

RESOLUTION NO 678

A RESOLUTION ESTABLISHING THE NEW HARMONY VALLEY SPECIAL SERVICE DISTRICT DEFINING THE SERVICES TO BE PROVIDED AUTHORIZING CONSTRUCTION OF FACILITIES AND METHOD OF FINANCING AS SET FORTH IN THE NOTICE OF INTENTION TO CREATE THE DISTRICT

RECITALS

WHEREAS the County Legislative Body of Washington County, Utah is the Board of County Commissioners

NOW THEREFORE BE IT RESOLVED by the Washington County Commission

Section 1 The public health, convenience and necessity require the construction or acquisition of facilities and equipment identified and described in the Notice of Intention concerning the establishment of the New Harmony Valley Special Service Commission, to include the boundaries of the Town of New Harmony, pursuant to an Interlocal Agreement between Washington County and the Town of New Harmony

Section 2 The Commission has considered each and every protest filed and had heard each and every person who wished to be heard in protest against the creation of the District or the construction or acquisition of any of the improvements therein or on any other matter pertinent to said Special Service District

Section 3 The services, improvements, and method of financing proposed and described in the Notice of Intention to create the New Harmony Valley Special Service District of Washington County Utah are hereby authorized and New Harmony Valley Special Service District is hereby created for the purposes of providing fire protection facilities and services within the boundaries of said Special Service District

Section 4 The territory to be included within the boundaries of the Special Service District,

00589595 Bk 1171 Pg 0765

RUSSELL SHIRTS \* WASHINGTON CO RECORDER  
1998 JAN 28 10:54 AM FEE \$ .00 BY DKG  
FOR WASHINGTON COUNTY

located entirely within Washington County, Utah shall be as follows

T38S R12W SLB&M as follows

All of Sections 19, 20, 21, 29, 30, 31, and 32, less and excepting any State or Federal land

T39S, R12W, SLB&M as follows

All of Sections 5, 6 and 7 less and excepting any State or Federal land

T38S R13W SLB&M as follows

All of Sections 1, 9, 10, 11, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 35 and 36, less and excepting any State or Federal land

T39S, R13W SLB&M as follows

All of Sections 1 and 2, less and excepting any State or Federal land

Section 5(a) The affairs of the New Harmony Valley Special Service District shall be governed by an Administrative Control Board, consisting of five (5) members, each of whom shall be elected by the voting qualified electors of the Special Service District at the next municipal election scheduled to be held within Washington County, Utah, in November of 1999 in accordance with Title 17A Chapter 1, Part 3 Utah Code Annotated, and each of whom shall be a qualified elector of the Special Service District

Section 5(b) The affairs of the New Harmony Valley Special Service District shall initially be governed by an Administrative Control Board until the election referred to in 5(a) above, consisting of five (5) members, appointed by the Board of Commissioners of Washington County, Utah, from among qualified electors of the Special Service District, pursuant to 17A-1-301 et seq Utah Code Ann. In selecting members of the Administrative Control Board the Board of Commissioners shall endeavor to select members representing the various communities within the District. No applicant for the position of member of the Administrative Control Board shall be disqualified as a result of his or her appointment or election as a member of an Administrative Control

Board providing other services to all or part of a special service district located wholly or partially within New Harmony Valley Special Service District

Section 6(a) Said Administrative Control Board shall, upon election, act as the governing authority of the district and shall exercise all powers provided for in Sections 17A-2-1314, 17A-2-1316 17A-2-1320 and 17A-2-1321 Utah Code Annotated

Section 6(b) Said Administrative Control Board shall, upon appointment, act as the governing authority of the Special Service District, and shall exercise all powers provided for in Sections 17A-2-1314, 17A-2-1316 17A-02-1320, and 17A-2-1321 Utah Code Ann

Section 7 In the event a municipal corporation is incorporated and includes lands, wholly or partially within the boundaries of the Special Service District, the municipality may elect to provide the facilities and services then provided by the District Upon written request from the municipality to the Administrative Control Board and County Commission requesting that the lands within its boundaries be excluded from the District and making provision for any outstanding debt secured by lands within the municipal corporation pursuant to 17A-2-1328, the Administrative Control Board and County Commission shall change the boundaries of the Special Service District by removing the lands within the municipality from the Special Service District

Section 8 In general, undeveloped parcels of land shall not be charged service fees at the same rate as developed parcels As a general rule undeveloped lands, should in general, bear a proportionate share of the expenses as the ratio of that assessed value of the property bears to the total assessed valuation of the Special Service District

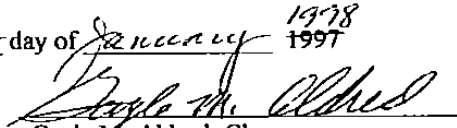
Section 9 This resolution shall take effect at least fifteen (15) days after its passage and after one publication in The Daily Spectrum, a newspaper having general circulation in Washington

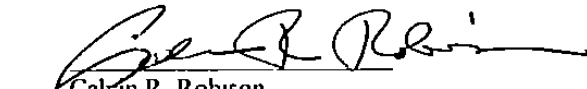
County Utah

Motion to adopt the foregoing Resolution was made by Commissioner Gardner and seconded by Commissioner Lewis. The Resolution was thereupon put to a vote and unanimously adopted on the following recorded vote

| Commissioners  | Vote       |
|----------------|------------|
| Gayle M Aldred | <u>aye</u> |
| Jerry B Lewis  | <u>aye</u> |
| Alan Gardner   | <u>aye</u> |

APPROVED AND ADOPTED this 26<sup>th</sup> day of January, ~~1997~~ <sup>1998</sup>

  
 Gayle M Aldred, Chairman,  
 Board of Washington County  
 Commissioners

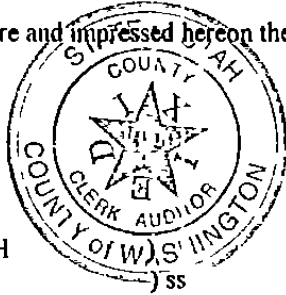
  
 Calvin R. Robison  
 County Clerk

STATE OF UTAH                    )  
   ) ss  
 COUNTY OF WASHINGTON )

I, Carolyn Sutterfield, the duly qualified and acting Deputy Clerk of Washington County, Utah, do hereby certify that the foregoing constitutes a true and correct copy of excerpts from the minutes of a meeting of a duly qualified and acting members of the Board of County Commissioners of Washington County, Utah, held on the 26th day of January, ~~1997~~ <sup>1998</sup> including a resolution adopted at said meeting as said minutes and Resolution are of record in my official possession

IN WITNESS WHEREOF I have this 26th day of January, ~~1997~~ <sup>1998</sup>, subscribed

my official signature and impressed hereon the official seal of Washington County



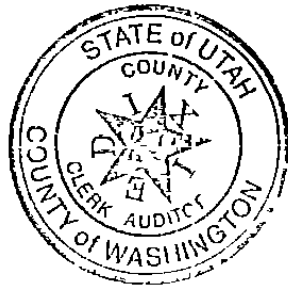
*Carolyn Sutterfield*  
Carolyn Sutterfield  
Deputy County Clerk

STATE OF UTAH

COUNTY OF WASHINGTON )

I Carolyn Sutterfield, the duly qualified and acting Deputy Clerk of Washington County, Utah, do hereby certify that on the 22nd day of January, ~~1998~~<sup>1998</sup>, pursuant to the Utah Code Annotated, §52-4-6(1953), as amended, I personally posted (at least 24 hours prior to the meeting time) at the regular meeting place of the Board of county Commissioners of Washington County, Utah, written notice of the regular meeting of the Board of County Commissioners held on the 26th day of January, ~~1998~~<sup>1998</sup>, at said meeting place I further certify that there was delivered to the Daily Spectrum, at least 24 hours prior to said meeting, a copy of said Notice of Regular Meeting. A correct copy of the Notice is attached hereto

IN WITNESS WHEREOF, I have this 26th day of January, ~~1998~~<sup>1998</sup>, subscribed my official signature and impressed hereon the official seal of Washington County



*Carolyn Sutterfield*  
Carolyn Sutterfield  
Deputy County Clerk