

RESOLUTION NO. R01-1107

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 September 5, 2001 (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 October 19, 2001, at 7:30 p.m. at the Rich Junior High School, 54 East 100 South, Laketown, 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 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;

Recorded MAR 18 2002 Filing No. 58874

At 3:06 AM/PM in Book 69 Page 188

Fee No fee Debra L. Ames Rich County Recorder

Requested by Bear Lake Special Service District

b. Protest sufficient in number to prevent the annexation as defined in §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; (see attached "Opposition List" and "Voter List")

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

d. 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:

Area #1: South Shore of Bear Lake

The intent of the South Shore boundaries are to include all property along the south shore of Bear Lake including but not limited to the following: Rest Area located in Section 22, Township 13 North, Range 5 East, Rendezvous Beach State Park, Meadow Pines unit #2 Subdivision, Lamborn No. 1 Subdivision as Amended, Shady Wood Subdivision, Lakeview Subdivision, South Shore Subdivision, Siddoway Subdivision, Siddoway Subdivision Block 4, Falula Farms Subdivision, and Vista Grande Estates Subdivision;

Further described as follows:

Commencing at a point in the Southeast Quarter of Section 15, Township 13 North, Range 5 East, Salt Lake Base and Meridian, where the West right-of-way line of State Highway 30 intersects with Section 15 and Section 22, Township 13 North, Range 5 East; thence following the West right-of-way line of State Highway 30 Southeasterly to a point due West of the Southwest corner of Rendezvous Beach State Park located in the Northeast Quarter of Section 26, Township 13 North, Range 5 East as described in Book A3 page 42 of the Official Records in the office of the Rich County Recorder; thence running due East across State Highway 30 and continuing Southeast along the South boundary line of Rendezvous Beach State Park to the Southeast corner of the property as described in Book A3 page 42; thence continuing East to the East right-of-way of 350 West; thence Northernly along the East side of 350 West to the South line of the Meadow Pines Unit #1 subdivision; thence East along the Southern boundary of Meadow Pines Unit #1 subdivision to the Southeast corner of Meadow Pines Unit #1 Subdivision and continuing due East to a point which intersects the East right-of-way line of Cisco Road aka CR 353; thence following and including all of Cisco Road (CR 353) in a Northeasternly direction to the South boundary of Vista Grande Estates Subdivision; thence running East 694.62 feet; thence North 0°58' East 1333.21 feet to a point South 0°58' East 1333.21 feet of the Northeast

Corner of Section 17, Township 13 North, Range 6 East: thence West 730 feet more or less to the legal high water line of Bear Lake (5923.65 feet, Utah Power and Light Datum); thence following the shore line of Bear Lake at the elevation previously stated back to a point due East of the point of beginning; thence West 200 feet more or less to the point of beginning.

Area #2: West of Garden City Town Center

A parcel of ground located in the Northeast Quarter of Section 20 and the Northwest Quarter of Section 21, Township 14 North, Range 5 East of the Salt Lake Base and Meridian. Described as follows:

Beginning at the Northwest corner of Section 21, Township 14 North, Range 5 East of the Salt Lake Base and Meridian and running thence East 1055.5 feet more or less to point in a line parallel to and 100 feet West (perpendicular distance) of the Westerly Garden City Corporate Limits; thence South along said parallel line 1120.55 feet more or less (1138.5 feet by record) to the North right-of-way line of State Highway 89/91; thence West along said right-of-way line 1385.5 feet more or less to the Southwest corner of the H. Scott Bessinger parcel described of record as being located South 00°37'47" East 1117.89 feet and South 89°33'15" West 330 feet from the Northeast corner of Section 20 of said Township and Range; thence North 00°37'47" West along the West line of said Bessinger properties 726.01 feet more or less to the South line of the Arlo & Mattie Price parcel; thence West along the South line of said parcel 679.6 feet more or less to the East line of the Foothill Estates Subdivision; thence following said subdivision line the following seven courses, 1) North 17°06'43" East 96.17 feet more or less; 2) thence North 20°30'39" East 129.98 feet; 3) thence North 46°50'43" East 64.15 feet; 4) thence North 57°52'46" East 104.49 feet; 5) thence North 73°47'21" East 71.60 feet; 6) thence South 87°20'23" East 40.81 feet 7) thence North 66°18'53" East 157.82 feet more or less to the North line of said Section 20; thence East along said section line 550.4 feet more or less to the point of beginning. Containing 40.8 acres more or less.

Area #3: Harbor Village

The Northeast Quarter of Section 17, Township 14 North, Range 5 East of the Salt Lake Base and Meridian.

Lot 3, Section 17, Township 14 North, Range 5 East of the Salt lake Base and Meridian.

EXCEPTING THEREFROM THE FOLLOWING: Part of Section 17, Township 14 North, Range 5 East of the Salt lake Base and Meridian, described as follows:

Beginning at a point 53.71 feet Southerly along Garden City Canal from Southeast corner of Lot 9, RASPBERRY PATCH ESTATES, UNIT 5, as shown by the official plat thereof filed March 18, 1999 as Filing No. 53625 in book E8, at Page 539, in the office of the Recorder of Rich County, Utah, and running thence Southerly along the West bank of said canal 590 feet, more or less, to the Quarter Section line of said Section 17; thence West 450 feet, more or less, to the East line of Raspberry Patch Estates Unit #2, said point also being the Southeast Corner of Lot 28 of

said Unit #2; thence North 630 feet along said East line of Unit #2, thence Southeasterly to the point of beginning.

**The forgoing legal description includes without limitation each of the following subdivisions:

Inn Condominiums @ Harbor Village, Inn Condominiums @ Harbor Village PH 2, Inn Condominiums @ Harbor Village EXP. PH III, Inn Condominiums @ Harbor Village EXP. PH IV;

Lake View Condos @ Harbor Village PH I, Lake View Condos @ Harbor Village PH II, Lake View Condos @ Harbor Village PH III;

Village Town Homes @ Harbor Village UN1, Village Town Homes @ Harbor Village EXP. 1, Village Town Homes @ Harbor Village EXP. 2, Village Town Homes @ Harbor Village EXP. PH III.

Raspberry Patch Estates, Units 1 through 5.

Area #4: Elks Ridge located north of Foothill Estates and south of Harbor Village

Part of Section 17, Township 14 North, Range 5 East of the Salt Lake Base and Meridian.

Commencing at the Rebar Monument found at the Southeast Corner of Section 17, Township 14 North, Range 5 East of the Salt Lake Base and Meridian and Running thence N88°59'45"W 1351.18 feet along the South Line of Said Section 17, thence N00°33'17"E 10.19 feet to the True Point of Beginning, thence N00°29'32"W 50.00 feet, thence N00°33'17"E 2609.90 feet, thence N89°53'17"W 1339.53 feet, thence N01°11'55"E 1329.34 feet along the West Line of Raspberry Patch Estates, thence N89°14'13"W 855.51 feet along the South Line of Harbor Village Corporation Parcel, thence S00°45'47"W 789.29 feet, thence S16°25'51"W 844.05 feet, thence S10°27'20"W 1373.60 feet, thence S09°52'25"W 1015.79 feet, Said Point Being in the South Line of Said Section 17, thence S88°28'27"E 1463.63 feet along South Line of Said Section 17, Said Point Being the S1/4 Corner of Said Section 17, thence S89°25'36"E 1351.13 feet along the North Line of Foothill Estates to the Point of Beginning. Containing 184.47 acres, more or less.

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 Nov. 7th, 2001.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
RICH COUNTY, UTAH

Patricia Shaul
County Clerk

William E. Cox
Chairman