

**GRAND COUNTY, UTAH
RESOLUTION NO.3330(2022)**

**CERTIFYING THE PETITION TO CREATE AN IMPROVEMENT DISTRICT,
CREATING THE KANE SPRINGS IMPROVEMENT DISTRICT, AND
APPOINTING THE COUNTY LEGISLATIVE BODY AS THE BOARD OF
TRUSTEES**

WHEREAS, Utah law, at Title 17B, Chapter 1 (Provisions Applicable to All Local Districts) and the Utah Improvement District Act, codified at Utah Code §§ 17B-2a-401 *et seq.*, allows property owners to create a local district to finance the construction, maintenance and operation of improvements, including sewer, water, and stormwater drainage systems and rights-of-way, required to serve development where the county refuses or otherwise fails to provide such services;

WHEREAS, Utah Code § 17B-2a-404(3)(a)(i) provides that the legislative body of a county whose unincorporated area is partly or completely within a county district¹ may elect, at the time of the creation of the district, to be the board of trustees of the district even though a member of the legislative body of the county may not meet the requirements of Section 17B-1-302(1);

WHEREAS, Utah Code § 17B-2a-905(1)(a)(i)(A) provides that the board of trustees of a service area located entirely within the unincorporated area of a single county may, as stated in the resolution that initiated the process of creating the service area, consist of the county legislative body;

WHEREAS, Utah Code § 17B-1-209(2)(a), requires the Grand County Clerk certify whether the petition complies with the requirements of Subsection 17B-1-203 no later than 35 days after the day on which a petition is filed;

WHEREAS, on May 6, 2022, Kane Creek Preservation and Development, LLC submitted its Request to Grand County for Sanitary Sewer Service;

WHEREAS, on June 21, 2022, after public hearing, the Grand County Commission (“County Commission”) declined to provide service proposed to be provided by Kane Springs Improvement District (“Proposed District”);

WHEREAS, on June 23, 2022, Kane Creek Preservation and Development, LLC and Kane Springs, LLC (together, the “Applicants”) submitted their Petition to Create Kane Springs Improvement District (“Petition”), including signatures from owners of 100% of the land area

¹ Utah Code § 17B-2a-404(1)(a) defines “county district” as “an improvement district that does not include within its boundaries any territory of a municipality.”

and value within the proposed boundaries of the Proposed District, which Petition was supplemented upon request by Grand County with proof of signatory authority pursuant to Utah Code § 17B-1-203(1)(a) and 209(3)(a)(ii)(B) on August 9, 2022;

WHEREAS, no election is required for creation of the Kane Springs Improvement District pursuant to Utah Code § 17B-1-214;

WHEREAS, once created, the Kane Springs Improvement District will be a separate legal entity that Grand County is not financially obligated to support; and

WHEREAS, the County Commission has considered the petition and supporting documents in a public meeting on September 6, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Grand County Commission, as follows:

1. The Grand County Clerk hereby certifies that the Petition to Create Kane Springs Improvement District, dated June 23, 2022, as supplemented on August 9, 2022, complies with the requirements of Utah Code § 17B-1-203(1)(a);
2. The “Kane Springs Improvement District” is hereby created and so named;
3. The Kane Springs Improvement District’s initial service area is depicted and described in **Exhibit A**;
4. In compliance with local and state law, the Kane Springs Improvement District shall provide sanitary sewer collection and treatment service and may provide culinary water service and construction and maintenance of rights of way within its service area;
5. The Kane Springs Improvement District (hereinafter the “District”) shall be governed by the legislative body of Grand County;
6. The District’s status, powers, and duties are as follows:
 - a. The District is a political subdivision of the state, separate and distinct from Grand County.
 - b. The District shall have all power and authority allowed by Title 17B, Chapter 1 (Provisions Applicable to All Local Districts) and the Utah Improvement District Act.
 - c. The District alone shall be responsible for all of the services undertaken by the District, without any recourse to Grand County or other local government entities.
 - d. Notwithstanding the foregoing, the District, acting in its sole discretion, may at times cooperate with other local government entities and enter into contracts to carry out district functions as allowed by Utah Code § 17B-1-103(2) and to perform projects through Interlocal Agreements pursuant to Utah Code § 11-13-101 *et seq.*

- e. If the District uses an officer, employee, property, equipment, office, or facility of Grand County, the District shall reimburse Grand County a reasonable amount for such use subject to Utah Code § 17B-1-103(2) and (3).
 - f. The District shall avoid any action that could jeopardize the perceived independence of the District from the County or other local government entities.
1. The Grand County Surveyor is hereby directed to review the final local entity plat included in **Exhibit A**, pursuant to Utah Code § 17-23-20 and determine whether it complies with final local entity plat requirements set forth therein; and
 7. The Grand County Clerk is hereby directed to submit a notice of impending boundary action, as defined in Utah Code § 67-1a-6.5, to the Lt. Governor no later than ten days following adoption of this Resolution, including the approved final local entity plat.

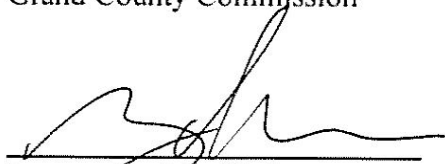
ADOPTED by the Grand County Commission in open session of a public meeting this 6th day of September 2022 by the following vote:

Those voting aye: Kovash, Hadler, Hedin, McGann, Stock

Those voting nay:


Those absent: Clapper

Grand County Commission



Jacques Hadler, Chair

ATTEST:



Gabriel Woytek, Clerk/Auditor

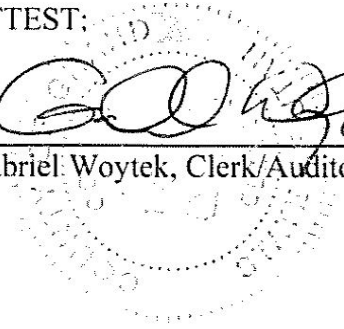
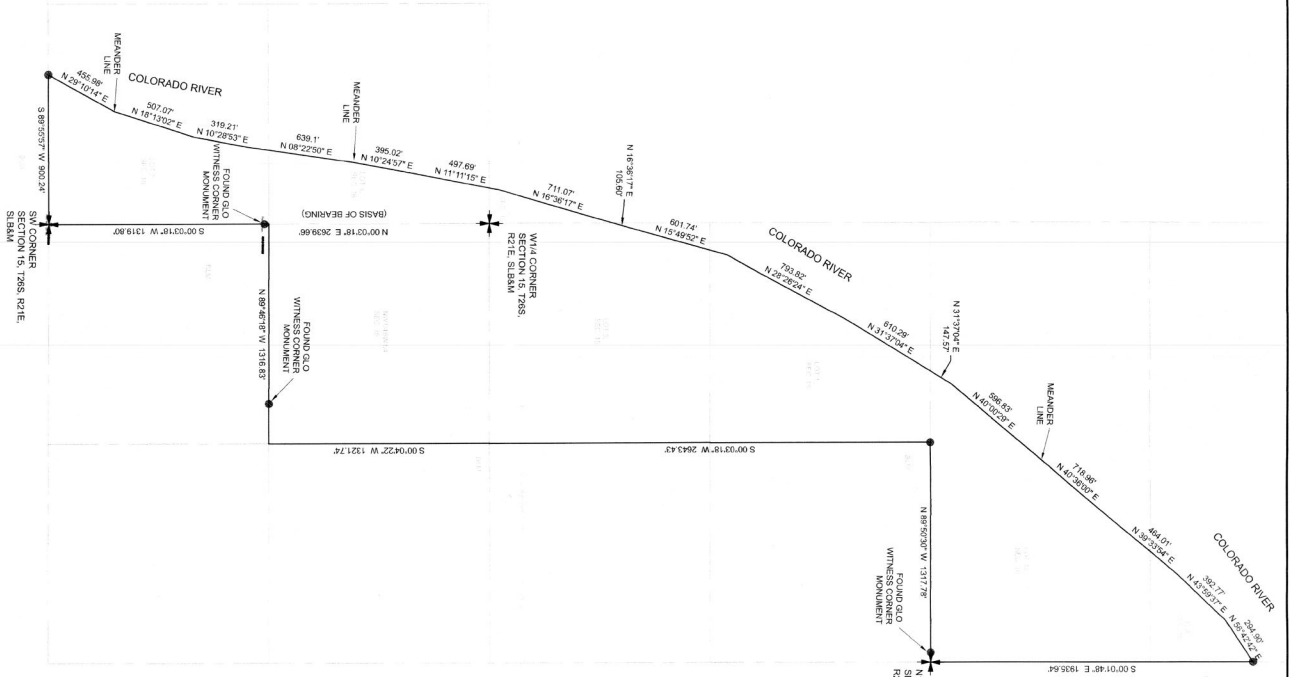


Exhibit A

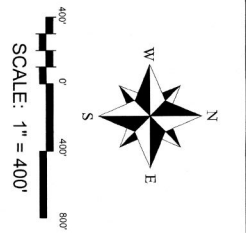
*Proposed Local Entity Plat including:
Legal Description and Depiction of Proposed Service Area*

Street
4532
171

SECTION:
15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000



FINAL LOCAL ENTRY PLAT
KANE SPRINGS IMPROVEMENT DISTRICT
GRAND COUNTY, UTAH
LOCATED IN SECTIONS 10, 15, & 16, T28S, R21E, S18&M



SURVEYOR'S CERTIFICATION

I, Lucas Blake, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 7540504, State of Utah, and that I am duly qualified to perform the duties of a Professional Engineer and Surveyor. I further certify that, by authority of the owners, I have completed a survey of the property described herein, and that the same is true and correct in accordance with Section 17-23-20, have verified all measurements and monumented corners on plat.

Lucas Blake
Professional Land Surveyor
No. 7540504
STATE OF UTAH
LICENSED PROFESSIONAL SURVEYOR
DATE: 9/22/22

BOUNDARY LEGAL DESCRIPTION

Beginning at the Southeast corner of Section 16, Township 26 South, Range 21 East, Lake Base and Meridian, and running thence South 89°55'57" West 902.24 feet, more or less, along the South Section line to the easterly Meander Line of the Colorado River; thence, more or less, along the Meander Line of the Colorado the following several courses: thence North 29°10'14" East 455.98 feet; thence North 18°31'02" East 529.31 feet; thence North 11°51'52" East 384.00 feet; thence North 11°11'57" East 489.69 feet; thence North 16°36'17" East 211.07 feet; thence North 16°36'17" East 105.60 feet; thence North 15°49'52" East 601.74 feet; thence North 28°26'24" East 793.82 feet; thence North 31°37'04" East 610.29 feet; thence North 31°37'04" East 147.57 feet; thence North 40°00'29" East 596.83 feet; thence North 40°36'00" East 718.96 feet; thence North 39°35'54" East 464.01 feet; thence North 43°59'37" East 392.77 feet; thence North 58°42'42" East 294.90 feet to a point on the center section line of S 20, T28S, R21E, S18&M; thence with said line South 00°01'38" West 1317.78 feet to the Northwest corner of the NE 1/4 NW 1/4 of section 15, T28S, R21E, S18&M; thence 00°03'18" West 2643.43 feet to the Northeast corner of the NW 1/4 NW 1/4 of said NW 1/4 NW 1/4 of said Section 15; thence North 89°46'18" West 1316.83 feet to the Southwest corner of the NW 1/4 NW 1/4 of said section 15; thence South 00°03'18" West 1319.80 feet to the point of beginning, having an area of 178.37 acres, more or less.

LOCATED WITHIN
SECTIONS 10, 15, & 16, T28S, R21E, S18&M

SURVEYOR NOTES

THE BASIS OF BEARING IS NORTH 00°03'18" EAST BETWEEN THE SOUTHWEST CORNER OF THE WEST QUARTER CORNER OF SECTION 15, TOWNSHIP 26 SOUTH, RANGE 21 EAST, LAKE BASE AND MERIDIAN.
THE INTENT OF THE SURVEY IS CREATE A BOUNDARY OF THE KANE SPRINGS IMPROVEMENT DISTRICT.
REFERENCED AND LOCATED MONUMENTS OF BLM SURVEY PLAT DATED FEBRUARY 2012.

COUNTY RECORDER
STATE OF UTAH, GRAND COUNTY, RECORDED AT THE REQUEST OF

DATE _____ BOOK _____ PAGE _____ FEE _____

COUNTY RECORDER

COUNTY SURVEYOR CERTIFICATE OF APPROVAL

APPROVED BY THE GRAND COUNTY SURVEYOR THIS
27 DAY OF September 20 22.

GRAND COUNTY SURVEYOR



APPROVAL AND ACCEPTANCE BY GRAND COUNTY COMMISSION

ON THIS 27 DAY OF September 20 22

GRAND COUNTY CLERK

COMMISSION CLERK