

RESOLUTION NO. 2008-22

A RESOLUTION TO ESTABLISH THE NORTH SUMMIT RECREATION SPECIAL SERVICE DISTRICT, DESCRIBED IN THE NOTICE OF INTENTION CONCERNING THE DISTRICT AND TO AUTHORIZE CONSTRUCTION OF IMPROVEMENTS AS SET FORTH IN THE NOTICE OF INTENTION TO CREATE THE DISTRICT

WHEREAS, Summit County, Utah (the "County") is empowered by the provisions of Article XI, Section 8 of the Utah Constitution, and Utah Code Annotated, §17D-1-101 et. seq. (the "Utah Special Service District Act"), 1953, amended, to establish special service districts within the boundaries of the County for the purpose of providing within the area of the service district certain services, including recreation, provided through facilities or systems acquired for that purpose by way of construction, purchase, gift or condemnation or any combination of the same; and,

WHEREAS, the Board of County Commissioners (hereinafter referred to as the "BCC") desires, upon its own motion, to establish a special service district within the county to be known as the North Summit Recreation Special Service District (hereinafter referred to as the "District") to provide recreational services to the citizens of the North Summit area within Eastern Summit County and to acquire all facilities or systems necessary with respect thereto; and,

WHEREAS, the boundaries of the area to be included in the district are as set forth in Exhibit 1 attached hereto; and

WHEREAS, there are no special service districts or improvement districts presently existing, the boundaries of which lie, either wholly or partially within the boundaries of the proposed special service district providing the same services proposed to be supplied by the special service district; and,

WHEREAS, said proposed Special Service District shall include the City of Coalville and the Town of Henefer, the governing bodies of which have formally approved the inclusion of their cities and towns within the boundaries of the District, as required pursuant to UCA §17D-01-202. Said formal approvals are attached hereto as Exhibit 2.

WHEREAS, Resolution No. 2008-10 of the BCC initiating proceedings for the creation and establishment of a special service district within Summit County was adopted on April 9, 2008 (the "Resolution Initiating Proceedings"); and

WHEREAS, at the time the BCC enacted Resolution No. 2008-10, Utah law with regard to special service districts was governed by UCA §17A-2-1301 et. seq., however, on May 5, 2008, the Utah Legislature repealed and amended that portion of the Utah Special Service Districts Act and it is now governed by UCA §17D-1-101 et. seq.; and

WHEREAS, the BCC has complied with both the old law governing special service districts, §17A-2-1301 et. seq. and the new law governing special service districts §17D-1-101 et. seq.;

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ALAN SPRIGGS, SUMMIT COUNTY RECORDER

FEE 0.00 BY SUMMIT COUNTY CLERK



and

WHEREAS, per the Resolution Initiating Proceedings, pursuant to UCA §17D-1-203, §17D-1-204, and §17D-1-205, the Summit County Clerk gave notice of the intention of the County to establish the proposed District. Said notice was published in the Summit County News, a newspaper published in and having general circulation in Summit County, Utah on the following dates: April 18, April 25, May 2, and May 9, 2008; and

WHEREAS, pursuant to the Resolution Initiating Proceedings, on May 14, 2008, at 2:00 p.m. in Commissioner Chambers of the Summit County Courthouse, 60 North Main Street in Coalville, Utah, a public hearing was duly held on the establishment of the proposed District at which time interested persons had the opportunity to protest the establishment of the special service district. The BCC heard and considered all interested persons desiring to be heard and full consideration was given by the BCC to any written protests filed; and

WHEREAS, no oral protests to establishment of the District were made at the public hearing, nor were written protests made prior to the public hearing or within fifteen days thereafter; and

WHEREAS, the BCC of Summit County, Utah, has examined and fully considered the matter;

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Summit County, Utah, as follows:

Section 1: The definitions set forth in UCA §17D-1-101 et. seq., 1953, amended, shall have the same meaning when used in this Resolution unless the content hereof clearly indicates a contrary meaning.

Section 2. The BCC has heretofore considered each and every protest filed and has heard each and every person who wished to be heard in protest against the creation of the District or the construction of any of the improvements therein or on any other matter pertinent to the District. No written protest were filed with regard to the proposed District.

Section 3: The BCC, after consideration of all protests filed, written or oral, hereby finds and determines that, 0%, or less than 33% of the registered voters within the boundaries of the

District or property owners of 0%, or less than 33% of the taxable value of the taxable property included within the proposed district filed protests opposing creation of the District.

Section 4: There are no special service districts established under Article XI, Section 8 of the Utah Constitution and the Utah Special Service District Act, presently existing, the boundaries of which lie, either wholly or partially, within the boundaries of the District providing the same services proposed to be supplied by the District.

Section 5: The BCC hereby finds and determines that no part of the territory included within the District is included within the area of any other special service district established pursuant to Article XI, Section 8 of the Utah Constitution and the Utah Special Service District Act by Summit County providing the same services proposed to be supplied by the District. There are two municipalities within the boundaries of the proposed district, Henefer Town and Coalville City. The governing bodies of both municipalities approved a certified copy of the Resolution 2008-10, Resolution Initiating Proceedings. Said resolutions approved by those governing bodies are attached hereto as Exhibit 2. Upon passage of this Resolution, the BCC or its future governing authority shall have complete jurisdiction of the entire District and its creation and operation.

Section 6: The BCC, by this Resolution, hereby establishes the North Summit Recreation Special Service District. The improvements proposed and described in the Resolution Initiating Proceedings are hereby authorized and the District is hereby created within the boundaries set forth more specifically in Exhibit 1.

Section 7: The provisions of the governing Ordinance to be adopted hereafter shall govern the procedures for the management of the North Summit Recreation Special Service District unless otherwise provided by law.

Section 8: The officers and employees of Summit County are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 9: The County Clerk is hereby authorized and directed to file a copy of the Resolution Initiating Proceedings and this Resolution creating the District as finally approved in the Summit County Recorder's Office within five days from the date hereof.

Section 10: Within thirty (30) days after the BCC adopts this Resolution approving the establishment of the North Summit Recreation Service District, the BCC shall file a notice with the lieutenant governor of the State of Utah, which will include a) a copy of this Resolution b) a map showing the boundaries of the District, prepared and certified by a licensed surveyor and filed with the County surveyor in accordance with UCA § 17-23-17 and c) a certification by the BCC that all requirements for the establishment of this District have been complied with.

Section 11: If any one or more sections, sentences, clauses or parts of this Resolution shall for any reason be held invalid or unenforceable, the invalidity or unenforceability thereof shall not affect, impair or invalidate the remaining provisions of this Resolution, but shall be confined in its operation to the specific sections, sentences, clauses or parts hereof held unenforceable or

invalid. The unenforceability or invalidity of any section, sentence, clause or part of this Resolution in any one or more instances shall not affect or prejudice in any way the enforceability or validity of this Resolution in any other instance.

Section 12: All resolutions and regulations of the County which may be inconsistent or in conflict with this Resolution are amended to conform to the provisions of this Resolution to the extent only of such conflict or inconsistency. This repealer shall not be construed to revive any resolution or regulation, or part thereof, heretofore repealed.

Section 13. This Resolution shall take effect immediately upon its passage.

GIVEN by order of the legislative body of Summit County, this 16 day of July, 2008.

K. E. Woolstenhulme
Chairperson

ATTEST:

[Signature]
County Clerk



Exhibit 1

The SSD shall have boundaries coterminous with the North Summit School District, which boundaries are described as follows:

North Summit School District Boundary

All of Section 1 and the North 1/2 of the North 1/2 of Section 2, T 5 N, R 7 E, SLBM.

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Also a strip of land included within the following described boundary; beginning at the point where the Rich-Summit County line is intersected by the section line common to Sections 19 and 30, T 6 N, R 8 E, SLBM.; thence East to the SE corner of said Sec. 19; thence South two miles m/l to the SW corner of Section 32, T 6 N, R 8 E, SLBM; thence East one mile m/l to the SE corner of said Sec. 32; thence South along the section line three miles m/l to the SE corner of Section 17, T 5 N, R 8 E, SLBM.; thence East to the boundary line between Utah-Wyoming; thence North along said boundary three and one quarter miles m/l; thence West one and one quarter miles m/l to the NE corner of the SW 1/4 of the SW 1/4 of Section 32, T 6 N, R 8 E, SLBM; thence North two miles m/l to the NE corner of the SW 1/4 of the S-W 1/4 of Sec. 20, T 6 N, R 8 E, SLBM; thence West one half mile m/l to the Rich-Summit County line; thence Southerly along said line to the point of beginning.

Also that part of Summit County lying North and West of the following described boundary;

Beginning at a point where the West section line of Section 10, T 5 N, R 7 E SLBM, intersects the Rich Summit County line and running thence South to the SW corner of said Sec. 10; thence East to the quarter section corner common to Sections 11 and 14, T 5 N, R 7 E, SLBM; thence South three miles m/l to the quarter section corner common to Sections 26 and 35, T 5 N, R 7 E, SLBM; thence West one half mile m/l to the SW corner of Section 26, T 5 N, R 7 E, SLBM; thence South along section lines thirteen miles m/l to the SW corner of Sec. 35, T 3 N, R 7 E, SLBM; thence East one mile to the SE corner of said Sec. 35; thence South one mile m/l to the SE corner of Section 2, T 2 N, R 7 E, SLBM; thence West along section lines six miles m/l to the SW corner of Sec. 1, T 2 N, R 5 E, SLBM, thence South two miles m/l along section lines to the Section corner common to Sections 13, 14, 23 and 24, T 2 N, R 6 E, SLBM; thence West along section line five miles m/l to the SW corner of Sec. 18, T 2 N, R 6 E, SLBM, thence South along section lines eight miles m/l to the NE corner of Sec. 36, T 1 N, R 5 E, SLBM; thence West one mile m/l to the NW corner of Said Sec. 36; thence south along section lines two miles m/l to the SE corner of Sec. 2, T 1 S, R 5 E, SLBM; thence West along the section lines two miles m/l to the NE corner of Sec. 9, T 1 S, R 5 E, SLBM; thence South one mile m/l to the SE corner of said Sec. 9; thence West along section lines four miles m/l to the SE corner of Sec. 11, T 1 S, R 4 E, SLBM; thence North one mile m/l to the NE corner of said Sec. 11; thence West one mile m/l to the NW corner of said Sec. 11; thence North one mile m/l to the NW corner of Sec. 2, T 1 S, R 4 E, SLBM; thence West one mile m/l to the SW corner of Sec. 34, T 1 N, R 4 E, SLBM; thence North one mile to the NW corner of said Sec. 34; thence West one mile m/l to the SW corner of Sec. 28, T 1 S, R 4 E, SLBM; thence North one mile m/l to the NW corner of said Sec. 28; thence West along the South Section line of Sec. 20, T 1 N, R 4 E, SLBM, to a point where said section line intersects the Summit-Morgan County line.

Excepting therefrom the Red Hawk Subdivision Phase II, according to the official plat on file in the Summit County Recorders Office.