

OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF CREATION

I, Deidre M. Henderson, Lieutenant Governor of the State of Utah, hereby certify that there has been filed in my office a notice of creation for the OQUIRRH POINT PUBLIC INFRASTRUCTURE DISTRICT NO. 3 located in ERDA CITY, dated JULY, 2023, complying with Section §17B-1-215, Utah Code Annotated, 1953, as amended.

Now, therefore, notice is hereby given to all whom it may concern that the attached is a true and correct copy of the notice of creation, referred to above, on file with the Office of the Lieutenant Governor pertaining to the OQUIRRH POINT PUBLIC INFRASTRUCTURE DISTRICT NO. 3, located in TOOELE COUNTY, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 26<sup>th</sup> day of July, 2023 at Salt Lake City, Utah.



A handwritten signature in black ink that reads "Deidre M. Henderson".

DEIDRE M. HENDERSON  
Lieutenant Governor

### NOTICE OF IMPENDING BOUNDARY ACTION

TO: The Lieutenant Governor, State of Utah

NOTICE IS HEREBY GIVEN that the City Council of Erda City, Utah (the "Council"), acting in its capacity as the creating entity for the Oquirrh Point Public Infrastructure District No. 3 (the "District"), at a special meeting of the Council, duly convened pursuant to notice, on July 13, 2023 adopted a Resolution Providing for the Creation of Public Infrastructure Districts, a true and correct copy of which is attached as APPENDIX "A" hereto and incorporated by this reference herein (the "Creation Resolution").

A copy of the Final Local Entity Plat satisfying the applicable legal requirements as set forth in Utah Code Ann. §17-23-20, approved as a final local entity plat by the Surveyor of Tooele County, Utah, is attached as APPENDIX "B" hereto and incorporated by this reference. The Council hereby certifies that all requirements applicable to the creation of the District, as more particularly described in the Creation Resolution, have been met. The District is not anticipated to result in the employment of personnel.

WHEREFORE, the Council hereby respectfully requests the issuance of a Certificate of Incorporation pursuant to and in conformance with the provisions of Utah Code Ann. §17B-1-215 upon annexation of the subject property into the boundaries of the City.

DATED this 13<sup>th</sup> day of July, 2023.

CITY COUNCIL OF ERDA CITY, UTAH, acting in its capacity as the creating authority for the OQUIRRH POINT PUBLIC INFRASTRUCTURE DISTRICT NO. 3

By: Juan Bail  
AUTHORIZED REPRESENTATIVE

#### VERIFICATION

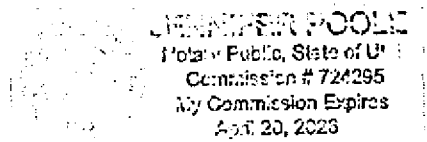
STATE OF UTAH )

:ss.

CITY OF ERDA )

SUBSCRIBED AND SWORN to before me this 13<sup>th</sup> day of July, 2023.

Jennifer Poole  
NOTARY PUBLIC



**APPENDIX "A" TO NOTICES OF BOUNDARY ACTION**

**Copy of the Creation Resolution**

Erda, Utah

July 13, 2023

The City Council (the "Council") of Erda City, Utah (the "City"), met in special session (including by electronic means) on July 13, 2023, at its regular meeting place at the Tooele County Auditorium in Tooele, Utah at 7:00 p.m., with the following members of the Council being present:

Jess Bird	Chairman
Craig Smith	Vice Chair
Scott Droubay	Council Member
Joshua Kael Martin	Council Member

Also present:

Jennifer Poole	City Recorder
John Brems	City Attorney

Absent:

Terry Miner	Treasurer
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After the meeting had been duly called to order and after other matters not pertinent to this Resolution had been discussed, the City Recorder presented to the Council a Certificate of Compliance with Open Meeting Law with respect to this July 13, 2023, meeting, a copy of which is attached hereto as Exhibit A.

Thereupon, the following Resolution was introduced in writing, read in full and pursuant to motion duly made by Council Member Jess Bird and seconded by Council Member Craig Smith adopted by the following vote:

AYE: Joshua Kael Martin, Craig Smith, Scott Droubay

NAY: Jess Bird

The resolution was later signed by the Chairman and recorded by the City Recorder in the official records of the City. The resolution is as follows:

## RESOLUTION 2023-17

A RESOLUTION OF THE CITY COUNCIL (THE "COUNCIL") OF ERDA CITY, UTAH (THE "CITY"), PROVIDING FOR THE CREATION OF THE OQUIRRH POINT PUBLIC INFRASTRUCTURE DISTRICTS NO. 1 THROUGH 4 (COLLECTIVELY, THE "DISTRICTS") AS INDEPENDENT DISTRICTS; AUTHORIZING AND APPROVING A GOVERNING DOCUMENT; APPOINTING BOARDS OF TRUSTEES; AUTHORIZING OTHER DOCUMENTS IN CONNECTION THEREWITH; AND RELATED MATTERS.

WHEREAS, a petition (the "Petition") was filed with the City requesting adoption by resolution the approval of the creation of Public Infrastructure Districts pursuant to the Public Infrastructure District Act, Title 17D, Chapter 4, Utah Code Annotated 1953, as amended (the "PID Act") and relevant portions of the Limited Purpose Local Government Entities - Special Districts, Title 17B (together with the PID Act, the "Act") within the City and approve the annexation or withdrawal of any portion of the boundaries of the Districts therefrom without further approval or hearings of the City or the Council, as further described in the Governing Document (as hereinafter defined) for the purpose of financing public infrastructure costs; and

WHEREAS, pursuant to the terms of the Act, the City may create one or more public infrastructure Districts by adoption of a resolution of the Council and with consent of 100% of all surface property owners proposed to be included in the Districts (the "Property Owners"); and

WHEREAS, the City, prior to consideration of this Resolution, held public hearings after 7:00 p.m. to receive input from the public regarding the creation of the Districts and the Property Owners have waived the 60-day protest period pursuant to Section 17D-4-201 of the PID Act; and

WHEREAS, the hearing on the Petition was held at the Tooele County Auditorium because there is no reasonable place to hold a public hearing within the Districts' or the City's boundaries, and the hearing at the Auditorium was held as close to the applicable area as reasonably possible; and

WHEREAS, the City properly published notice of the public hearing in compliance with Section 17B-1-211(1) of the Act; and

WHEREAS, none of the Property Owners submitted a withdrawal of consent to the creation of the Districts before the public hearing on the Petition; and

WHEREAS, it is necessary to authorize the creation of the Districts under and in compliance with the laws of the State of Utah and to authorize other actions in connection therewith; and

WHEREAS, the governance of the Districts shall be in accordance with the PID Act and the terms of a governing document (the "Governing Document") attached hereto as Exhibit B; and

WHEREAS, pursuant to the requirements of the Act, there shall be signed, authenticated, and submitted to the Office of the Lieutenant Governor of the State of Utah for each of the Districts a Notices of Boundary Action attached hereto as Exhibit C (the "Boundary Notices") and Final Entity Plat attached to each as Boundary Notices Appendix B (or as shall be finalized in accordance with the boundaries approved hereunder) (the "Plat").

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL, AS FOLLOWS:

1. Terms defined in the foregoing recitals shall have the same meaning when used herein. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the Council and by officers of the Council directed toward the creation and establishment of the Districts, are hereby ratified, approved and confirmed.

2. The Districts are hereby created as separate entities from the City in accordance with the Governing Document and the Act. The boundaries of the Districts shall be as set forth in the Governing Document and the Plat.

3. Pursuant to the terms of the PID Act, the Council does hereby approve the annexation or withdrawal of any area within the Annexation Area (as defined in the Governing Document) into or from the Districts, as applicable, without any further action, hearings, or resolutions of the Council or the City, upon compliance with the terms of the PID Act and the Governing Document.

4. The Council does hereby authorize the Districts to provide services relating to the financing and construction of public infrastructure within the Annexation Area upon annexation thereof into the Districts without further request of the Districts to the City to provide such service under 17B-1-407, Utah Code Annotated 1953 or resolutions of the City under 17B-1-408, Utah Code Annotated 1953.

5. It is hereby found and determined by the Council that the creation of the Districts is appropriate to the general welfare, order and security of the City, and the organization of the Districts pursuant to the PID Act is hereby approved.

6. The Governing Document in the form presented to this meeting and attached hereto as Exhibits B is hereby authorized and approved, and the Districts shall be governed by the terms thereof and applicable law, with the following amendments to the governing document: A cap of a 4 MIL levee on residential (districts). Also, signs are to be required in the sales office and model homes in a conspicuous area; are to be same size or larger; are to be same color, which is orange; are to be as exhibit D in the governing document, which is a handout included in purchasers disclosures; are to include the MIL rate, a statement that the property is located in the PID district, and the tax impact. Also, all money owed or contemplated to be owed in the development agreement to the city will be paid on the first round of funding of the PID, which is 1.2 million dollars. Also, a pioneering agreement be put in place and remain in place to pay off MIL levee debt so long as this debt exists. Also, that the Erda City Recorder be changed to Tooele County recorder in the governing documents.

7. The Trustees of each Board of the Districts shall be initially composed of the same members. The initial Boards of the Districts are hereby appointed as follows:

- (a) Trustee 1 – Derald Anderson, for an initial 6-year term;
- (b) Trustee 2 – Joe White, for an initial 6-year term
- (c) Trustee 3 – Matt Donaldson, for an initial 4-year term;
- (d) Such terms shall commence on the date of issuance of a Certificate of Creation by the Office of the Lieutenant Governor of the State of Utah.

8. The Council does hereby authorize the Chairman or a Council Member to execute the Boundary Notices in substantially the form attached as Exhibit C, the Plats, and such other documents as shall be required to accomplish the actions contemplated herein on behalf of the Council for submission to the Office of the Lieutenant Governor of the State of Utah.

9. Prior to recordation of a certificates of creation for all Districts, the Council does hereby authorize the Chairman, a Council Member, or the City Attorney to make any corrections, deletions, or additions to the Governing Document, and the Boundary Notices or any other document herein authorized and approved (including, but not limited to, corrections to the property descriptions therein contained) which may be necessary to conform the same to the intent hereof, to correct errors or omissions therein, to complete the same, to remove ambiguities therefrom, or to conform the same to other provisions of said instruments, to the provisions of this Resolution or any resolution adopted by the Council or the provisions of the laws of the State of Utah or the United States.

10. The Boards of Trustees of the Districts (the "District Boards") are hereby authorized and directed to record such Governing Document with the recorder of Tooele County within thirty (30) days of the issuance of the Certificate of Creation by the Office of the Lieutenant Governor of the State of Utah.

11. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

12. All acts, orders and resolutions, and parts thereof in conflict with this Resolution be, and the same are hereby, rescinded.

13. This resolution shall take effect immediately.

PASSED AND ADOPTED by the City Council of Erda City, Utah, this July 13, 2023.

ERDA, UTAH

By: Jim Bail  
Chairman

ATTEST:

By: Jennifer Doole  
City Recorder



(Here follows other business not pertinent to the above.)

Pursuant to motion duly made and seconded, the meeting of the Council of the City adjourned.

By:   
Chairman

ATTEST:

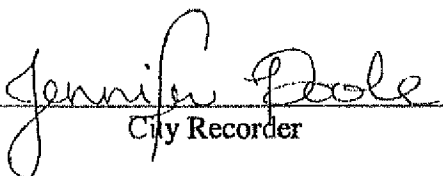
By:   
City Recorder



EXHIBIT A

**CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW**

I, Jennifer Poole, the undersigned City Recorder of Erda City, Utah (the "City"), do hereby certify that I gave written public notice of the agenda, date, time and place of the special meeting held by the Council (the "Council") on July 13, 2023, not less than twenty-four (24) hours in advance of the meeting. The public notice was given in compliance with the requirements of the Utah Open and Public Meetings Act, Section 52-4-202, Utah Code Annotated 1953, as amended:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the City's principal offices at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be published on the Utah Public Notice Website (<http://pmn.utah.gov>) at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2023 Annual Meeting Schedule for the Board (attached hereto as Schedule 2) was given specifying the date, time and place of the regular meetings of the Council of the City to be held during the year, by causing said Notice to be posted at least annually (a) on the Utah Public Notice Website created under Section 63A-16-601, Utah Code Annotated 1953, as amended, (b) on the City's official website and (c) in a public location within the City that is reasonably likely to be seen by residents of the City.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this July 13, 2023.

By: Jennifer Poole  
City Recorder

SCHEDULE 1

NOTICE OF MEETING AND AGENDA

Notice is hereby given that the Erda City Council will hold a meeting on Thursday, July 13th, 2023 at 7:00pm. The meeting will be held at the Tooele County Auditorium, located at 47 South Main Street, Tooele, Utah

You may join in person or via Google Meet link: <https://meet.google.com/azv-ahwa-tyr>  
Or dial: (US) +1 260-286-0279 PIN: 580 241 601#

View-Only Live Stream on Youtube: <https://tiny.url.com/2p8ffjfnx>

1. Call to Order
2. Roll Call
3. Pledge
4. Public Comment
5. Approve meeting minutes from 6-22-23
6. Sheriff's Report
7. NTFD Report
8. Committee Assignments Report and Discussion
  - a. Finance (Miner/Droubay)
    - i. Treasurer Report
9. **Consideration of RESOLUTION 2023-17** PROVIDING FOR THE CREATION OF THE OQUIRRH POINT PUBLIC INFRASTRUCTURE DISTRICTS NO. 1 THROUGH 4 (COLLECTIVELY, THE "DISTRICTS") AS INDEPENDENT DISTRICTS; AUTHORIZING AND APPROVING A GOVERNING DOCUMENT; APPOINTING BOARDS OF TRUSTEES; AUTHORIZING OTHER DOCUMENTS IN CONNECTION THEREWITH; AND RELATED MATTERS.
  - a. Open Public Hearing
  - b. Close Public Hearing
10. City Council Fee Waiver Discussion
11. Code Enforcement Items Discussion
12. Council Representative Reports
13. Comments from Council Members
14. Adjournment

Notice is hereby given that the Erda City Council will hold a closed meeting on Thursday July 13th, 2023 per Utah Code Ann. §52-4-205(1)(c). It will be held after the open meeting that began at 7:00 pm has concluded. This meeting will be held at the Tooele County Auditorium, located at 47 South Main Street, Tooele, Utah

**Closed Meeting**

1. Roll Call Vote to close the meeting
2. Council will convene in a closed session per Utah Code Ann. §52-4-205(1)(c) Strategy session to discuss pending or reasonably imminent litigation.
3. Adjournment

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations should contact Craig Smith at 435-830-2802

SCHEDULE 2

NOTICE OF ANNUAL MEETING SCHEDULE

## Erda City Council

### Meeting Schedule

2023

The Erda City Council has scheduled to regularly meet on the 2<sup>nd</sup> and 4<sup>th</sup> Thursdays of each month. The current meeting dates scheduled will align as follows:

January 5th & 26th (Adjustment to the regular meeting schedule)

February 9th & 23rd

March 9th & 23rd

April 13th & 27th

May 11th & 25th

June 8th & 22nd

July 13th & 27th

August 10th & 24th

September 14th & 28th

October 12th & 26th

November 9th & 23rd

December 14th & 28th

Adjustments to the schedule may be made as necessary throughout the year.

All meetings will be held at the Tooele County Building located at

**47 S. Main St. Tooele** in the Auditorium on the 1<sup>st</sup> floor. (Basement)

If you need to contact the city or come into the office, call the office number

**435-243-5577**, office hours are by appointment



EXHIBIT B

GOVERNING DOCUMENT

[OMITTED FROM SUBMITTAL]

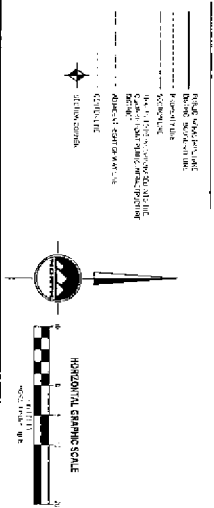
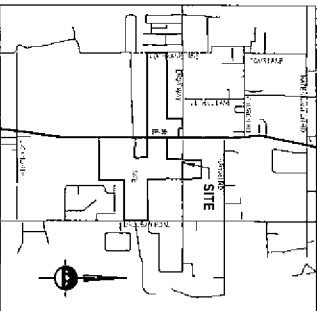
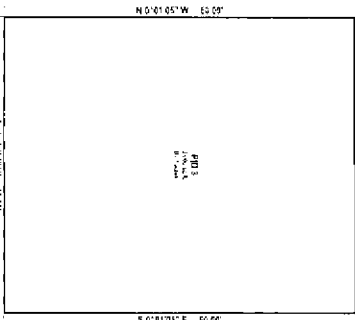
EXHIBIT C

NOTICES OF BOUNDARY ACTION

**APPENDIX "B" TO NOTICES OF BOUNDARY ACTION**

**Final Local Entity Plats**

**FINAL LOCAL ENTRY PLAT**  
**OQUIRRH POINT PUBLIC INFRASTRUCTURE DISTRICT #3**  
 LOCATED IN THE NORTHWEST QUARTER OF SECTION 24,  
 TOWNSHIP 2 SOUTH, RANGE 4 WEST, STATE LAKE BASE,  
 AND MEDICAL CITY OF ENDA, TOWNSHIP 10 NORTH



<b>ENSIGN</b> SURVEYORS, INC. 11010 N. 38TH AVENUE DENVER, CO 80231	<b>TITLE:</b> FINAL LOCAL ENTRY PLAT <b>DATE:</b> 10/19/2023 <b>PROJECT:</b> OQUIRRH POINT PUBLIC INFRASTRUCTURE DISTRICT #3
<b>COMITY ENGINEER APPROVAL:</b> _____ DATE: 10/19/2023	<b>SHEET 1 OF 1</b>

**AGREEMENT BY EQUAL INTERESTORS**

I, \_\_\_\_\_, being the owner of the above described land, do hereby certify that I have read the above described plat and agree to the same and to all the conditions hereon contained, and that I have not been forced or coerced in any way to execute the same.

\_\_\_\_\_  
 DATE: 10/19/2023

**FINAL LOCAL ENTRY PLAT OQUIRRH POINT PUBLIC INFRASTRUCTURE DISTRICT #3**  
 LOCATED IN THE NORTHWEST QUARTER OF SECTION 24,  
 TOWNSHIP 2 SOUTH, RANGE 4 WEST, STATE LAKE BASE,  
 AND MEDICAL CITY OF ENDA, TOWNSHIP 10 NORTH

**SURVEYOR'S CERTIFICATE**

I, \_\_\_\_\_, Surveyor, do hereby certify that I have carefully examined the above described plat and find that it conforms to the requirements of the laws of the State of Colorado, and that the same is correct and true in all particulars.

Witness my hand and the seal of my office at Denver, Colorado, this 19 day of October, 2023.

*(Signature)*  
 \_\_\_\_\_  
 SURVEYOR