

LAKEPOINT CEMETERY AND PARK SERVICE AREA

RESOLUTION NO. 2020-02

**Annexation Approval Resolution
(100% landowner petition)**

WHEREAS, the Lakepoint Cemetery and Park Service Area (the “Service Area”) is a duly organized service area located in Tooele County, Utah, established and operating as prescribed in Title 17B, Chapter 2a, Part 9 of the Utah Code and other relevant portions of Title 17B of the Utah Code;

WHEREAS, the Service Area owns and operates a cemetery and park and recreation facilities which serve a portion of Tooele County, Utah;

WHEREAS, a Landowner Annexation Petition (the “Petition”) has been filed with the Service Area requesting that the real property identified on Exhibit A attached to this Resolution (the “Subject Property”) be annexed into the Service Area in order to receive cemetery, park and recreation services from the Service Area (the Landowner is referred to herein as “Applicant”);

WHEREAS, the Service Area Board of Trustees (the “Board”) has the statutory authority to annex areas into the Service Area pursuant to the requirements of Title 17B, Chapter 1, Part 4 of the Utah Code, which outlines the procedure to be followed to accomplish such annexations;

WHEREAS, Applicant owns 100% of the Subject Property;

WHEREAS, the Petition satisfies the applicable requirements of Utah Code Ann. §§ 17B-1-403 and -404;

WHEREAS, within thirty days after the Petition was filed, at a duly called meeting of the Board of Trustees of the Service Area for which certification of the Petition was listed on the agenda, the Board voted to certify the Petition in accordance with Utah Code Ann. § 17B-1-405;

WHEREAS, the identified contact sponsor was notified, in writing, of the certification of the Petition as required by Utah Code Ann. § 17B-1-405;

WHEREAS, since the Petition has been signed by the sole owner of the Subject Property, pursuant to Utah Code Ann. § 17B-1-413(1), the Service Area Board is not required to hold a public hearing pursuant to Utah Code Ann. §§ 17B-1-409 and -410 and the protest provisions of Utah Code Ann. § 17B-1-412 are not applicable to this annexation proceeding;

WHEREAS, no part of the area proposed to be annexed is located within the boundaries of any local district or special service district which is authorized to perform the same functions or provide the same services as the Service Area, nor is it located within the boundaries of any municipality or any county that provides the same services that the Service Area provides;

WHEREAS, it is not necessary to provide the notice required under Utah Code Ann. § 17B-1-413 since the Petition has been signed by the sole property owner of the Subject Annexation Area and there is no other owner of property located within or a registered voter residing within the area proposed area to be annexed into the service area.

WHEREAS, it is not necessary to provide a notice of the proposed annexation to any county or municipality pursuant to Utah Code Ann. § 17B-1-406 and the provisions of Utah Code Ann. §§ 17B-1-407 through -408 are not applicable; and

WHEREAS, the Board has determined that all applicable statutory requirements have been satisfied and, having considered the proposed annexation, has determined it to be in the best general interest of the Service Area and of the property owners, residents and taxpayers within both the Service Area as presently constituted and the area proposed to be annexed for the requested annexation to be completed.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Lakepoint Cemetery and Park Service Area, as follows:

1. That all of the legal requirements stated in Title 17B, Chapter 1, Part 4 of the Utah Code that must be satisfied before the adoption of this Resolution have been satisfied.

2. That, in accordance with Utah Code Ann. § 17B-1-414, the real property described and/or otherwise identified in attached Exhibit "A," which is incorporated by reference as part of this Resolution, shall be and hereby is annexed into and, from the effective date of the annexation, shall be part of the Lakepoint Cemetery and Park Service Area.

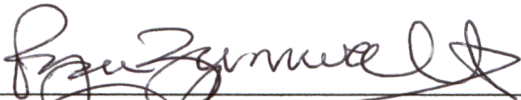
3. That, from and after the issuance by the Lieutenant Governor of a certificate of annexation pursuant to Utah Code Ann. §§ 67-1a-6.5 and § 17B-1-414(3)(b), the Subject Property shall be an integral part of the Service Area and, upon the submittal of the original notice of annexation, the original certificate of annexation issued by the Lieutenant Governor, the approved final local entity plat, and a certified copy of this Resolution to the Tooele County Recorder for recordation, the taxable property located within the Subject Property shall be subject to taxation for the purposes of the Service Area, including the payment of any bonds and other obligations now outstanding or hereafter authorized and issued. All properties within and users of services provided by the Service Area, as enlarged by this annexation, shall be subject to the payment of service and user fees and such other applicable fees and charges as may be assessed from time to time by the Service Area and shall be subject to all rules, regulations, powers and authority of the Service Area and of the Service Area Board as provided by law or otherwise.

4. That the Chairman and/or General Manager of the Service Area be and are instructed, within 30 days after adoption of this Annexation Resolution, to file a written notice of annexation with the Lieutenant Governor of the State of Utah, accompanied by a copy of this Resolution and an approved final local entity plat. The Chairman and/or General Manager are further instructed, upon receipt of the certificate of annexation from the Lieutenant Governor, to

submit the documents identified in paragraph 3 above to the Tooele County Recorder for recordation.

5. That this Resolution shall take effect immediately upon its approval and adoption, but the annexation shall not be complete and effective until the date specified in the certificate of annexation issued by the Lt. Governor.

Approved and adopted by the Board of Trustees of the Lakepoint Cemetery and Park Service Area this 18th day of August, 2020.

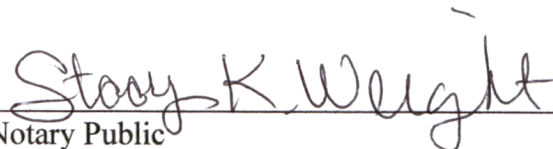


Chair
RYAN ZUMWALT

STATE OF UTAH)
 :SS.
COUNTY OF TOOELE)

The foregoing Resolution was subscribed before me, a notary public, this ^{5th} day of ~~August~~^{September}, 2020, by Ryan Zumwalt, Chairman of the Board of Trustees of the Lakepoint Cemetery and Park Service Area.





Notary Public

EXHIBIT A
Subject Property

The Lake Point Heights addition to the Lakepoint Cemetery and Park Service Area contains land located in the Southeast Quarter of Section 10 and the Southwest Quarter of Section 11, Township 2 South, Range 4 West, Salt Lake Base and Meridian, Tooele County, Utah and consists of Tooele County Tax Identification Number 05-029-0-0050 and Tooele County Tax Identification Number 05-028-0-0059 and is generally bounded as follows: on the north by the Lake Point Vistas subdivision, on the west by the Kennecott Utah Copper, LLC parcel with a Tooele County Tax Identification Number 05-028-0-0056, on the south by the Union Pacific Railroad right-of-way, and on the east by the BLM parcel, which area is more particularly described as follows:

Beginning at the intersection of the south line of Lake Point Vistas Plat 2 as recorded in the Office of the Tooele County Recorder as Entry No. 497659 and the West Section Line of Section 11, Township 2 South, Range 4 West, Salt Lake Meridian, said point lies South $00^{\circ}11'20''$ West along said section line 1,327.94 feet from the West Quarter Corner of said Section 11, (basis of bearing being S $00^{\circ}11'20''$ W between the West Quarter Corner and the Southwest Corner of Section 11, T2S, R4W, SLB&M), and running thence South $89^{\circ}31'58''$ East along said south line of said Plat 2 1,324.51 feet to the southeast corner of said Plat 2; thence South $00^{\circ}12'01''$ West 94.78 feet to the northwesterly right-of-way line of the Oregon Short Line Railroad, approved November 5th, 1903, Serial File No. 36; thence South $53^{\circ}59'08''$ West along said right-of-way 1,641.39 feet to said West Section Line; thence North $00^{\circ}11'20''$ East along said West Section Line 479.68 feet; thence northwesterly along the arc of a 958.00 foot radius non-tangent curve to the left, through a central angle of $02^{\circ}36'04''$ a distance of 43.49 feet (chord bearing N $74^{\circ}46'27''$ W, chord length 43.49'); thence North $00^{\circ}11'20''$ East 355.02 feet; thence northwesterly along the arc of a 15.00 foot radius tangent curve to the left, through a central angle of $89^{\circ}43'16''$ a distance of 23.49 feet (chord bearing N $44^{\circ}40'20''$ W, chord length 21.16'); thence North $00^{\circ}02'59''$ East 60.00 feet; thence northeasterly along the arc of a 15.00 foot non-tangent curve to the left, through a central angle of $90^{\circ}16'42''$ a distance of 23.63 feet (chord bearing N $45^{\circ}19'41''$ E, chord length 21.26'); thence North $00^{\circ}11'20''$ East 134.61 feet to the south line of Lake Point Estates Phase 2, Lot 211 as recorded in said office as Entry No. 293407, said line also being the extension of said south line of said Lake Point Vistas Plat 2; thence South $89^{\circ}58'12''$ East along said south line of said Lot 211 and said south line of said Lake Point Vistas Plat 2 42.00 feet to the point of beginning. Containing 797,403 square feet or 18.306 acres.

Approximate Street Address of Proposed Annexation Area:

6950 North 1200 East
Lake Point, UT 84074