

ORDINANCE 14 - 330

AN ORDINANCE ESTABLISHING A SPECIAL SERVICE DISTRICT TO BE KNOWN AS THE UPPER COMMUNITY RECREATION DISTRICT; DEFINING THE BOUNDARIES OF SAID SPECIAL SERVICE DISTRICT AND THE SERVICES TO BE PROVIDED THEREIN;

WHEREAS the Board of County Commissioners of Duchesne County, Utah, on October 28, 2013, passed a Resolution declaring that the public health, convenience, and necessity require the establishment of a special service district pursuant to the provisions of the Special Service District Act, Title 17D, Chapter 1, Utah Code Annotated, as amended, and Article XI, Section 7 of the Constitution of Utah, for the specific purposes of providing recreational services; and

WHEREAS all property included within the boundary of this proposed special service district will be benefitted by the creation thereof; and

WHEREAS none of the area to be contained within the boundaries of this proposed special service district is also within the boundaries of any other recreation district established by Duchesne County;

NOW THEREFORE, the County Legislative Body of Duchesne County ordains as follows:

Section 1: It is the intent of said Board that a special service district, to be known as the Upper Community Recreation District, be created within Duchesne County, Utah, pursuant to the provisions of the Special Service District Act, Title 17D, Chapter 1, Utah Code Annotated, as amended, and Article XI, Section 7 of the Constitution of Utah.

Section 2: The boundaries of this local district are indicated on the attached map, and described herein as follows:

TOWNSHIP 5 NORTH, RANGE 1 WEST

Parts of Sections 19-22
Sections 27-34

TOWNSHIP 5 NORTH, RANGE 2 WEST

Parts of Sections 19-24
Sections 25-36

TOWNSHIP 5 NORTH, RANGE 3 WEST

Parts of Sections 14-18
Sections 19-22
Part of Sections 23-24
Sections 25-36

TOWNSHIP 5 NORTH, RANGE 4 WEST

Parts of Sections 13-14
Part of Sections 21-24
Sections 25-27
Part of Section 28
Part of Sections 30-31
Section 32-36

TOWNSHIP 5 NORTH, RANGE 5 WEST

Parts of Sections 33, 35, 36

TOWNSHIP 4 NORTH, RANGE 1 WEST

Sections 3-10

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Date: 30-JUL-2014 10:37:25AM
Fee: None
Filed By: CBM
CAROLYNE MADSEN, Recorder
DUCHESNE COUNTY CORPORATION
For: DUCHESNE COUNTY

Sections 15-22
Sections 27-34
TOWNSHIP 4 NORTH, RANGE 2 WEST
Sections 1-36
TOWNSHIP 4 NORTH, RANGE 3 WEST
Sections 1-36
TOWNSHIP 4 NORTH, RANGE 4 WEST
Sections 1-36
TOWNSHIP 4 NORTH, RANGE 5 WEST
Sections 1-2
Parts of Sections 3-6
Section 7-36
TOWNSHIP 4 NORTH, RANGE 6 WEST
Parts of Sections 1-3
Parts of Sections 8-12
Section 13-17
Section 20-29
Section 32-36
TOWNSHIP 3 NORTH, RANGE 1 WEST
Sections 3-10
Sections 15-22
Sections 27-34
TOWNSHIP 3 NORTH, RANGE 2 WEST
Sections 1-36
TOWNSHIP 3 NORTH, RANGE 3 WEST
Sections 1-36
TOWNSHIP 3 NORTH, RANGE 4 WEST
Sections 1-36
TOWNSHIP 3 NORTH, RANGE 5 WEST
Sections 1-36
TOWNSHIP 3 NORTH, RANGE 6 WEST
Sections 1-5
Sections 8-17
Sections 20-29
Sections 32-36
TOWNSHIP 2 NORTH, RANGE 1 WEST
Sections 3-10
Sections 15-22
Sections 27-34
TOWNSHIP 2 NORTH, RANGE 2 WEST
Sections 1-20
Parts of Sections 21-22
Sections 23-25
Parts of Sections 26-29
Section 30-31
Parts of Sections 32-36
TOWNSHIP 2 NORTH, RANGE 3 WEST
Sections 1-36

TOWNSHIP 2 NORTH, RANGE 4 WEST
Sections 1-36
TOWNSHIP 2 NORTH, RANGE 5 WEST
Sections 1-36
TOWNSHIP 2 NORTH, RANGE 6 WEST
Sections 1-5
Sections 8-17
Sections 20-29
Sections 32-36
TOWNSHIP 1 NORTH, RANGE 1 WEST
Sections 1
Parts of Sections 2-3, 12

TOWNSHIP 1 NORTH, RANGE 2 WEST

Parts of Section 5
Sections 6-7
Parts of Sections 8, 17
Sections 18-19
Parts of Section 20-21
Parts of Section 28
Section 29-32
Partial Section of 33

TOWNSHIP 1 NORTH, RANGE 3 WEST

Sections 1-36

TOWNSHIP 1 NORTH, RANGE 4 WEST

Sections 1-36

TOWNSHIP 1 NORTH, RANGE 5 WEST

Sections 1-36

TOWNSHIP 1 NORTH, RANGE 6 WEST

Sections 1-5
Sections 8-17
Sections 20-29
Sections 32-36

TOWNSHIP 1 SOUTH, RANGE 2 WEST

Sections 6-7, 18-19, 30-31

TOWNSHIP 1 SOUTH, RANGE 3 WEST

Sections 1-36

TOWNSHIP 1 SOUTH, RANGE 4 WEST

Sections 1-36

TOWNSHIP 1 SOUTH, RANGE 5 WEST

Sections 1-36

TOWNSHIP 1 SOUTH, RANGE 6 WEST

Sections 1-5
Sections 8-17
Sections 20-29
Sections 32-36

TOWNSHIP 2 SOUTH, RANGE 2 WEST

Parts of Sections 5-6

TOWNSHIP 2 SOUTH, RANGE 3 WEST

Parts of Sections 1
Sections 2-10
Parts of Sections 11-12, 15
Sections 16-21
Part of Sections 22
Section 28-33
Parts of Section 34

TOWNSHIP 2 SOUTH, RANGE 4 WEST

Sections 1-36

TOWNSHIP 2 SOUTH, RANGE 5 WEST

Sections 1-18
Parts of Sections 19-21
Sections 22-26
Parts of Sections 27, 35, 36

TOWNSHIP 2 SOUTH, RANGE 6 WEST

Sections 1-12
Part of Section 13
Sections 14-17
Parts of Sections 20-24

TOWNSHIP 3 SOUTH, RANGE 3 WEST

Parts of Sections 4
Sections 5-8
Parts of Sections 17-18

TOWNSHIP 3 SOUTH, RANGE 4 WEST

Sections 1-5

Parts of Sections 6, 11-14
TOWNSHIP 3 SOUTH, RANGE 5 WEST
Parts of Section 1
Including Altamont City

Section 3: The district is to be created for the purpose of providing recreation services within the area of the special service district, together with all powers and duties ancillary thereto, as set forth in Utah Code Annotated Section 17D-1-103, and such other powers, duties and services as are, or in the future may be, allowed by law.

Section 4: The district so created shall be known as the "Upper Community Recreation District".

Section 5: A public hearing on the question of the creation of the district was held by the Board of Duchesne County Commissioners at the Altamont High School auditorium, Altamont, Utah, at 7 p.m., on Wednesday, December 4, 2013, at which time and place all interested persons or parties could appear and be heard whether in support of or in opposition to the creation of the district, as more fully described in the Notice of Intention set forth in Section 7 hereof. There were no persons or parties that protested or objected to the creation of the Upper Community Recreation District either at the meeting or thereafter.

Section 6: The Notice Intention to Establish Upper Community Recreation District, as set forth in Section 7, was published at least once a week during four consecutive weeks, the final publication was published not less than five (5) days nor more than twenty (20) days before the hearing, in the Uintah Basin Standard, a newspaper having general circulation in Duchesne County, and was published for thirty-five (35) days before the date of the public hearing on the public legal notice website.

Section 7: The Notice of Intention was published as follows:

NOTICE IS HEREBY GIVEN that, on October 28, 2013, the Board of County Commissioners of Duchesne County, Utah adopted a resolution declaring that the public health, convenience and necessity require the establishment of a special service district, to be called the "Upper Community Recreation District," for the purpose of providing recreation services and performing such duties as are ancillary to the primary purpose of recreation services within the boundaries of the district. The Resolution also provides for a public hearing on the establishment of the district in the county, to be held at the Altamont High School auditorium, Altamont, Utah, at 7:00 p.m. on Wednesday, December 4, 2013.

DESCRIPTION OF THE PROPOSED DISTRICT

The district shall have the following boundaries:

TOWNSHIP 5 NORTH, RANGE 1 WEST

Parts of Sections 19-22

Sections 27-34

TOWNSHIP 5 NORTH, RANGE 2 WEST

Parts of Sections 19-24

Sections 25-36

TOWNSHIP 5 NORTH, RANGE 3 WEST

Parts of Sections 14-18

Sections 19-22

Part of Sections 23-24

Sections 25-36

TOWNSHIP 5 NORTH, RANGE 4 WEST

Parts of Sections 13-14

Part of Sections 21-24

Sections 25-27

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Part of Section 28
Part of Sections 30-31
Section 32-36
TOWNSHIP 5 NORTH, RANGE 5 WEST
Parts of Sections 33, 35, 36
TOWNSHIP 4 NORTH, RANGE 1 WEST
Sections 3-10
Sections 15-22
Sections 27-34
TOWNSHIP 4 NORTH, RANGE 2 WEST
Sections 1-36
TOWNSHIP 4 NORTH, RANGE 3 WEST
Sections 1-36
TOWNSHIP 4 NORTH, RANGE 4 WEST
Sections 1-36
TOWNSHIP 4 NORTH, RANGE 5 WEST
Sections 1-2
Parts of Sections 3-6
Section 7-36
TOWNSHIP 4 NORTH, RANGE 6 WEST
Parts of Sections 1-3
Parts of Sections 8-12
Section 13-17
Section 20-29
Section 32-36
TOWNSHIP 3 NORTH, RANGE 1 WEST
Sections 3-10
Sections 15-22
Sections 27-34
TOWNSHIP 3 NORTH, RANGE 2 WEST
Sections 1-36
TOWNSHIP 3 NORTH, RANGE 3 WEST
Sections 1-36
TOWNSHIP 3 NORTH, RANGE 4 WEST
Sections 1-36
TOWNSHIP 3 NORTH, RANGE 5 WEST
Sections 1-36
TOWNSHIP 3 NORTH, RANGE 6 WEST
Sections 1-5
Sections 8-17
Sections 20-29
Sections 32-36
TOWNSHIP 2 NORTH, RANGE 1 WEST
Sections 3-10
Sections 15-22
Sections 27-34
TOWNSHIP 2 NORTH, RANGE 2 WEST
Sections 1-20
Parts of Sections 21-22
Sections 23-25
Parts of Sections 26-29
Section 30-31
Parts of Sections 32-36
TOWNSHIP 2 NORTH, RANGE 3 WEST
Sections 1-36
TOWNSHIP 2 NORTH, RANGE 4 WEST
Sections 1-36
TOWNSHIP 2 NORTH, RANGE 5 WEST
Sections 1-36
TOWNSHIP 2 NORTH, RANGE 6 WEST
Sections 1-5
Sections 8-17
Sections 20-29
Sections 32-36
TOWNSHIP 1 NORTH, RANGE 1 WEST

Sections 1
Parts of Sections 2-3, 12
TOWNSHIP 1 NORTH, RANGE 2 WEST
Parts of Section 5
Sections 6-7
Parts of Sections 8, 17
Sections 18-19
Parts of Section 20-21
Parts of Section 28
Section 29-32
Partial Section of 33
TOWNSHIP 1 NORTH, RANGE 3 WEST
Sections 1-36
TOWNSHIP 1 NORTH, RANGE 4 WEST
Sections 1-36
TOWNSHIP 1 NORTH, RANGE 5 WEST
Sections 1-36
TOWNSHIP 1 NORTH, RANGE 6 WEST
Sections 1-5
Sections 8-17
Sections 20-29
Sections 32-36
TOWNSHIP 1 SOUTH, RANGE 2 WEST
Sections 6-7, 18-19, 30-31
TOWNSHIP 1 SOUTH, RANGE 3 WEST
Sections 1-36
TOWNSHIP 1 SOUTH, RANGE 4 WEST
Sections 1-36
TOWNSHIP 1 SOUTH, RANGE 5 WEST
Sections 1-36
TOWNSHIP 1 SOUTH, RANGE 6 WEST
Sections 1-5
Sections 8-17
Sections 20-29
Sections 32-36
TOWNSHIP 2 SOUTH, RANGE 2 WEST
Parts of Sections 5-6
TOWNSHIP 2 SOUTH, RANGE 3 WEST
Parts of Sections 1
Sections 2-10
Parts of Sections 11-12, 15
Sections 16-21
Part of Sections 22
Section 28-33
Parts of Section 34
TOWNSHIP 2 SOUTH, RANGE 4 WEST
Sections 1-36
TOWNSHIP 2 SOUTH, RANGE 5 WEST
Sections 1-18
Parts of Sections 19-21
Sections 22-26
Parts of Sections 27, 35, 36
TOWNSHIP 2 SOUTH, RANGE 6 WEST
Sections 1-12
Part of Section 13
Sections 14-17
Parts of Sections 20-24
TOWNSHIP 3 SOUTH, RANGE 3 WEST
Parts of Sections 4
Sections 5-8
Parts of Sections 17-18
TOWNSHIP 3 SOUTH, RANGE 4 WEST
Sections 1-5
Parts of Sections 6, 11-14
TOWNSHIP 3 SOUTH, RANGE 5 WEST

*To view a map of the proposed areas, please visit the Duchesne County Website.

PROPOSED SERVICES

The district will be authorized to provide recreation services within the boundaries of the district, together with acquisition of all properties, facilities, equipment and appurtenances therefore.

METHODS OF FINANCING AND GENERAL POWERS

Pursuant to the provisions of the Special Service District Act, Title 17D, Chapter 1, Utah Code Annotated (1953), as amended, and Article XI, Section 7 of the Constitution of Utah, the district may annually impose fees and charges to pay for some or all of the services to be provided by the district. It may also annually levy taxes upon all taxable property within the district to provide the proposed services, and exercise any and all other powers set forth in Utah Code Annotated Section 17D-1-103.

PROTESTING AGAINST THE CREATION OF THE SPECIAL SERVICE DISTRICT OR AGAINST A SERVICE THE SPECIAL SERVICE DISTRICT IS PROPOSED TO PROVIDE

An interested person may protest the creation of the special service district or a service that the special service district is proposed to provide. Each protest shall be in writing, shall be submitted to the Board of County Commissioners of Duchesne County no later than 60 days after the public hearing described herein and shall explain why the person is protesting. A person submitting a written protest may withdraw the protest, or, having withdrawn a protest, cancel the withdrawal, no later than 60 days after the public hearing described herein. The Board may not adopt a resolution or ordinance creating the special service district, or authorizing the district to provide a service, if adequate protests, as defined by Utah Code Annotated Section 17D-1-102(1), are filed with respect to the creation of the district or provision of that service. A parcel of real property may not be included for purposes of calculating adequate protests unless the protest is signed by owners representing a majority ownership in that parcel, or, if the property is owned by joint tenants or tenants by the entirety, by 50% of the number of owners of that parcel. The signature of a person signing a protest in a representative capacity on behalf of an owner is invalid unless the person's representative capacity and the name of the owner the person represents are indicated on the protest with the person's signature, and the person provides documentation accompanying the protest that reasonably substantiates the person's representative capacity. Subject to the aforesaid requirements set forth for persons signing in a representative capacity, a duly appointed personal representative may sign a protest on behalf of a deceased owner.

Subject to the provisions of Title 17D, Chapter 1, Part 2, Utah Code Annotated (1953), as amended, prohibiting or restricting the same, the Board may adopt a resolution or ordinance establishing the Upper Community Recreation District as proposed. The Board may, in its discretion, change the boundaries of the district and/or change the services to be provided by the district.

A person may file an action in district court challenging the creation of the district or a service the district is proposed to provide, if the person filed a written protest, in conformity with the requirements set forth above, and either is a registered voter within the district and alleges in the action that the procedures used to create the district violated applicable law, or is an owner of property included within the boundary of the district and alleges in the action that the person's property will not be benefited by the service that the district is proposed to provide or the procedures used to create the district violated applicable law. Any court action must be filed within 30 days after the date of the adoption of a resolution or ordinance creating the district. If a court action is not filed within said 30 days, a registered voter or property owner within the district may not contest the creation of the district or a service that it is proposed to provide.

PUBLIC HEARING ON PROPOSED ESTABLISHMENT OF SPECIAL SERVICE DISTRICT

The Board of County Commissioners of Duchesne County will hold a public hearing on the establishment of the district and the providing of recreational services within the district at the Altamont High School auditorium, Altamont, Utah, at 7:00 p.m., on Wednesday, December 4, 2013. At said public hearing, the Board of County Commissioners will give full consideration to each written protest that has been filed and hear and consider all interested persons desiring to be heard. The Board may continue the hearing to another date and time.

Published in the Uintah Basin Standard November 5, 12, 19 and 26, 2013.

NOTICE OF THE ORDINANCE WAS PUBLISHED IN THE UINTAH BASIN STANDARD ON November 5, November 12, November 19 and November 26, 2013, as well as the public legal notice website before October 30, 2013.

Section 8: The officers of Duchesne County, Utah are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance.

Section 9: If any one or more sections, sentences, clauses or parts of this ordinance shall for any reason be questioned or held invalid, such judgments shall not affect, impair or invalidate the remaining provisions of this resolution, but shall be confined in their operation to the special sections, sentences, clauses or parts of this resolution so held unconstitutional and invalid, and the inapplicability and 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 applicability and validity of this resolution in any other instance.

Section 10: All resolutions, bylaws and regulations of Duchesne County, Utah in conflict with this resolution are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution, bylaw or regulation, or part thereof, heretofore repealed.

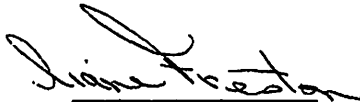
Section 11: The district shall be governed by an administrative control board consisting of five members, four to be elected as provided by law, and one to be appointed by Altamont City in concurrence with Utah Code § 17D-1-303(2). All board members shall serve for terms of four years. The initial administrative control board shall be appointed, two of which will serve until the 2015 Altamont general election, and three will serve until the 2017 municipal general election, as to avoid all directors being elected every four years. The initial Administrative Control Board shall be as follows:

Dawna Brotherson (until December 31, 2015)
Sherrie Holgate (until December 31, 2015)
Annisia Maxfield (until December 31, 2017)
Jack Wood (until December 31, 2017)
Todd Anfinson (until December 31, 2017)

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Dated this 21st day of July, 2014

ATTEST:



Diane Freston
County Clerk/Auditor

THE BOARD OF DUCHESNE COUNTY
COMMISSIONERS:



Ron Winterton, Chairman



Kent R. Peatross, Member



Kirby J. Wood, Member

