

STATE OF UTAH



OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF ANNEXATION

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT there has been filed in my office a notice of annexation of the EASTERN SUMMIT COUNTY WATER CONSERVANCY SPECIAL SERVICE DISTRICT, dated July 29th, 2009, complying with Section 17D-1-403, 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 annexation, referred to above, on file with the Office of the Lieutenant Governor pertaining to the EASTERN SUMMIT COUNTY WATER CONSERVANCY SPECIAL SERVICE DISTRICT, located in Summit County, State of Utah.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Utah at Salt Lake City, this 7th day of December, 2009.

GREG BELL
Lieutenant Governor

ENTRY NO. 00887951

12/08/2009 12:10:21 PM B: 2012 P: 1560

Certificate PAGE 1/12
ALAN SPRIGGS, SUMMIT COUNTY RECORDER
FEE 0.00 BY SUMMIT COUNTY



DAVID R. BRICKEY
COUNTY ATTORNEY



Criminal Division

AUGUSTUS G. CHIN
Prosecuting Attorney

PAUL R. CHRISTENSEN
Prosecuting Attorney

JOY NATALE
Prosecuting Attorney

Summit County Courthouse \$ 60 N. Main \$ P.O. Box 128 \$ Coalville, Utah 84017
Telephone (435) 3363206 Facsimile (435) 3363287
email: (first initial)(last name)@co.summit.ut.us

Civil Division

DAVID L. THOMAS
Chief Deputy

JAMI R. BRACKIN
Deputy County Attorney

HELENE E. STRACHAN
Deputy County Attorney

August 24, 2009

Utah Lieutenant Governor's Office
Utah State Capitol Complex
P.O. Box 142325
Salt Lake City, Utah 84114

*Re: Certification of Annexation / Withdrawal from
Special Service District in Summit County, State of Utah*

To Whom It May Concern:

My name is Helen Strachan and I am a deputy attorney for Summit County. Pursuant to Utah's Special Service District Act, UCA §17D-1-101 et. seq., the Summit County Council recently both annexed and withdrew certain real property from the boundaries of the Eastern Summit County Water Conservancy Special Service District. Please find enclosed a copy of the notices of impending boundary action and approved final local entity plat that meets the requirements of UCA §67-1a-6.5. I understand that once these documents are received and assuming all requirements are met, your office will issue certificates of withdrawal and annexation, at which point the new district boundaries will be official. Upon your issuance of a certificate of annexation and a certificate of withdrawal, we shall file the necessary records with the Summit County Recorder. Please let me know if you have any questions or concerns, or if you need anything else. I appreciate your help.

Sincerely,

Helen E. Strachan
Deputy Summit County Attorney

cc. Enclosures

Received

NOV 18 2009

Map sent 11-18

Greg Bell

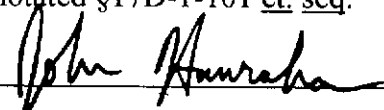
Lieutenant Governor 00887951 Page 2 of 12 Summit County

Notice of Impending Boundary Action

Pursuant to Utah Code Annotated §67-1a-6.5, the County Council of Summit County hereby provides the Lieutenant Governor's Office written notice of an impending boundary action that effects Summit County and the Eastern Summit County Water Conservancy Special Service District.

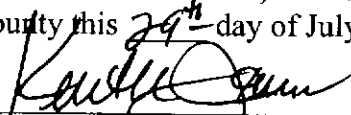
The SCC seeks a certificate of annexation as it relates to the Eastern Summit County Water Conservancy Special Service District. Pursuant to UCA §17D-1-101 et. seq., the Summit County Council created the Eastern Summit County Water Conservancy Special Service District on December 17, 2008. In doing so, it inadvertently excluded portions of territory from the District's boundaries. On July 29, 2009, the Council adopted a resolution to annex territory into the boundaries of the District.

The Summit County Council hereby certifies that the attached constitutes a true and correct copy of the Resolution annexing territory into the boundaries of the Eastern Summit County Water Conservancy Special Service District. The Summit County Council further certifies that all the requirements for the annexation of territory into the boundaries of the Eastern Summit County Water Conservancy Special Service District have been complied with pursuant to Utah Code Annotated §17D-1-101 et. seq.



CHAIRPERSON OF THE SUMMIT
COUNTY COUNCIL

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County this 29th day of July, 2009.



COUNTY CLERK



RESOLUTION NO. 2009-19

A RESOLUTION TO ANNEX CERTAIN AREA INTO THE EASTERN SUMMIT COUNTY WATER CONSERVANCY SPECIAL SERVICE DISTRICT, SUMMIT COUNTY, UTAH.

WHEREAS, on April 16, 2008, the Summit County Board of County Commissioners (“BCC”) enacted Resolution No. 2008-11, a resolution declaring the intent of Summit County to create a special service district to provide oversight and management of waste water facilities within the boundaries of eastern Summit County. Said resolution stated that the proposed district would be created pursuant to under 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. Resolution 2008-11 stated that the boundaries of the proposed special service district were to be coterminous with the Eastern Summit County Development Code and Zone District Map, as established by the BCC by Ordinance 278 on May 6, 1996, as amended. The Resolution also provided for a public hearing to be held on May 21, 2008 on the establishment of the district, and

WHEREAS, on May 21, 2008, 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. 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 15 days thereafter; and

WHEREAS, the BCC adopted Resolution No. 2008-32 on December 17, 2008, which created the Eastern Summit County Water Conservancy Special Service District (“the District”); and

WHEREAS, when the District was created on December 17, 2008 by Resolution No. 2008-32, it was the intent of Summit County to create a district whose boundaries were coterminous with the Eastern Summit County Development Code and Zone District Map, as stated in Resolution 2009-11. However, the final boundaries for the District included in Resolution No. 2008-32 inadvertently *excluded* two portions of land from the boundaries of the district, despite the fact that the two portions of excluded land are in fact included within the boundaries of the Eastern Summit County Development Code and Zone District Map. When the public hearing was held on May 21, 2008, the public was on notice that the excluded portions were intended to be included within the boundaries of the proposed district;

WHEREAS, pursuant to UCA §17D-1-401, a county legislative body may annex an area to an existing special service district to provide to that area a service that the special service district is authorized to provide and must follow the same process to annex property as if it were creating a new special service district; and

WHEREAS, the boundaries of the area to be annexed into the District are as set forth in Exhibit A 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 area to be annexed into the District providing the same services supplied by the District; and,

WHEREAS, no incorporated cities or towns presently existing within the boundaries of the area to be annexed into the District shall be included within the District boundaries; and

WHEREAS, to start this process, on May 27, 2009, the Summit County Council "SCC" enacted Resolution No. 2009-15 to initiate proceedings for the annexation of the property described in Exhibit A into the District (the "Resolution Initiating Proceedings"); and

WHEREAS, per the Resolution Initiating Proceedings, pursuant to UCA §17D-1-101 et. seq., the Summit County Clerk gave notice of the intention of the County to annex property into the 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: May 29, June 5, June 12, and June 19, 2009. The notice was also published in the Park Record, a newspaper published in and having general circulation in Summit County, Utah on the following dates: May 30, June 6, June 13, and June 20, 2009; and

WHEREAS, pursuant to the Resolution Initiating Proceedings, on June 24, 2009 in Commissioner Chambers of the Summit County Courthouse, 60 North Main Street in Coalville, Utah, a public hearing was duly held on the annexation of the property described in Exhibit A into the District at which time interested persons had the opportunity to protest the annexation. The SCC heard and considered all interested persons desiring to be heard and full consideration was given by the SCC to any written protests filed; and

WHEREAS, general inquiries but no oral protests to annexation of property into 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 SCC of Summit County, Utah, has examined and fully considered the matter;

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

Section 1. The SCC has heretofore considered each and every protest filed and has heard each and every person who wished to be heard in protest against the annexation of property into the District. No written protests were filed with regard to the proposed annexation.

Section 2: The SCC, 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 area proposed to be annexed into the District or property owners of 0%, or less than 33% of the taxable value of the taxable property included within the area proposed to be annexed into the District filed protests opposing creation of the District.

Section 4: The SCC hereby finds and determines that no part of the territory included within the boundaries of the area proposed to be annexed into 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 that will be annexed into the 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 5: The territory proposed for annexation to the Eastern Summit County Water Conservancy Special Service District is set forth specifically in Exhibit A to this Resolution, which is incorporated herein as though fully set forth.

Section 6: The services which shall be provided within the area proposed for annexation to the District are all of the services which are provided in the Eastern Summit County Water

Conservancy Special Service District at the time and date of this resolution, i.e., 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 District, together within necessary appurtenances and equipment therefore. The SCC is empowered to collect service charges and/or levy taxes in order to fairly and equitably provide the services authorized. The District is entitled to enact regulations to accomplish the lawful and legitimate purposes of the District.

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 District's Governing Ordinance adopted by the SCC on May 20, 2009 govern the procedures for the management of the District as well as the procedures of the management of this newly annexed property into the boundaries of the District.

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

Section 10: Pursuant to UCA §17D-1-403, within thirty (30) days after the SCC adopts this Resolution, the SCC shall file with the Lieutenant Governor's Office a copy of a notice of an

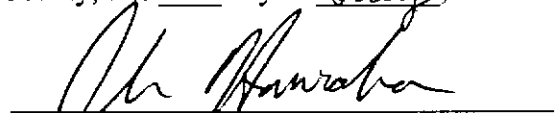
impending boundary action as defined by UCA §67-1a-6.5 that meets the requirements of UCA §67-1a-6.5(3) and a copy of an approved final local entity plat as defined by UCA §67-1a-6.5. Upon the Lieutenant Governor's issuance of a certificate of annexation, the SCC shall, pursuant to UCA §67-1a-6.5, submit to the Summit County Recorder the original notice of an impending boundary action, the original certificate of annexation, the original approved final local entity plat; and a certified copy of the resolution approving the annexation. Until these records are recorded, the County may not levy or collect a property tax for special service district purposes on property within the annexed area and the District may not levy or collect an assessment on property within the annexed area or charge or collect a fee for service provided to property within the annexed area.

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 29 day of July, 2009.



Chairperson

ATTEST:


County Clerk



Exhibit A

LANDS TO BE ANNEXED INTO THE EASTERN SUMMIT COUNTY WATER CONSERVANCY SPECIAL SERVICE DISTRICT.

PARCEL NO 1
THAT PORTION OF SUMMIT COUNTY LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE.

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF SECTION 20 T1N, R4E OF THE SALT LAKE BASE AND MERIDIAN AND THE SUMMIT COUNTY/MORGAN COUNTY BOUNDARY LINE. SAID POINT ALSO BEING LOCATED ON THE WESTERLY LINE OF THE EXISTING EASTERN SUMMIT COUNTY WATER CONSERVANCY SPECIAL SERVICE DISTRICT, AND RUNNING THENCE NORTH ALONG THE WESTERLY LINE OF SAID WATER DISTRICT BOUNDARY LINE TO THE INTERSECTION OF THE NORTH LINE OF SECTION 29, T4N, R4E SLB&M AND THE SUMMIT COUNTY/MORGAN COUNTY BOUNDARY LINE.

EXCEPTING THERE FROM ANY PORTION OF THE TOWN OF HENEFER LYING WITHIN THE ABOVE DESCRIBED PARCEL.

PARCEL NO 2.

THAT PORTION OF SUMMIT COUNTY LYING SOUTH OF THE FOLLOWING DESCRIBED LINE.

BEGINNING AT THE POINT OF INTERSECTION OF THE EAST LINE OF SECTION 36, T1S, R4E OF THE SALT LAKE BASE AND MERIDIAN AND THE SUMMIT COUNTY/WASATCH COUNTY BOUNDARY LINE SAID POINT ALSO BEING LOCATED ON THE SOUTH LINE OF THE EXISTING EASTERN SUMMIT COUNTY WATER CONSERVANCY SPECIAL SERVICE DISTRICT, AND RUNNING THENCE EAST ALONG SAID SERVICE DISTRICT BOUNDARY LINE TO A POINT ON THE SUMMIT COUNTY/WASATCH COUNTY BOUNDARY LINE LOCATED IN SECTION 34, T1S, R9E SLB&M.

EXCEPTING THERE FROM ANY PORTION OF THE CITY OF KAMAS AND THE TOWN OF FRANCIS LYING WITHIN THE ABOVE DESCRIBED PARCEL.

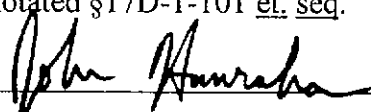
ALSO LESS AND EXCEPTING THEREFROM THAT PORTION OF THE EASTERN SUMMIT COUNTY WATER CONSERVANCY SPECIAL SERVICE DISTRICT LYING WITHIN THE BOUNDARIES OF THE INDIAN HOLLOW CREEK SPECIAL SERVICE DISTRICT.

Notice of Impending Boundary Action

Pursuant to Utah Code Annotated §67-1a-6.5, the County Council of Summit County hereby provides the Lieutenant Governor's Office written notice of an impending boundary action that effects Summit County and the Eastern Summit County Water Conservancy Special Service District.


The SCC seeks a certificate of annexation as it relates to the Eastern Summit County Water Conservancy Special Service District. Pursuant to UCA §17D-1-101 et. seq., the Summit County Council created the Eastern Summit County Water Conservancy Special Service District on December 17, 2008. In doing so, it inadvertently excluded portions of territory from the District's boundaries. On July 29, 2009, the Council adopted a resolution to annex territory into the boundaries of the District.

The Summit County Council hereby certifies that the attached constitutes a true and correct copy of the Resolution annexing territory into the boundaries of the Eastern Summit County Water Conservancy Special Service District. The Summit County Council further certifies that all the requirements for the annexation of territory into the boundaries of the Eastern Summit County Water Conservancy Special Service District have been complied with pursuant to Utah Code Annotated §17D-1-101 et. seq.



CHAIRPERSON OF THE SUMMIT
COUNTY COUNCIL

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County this 29th day of July, 2009.


COUNTY CLERK