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RESOLUTION NO. 95-17

A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL, MIDWAY CITY, STATE OF UTAH, TO CREATE THE HAMLET SPECIAL SERVICE DISTRICT TO PROVIDE CULINARY AND IRRIGATION WATER TO THE RESIDENTS OF SAID DISTRICT, TO ADMINISTER THE ACQUISITION AND DISTRIBUTION OF SAID WATERS, AND TO PERFORM ALL WORK NECESSARY TO DEVELOP AND MAINTAIN THE WATER SYSTEM REQUIRED TO PROVIDE WATER TO THE RESIDENTS OF THE DISTRICT.

NOW BE IT RESOLVED by the City Council of Midway City:

Section 1. The City Council of Midway City ("the Council") hereby finds that it will be in the best interests of the City and further the public necessity, health and convenience to create a Special Service District (the "District") to provide culinary and irrigation water to the residents within the boundaries of the District pursuant to Utah Code Ann. § 17A-2-1301 et seq.. In addition, the Special Service District shall be empowered to administer acquisition and distribution of waters for use of residents within the District, to provide culinary and irrigation waters, construct water distribution facilities, and to oversee and administer special improvements within the District. The District shall include the following described area:

Section 2. The proposed district shall be known as the "Hamlet Special Service District".

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WASATCH CO RECORDER-ELIZABETH M PARCELL
1996 MAY 15 10:09 PM FEE \$1.00 BY MWC

COMMENCING AT THE CALCULATED TRUE LOCATION OF THE SOUTH-EAST CORNER OF SECTION 35, T3S, R4E, SLB&M, SAID CORNER LOCATION BEING SOUTH A DISTANCE OF 37.22 FEET FROM THE NEW WASATCH COUNTY MONUMENT FOR THE SAME SECTION CORNER AS SET BY SCHUCHERT & ASSOCIATES IN 1994; THENCE WEST A DISTANCE OF 554.74 FEET TO THE POINT OF BEGINNING;

- Thence along the present Midway City boundary N03°00'00"W a distance of 1753.43 feet;
- Thence S89°05'17"E a distance of 646.59 feet;
- Thence south a distance of 850.32 feet to the southerly right-of-way of Utah Highway 113;
- Thence along said highway R.O.W. S33°32'33"E a distance of 408.64 feet to the beginning of a tangent curve to the left with a radius of 1482.69 feet;

Thence along said curve a distance of 157.75 feet through a central angle of 06°05'46" (chord bearing and distance of S36°35'13"E 157.68 feet);
Thence along the boundary of the Heber Valley Special Service District the following nine courses:

- Thence S22°52'31"W a distance of 214.73 feet;
- Thence S33°54'05"W a distance of 219.26 feet;
- Thence S38°48'43"W a distance of 179.68 feet;
- Thence S27°36'16"W a distance of 470.13 feet;
- Thence N88°21'08"W a distance of 26.66 feet;
- Thence S79°17'06"W a distance of 105.77 feet;
- Thence S66°43'16"W a distance of 132.39 feet;
- Thence S68°39'05"W a distance of 88.88 feet;
- Thence S87°23'03"W a distance of 126.31 feet;

Thence along a fence line N27°32'18"W a distance of 702.31 feet to the present Midway City boundary;

Thence along the present city boundary East a distance of 447.54 feet to the point of beginning.

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ALONG WITH A PARCEL OF LAND BEGINNING AT A POINT WHICH IS NORTH 955.89 FEET AND WEST 748.96 FEET FROM THE CALCULATED TRUE SECTION CORNER OF THE SOUTHEAST CORNER OF SECTION 35, T3S, R4E, SLB&M:

Thence west 177.69 feet; thence N01°05'52"E 686.88'; thence along the arc of a 1382.69' radius curve to the right 335.58' (curve has a central angle of 13°55'05" and a chord bearing S67°59'50"E 335.05'); thence S30°00'00"W 354.46'; thence South 94.06'; thence East 31.11'; thence South 160.20' to the point of beginning.

Section 3. Written protests against the creation of the District must be presented and filed in the Office of the City recorder on or before the 4th day of January, 1996 at the hour of 5:00 p.m. Thereafter, at 6:30:00 p.m. on the 4th day of January, 1996 at City Council Chambers, Midway, Utah, any such protests shall be heard and considered by the Council. The recorder is hereby directed to give notice of intention to create the proposed District and of the time within which protests against the creation of the District may be filed and the date when such protests will be heard and considered by posting the notice of intention to create the District in at least five public places in Midway City at least twenty-one (21) days prior to the time fixed in the notice for the hearing. Said Notice shall be in substantially the following form:

NOTICE OF INTENTION

PUBLIC NOTICE IS HEREBY GIVEN that it is the intention of the City Council of Midway City, Utah to create the Hamlet Special Service District (the "District") to provide culinary and irrigation water to the residents of the District, to administer the acquisition and distribution of said waters, to provide for the construction and maintenance of water distribution facilities and to oversee and administer special improvements within the district, as provided in Utah Code Ann. §§ 17A-2-1301 et seq.

DESCRIPTION OF THE PROPOSED DISTRICT

The proposed District shall include the following described lands:

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COMMENCING AT THE CALCULATED TRUE LOCATION OF THE SOUTHEAST CORNER OF SECTION 35, T3S, R4E, SLB&M, SAID CORNER LOCATION BEING SOUTH A DISTANCE OF 37.22 FEET FROM THE NEW WASATCH COUNTY MONUMENT FOR THE SAME SECTION CORNER AS SET BY SCHUCHERT & ASSOCIATES IN 1994; THENCE WEST A DISTANCE OF 554.74 FEET TO THE POINT OF BEGINNING;

THENCE ALONG THE PRESENT MIDWAY CITY BOUNDARY N03°00'00"W A DISTANCE OF 1753.43;
 THENCE S89°05'17"E A DISTANCE OF 646.59 FEET;
 THENCE SOUTH A DISTANCE OF 850.32 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF UTAH HIGHWAY 113;
 THENCE ALONG SAID HIGHWAY R.O.W. S33°32'33"E A DISTANCE OF 408.64 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT WITH A RADIUS OF 1482.69 FEET;
 THENCE ALONG SAID CURVE A DISTANCE OF 157.75 FEET THROUGH A CENTRAL ANGLE OF 06°05'46" (CHORD BEARING AND DISTANCE OF S36°35'13"E 157.68 FEET);
 THENCE ALONG THE BOUNDARY OF THE HEBER VALLEY SPECIAL SERVICE DISTRICT THE FOLLOWING NINE COURSES:
 THENCE S22°52'31"W A DISTANCE OF 214.73 FEET;
 THENCE S33°54'05"W A DISTANCE OF 219.26 FEET;
 THENCE S38°48'43"W A DISTANCE OF 179.68 FEET;
 THENCE S27°36'16"W A DISTANCE OF 470.13 FEET;
 THENCE N88°21'08"W A DISTANCE OF 26.66 FEET;
 THENCE S79°17'06"W A DISTANCE OF 105.77 FEET;
 THENCE S66°43'16"W A DISTANCE OF 132.39 FEET;
 THENCE S68°39'05"W A DISTANCE OF 88.88 FEET;

THENCE S87°23'03"W A DISTANCE OF 126.31 FEET;
THENCE ALONG A FENCE LINE N27°32'18"W A DISTANCE OF
702.31 FEET TO THE PRESENT MIDWAY CITY BOUNDARY;
THENCE ALONG THE PRESENT CITY BOUNDARY EAST A DISTANCE
OF 447.54 FEET TO THE POINT OF BEGINNING.

ALONG WITH A PARCEL OF LAND BEGINNING AT A POINT WHICH IS NORTH
955.89 FEET AND WEST 748.96 FEET FROM THE CALCULATED TRUE SECTION
CORNER OF THE SOUTHEAST CORNER OF SECTION 35, T3S, R4E, SLB&M:

THENCE WEST 177.69 FEET; THENCE N01°05'52"E 686.88'; THENCE ALONG
THE ARC OF A 1382.69' RADIUS CURVE TO THE RIGHT 335.58' (CURVE HAS A
CENTRAL ANGLE OF 13°55'05" AND A CHORD BEARING S67°59'50"E 335.05');
THENCE S30°00'00"W 354.46'; THENCE SOUTH 94.06'; THENCE EAST 31.11';
THENCE SOUTH 160.20' TO THE POINT OF BEGINNING.

PROPOSED SERVICES

The proposed District shall be empowered to administer acquisition and distribution of waters for use of residents within the District, to provide culinary and irrigation waters, construct water distribution facilities and oversee and administer special improvements within the District. In addition, the District shall have the power to create improvement districts pursuant to Utah Code Ann. § 17A-3-301, et seq., to make and finance improvements within the District.

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METHODS OF FINANCE

Taxes may be annually levied upon all taxable property within the district to pay for improvements that are necessary to upgrade or expand the current water delivery system and fees and charges may be imposed to pay for all or part of the services to be provided by the District.

PUBLIC HEARING ON PROPOSED DISTRICT

The City Council has determined that the creation of the District is in the public interest to ensure that the residents of Midway City enjoy a dependable and affordable supply

of water and to provide adequate planning for the future water needs of the community. A hearing has been scheduled for 6:30 p.m. on the 4th day of January, 1996, 1995 at City Council Chambers, Midway, Utah to discuss the creation of the District and receive public comments.

BY ORDER OF THE CITY COUNCIL, MIDWAY CITY, UTAH

/s/

Clerk

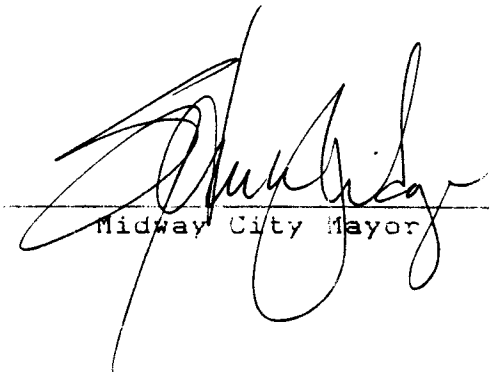
Posted December 6, 13, & 20, 1995

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Mayor Ridge called for a motion. Councilman Eugene Owens made a motion to have the October 10, 1995 minutes reflect the adoption of the resolutions 95-16 and 95-17 to file the notice of intention on the Hamlet and Swiss Alpenhof Special Service Districts. Councilman Mike Bronson seconded the motion. Voting followed with all City Council members voting in favor of the motion. Harold Remund and Arlin Kohler abstained.

Those voting AYE: Eugene Owens
Micheal Bronson
Don Huggard
Paul Arnold
Marilyn Larsen - excused

Those voting NAY: None



Midway City Mayor

ATTEST:



City Recorder



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STATE OF UTAH)
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COUNTY OF WASATCH)

I, Elva S. Baum, the duly chosen, qualified and acting Recorder of Midway City, Utah, do hereby certify as follows:

1. That the foregoing typewritten pages constitute a full, true and correct copy of the record of proceedings of the City Council of Midway taken at a regular meeting thereof held in said City on October 10, 1995, at the hour of 11:30 p.m., insofar as said proceedings relate to the consideration and adoption of a resolution declaring the intention of the City Council to create Midway City Water Special Service District, the same appears of record in my office; that I personally attended said meeting, and that the proceedings were in fact held as in said minutes specified.

2. That due, legal and timely notice of said meeting was served upon all members as required by law and the rules and ordinances of said City.

3. That the above resolution was deposited in my office on October 11, 1995 has been recorded by me, and is a part of the permanent records of Midway City, Utah.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and affixed the seal of said City this 11th day of October, 95



Elva S. Baum
City Recorder

00186961 6K00322 P600426

Minutes of the Midway City Council meeting held January 4, 1996 at 7:00 p.m. in the City Office Building. Notice of the meeting was posted at Midway City Office Building, Midway Town Square Bulletin Board, Winterton's Market, and a copy sent to the Council Members and the Wasatch Wave.

Roll Call:

Mayor Stevan Wm. Ridge; Paul B. Arnold, Micheal L. Bronson, Don A. Huggard; Eugene H. Owens, Council Members; Harold S. Remund, Arlin K. Kohler, Councilmen Elect; Elva S. Baum, Recorder; Don Young, Public Works Supervisor; Randy Deschamps, Planner; Rick Smith, EPG; John Anderson, Attorney; Carol Huggard, Aria Kohler, and Vickie Remund. (Copy of roll in supplemental file).

Approval of Previous Minutes:

Mayor Ridge called for a motion on the previous minutes. Mike Bronson made a motion to approve the minutes of December 1, 1995. Don Huggard seconded the motion that carried.

Ratify the Minutes of October 10, 1995:

Attorney Anderson explained that in the October 10, 1995 meeting they were discussing him preparing the resolution documents on the notice of intent to advertise for a special service district public hearing. He informed the Council he would send up the necessary documents to declare the intention to create the special service districts. Instructions did not accompany the documents that arrived a few days later and the adoption of resolutions 95-16 and 95-17 were inadvertently left out of the minutes. Neither the recorder nor the attorney attended the November 14th meeting where the public hearing date was set and did not realize this error until later. The request was made to add the wordage in the October 10, 1995 minutes to adopt the resolutions 95-16 and 95-17 to move forward with advertisement for the notice of intent for the Hamlet and Swiss Alpenhof Special Service Districts for it was felt this was in the best interest of the development and the city to create.

Mayor Ridge called for a motion. Eugene Owens made a motion to have the October 10, 1995 minutes reflect the adoption of the resolutions 95-16 and 95-17 to file the notice of intention on the Hamlet and Swiss Alpenhof Special Service Districts. Mike Bronson seconded the motion. Voting followed with all City Council members voting in favor of the motion. Harold Remund and Arlin Kohler abstained.

Oath of Office:

Mayor Ridge welcomed Don Huggard, Arlin Kohler, and Harold Remund as Midway City Councilmen for four years terms. City Recorder, Elva Baum, presented the oath of office (Copy of oath of office in supplemental file). Councilman Paul B. Arnold congratulated the new council and left the meeting.

Approve Agenda:

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Mayor Ridge called for a motion. Eugene Owens made a motion to approve the January 4, 1996 agenda. Mike Bronson seconded the motion that carried.

Youth Council Representative - Lacy Wallace:

Lacy Wallace, Youth Council Mayor, requested a new council representative be appointed to be over their organization. Mayor Ridge reported they will make appointments tonight and will contact her.

1996 Meeting Schedule:

Mayor Ridge called for a motion on the 1996 meeting schedule. Don Huggard made a motion Midway City will hold their monthly meeting on the first Thursday of every month at 7:00 p.m. Eugene Owens seconded the motion that carried.

STATE OF UTAH

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AFFIDAVIT OF CITY
RECORDER

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COUNTY OF WASATCH

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I, Elva S. Baum, the duly chosen, qualified and acting City Recorder of Midway City, Utah, do hereby certify that the attached Notice of Intention was approved and adopted in the proceedings of the City Council on Tuesday day, the 10th day of October, 1995.

I further certify that a certified copy of said Notice of Intention and a map of the proposed District was on file in my office for inspection by any interested parties.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of Midway City, Utah this 11th day of October, 1995.

Elva S. Baum
City Recorder