

RESOLUTION NO. 91-23

A RESOLUTION ESTABLISHING AND ORGANIZING THE CHASE LANE ESTATES/CASA LOMA SPECIAL SERVICE DISTRICT, ESTABLISHING THE BOUNDARIES OF SAID SPECIAL SERVICE DISTRICT, DESIGNATING THE TYPE OF SERVICE TO BE PERFORMED WITHIN THE BOUNDARIES OF SAID SPECIAL SERVICE DISTRICT, PROVIDING FOR APPOINTMENT OF THE INITIAL ADMINISTRATIVE CONTROL BOARD OF SAID SPECIAL SERVICE DISTRICT AND PRESCRIBING AND SETTING FORTH OTHER DETAILS AND MATTERS IN CONNECTION THEREWITH.

WHEREAS, the City Council of Centerville City (herein "City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and

WHEREAS, a petition has heretofore been presented to the City requesting and proposing the establishment of a certain Special Service District and setting forth therein the proposed boundaries thereof and the services to be provided therein, which petition was approved and signed by the required number of property owners and/or registered voters as required by law; and

WHEREAS, the City Council of the City on July 17, 1990, duly passed and adopted a Resolution as required by Section 17A-2-1305, Utah Code Annotated, 1953, as amended, declaring the intention of said City Council to create and establish the Chase Lane Estates/Casa Loma Special Service District (the "Service District") pursuant to the applicable Utah law and providing that notice of its intention be published in accordance with law; and

WHEREAS, the City has heretofore published notice of its intention to create the Service District as required by law and has held, pursuant to such notice, two public hearings on September 11, 1990 and on November 19, 1991, at which hearings all interested parties desiring to be heard were heard and their support or protest considered; and

WHEREAS, more than fifteen (15) days have elapsed since the conclusion of the public hearing held on November 19, 1991, and all protests against the establishment of said Service District or against the services it is to provide have been fully and carefully considered by the City Council; and

WHEREAS, the owners of over 50% of the assessed value of the taxable property included within the proposed Special Service District have not protested the establishment of the Service District or the services which it is to provide; and

WHEREAS, pursuant to the information derived from all interested persons at the two public hearings, the City Council of

the City has determined that a majority of the residents desire formation of the Service District; and

WHEREAS, the City Council is vested with the jurisdiction, power and authority to create and establish the Service District within the City; and

WHEREAS, the Petitioners have requested that an administrative control board be appointed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH AS FOLLOWS:

Section 1. That the Chase Lane Estates/Casa Loma Special Service District, located in a portion of Centerville City, Davis County, State of Utah, be and is hereby ordered and declared duly organized, created and established under the laws of the State of Utah, as a separate body politic and corporate and a quasi municipal corporation, distinct from the City and from Davis County in which it is located.

Section 2. The name of the Service District is "Chase Lane Estates/Casa Loma Special Service District".

Section 3. The Service District shall have and exercise through its proper officers, all power and authority conferred upon Special Service Districts created for the purposes herein described under and by virtue of Part 13 of Chapter 2 of Title 17A, Utah Code Annotated, 1953, as amended, and all laws amendatory thereof and supplemental thereto and all such power and authority as may hereinafter be conferred by law.

Section 4. The City Council of the City does hereby finally determine and declare:

A. That no property which will not benefit from the services to be provided by the Service District is included within the boundaries thereof.

B. That no territory included within the boundaries of said Service District is also included in whole, or in part, within the boundaries of any other Service District created pursuant to Part 13 of Chapter 2 of Title 17A, Utah Code Annotated, 1953, as amended.

Section 5. The Service District shall provide the following services.

A. Acquiring culinary water shares from Weber Basin Water Conservancy District for use by property owners within the District for irrigation purposes.

B. Purchasing untreated irrigation water shares for use by the owners at such time as the same become available for purchase at reasonable rates.

C. Acquiring other water rights for irrigation purposes.

D. Financing, constructing or arranging for the construction of a secondary water transportation, distribution and storage system for the benefit of the owners at such time as irrigation water shares or rights become available for purchase at reasonable rates.

E. Raising funds, by way of taxes, assessments or otherwise, for the purpose of acquiring water for irrigation purposes on an ongoing basis and for raising additional capital for purposes of (i) establishing and funding a capital account to be used to create a secondary water transportation system to service the District at such time untreated irrigation water becomes economically available to the District for use in serving the irrigation water needs of all property lying within the District, (ii) establishing and funding a capital account to acquire irrigation water shares or rights sufficient to service the needs of the District, and (iii) establishing and funding an administrative account to cover administrative expenses of the District. All such accounts and all funds deposited therein shall at all times belong to and be administered by the District for the benefit of the owners; and

F. Entering into such contracts, instruments and agreements, and undertaking such other activities as may be reasonably necessary and incidental to carrying out the foregoing purposes of acquiring and distributing secondary water to property owners within the District.

Section 6. The Service District shall be comprised of and include within its boundaries that area and territory located in Centerville City, Davis County, State of Utah, which is more particularly described as follows:

All the area within the following platted subdivisions - Casa Loma Plat "F" amended, Chase Lane Estates "A", Chase Lane Estates "B", and Chase Lane Estates "C", more specifically described below.

Beginning at the Northeast corner of Lot 20, Casa Loma Plat "F" amended subdivision, said point being South 1,353.37 feet from the Northeast corner of the Southeast Quarter of Section 6, T2N, R1E, SLB&M; and running thence South 543.13 feet along the East boundary line of said Casa Loma Plat "F" amended subdivision to a point on the Northerly boundary line of Chase Lane Estates "C"

subdivision; thence $N88^{\circ}50'E$ 343.40 feet along said Northerly boundary line to the Northeast corner of Lot 82 of said Chase Lane Estates "C" subdivision; thence South 192.00 feet along the East boundary line of said Lot 82 to the Southeast corner of said Lot 82, said point also being on the Northerly right-of-way line of Powell Avenue; thence $S88^{\circ}50'W$ 368.405 feet to the Northeast corner of Lot 76 of said Chase Lane Estates "C" subdivision; thence South 319.764 feet to the point of curvature with a 375 foot radius curve to the right; thence Southerly 39.27 feet along the arc of said curve to the point of tangency; thence $S6^{\circ}00'W$ 222.40 feet to a point on the Northerly right-of-way line of Chase Lane; thence $S89^{\circ}56'W$ 622.871 feet along said Northerly right-of-way line to the Southwest corner of Lot 49, Chase Lane Estates "B" subdivision; thence North 374.22 feet; thence $S89^{\circ}56'59"W$ 996.803 feet to the Southwest corner of Lot 8, Chase Lane Estates "A" subdivision, said point also on the Easterly right-of-way line of State Road 106; thence $N0^{\circ}02'E$ 787.136 feet along said Easterly right-of-way line to the Northwest corner of Lot 1, Casa Loma Plat "F" amended subdivision; thence $S89^{\circ}58'E$ 394.18 feet to the Southwest corner of Lot 7 of said Casa Loma Plat "F" amended subdivision; thence $N0^{\circ}07'50"E$ 158.985 feet to the Northwest corner of Lot 8 of said Casa Loma Plat "F" amended subdivision; thence $S89^{\circ}52'10"E$ 1275.01 feet along the Northerly boundary line of said Casa Loma Plat "F" amended subdivision to the point of beginning.

And also including the following described Chase Lane West Plat "A" subdivision described below.

Beginning at a point on the Southerly boundary line of Lot 65, Chase Lane West Plat "A" subdivision, said point being $N0^{\circ}09'17"W$ 330.00 feet from the South Quarter corner of Section 6, T2N, R1E, SLB&M; and running thence $N89^{\circ}52'46"E$ 50.00 feet along the Southerly line of said Lot 65 to the Southeast corner of said Lot 65; thence $N0^{\circ}09'17"W$ 816.257 feet along the Easterly boundary line of said Chase Lane West Plat "A" subdivision to the point of curvature with a 2,889.90 foot radius curve to the left; thence Northerly 130.89 feet along the arc of said curve to the Northeast corner of Lot 74 of said subdivision; thence $S89^{\circ}52'45"W$ 912.387 feet along the Northerly boundary line of said subdivision to the Northwest corner of Lot 1 of said subdivision, said point also being the East right-of-way line of 400 West Street; thence South 947.052 feet along the West boundary line of said subdivision, also the East right-of-way line of said 400 West Street to the Southwest corner of Lot 56 of said subdivision; thence $N89^{\circ}52'46"E$ 867.908 feet along the

Southerly boundary line of said subdivision to the point of beginning.

Section 7. That the City Council, having control and supervisory authority over all activities of the Service District, shall hereafter establish, pursuant to Section 17A-2-1326 Utah Code Annotated, 1953, as amended, an Administrative Control Board and will delegate to such Board the performance and exercise of all rights, powers, and authority provided for in Sections 17A-2-1314, 17A-2-1316, 17A-2-1320 and 17A-2-1321 of the Utah Code Annotated, 1953, as amended; but notwithstanding anything to the contrary in this Resolution, the City Council of the City of Centerville, shall not delegate and hereby expressly reserves to itself the power to levy a tax on the taxable property of the Service District; to issue bonds payable from taxes, or to call or hold an election for the authorization of taxes or bonds; to levy assessments for improvements in an improvement district created under Part 3, Chapter 3, or Part 2, Chapter 2 of Title 17A of the Utah Code Annotated, 1953, as amended; to issue interim warrants or bonds payable from those assessments; or to appoint a Board of Equalization under Section 17A-3-217 or Section 17A-3-317. The Administrative Control Board may not hold an election, levy a tax or assessment, or issue bonds or interim warrants unless the City Council has approved. The City Council may, at any time, revoke in whole or in part any power or authority delegated to the Administrative Control Board or to any officers or employees of the Service District. The Administrative Control Board may, at the expense of the Service District, employ staff commensurate with those duties and functions assigned to it by the City Council.

Section 8. The Administrative Control Board for the Service District to be hereafter created, shall consist of seven (7) persons, each of whom shall be a qualified elector of the Service District. The City Council has determined to hereafter appoint the initial members of the Administrative Control Board who shall serve until their successors are duly elected and qualified. Each of said Board Members of the Administrative Control Board shall hereafter execute and file with the Service District a corporate fidelity bond in an amount required for County Commissioners and shall take an oath of office and file it as may be required by law. The term of office of members of the Administrative Control Board shall be four (4) years each except that four (4) persons on the initial board when appointed shall serve for a term of two (2) years to be determined by drawing lots and the remaining three (3) persons shall serve an initial term of four (4) years. The initial two (2) year terms shall conclude on December 31, 1993, and the initial four (4) year terms shall conclude on December 31, 1995. The initial appointed Board and subsequent elected Board members shall be appointed and elected as provided in Part 3, Chapter 1, Title 17A, Utah Code Annotated, 1953, as amended. Board members shall be elected as part of the general municipal election immediately preceding the expiration of

their respective terms of office. The initial persons appointed to the Administrative Control Board shall meet immediately following their appointment and shall organize said Administrative Control Board in the manner prescribed by the laws of the State of Utah.

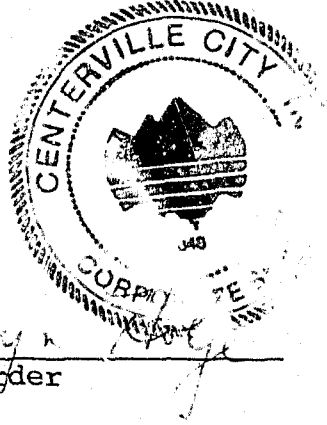
Section 9. That any person who has filed a written protest within the period provided by law and who is a qualified voter residing within the Service District or whose property is included within the boundaries of the Service District, notwithstanding such protest, may within thirty (30) days after the adoption of this Resolution establishing the Service District, apply to the District Court of the Judicial District in which the City is located for a Writ of Review of the actions of the City Council in establishing the Service District, but only upon the grounds that the protestor's property will not be benefitted by the service authorized to be furnished by the Service District or upon the ground that the proceedings taken in establishing the Service 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 Service District to further object.

Section 10. That the officers of the City be, and they hereby are authorized and directed to take all actions necessary or appropriate to effectuate the provisions of this Resolution and give any notices of any nature required by law.

Section 11. That the City Council at any time hereafter and from time to time may submit one or more propositions to levy a tax and/or to issue bonds to provide revenue to the Service District in accomplishing its purposes, which proposition(s) shall be submitted to the qualified voters of the Service District at an election or elections called or held for that purpose.

Section 12. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, on this 17th day of December, 1991.



CENTERVILLE CITY

BY: [Signature]
Mayor

ATTEST:
[Signature]
City Recorder