

WHEN RECORDED, RETURN TO:

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ENT 25147:2024 PG 1 of 7
ANDREA ALLEN
UTAH COUNTY RECORDER
2024 Apr 18 02:58 PM FEE 40.00 BY AC
RECORDED FOR Snow Jensen & Reece
ELECTRONICALLY RECORDED

ARROWHEAD SPRINGS PUBLIC INFRASTRUCTURE DISTRICT

ARROWHEAD SPRINGS ASSESSMENT AREA

FIRST AMENDMENT TO ASSESSMENT ORDINANCE

DATED AS OF MARCH 29, 2024

AMENDING THE ASSESSMENT ORDINANCE
DATED AS OF AUGUST 29, 2023

FIRST AMENDMENT TO ASSESSMENT ORDINANCE

WHEREAS, the Board of Trustees (the “Board”) of the Arrowhead Springs Public Infrastructure District (the “District”), adopted Resolution No. 2023-05 on August 29, 2023 (the “Authorizing Resolution”), pursuant to which the Board authorized and approved the form of an Assessment Ordinance (the “Assessment Ordinance”) and the form of the related designation resolution (the “Designation Resolution”); and

WHEREAS, the District, pursuant to the Assessment Area Act, Title 11, Chapter 42, Utah Code Annotated 1953, as amended (the “Act”), and pursuant to the Authorizing Resolution and the Designation Resolution, designated the Arrowhead Springs Assessment Area (the “Assessment Area”); and

WHEREAS, the final Assessment Ordinance dated as of August 29, 2023, was signed by the Board and recorded with the Utah County Recorder; and

WHEREAS, the District now desires to change the timing of assessment payments (the “Assessments”) under the Assessment Ordinance from annually to semi-annually in order to conform to the final terms of the Assessment Bonds; and

WHEREAS, pursuant to, and in compliance with, the provisions of Section 15 of the Assessment Ordinance, the Board desires to adopt this First Amendment to Assessment Ordinance to effectuate the amendments described herein:

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE ARROWHEAD SPRINGS PUBLIC INFRASTRUCTURE DISTRICT:

Section 1. Amendment of Section 6(b) of the Assessment Ordinance. Section 6(b) of the Assessment Ordinance is hereby amended and restated to read as follows:

“(b) The District will collect the Assessments by directly billing each property owner rather than inclusion on a property tax notice. The bill for each Assessment payment shall be due December 1 and June 1 of each year (approximately 30 days after sending such bills, which shall be sent on or prior to November 1 and May 1 of each year, respectively, commencing November 1, 2025, due to estimated capitalized interest). However, failure to send any such bill by the scheduled date shall not impact the requirement of property owners to timely pay their Assessments on the due date thereof.”

Section 2. Owner Consent. The District hereby finds and determines that the changes made herein do not materially adversely affect the rights of the Owners under the Assessment Ordinance and that all Owners have consented to the execution of this First Amendment to Assessment Ordinance.

Section 3. All Necessary Action Approved. The officials of the District are hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this First Amendment to Assessment Ordinance, including the filing of a notice with the Utah County Recorder.

Section 4. Assessment Ordinance. Except as specifically amended by this First Amendment to Assessment Ordinance, the Assessment Ordinance shall remain in full force and effect without change. In the event of a challenge to this First Amendment to Assessment Ordinance, the Board may elect to collect the Assessments pursuant to the Assessment Ordinance.

Section 5. Repeal of Conflicting Provisions; Amendment. All ordinances or parts thereof in conflict with this First Amendment to Assessment Ordinance are hereby repealed. The Chair (or any assigned designee of the Chair) may make any alterations, changes or additions to this First Amendment to Assessment Ordinance which may be necessary to conform the same to the final terms of the Assessment Bonds, to correct errors or omissions herein, to complete the same, to remove ambiguities herefrom, or to conform the same to other provisions of this First Amendment to Assessment Ordinance or any resolution adopted by the Board or the provisions of the laws of the State of Utah or the United States, including technical changes to the description of the boundary of the Assessment Area, so long as those changes do not change the boundaries from those depicted on the maps attached to the Designation Resolution and do not materially adversely affect the rights of the Owners without the consent of such Owners affected.

Section 6. Posting of Ordinance. This First Amendment to Assessment Ordinance shall be signed by the Chair and Clerk/Secretary and shall be recorded in the ordinance book kept for that purpose. A copy of this First Amendment to Assessment Ordinance shall be posted in a public location within or near the District's boundaries that is reasonably likely to be seen by individuals who pass through or near the affected area for at least 21 days and a copy of this First Amendment to Assessment Ordinance shall also be posted on the Utah Public Notice Website (<http://pmn.utah.gov>) for at least 21 days. This First Amendment to Assessment Ordinance shall take effect immediately upon its passage and approval and posting as required by law.

Section 7. Defined Terms. Capitalized terms used herein but not otherwise defined shall have the meanings ascribed to such terms in the Assessment Ordinance.

PASSED AND APPROVED this March 29, 2024.



ARROWHEAD SPRINGS PUBLIC
INFRASTRUCTURE DISTRICT

By: 
Brian Bird, Chair

ATTEST:

By: 
Aftyn Morrison, Clerk/Secretary

(Here follows other business not pertinent to the above.)

Pursuant to motion duly made and seconded, the meeting of the Board of Trustees of the District, adjourned.



ARROWHEAD SPRINGS PUBLIC
INFRASTRUCTURE DISTRICT

By: 
Brian Bird, Chair

ATTEST:

By: 
Aftyn Morrison, Clerk/Secretary

Legal Description

The Assessment Area is more particularly described as follows:

That certain real property located in Utah County, State of Utah and described as follows:

A PARCEL OF LAND SITUATE IN THE SOUTHEAST QUARTER AND IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 8 SOUTH, RANGE 2 EAST, SALT LAKE BASE & MERIDIAN; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED 1558.94 FEET S 01°17'09" E ALONG THE SECTION LINE AND 78.48 FEET WEST FROM THE EAST QUARTER CORNER OF SAID SECTION 34, AND RUNNING THENCE S 00°31'41" E FOR A DISTANCE OF 1070.55 FEET, THENCE S 89°47'27" W FOR A DISTANCE OF 1395.50 FEET, THENCE N 00°46'35" E FOR A DISTANCE OF 167.98 FEET, THENCE N 33°38'49" W FOR A DISTANCE OF 122.55 FEET, THENCE N 26°18'32" W FOR A DISTANCE OF 49.30 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE, THENCE ALONG SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 30°18'14", HAVING A RADIUS OF 357.00 FEET, AND WHOSE LONG CHORD BEARS N 15°09'03" W FOR A DISTANCE OF 186.63 FEET, THENCE N 00°00'04" E FOR A DISTANCE OF 93.90 FEET TO THE BEGINNING OF A CURVE, THENCE ALONG SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 89°59'55", HAVING A RADIUS OF 16.00 FEET, AND WHOSE LONG CHORD BEARS N 44°59'53" W FOR A DISTANCE OF 22.63 FEET, THENCE N 89°59'51" W FOR A DISTANCE OF 827.29 FEET TO THE BEGINNING OF A CURVE, THENCE ALONG SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 14°21'45", HAVING A RADIUS OF 808.00 FEET, AND WHOSE LONG CHORD BEARS S 82°49'17" W FOR A DISTANCE OF 202.01 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENTIAL LINE, THENCE S 75°27'25" W FOR A DISTANCE OF 5.17 FEET, THENCE , S 73°26'51" W FOR A DISTANCE OF 111.37 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE, THENCE ALONG SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 16°31'38", HAVING A RADIUS OF 344.39 FEET, AND WHOSE LONG CHORD BEARS S 81°29'17" W FOR A DISTANCE OF 99.00 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENTIAL LINE, THENCE S 89°40'01" W FOR A DISTANCE OF 71.64 FEET, THENCE N 00°23'54" W FOR A DISTANCE OF 2062.14 FEET, THENCE N 89°41'45" E FOR A DISTANCE OF 841.10 FEET, THENCE N 00°06'15" W FOR A DISTANCE OF 25.68 FEET, THENCE N 89°36'44" E FOR A DISTANCE OF 534.36 FEET, THENCE S 00°00'04" W FOR A DISTANCE OF 1859.55 FEET, THENCE S 89°59'49" E FOR A DISTANCE OF 231.84 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE, THENCE ALONG SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 34°46'14", HAVING A RADIUS OF 47.67 FEET, AND WHOSE LONG CHORD BEARS N 73°01'07" E FOR A DISTANCE OF 28.49 FEET, THENCE N 55°58'37" E FOR A DISTANCE OF 901.08 FEET, THENCE N 55°55'50" E FOR A DISTANCE OF 240.97 FEET, THENCE S 34°13'36" E A DISTANCE OF 348.06 FEET, THENCE S 58°45'39" E FOR A DISTANCE OF 98.92 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 99.18 ACRES (4,320,224 SQ. FT.).

NOTE: BASIS OF BEARING IS S 01°17'09" E ALONG THE SECTION LINE IN BETWEEN THE EAST QUARTER CORNER AND THE SOUTHEAST CORNER OF SAID SECTION 34.

LESS & ACCEPTING ANY OF THAT CERTAIN PORTION OF ARROWHEAD TRAIL RIGHT OF WAY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED 1521.61 FEET SOUTH 01°17'09" E ALONG THE SECTION LINE AND 78.21 FEET WEST FROM THE EAST QUARTER CORNER OF SECTION 34, TOWNSHIP 8 SOUTH, RANGE 2 EAST, SALT LAKE BASE & MERIDIAN; AND RUNNING THENCE S 00°38'23" E FOR A DISTANCE OF 34.27 FEET, THENCE S 55°42'33" W FOR A DISTANCE OF 172.12 FEET, THENCE S 55°45'50" W FOR A DISTANCE OF 1439.08 FEET, THENCE S 55°58'27" W FOR A DISTANCE OF 189.25 FEET, THENCE N 23°17'10" W A DISTANCE OF 24.77 FEET, THENCE N 34°08'07" W FOR A DISTANCE OF 65.66 FEET, THENCE N 55°58'27" E FOR A DISTANCE OF 184.60 FEET, THENCE N 55°45'50" E FOR A DISTANCE OF 1438.83 FEET, THENCE N 55°42'33" E FOR A DISTANCE OF 191.01 FEET, THENCE S 34°22'51" E FOR A DISTANCE OF 61.47 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.74 ACRES (163,102 SQ. FT.)