH 88° 46' 36" EAST 1169.24 FEET TO THE POINT OF BEGINNING.

[END OF DESCRIPTION]

**Section 3.** That the District is created for the purpose of furnishing any one or more of the following services:

- i. water, including culinary and irrigation
- ii. sewerage
- iii. drainage
- iv. garbage collection and disposal
- v. health care
- vi. transportation
- vii. fire protection and emergency medical and ambulance
- viii. providing, operating, and maintaining correctional and rehabilitative facilities and programs for municipal, state, and other detainees and prisoners
- ix. flood control
- x. recreation
- xi. street lighting
- xii. animal shelter and control
- xiii. consolidated 911 and emergency dispatch

and related services within the area included within its boundaries, through facilities or systems acquired or constructed for that purpose through construction, purchase, lease, contract, gift, condemnation or any combination thereof.

**Section 4.** That the Town Council hereby finds and determines that neither more than 33% of the qualified voters of the territory to be included within the District, nor the owners of more than 33% of the taxable value of the taxable property to be included within the District, have filed written protests with the Town Clerk against (1) the establishment of the District, or (2) a specified type or types of services within the District.

**Section 5.** That any person who filed a written protest at the public hearing or within fifteen (15) days after the conclusion of the public hearing held on July 8, 2008, with the Town, against the establishment of the District or against the furnishing of a specified type or types of services within the District or to the effect that his land will not be directly benefited by the District's services and who is a qualified voter residing within the District or whose property has been included within the boundaries of the District notwithstanding such protest, may, within thirty (30) days after the adoption of this resolution, apply to the district court for a writ of review of the actions of the Town

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Council in establishing the District. The only grounds upon which a person may apply for a writ of review is (1) that the protestor's property will not be benefited by one or more of the types of services authorized to be furnished by the District, or (2) that the proceedings taken in establishing the District have not been in compliance with law. Persons who fail to file a written protest as provided in this section will be deemed to have consented to the inclusion of their land within the District.

Failure to timely apply for a writ of review forecloses the right of all owners of property and of qualified voters within the District to further object.

**Section 6.** That the District shall be a separate body politic and corporate and a quasi-municipal public corporation distinct from the Town of Brian Head, Utah, in which the District is located. The Council shall control and have supervisory authority over all activities of the District. The Council shall act as the Governing Body of the District. The District shall have all rights, powers and authority granted to such districts under the Utah Special Service District Act, Title 17D, Chapter 1, Utah Code Annotated 1953, as amended, including without limitation the power of eminent domain and the power to borrow and bond.

**Section 7.** That pursuant to the requirements of Section 17D-1-209, Utah Code Annotated 1953, as amended, the Town Council shall file the required notification of the establishment of the District with the Lieutenant Governor within thirty days after the adoption of this resolution.

**Section 8.** That all acts and resolutions in conflict with this resolution or any part thereof are hereby repealed.

**Section 9.** That this resolution shall take immediate effect upon its adoption and approval.

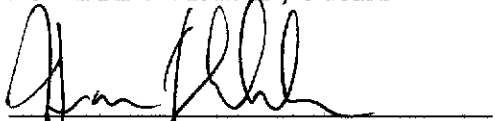
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**ADOPTED, APPROVED, and ORDERED** by majority vote at a duly called meeting of this August 12, 2008.

**TOWN OF BRIAN HEAD, UTAH**

  
Hans Schwob, Mayor Pro-Tem

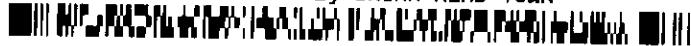
**ATTEST:**

  
Nancy Leigh, Town Clerk



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**THE TOWN OF BRIAN HEAD  
NOTICE OF ADOPTION OF RESOLUTION ESTABLISHING THE  
BRIAN HEAD SPECIAL SERVICE DISTRICT, UTAH AND CERTIFICATION**

Pursuant to the provisions of Utah Code Ann. §17D-1-209, the Town of Brian Head, a body corporate and politic of the State of Utah hereby gives notice to the Utah Lieutenant Governor, that on August 12, 2008, the Town Council of the Town of Brian Head, Utah adopted a Resolution establishing the Brian Head Special Service District, Utah.

Accompanying this Notice is a copy of the Resolution approving the establishment of the Brian Head Special Service District, Utah, together with a map showing the boundaries of the Brian Head Special Service District, Utah, prepared and certified by a licensed surveyor. A copy of the map has been filed with the Iron County Surveyor in accordance with Utah Code Ann. §17D-1-209.

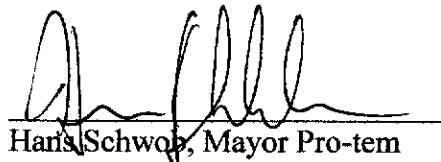
I hereby certify that the Town of Brian Head, Utah has completed all of the legal requirements necessary for the establishment of the Brian Head Special Service District, Utah.

Dated this August 12, 2008.

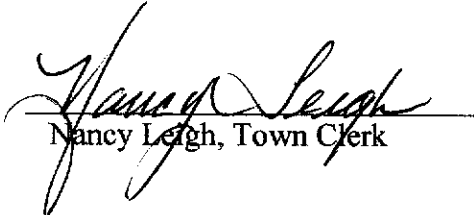
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**TOWN OF BRIAN HEAD**

  
Hans Schwop, Mayor Pro-tem

**ATTEST**

  
Nancy Leigh, Town Clerk

(SEAL)





