



RESOLUTION NO. 2011-25

A RESOLUTION OF APPLE VALLEY TOWN, WASHINGTON COUNTY, UTAH, CREATING AND ESTABLISHING A SPECIAL SERVICE DISTRICT WITHIN APPLE VALLEY; DESCRIBING THE BOUNDARIES THEREOF, NAMING THE DISTRICT, AUTHORIZING AND SPECIFYING THE SERVICES TO BE PROVIDED, SETTING FORTH THE POWERS, DUTIES AND AUTHORITY, DESIGNATING AND APPOINTING THE GOVERNING AUTHORITY, PROVIDING FOR THE METHOD OR METHODS OF PAYMENTS FOR THE SERVICES TO BE FURNISHED AND PRESCRIBING OTHER MATTERS AND DETAIL RELATING TO THE ESTABLISHMENT, OPERATIONS AND FUNCTIONS THEREOF.

WHEREAS, the Apple Valley Town Council ("Council") has determined, pursuant to the provisions of Article XI, Section 7 of the Utah Constitution and Utah Code Annotated, § 17D-1-101, *et seq.* (1953, as amended) (the "Act"), that the public health, convenience, and necessity require the establishment of a Special Service District ("District") to provide water and sewerage services within a boundary comprised of the boundaries of the municipality of Apple Valley Town,; and

WHEREAS, all of the property, residents, businesses and inhabitants within the boundary of the District will be benefitted by the establishment of the District to provide water and sewerage services, which services shall be paid for only by the residents, businesses and inhabitants within the boundary of the District; and

WHEREAS, to accomplish the foregoing purpose, the Council has initiated, by Resolution No. 2011-11, approved and passed on April 21, 2011, the statutory process to create a special service district within the boundary of the District; and

WHEREAS, in accordance with the Resolution passed on April 21, 2011, and the Act, the Council gave public notice of its intention to establish the District and it called and held a public hearing on July 14, 2011, on the proposal to establish the District, at which public hearing, the Council permitted all interested persons to be heard and received all oral and written comments and protests submitted at that time; and

WHEREAS, subsequent to said public hearing and within the protest period provided by law, the Council did not receive "adequate protests," as defined in Utah Code Annotated § 17D-1-102, against the establishment of the District or against the specified type or types of services to be furnished by the District; and

WHEREAS, the Council has duly considered all protests received and does hereby determine that there are insufficient protests received to prohibit the creation of the District; and

WHEREAS, the Council has taken all actions and accomplished all matters required and necessary which are preliminary to the creation of a special service district and, accordingly, does hereby determine that the District should be created in accordance with this Resolution and the Act.

NOW, THEREFORE, at a regular meeting of the Town Council of Apple Valley Town, duly called, noticed, and held on the 1st day of September, 2011, upon motion duly made and seconded, BE IT HEREBY RESOLVED as follows:

Section 1. There is hereby created and established in Apple Valley Town, Washington County, State of Utah, a special service district, the area of which is described in Section 4 below.

Section 2. The name of the District created hereby is and shall be hereafter known as the "Big Plains Water and Sewer Special Service District," referred to in this Resolution as "District."

Section 3. The District shall have and exercise through its proper officers all of the rights, powers and authority conferred upon special service districts by and included in the Act and as otherwise provided by law for the purposes as herein provided.

Section 4. The boundary and service area of the District shall include the municipal boundaries of Apple Valley Town, Washington County, State of Utah, as the boundaries of such municipality exist and are recorded on the effective date of this Resolution (see the attached map of the District area boundary).

Section 5. The District is hereby empowered to and shall have the authority to provide for or furnish any or all water and sewerage services within the territory of the District to the extent they are deemed necessary or desirable by the District. The foregoing services and functions may be provided through facilities, systems or property acquired for that purpose through construction, purchase, lease, rental, gift or condemnation, or any combination of the foregoing means, or by any other means available to special service districts as provided by law.

Section 6. The District shall be administered by an Administrative Control Board ("Board") which is hereby delegated the power to act as the governing authority of the District and shall have and it is hereby vested with all of the powers, duties and responsibilities conferred upon such governing authority by the Act, and all laws amendatory and supplemental thereof, and implemented by this Resolution.

Section 7. The membership of the Board shall consist of five (5) members as follows: the Mayor of Apple Valley; one elected official from Apple Valley, who shall be appointed by the Mayor of Apple Valley, and; three Board members who are registered voters within the boundary of the District, who shall be appointed by the Mayor of Apple Valley.

The board members shall serve for terms of four (4) years. However, two of the Board members initially appointed from the registered voters of Apple Valley shall serve terms of two (2) years, with those appointed to such positions thereafter serving terms of four (4) years.

Vacancies on the Board shall be filled in the same manner as for the original appointment. Persons appointed to fill such vacancies shall serve for the balance of the unexpired term of the member whose vacancy is filled.

Section 8. Any service or function of the systems, properties and facilities related to those services as specified in this Resolution provided by the District shall be paid for the imposition and collection of fees, charges, tax levy and/or other method, in accordance with the Act. The Board shall have the authority to adopt such rules and procedures as are necessary or required to assure the proper functioning of the Board, the proper operation of the District, provide for collection and enforcement of all fees, charges and/or taxes imposed as provided by the Act, and comply with all applicable law.

Voted upon and passed by the Apple Valley Town Council at a regular meeting held on the 1st day of September, 2011, by the following vote:

<u>MEMBER</u>	<u>AYE</u>	<u>NO</u>
Mayor Richard Moser	YES	---
Councilperson Trevor Black	YES	---
Councilperson Evan Brown	YES	---
Councilperson Dale Kingsley	YES	---
Councilperson Kevin Sair	ABSENT	---

APPLE VALLEY TOWN


Richard Moser, Mayor

ATTEST:


Nathan Bronemann
Town Recorder

BOUNDARY DESCRIPTION

Beginning at the Northwest corner of Section 18, Township 42 South, Range 11 West, Salt Lake Base and Meridian and running thence Easterly along the North line of Section 18 and Section 17 to the Northeast corner of said Section 17; thence Southerly along the East line of said 17 to the Northwest corner of Section 21; Thence Easterly along the North line of said Section 21 and Section 22 to the Northeast corner of said Section 22; Thence Southerly along the East line of Sections 22, 27 and 34 to the Northeast corner of Section 3, Township 43 South, Range 11 West, Salt Lake Base and Meridian; Thence Southerly along the East line of said Section 3 to the Northwest corner of Section 11; Thence Easterly along the North line of said Section 11 and Section 12 to the Northeast corner of said Section 12; Thence Southerly along the East line of said Section 12 to the Northwest corner of Section 18, Township 43 South, Range 10 West, Salt Lake Base and Meridian; Thence Easterly along the North line of said Section 18 to the Northeast corner of said Section 18; Thence Southerly along the East line of said Section 18 and Section 19 to the Southeast corner of said Section 19; Thence Westerly along the South line of said Section 19 to the Southeast corner of Section 24, Township 43 South, Range 11 West, Salt Lake Base and Meridian; Thence Westerly along the South line of Sections 24, 23, 22, 21 and 20 to the Southwest corner of said Section 20; Thence Northerly along the West line of Sections 20, 17, 8 and 5 to the Southeast corner of Section 31, Township 42 South, Range 11 West, Salt Lake Base and Meridian; Thence South 89°51'17" West, along the South line of said Section 31, a distance of 2,642.59 feet; Thence South 89°52'29" West, along said South line a distance of 2,640.00 feet, to the Southeast corner of Sectional Lot 10; Thence North 00°13'22" West, along said Sectional Lot a distance of 1,315.50 feet, to the Southwest corner of Sectional Lot 8; Thence North 89°48'42" East, along said Lot a distance of 1,320.00 feet; Thence North 00°13'22" West, a distance of 1316.95 feet, to the Southeast corner of Sectional Lot 5; Thence North 00°13'22" West, along said Lot a distance of 2642.99 feet, to a point on the North line of said Section 31; Thence South 89°44'31" West, along the North line of said Section 31, a distance of 2,100.92 feet, to the Southwest corner of Section 30; Thence North 00°05'21" West, along the West line of said Section 30, a distance of 2,651.79 feet, to the West ¼ corner of said Section 30; Thence North 00°10'22" West, along said West line, a distance of 1,461.75 feet; Thence North 47°24'33" West, a distance of 1,742.36 feet; Thence South 89°57'59" West, a distance of 1,360.03 feet, to the South ¼ Corner of Section 24 Township 42 South, Range 12 West, Salt Lake Base and Meridian; Thence South 89°52'13" West, along the South line of said Section 24, a distance of 2,643.58 feet, to the Southwest corner of said Section 24; Thence South 89°53'47" West, along the South line of Section 23, a distance of 1,318.89 feet, to a point on a parcel more particularly described in Instrument #499285, filed and on record at the Washington County Recorders Office, said point also being on the East 1/16th line of Section 26; Thence along said parcel the following three (3) courses South 00°01'41" East, along said 1/16th line, a distance of 1,321.07 feet, to a point on the North 1/16th line of said Section 26; Thence South 89°55'07" West, along said 1/16th line, a distance of 1,318.01 feet; Thence South 89°55'27" West, along said 1/16th line, a distance of 1,319.14 feet, to the Northeast corner of a parcel more particularly described in Instrument #423108 in said Washington County Recorders Office, said point being on the West 1/16th line of said Section 26; Thence along said parcel the following two (2) courses South 00°04'51" East, along said 1/16th line, a distance of 1,320.13 feet, to a point on the Center Section line; Thence South 89°56'29" West, along said Center Section line, a distance of 1,318.80 feet, to the East ¼ corner of Section 27; Thence South 89°54'58" West, along said Center Section line, a distance of 2,642.24 feet, to the Center Section line of said Section 27; Thence South 00°03'39" East, along the Center Section line, a distance of 2,637.96 feet, to the South ¼ corner of said Section 27; Thence South 89°53'25" West, along the South Section line, a distance of 2,638.36 feet, to the Southwest corner of said Section 27; Thence West, along the South line of Section 28, a distance of 2,640.51 feet, to the South ¼ corner of said Section 28; Thence South 89°50'50" West, along the South Section line, a distance of 2,635.69 feet, to the Southwest corner of said Section 28; Thence along the West line of said section 28, the following two (2) courses North 00°07'18" West, a distance of 2,638.66 feet, to the West ¼ corner of said Section 28; Thence North 00°07'15" West, a distance of 2,640.42 feet, to the Southwest corner of Section 21; Thence along the West line of said Section 21 the following two (2) courses North 00°05'43" West,

a distance of 2,638.43 feet, to the West ¼ corner of said Section 21; Thence North 00°06'22" West, a distance of 2,639.01 feet, to the Northwest corner of said Section 21; Thence North 00°06'22" West, along the West line of Section 16, a distance of 631.70 feet, to a point on the Southerly right-of-way line of SR-59; Thence South 73°32'44" East, along said right-of-way line, a distance of 5,512.18 feet, to the East line of said Section 21; Thence South 00°02'25" East, along said East line, a portion of which is also along a parcel more particularly described in Instrument #838345 in said Washington County Recorders Office, a distance of 1,705.68 feet, to the East ¼ Corner of said Section 21; Thence along said parcel the following twenty nine (29) courses North 89°53'29" East, along the Center Section line a distance of 1,319.79 feet, to a point on the West 1/16th line; Thence South 00°03'53" East, along said 1/16th line, a distance of 2,636.52 feet, to a point on the North line of said Section 27; Thence South 00°04'17" East, along the West 1/16th line a distance of 1,319.53 feet, to a point on the North 1/16th line of said Section 27; Thence North 89°55'00" East, along said 1/16th line a distance of 184.32 feet; Thence North 33°44'12" East, a distance of 248.06 feet, to the beginning of a curve to the right having a radius of 400.00 feet and a central angle of 27°10'52", thence northeasterly along the arc of said curve a distance of 189.71 feet to the beginning of a reverse curve to the left having a radius of 150.00 feet and a central angle of 31°14'03", thence northeasterly along the arc of said curve, a distance of 81.77 feet, to the beginning of a reverse curve to the right having a radius of 350.00 feet and a central angle of 47°09'47", thence northeasterly along the arc of said curve, a distance of 288.10 feet, to the beginning of a reverse curve to the left having a radius of 800.00 feet and a central angle of 13°04'57", thence easterly along the arc of said curve, a distance of 182.67 feet to the beginning of a reverse curve to the right having a radius of 500.00 feet and a central angle of 23°10'41", thence easterly along the arc of said curve, a distance of 202.27 feet to the beginning of a reverse curve to the left having a radius of 90.00 feet and a central angle of 56°24'18", thence northeasterly along the arc of said curve, a distance of 88.60 feet; Thence North 30°32'12" East, a distance of 165.67 feet; Thence South 79°09'39" East, a distance of 55.00 feet, to a point on the Center Section line of said Section 27; Thence North 00°03'39" West, along said Center Section line a distance of 309.44 feet; Thence North 89°54'23" East, a distance of 1,317.67 feet; Thence North 00°04'41" West, a distance of 165.00 feet; Thence North 00°05'03" West, a distance of 1,318.70 feet, to a point on the South 1/16th line of section 22; Thence North 89°53'56" East, along said 1/16th line, a distance of 202.70 feet, to a point on the East 1/16th line of said Section 22; Thence North 00°05'03" West, along said 1/16th line, a distance of 1,318.73 feet, to a point on the Center Section line of said Section 22; Thence North 89°53'29" East, along said Center Section line, a distance of 1,319.79 feet, to the West ¼ corner of Section 23, Township 42 South, Range 12 West; Thence North 89°51'31" East, along the Center Section line of said Section 23, a distance of 1,319.71 feet, to a point on the West 1/16th line of said Section 23; Thence South 00°05'26" East, along said 1/16th line, a distance of 2,177.10 feet; Thence North 72°04'06" East, a distance of 777.03 feet, to a point on the North right-of-way line of 0460 Washington County Road; Thence along said right-of-way line the following three (3) courses North 60°46'58" East, a distance of 150.69 feet to the beginning of a curve to the right having a radius of 1,000.00 feet and a central angle of 11°17'08", thence northeasterly along the arc of said curve a distance of 196.97 feet; Thence North 72°04'06" East, a distance of 1,521.72 feet, to a point on the South 1/16th line of said Section 23; Thence leaving said right-of-way North 89°52'39" East, along said 1/16th line, a distance of 1,450.46 feet, to a point on the East line of said Section 23; Thence along the East line of said Section 23 the following two (2) courses North 00°08'56" West, a distance of 1,320.87 feet, to the East ¼ corner of Section 23; Thence North 00°08'34" West, a distance of 2,638.10 feet, to the Southeast corner of Section 14; Thence along the East line of said Section 14 the following two (2) courses and leaving said parcel North 00°06'02" West, a distance of 2,645.85 feet, to the East ¼ corner of said Section 14; Thence North 00°08'45" West, a distance of 2,645.08 feet, to the Northwest corner of Section 13; Thence North 89°51'51" East, along the North line of said Section 13, a distance of 2,641.91 feet, to the North ¼ corner of said Section 13; Thence North 89°50'51" East, along said north line, a distance of 2,642.17 feet, to the Point of Beginning.

Said boundary is the Municipal boundary of Apple Valley Town.