

TOWN OF APPLE VALLEY, UTAH

RESOLUTION NO. 2019-01

A RESOLUTION MODIFYING, LIMITING, AND REVOKING THE DELEGATION OF AUTHORITY TO THE BIG PLAINS WATER AND SEWER SPECIAL SERVICES DISTRICT

WHEREAS, in 2011 the Town of Apple Valley ("Town") adopted Resolution No. 2011-25 thereby creating the Big Plains Water and Sewer Special Services District ("District") for the purpose of providing water and sewage services within the Town; and

WHEREAS, pursuant to Article XI, Section 7 of the Utah Constitution and the Special Service District Act (the "Act"), Utah Code § 17D-1-301(1), the Town governs the District but may delegate certain rights, powers, and authorities to the District's Administrative Control Board; and

WHEREAS, under Resolution 2011-25, the Town delegated to the District's Administrative Control Board the power to act as the governing authority of the District and to exercise the powers, duties, and responsibilities conferred upon such governing authority by the Act and as implemented by Resolution 2011-25; and

WHEREAS, the Act, Utah Code § 17D-1-301(4)(a), vests the Town with the right power, and authority to modify, limit, or revoke any right, power, or authority delegated to the Administrative Control Board; and

WHEREAS, the Town has determined that the District has not been operating efficiently and, among other things, has exhibited a lack of financial and budgetary discipline in its operations; and

WHEREAS, it is in the best interests of the Town and its citizens to have the District operate in an effective and efficient manner in providing essential services to the Town's citizens;

NOW, THEREFORE, BE IT HEREBY RESOLVED as follows:

1. Any and all powers, duties, and responsibilities delegated to the Administrative Control Board to govern the District are hereby revoked.
2. The District shall be governed by the Town Council. As governing authority, the Town Council shall have final authority in, among other things, approving the District's annual budget; rates, fees, charges, and taxes; infrastructure and development; personnel decisions, including hiring, termination, promotion, rates of pay, and the creation or dissolution of positions; financial transactions involving any expenditure or investment of District funds that

exceeds an amount established by the Town Council; loan transactions; adoption of rules and regulations, including policies and procedures governing the District; and involvement in litigation.

3. The Administrative Control Board will continue in place as presently constituted and shall have two functions: (a) to serve as an advisory board to the Town Council and (b) to manage the day-to-day operations of the District.

a. As an advisory board, the Administrative Control Board shall present and make recommendations and proposals to the Town Council concerning all aspects of the District's business, such as proposing budgets; rates, fees, charges, and taxes; infrastructure and development; personnel decisions; and the rules and regulations and policies and procedures governing the District.

b. Subject to the Town Council's governing authority, the Administrative Control Board's day-to-day authority over the operations of the District includes the authority and responsibility for billing, collection, maintenance, inspections, emergency response, and ensuring that service is provided to the District's customers.

4. The members of the Administrative Control Board shall be appointed and vacancies filled in the same manner as established in Section 7, Resolution 2011-25;

5. The matters set forth herein take effect immediately upon adoption of this Resolution.

6. The Town Clerk is authorized and instructed to record this Resolution in the Office of the Washington County Recorder covering the real property described in Exhibit A, which is the current service area for the District.

PASSED AND ADOPTED by the Apple Valley Town Council this 2nd day of January, 2019, by the following vote:

Mayor Martin Lisonbee
Councilperson Bass
Councilperson Edwardsen
Councilperson Kopp
Councilperson McLaughlin

Aye Nay
Aye Nay
Aye Nay
Aye Nay
Aye Nay

ATTEST:

Michelle Kinney
By: Michelle Kinney, Clerk

TOWN OF APPLE VALLEY

[Signature]
By: Martin Lisonbee, Mayor



Exhibit A

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 1,361.75 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 #499255, filed and on record at the Washington County Records 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 Records 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 2,638.56 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 Records 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°44'29" 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 189.73 feet to the beginning of a reverse curve to the left having a radius of 150.00 feet and a central angle of 31°14'05", 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 1,117.67 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°53'58" 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 156.69 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°08'43" 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.