

RESOLUTION NO. R-070801

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 June 6, 2007 (the "Resolution of Intent") declaring, upon its own motion, in conformance with the provisions 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 August 1, 2007, at 1:30 p.m. at the County Commission Chambers, Rich County Courthouse, in Randolph, 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 such public notice having been posted in five (5) public places located in Rich County, State of Utah; and

WHEREAS, said public hearing has been held at the time and place as set forth in 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

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At 2:50 AM/PM in Book L10 Page 1499

Fee No fee Debra L. Ames Rich County Recorder

Requested by Bear Lake Special Service

more than thirty-five (35) days prior to the date of the public hearing, and such public notice was posted in five (5) public places located in Rich County, State of Utah;

b. Protests 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;

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 benefited 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 benefited 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:

LEGAL DESCRIPTION

ALL OR PART OF SECTIONS 5, 6, 7, 8, 16, 17, 20, 21, 28, 29, 32, AND 33, TOWNSHIP 14 NORTH OF THE SALT LAKE BASE AND MERIDIAN DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE EAST HALF OF SECTION 6, TOWNSHIP 14 NORTH RANGE 5 EAST OF THE SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH ALONG THE WEST LINE OF THE EAST HALF OF SAID SECTION 6 A DISTANCE OF +5280 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF SAID SECTION 6; THENCE EAST ALONG THE SOUTH LINE OF SAID SECTION 6 A DISTANCE OF +1320 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 7 OF SAID TOWNSHIP; THENCE SOUTH ALONG THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 7 A DISTANCE OF +2640 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 7; THENCE EAST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 7 A DISTANCE OF +1320 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 8 OF SAID TOWNSHIP; THENCE SOUTH ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 8 A

DISTANCE OF +2640 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 8 AND A POINT ON THE NORTH LINE OF SECTION 17 OF SAID TOWNSHIP; THENCE WEST ALONG THE NORTH LINE OF SAID SECTION 17 A DISTANCE OF +250 FEET TO THE NORTHWEST CORNER OF SAID SECTION 17; THENCE SOUTH ALONG THE WEST LINE OF SECTIONS 17, 20, 29, AND 32 OF SAID TOWNSHIP +9300 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 32 AND A POINT ON THE CENTERLINE OF HODGES CANYON ROAD; THENCE NORTHEASTERLY ALONG THE CENTERLINE OF HODGES CANYON ROAD +4200 FEET TO A POINT ON THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF SAID SECTION 32; THENCE SOUTH ALONG THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF SAID SECTION 32 A DISTANCE OF +3500 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE EAST HALF OF SAID SECTION 32; THENCE EAST ALONG THE SOUTH LINE OF SECTIONS 32, 33, AND 34 OF SAID TOWNSHIP +10,200 FEET TO A POINT ON THE HIGH WATER LINE OF BEAR LAKE AT ELEVATION 5923.65 U.P.&L DATUM AND A POINT ON THE SOUTH LINE OF SECTION 34 OF SAID TOWNSHIP; THENCE NORTHWESTERLY ALONG SAID HIGH WATER LINE TO A POINT ON THE NORTH LINE OF SECTION 5 OF SAID TOWNSHIP AND A POINT LOCATED APPROXIMATELY NORTH 19° 45° WEST 34,000 FEET OF THE PREVIOUSLY DESCRIBED POINT; THENCE WEST ALONG THE NORTH LINE OF SECTIONS 5 AND 6 OF SAID TOWNSHIP +5050 FEET TO THE POINT OF BEGINNING. CONTAINING APPROXIMATELY 5,000 ACRES.

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 1st day of August, 2007.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
RICH COUNTY, UTAH

Rebecca Peck
County Clerk

Thomas J. Weston
Chairman

"EXHIBIT A"

**NOTICE OF INTENTION TO ANNEX PROPERTY
TO THE BEAR LAKE SPECIAL SERVICE DISTRICT**

PUBLIC NOTICE is hereby given to all interested parties that the Board of County Commissioners of Rich County, Utah (the "Commission"), has found and declared that the public health, convenience and necessity may require the annexation of certain property to the Bear Lake Special District (the "District") pursuant to the Utah Special Services Act, §17A-2-1301 *et seq.*, Utah Code Annotated 1953, as amended (the "Act"). The real property proposed to be annexed (the "Property"), is situated in Rich County, State of Utah, and is more particularly described as follows:

LEGAL DESCRIPTION

ALL OR PART OF SECTIONS 5, 6, 7, 8, 16, 17, 20, 21, 28, 29, 32, AND 33, TOWNSHIP 14 NORTH OF THE SALT LAKE BASE AND MERIDIAN DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE EAST HALF OF SECTION 6, TOWNSHIP 14 NORTH RANGE 5 EAST OF THE SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH ALONG THE WEST LINE OF THE EAST HALF OF SAID SECTION 6 A DISTANCE OF ± 5280 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF SAID SECTION 6; THENCE EAST ALONG THE SOUTH LINE OF SAID SECTION 6 A DISTANCE OF ± 1320 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 7 OF SAID TOWNSHIP; THENCE SOUTH ALONG THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 7 A DISTANCE OF ± 2640 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 7; THENCE EAST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 7 A DISTANCE OF ± 1320 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 8 OF SAID TOWNSHIP; THENCE SOUTH ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 8 A DISTANCE OF ± 2640 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 8 AND A POINT ON THE NORTH LINE OF SECTION 17 OF SAID TOWNSHIP; THENCE WEST ALONG THE NORTH LINE OF SAID SECTION 17 A DISTANCE OF ± 250 FEET TO THE NORTHWEST CORNER OF SAID SECTION 17; THENCE SOUTH ALONG THE WEST LINE OF SECTIONS 17, 20, 29, AND 32 OF SAID TOWNSHIP ± 9300 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 32 AND A POINT ON THE CENTERLINE OF HODGES CANYON ROAD; THENCE NORTHEASTERLY ALONG THE CENTERLINE OF HODGES CANYON ROAD ± 4200 FEET TO A POINT ON THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF SAID SECTION 32; THENCE SOUTH ALONG THE WEST LINE OF THE EAST HALF

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The purpose of the proposed annexation is to facilitate the proper delivery of a sanitary sewer system, pursuant to which the District will take over the sole responsibility for providing sanitary sewer service to the Property.

A PUBLIC HEARING ON THE PROPOSED ANNEXATION OF PROPERTY TO THE DISTRICT IS HEREBY CALLED AND SET FOR THE 1ST DAY OF AUGUST, 2007, AT 1:30 P.M. AT THE COUNTY COMMISSION CHAMBERS, RICH COUNTY COURTHOUSE, 20 SOUTH MAIN STREET, RANDOLPH, UTAH, AT WHICH TIME ALL INTERESTED PARTIES MAY APPEAR BEFORE THE COMMISSION AND BE HEARD WITH RESPECT TO THE PROPOSED ANNEXATION.

Protests against the annexation of the Property to the District may be made orally at the public hearing or in writing at or any time prior to the hearing by any interested person. At the time and place set forth in this Notice for the public hearing, or at any subsequent time and place to which the hearing may be adjourned, the Commission will give full consideration to all protests which have been properly filed, and will hear all persons desiring to be heard on the matter. If persons consisting of over 50% of the qualified electors of the Property proposed to be annexed to the District or the owners of 50% of the taxable value of the taxable property included within the boundaries of the Property file written protests at or before the hearing, the Commission shall abandon the proposed annexation. Voter registration records of Rich County shall be considered by the Commission as conclusive evidence of residency. Assessment roles last completed by Rich County shall be considered by the Commission as conclusive evidence of owners, properties, and taxable value. Any protest made by the owners of the taxable property proposed to be annexed, signed on behalf of a corporation owning such property, shall be sufficient if it is signed by the president, vice-president, or any duly authorized agent of the corporation. Where title to any property is held in the name of more than one person, all of the persons holding title to it must join in the signing of the protest.

After conclusion of the hearing and after the time for filing protests have expired, the Commission shall adopt a resolution either annexing the Property, or determining that

the proposal to annex the Property should be abandoned. Such resolution may contain any changes from the initial resolution or this Notice as the Commission determines to be appropriate, including reduction of the boundaries of the Property; but the boundaries of the Property may not be increased without the giving of a new notice of intention and the holding of a new hearing.

To the extent that such provision applies, in accordance with the provisions of §17A-2-1311(3) of the Act, any person who timely files a written protest and who is a qualified voter residing within the boundaries of the Property proposed to be annexed or who is a qualified voter whose property has been included within the Property to be annexed to the District, within thirty (30) days after the adoption of the resolution annexing the Property to the District, may apply to the district court for a writ of review of the action of the Commission in annexing the Property, but only upon the ground 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 upon the ground that the proceedings taken in establishing the District have not been in compliance with law. A failure to timely apply for a writ of review forecloses the right of all owners of property or qualified voters within the District to further object.

After the adoption of the resolution annexing the Property to the District, the boundaries of the District shall be modified to include the Property, whereupon the Property will become an integral part of the District and be entitled to receive the benefit of all services provided by the District.

The Commission shall file a notice with the lieutenant governor within thirty (30) days after adopting the resolution in the format as required by §17A-2-1327(4).

Upon annexation of the Property to the District, it is possible that the District may annually levy taxes on all taxable property within the Property and that fees and charges may be imposed to pay for all or a part of the services to be provided by the District.

This Notice is given pursuant to and in accordance with the provisions of §17A-2-1307 of the Act. This Notice together with the resolution of the Commissioners authorizing the same, are on file and may be seen at the office of the Rich County Clerk, Rich County Courthouse, 20 South Main Street, Randolph, Utah, 84064.

Given and ordered published this 1st day of August, 2007.

ATTEST:

Rebecca Peart
County Clerk

BOARD OF COUNTY COMMISSIONERS
RICH COUNTY, UTAH

Thomas J. Weston
Chairman

(End of Notice)