

RESOLUTION NO. 2008-32

A RESOLUTION TO ESTABLISH THE EASTERN SUMMIT COUNTY WATER CONSERVANCY SPECIAL SERVICE DISTRICT, SUMMIT COUNTY, UTAH, DESCRIBED IN THE NOTICE OF INTENTION CONCERNING THE DISTRICT AND TO AUTHORIZE CONSTRUCTION OF IMPROVEMENTS AS SET FORTH IN THE NOTICE OF INTENTION TO CREATE THE DISTRICT

WHEREAS, Summit County, Utah (the "County") is empowered by the provisions of Article XI, Section 8 of the Utah Constitution, and Utah Code Annotated, §17D-1-101 *et. seq.* (the "Utah Special Service District Act"), 1953, amended, to establish special service districts within the boundaries of the County for the purpose of providing within the area of the service district certain services, including sewerage, provided through facilities or systems acquired for that purpose by way of construction, purchase, gift or condemnation or any combination of the same; and,

WHEREAS, the Board of County Commissioners (hereinafter referred to as the "BCC") desires, upon its own motion, to establish a special service district within the county to be known as the Eastern Summit County Water Conservancy Special Service District (hereinafter referred to as the "District") to provide oversight and management of any and all waste water facilities within Eastern Summit County, including but not limited to the establishment of rules promulgated by the Summit County Board of Health to regulate and manage such facilities, the possible future acquisition and/or construction of waste water facilities, systems or improvements to be located within the Service District, together with necessary appurtenances and equipment therefore; and,

WHEREAS, the boundaries of the area to be included in the district are as set forth in Exhibit 1 attached hereto; and

WHEREAS, there are no special service districts or improvement districts presently existing, the boundaries of which lie, either wholly or partially within the boundaries of the proposed special service district providing the same services proposed to be supplied by the special service district; and,

WHEREAS, there are no incorporated cities or towns presently existing within the boundaries of the proposed special service district; and,

WHEREAS, Resolution No. 2008-11 of the BCC initiating proceedings for the creation and establishment of a special service district within Summit County was adopted on April 16, 2008 (the "Resolution Initiating Proceedings"); and

WHEREAS, at the time the BCC enacted Resolution No. 2008-11, Utah law with regard to special service districts was governed by UCA §17A-2-1301 *et. seq.*, however, on May 5, 2008, the Utah Legislature repealed and amended that portion of the Utah Special Service Districts Act and it is now governed by UCA §17D-1-101 *et. seq.*; and

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ALAN SPRIGGS, SUMMIT COUNTY RECORDER

FEE 0.00 BY SUMMIT COUNTY CLERK



WHEREAS, the BCC has complied with both the old law governing special service districts, §17A-2-1301 et. seq. and the new law governing special service districts §17D-1-101 et. seq.; and

WHEREAS, per the Resolution Initiating Proceedings, pursuant to UCA §17D-1-203, §17D-1-204, and §17D-1-205, the Summit County Clerk gave notice of the intention of the County to establish the proposed District. Said notice was published in the Summit County News, a newspaper published in and having general circulation in Summit County, Utah on the following dates: April 25, 2008, May 2, 2008, May 9, 2008 and May 16, 2008; and

WHEREAS, pursuant to the Resolution Initiating Proceedings, on May 21, 2008, at 2:00 p.m. in Commissioner Chambers of the Summit County Courthouse, 60 North Main Street in Coalville, Utah, a public hearing was duly held on the establishment of the proposed District at which time interested persons had the opportunity to protest the establishment of the special service district. The BCC heard and considered all interested persons desiring to be heard and full consideration was given by the BCC to any written protests filed; and

WHEREAS, no oral protests to establishment of the District were made at the public hearing, nor were written protests made prior to the public hearing or within fifteen days thereafter; and

WHEREAS, the BCC of Summit County, Utah, has examined and fully considered the matter;

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Summit County, Utah, as follows:

Section 1: The definitions set forth in UCA §17D-1-101 et. seq., 1953, amended, shall have the same meaning when used in this Resolution unless the content hereof clearly indicates a contrary meaning.

Section 2. The BCC has heretofore considered each and every protest filed and has heard each and every person who wished to be heard in protest against the creation of the District or the construction of any of the improvements therein or on any other matter pertinent to the District. No written protests were filed with regard to the proposed District.

Section 3: The BCC, after consideration of all protests filed, written or oral, hereby finds and

determines that, 0%, or less than 33% of the registered voters within the boundaries of the District or property owners of 0%, or less than 33% of the taxable value of the taxable property included within the proposed district filed protests opposing creation of the District.

Section 4: There are no special service districts established under Article XI, Section 8 of the Utah Constitution and the Utah Special Service District Act, presently existing, the boundaries of which lie, either wholly or partially, within the boundaries of the District providing the same services proposed to be supplied by the District.

Section 5: The BCC hereby finds and determines that no part of the territory included within the District is included within the area of any other special service district established pursuant to Article XI, Section 8 of the Utah Constitution and the Utah Special Service District Act by Summit County providing the same services proposed to be supplied by the District and that there are no incorporated cities or towns within the proposed District. In the event that unincorporated areas of Summit County within annexation declaration areas or within the boundaries of the incorporated cities and towns' annexation policy plans desire to annex portions of land within those incorporated cities and towns, the BCC may, by resolution, approve the withdrawal of these specifically described areas from the District upon a determination that these areas should not or cannot be supplied with the services of the District.

Section 6: The BCC, by this Resolution, hereby establishes the Eastern Summit County Water Conservancy Special Service District. The improvements proposed and described in the Resolution Initiating Proceedings are hereby authorized and the District is hereby created within

the boundaries set forth in Exhibit 1.

Section 7: The officers and employees of Summit County are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 8: The provisions of the governing Ordinance to be adopted hereafter shall govern the procedures for the management of the Eastern Summit County Water Conservancy Special Service District until otherwise provided by law.

Section 9: The County Clerk is hereby authorized and directed to file a copy of the Resolution Initiating Proceedings and this Resolution creating the District as finally approved in the Summit County Recorder's Office within five days from the date hereof.

Section 10: Within thirty (30) days after the BCC adopts this Resolution approving the establishment of the Eastern Summit County Water Conservancy Special Service District, the BCC shall file a notice with the lieutenant governor of the State of Utah, which will include a) a copy of this Resolution b) a map showing the boundaries of the District, prepared and certified by a licensed surveyor and filed with the County surveyor in accordance with UCA § 17-23-17 and c) a certification by the BCC that all requirements for the establishment of this District have been complied with.

Section 11: If any one or more sections, sentences, clauses or parts of this Resolution shall for any reason be held invalid or unenforceable, the invalidity or unenforceability thereof shall not

affect, impair or invalidate the remaining provisions of this Resolution, but shall be confined in its operation to the specific sections, sentences, clauses or parts hereof held unenforceable or invalid. The unenforceability or invalidity of any section, sentence, clause or part of this Resolution in any one or more instances shall not affect or prejudice in any way the enforceability or validity of this Resolution in any other instance.

Section 12: All resolutions and regulations of the County which may be inconsistent or in conflict with this Resolution are amended to conform to the provisions of this Resolution to the extent only of such conflict or inconsistency. This repealer shall not be construed to revive any resolution or regulation, or part thereof, heretofore repealed.

Section 13. This Resolution shall take effect immediately upon its passage.

GIVEN by order of the legislative body of Summit County, this 17 day of December, 2008.

K.E. Woolstenhulme
Chairperson

ATTEST:
[Signature]
County Clerk

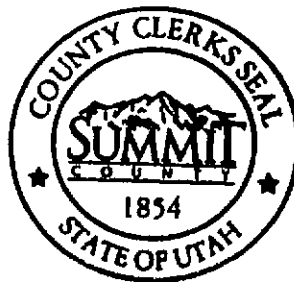


Exhibit 1

All of Summit County, a political subdivision of the State of Utah, North and East of the following described line: Beginning at a point on the Summit County/Wasatch County line, located on the East Line of Section 36, Township 1 South, Range 4 East, SLB&M and running thence North along said East line of Section 36 to the Northeast corner of Section 36, T1S, R4E, SLB&M, thence continuing North along the East line of Section 25, T1S, R4E, SLB&M to the Northeast corner of the Southeast Quarter of the Southeast Quarter of Section 25, T1S, R4E, SLB&M, thence West along the North line of the Southeast Quarter of the Southeast Quarter of Section 25, T1S, R4E, SLB&M to the Northwest corner of the Southeast Quarter of the Southeast Quarter of said Section 25, thence North along the East line of the Northwest Quarter of the Southeast Quarter of said Section 25, thence continuing North along the East line of the West Half of the Northeast Quarter of said Section 25 to the South Line of Section 24, T1S, R4E, SLB&M, thence East along the South line of said Section 24 to the Southwest Corner of Section 19 T1S, R5E, SLB&M, thence continuing East along the South line of said Section 19 to the Southeast Corner of the Southwest Quarter of the Southwest Quarter of said Section 19, thence North along the East line of the West Half of the Southwest Quarter of said Section 19 to the Northeast Corner of the Southwest Quarter of the Northwest Quarter of said Section 19, thence continuing West along the North line of the Southwest Quarter of the Northwest Quarter of said Section 19 to the West line of said Section 19, said point also being the Northwest Corner of the Southwest Quarter of the Northwest Quarter of said Section 19, thence North along the West line of said Section 19 to the Southwest corner of Section 18, T1S, R5E, SLB&M, thence continuing North along the West line of said Section 18 to the Northwest corner of the Southwest Quarter of the Southwest Quarter of said Section 18, thence East to the Northeast corner of the Southwest Quarter of the Southwest Quarter of said Section 18, thence North along the East line of the Northwest Quarter of the Southwest Quarter of said Section 18 to the Southeast Corner of the Southwest Quarter of the Northwest Quarter of said Section 18, thence continuing North along the East Half of the Northwest Quarter of said Section 18 to the North line of said Section 18, said point also being the Northeast Corner of the Northwest Quarter of the Northwest Quarter of said Section 18, thence East along the South line of Section 7, T1S, R5E, SLB&M to the Southeast Corner of said Section 7, said line being common with the South Line of the Promontory Ranches Subdivision (2007) as recorded in the office of the Summit County Recorder, thence North along the East line of said Section 7 to the South East Corner of Lot 8 of the Rockport Ranches Subdivision, Section "B" as recorded in the office of the Summit County Recorder, thence West along the South boundary line of said Rockport Ranches Subdivision to the West line of Section 7, T1S, R5E, SLB&M, said point also being the Southwest Corner of Lot 2 of the Rockport Ranches Subdivision, Section "B" as recorded in the office of the Summit County Recorder, thence North along the West line of said Section 7, said line also being the West line of the Rockport Ranches Subdivision, Section "B", to the Southwest Corner of Section 6, T1S, R5E, SLB&M, thence continuing North along the West line of said Section 6, said line also being the West line of the Rockport Ranches Subdivision, Section "A" as recorded in the office of the Summit County Recorder, to the Southwest corner of the Northwest Quarter of said Section 6, said point also being the Southeast Corner of Lot 2 of the Rockport Ranches Subdivision, Section "A" as recorded in the office of the Summit County Recorder, thence West along the South line of the Northeast Quarter of Section 1, T1S, R4E, SLB&M, said line also being the South boundary line of said Rockport Ranches Subdivision, Section "B", to the Southwest corner of the Northeast Quarter of said Section 1, said point also being the Southwest corner of Lot 1 of said Rockport

Ranches Subdivision, Section "A", thence North along the West line of the Northeast Quarter of said Section 1, said line also being the West line of said Rockport Ranches Subdivision, Section "A", to the South line of Section 36, T1N, R4E, SLB&M, said point being the South corner of said Section 36 and the Southeast corner of Lot 9 of said Rockport Ranches Subdivision, Section "A", thence West along the South line of said Section 36 to the Southwest corner of said Section 36, said point also being the Southwest corner of Lot 23 of said Rockport Ranches Subdivision, Section "A", thence North along the West line of said Section 36 to the Southwest corner of the Northwest Quarter of the Northwest Quarter of said Section 36, said point also being the West corner of Lot 27 of said Rockport Ranches Subdivision, Section "A", thence East along the South line of the Northwest Quarter of the Northwest Quarter of said Section 36 to the Southeast corner of the Northwest Quarter of the Northwest Quarter of said Section 36, thence North along the East line of Northwest Quarter of the Northwest Quarter of said Section 36 to the North line of said Section 36, said point being the Northeast corner of the Northwest Quarter of the Northwest Quarter of said Section 36, thence West along the North line of said Section 36 to the Northwest corner of said Section 36, thence continuing West along the North line of Section 35, T1N, R4E, SLB&M, to the Northwest corner of said Section 35, thence South along the West line of said Section 35 to the Southwest corner of the Northwest Quarter of the Southwest Quarter of said section 35, said point also being the Northeast corner of Lot 1 of the Silver Creek Estates Subdivision, Unit A, as recorded in the office of the Summit County Recorder, thence West along the South line of the North half of the Southeast Quarter of Section 34 T1N, R4E, SLB&M, said line also being the North boundary line of said Silver Creek Estates Subdivision, Unit A, to the Southwest corner of the Northwest Quarter of the Southeast Quarter of said Section 34, thence continuing West along the South line of the North half of the Southwest Quarter of said Section 34, said line also being the North boundary line of said Silver Creek Estates Subdivision, Unit A to the Southwest corner of the Northwest Quarter of the Southwest Quarter of said Section 34, thence continuing West along the South line of the North half of the Southeast Quarter of Section 33, T1N, R4E, SLB&M, said line also being the North boundary line of said Silver Creek Estates Subdivision, Unit B as recorded in the office of the Summit County Recorder, to the Southwest corner of the Northwest Quarter of the Southeast Quarter of said Section 33, thence continuing West along the South line of the North half of the Southwest Quarter of said Section 33 to the Southwest corner of the Northwest Quarter of the Southwest Quarter of said Section 33, thence North along the West line of said Section 33 to the Northwest corner of said Section 33, thence continuing North along the West line of Section 28, T1N, R4E, SLB&M, to the Northwest corner of said Section 28, thence West along the South line of Section 20, T1N, R4E, SLB&M to the Summit County/Morgan County line, located on the South line of Section 20, T1N, R4E, SLB&M.

LESS AND EXCEPTING therefrom the following 3 parcels:

PARCEL 1

The Northwest Quarter of the Northeast Quarter and the North half of the Northwest Quarter of Section 18, Township 2 South, Range 6 East, Salt Lake Base and Meridian. ALSO the South half of the Northwest Quarter of Section 18, Township 2 South, Range 6 East, Salt Lake Base and Meridian.

LESS AND EXCEPTING therefrom the following:

That portion being Tax Parcel CD-563-B as described by a Warranty Deed recorded December 24, 1986 as Entry No. 262704 in Book 411 at Page 198, of Official Records.

ALSO LESS AND EXCEPTING therefrom that portion being Tax Parcel CD-563-C, as described by a Warranty Deed recorded May 29, 1983, as Entry No. 271889 in Book 432 at Page 575, of Official Records.

ALSO LESS AND EXCEPTING therefrom that portion being Tax Parcel CD-563-E, as described by a Warranty Deed recorded January 29, 1990, as Entry No. 319644, in Book 552 at Page 330, of Official Records.

ALSO LESS AND EXCEPTING that portion within the bounds of NAYLOR SUBDIVISION, AMENDED.

ALSO LESS AND EXCEPTING therefrom that portion being Tax Parcel No. CD-575-A, as described by a Warranty Deed recorded January, 21, 1993, as Entry No. 372636 in Book 705 at Page 381, of Official Records.

ALSO LESS AND EXCEPTING therefrom that portion being Tax Parcel No. CD-575, said parcel is further defined as being South of a Boundary Agreement dated September 17, 1981, recorded September 17, 1981, as Entry No. 183681 in Book 198 at Page 487, of Official Records.

PARCEL 2

BEGINNING at the Southeast Corner of the Northeast Quarter of Section 13, Township 2 South, Range 5 East, Salt Lake Base and Meridian; running thence South 60.10 feet; thence South 37° 12' West, 594.90 feet; thence South 51° 22' West 898.00 feet; thence South 45° 36' West 309.80 feet; thence South 84° 23' West 664.30 feet; thence South 89° 51' West 271.00 feet; thence North 11° 41' West 588.34 feet; thence North 81° 24' East 235.80 feet; thence North 52° 11' East 195.40 feet; thence North 70° 57' East 144.30 feet; thence North 81° 19' East 359.50 feet; thence North 63° 00' East 117.80 feet; thence North 28° 34' East 84.10 feet; thence North 66° 38' East 346.40 feet; thence South 87° 06' East 78.30 feet; thence North 67° 49' East 295.70 feet; thence North 43° 13' East 192.90 feet; thence North 24° 58' East 269.20 feet; thence North 20° 17' East 414.50 feet; thence North 19° 30' East 774.76 feet; and thence South 1329.29 feet to the point of beginning.

PARCEL 3

BEGINNING at a point that is 1330.51 feet West and 1 rod North from the Southeast Corner of Section 7, Township 2 South, Range 6 East of the Salt Lake Base and Meridian; and running thence North 1041.50 feet; thence South 83° 00' West 715.65 feet; thence South 954.29 feet; thence East 710.32 feet to the point of commencement.