

**RESOLUTION 2006-01**

**A RESOLUTION ANNEXING ADDITIONAL AREA TO THE TOOELE COUNTY RECREATION SPECIAL SERVICE DISTRICT; DEFINING THE BOUNDARIES OF SAID SPECIAL SERVICE DISTRICT AND THE SERVICES TO BE PROVIDED THEREIN**

**WHEREAS**, the Board of County Commissioners of Tooele County, Utah, believes that the public health, convenience, and necessity require the annexation of additional area to the Tooele County Recreation Special Service District heretofore created on November 28, 1989 pursuant to the provisions of the Utah Special Service District Act, Section 17A-2-1301 et seq., Utah Code Annotated, 1953, as amended, and Article XIV, Section 8 of the Constitution of Utah, to provide recreation services; and

**WHEREAS**, all property included within the amended boundaries of the Tooele County Recreation Special Service District will be benefitted by the annexation to the district; and

**WHEREAS**, the area proposed for annexation to the Tooele County Recreation Special Service District includes all of Tooele City, Grantsville City, Wendover City, and the towns of Ophir, Rush Valley, Stockton, and Vernon; and

**WHEREAS**, pursuant to Utah Code 17A-2-1306, because the proposed annexation includes cities and towns, a certified copy of the initial resolution was presented to the governing authority of each city and town, and each approved the same.

**NOW, THEREFORE**, Be It Resolved by the Board of County Commissioners of Tooele County, Utah, as follows:

**Section 1.** The public health, convenience, and necessity require the annexation of all cities and towns in the county to the Tooele County Recreation Special Service District (the "District"), pursuant to the provisions of the Utah Special Service District Act, 17A-2-1301 et seq., Utah Code Annotated, 1953, as amended, and Article XIV, Section 8 of the Constitution of Utah.

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**Section 2.** The boundaries of the District as amended shall be as set forth in the Notice of Intention in Section 6 hereof and the attached Exhibit "A."

**Section 3.** The District was created for the purpose of furnishing recreation services and facilities within the area included within its boundaries, through facilities or systems acquired or constructed for that purpose through construction, purchase, lease, gift, condemnation, or any combination thereof.

**Section 4.** The District heretofore created is and shall continue to be known as the "Tooele County Recreation Special Service District."

**Section 5.** Pursuant to Utah Code 17A-2-1308, the Notice of Intention to annex additional area to the District was published at least once a week during three (3) consecutive weeks, the first publication to be not less than twenty-one (21) days nor more than thirty-five (35) days before the hearing, in the Tooele Transcript-Bulletin, a newspaper having general circulation in Tooele County. The dates of publication were November 29, December 6, and December 13, 2005. The Notice of Intention was also posted or published in each municipality in the county.

**Section 6.** The Notice of Intention was in substantially the following form:

**NOTICE OF INTENTION TO ANNEX ADDITIONAL AREA TO  
THE TOOELE COUNTY SPECIAL SERVICE DISTRICT**

**NOTICE IS HEREBY GIVEN THAT** on November 22, 2005, the Board of County Commissioners of Tooele County, Utah, adopted a resolution declaring that the public health, convenience, and necessity require the annexation of additional area, which includes Tooele City, Grantsville City, Wendover City, and the towns of Ophir, Rush Valley, Stockton, and Vernon to the Tooele County Recreation Special Service District (the "District") for the purpose of furnishing recreation services and facilities within the area included within its boundaries. The County Commission by Resolution has provided for a public hearing on the annexation of additional area to the District to be held at Room 310, Tooele County Courthouse, 47 South Main Street, Tooele, Utah, at 3:00 p.m. on December 20, 2005.

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## **DESCRIPTION OF THE DISTRICT AFTER ANNEXATION**

Following the annexation, the District shall have the boundaries as described in Exhibit A, which is the entire county except for the Stansbury Recreation Service Area. For ease of reference, a map showing the boundaries is also attached as Exhibit A.

## **SERVICES**

The District will be authorized to furnish recreation services and facilities within the area included within its boundaries.

## **METHOD OF FINANCING**

Pursuant to the provisions of the Utah Special Service District Act, 17A-2-1301 et seq., Utah Code Annotated, 1953, as amended, and Article XIV, Section 8 of the Constitution of Utah, the District may annually impose fees and charges to pay for all or a part of the services to be provided by the District. It may also annually levy taxes upon all taxable property within the District to provide the proposed services, and may issue bonds for the acquisition and/or construction of facilities or systems to provide said services; provided, however, that the levy to provide the services or to repay the bonds must be authorized and approved by a majority of the qualified electors of the District at an election for that purpose.

## **PUBLIC HEARING ON PROPOSED ANNEXATION**

At the public hearing on December 20, 2005, any interested person may protest the annexation of additional area to the District. Protests may be made orally at the hearing, in writing at the hearing, any time prior to the hearing, or within 15 days after the conclusion of the hearing. Any withdrawal of protest, or cancellation of withdrawal, must be filed within 30 days after the public hearing. Any protest signed on behalf of a corporation owning property in the District shall be sufficient if it is signed by the president, vice president, or any duly authorized agent of the corporation. Where title to any property is held in the name of more than one person, all of the persons holding title to the property must join in the signing of the petition or protest.

At the public hearing, the Board of County Commissioners will give full consideration to all protests which shall have been filed and will hear and consider all interested persons desiring to be heard. The Board of County Commissioners may continue the hearing to another date and time if necessary.

After conclusion of the hearing, and after the time for filing protests has expired, the Board of County Commissioners shall adopt a resolution either annexing the additional area to the service district or determining that the proposal to so annex should be abandoned. A resolution amending the area of the service district may contain any changes from the initial resolution or notice of

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intention the Board of County Commissioners determines to be appropriate, including reduction of the boundaries of the areas proposed for annexation to the service district.

The Board of County Commissioners shall abandon the proposed annexation of area to the service district if written protests against annexing area to the service district are filed by more than 50% of the qualified voters of the territory proposed to be annexed to the service district or the owners of more than 50% of the taxable value of the taxable property included within the area proposed to be annexed to the service district.

After the service district area is amended, a person may petition the district court for a writ of review of the actions of the board of county commissioners in annexing property to the district if the person filed a written protest, or the person filed a written protest, withdrew the protest, and then cancelled the withdrawal; and the person is a qualified voter residing within the district; or the person is a qualified voter whose property has been included within the boundaries of the service district; and the petition is filed within 30 days after the date of the resolution annexing additional area to the service district; and the petition alleges that the person's property will not be benefitted by one or more of the services to be provided by the service district or that the procedures used to annex area to the service district violated the law.

If a petition for writ of review is not filed within 30 days after the date of the resolution annexing additional area to the service district, owners of the property and qualified voters within the service district may not object to the annexation of area to the district.

**GIVEN BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF TOOELE COUNTY, UTAH, this 22<sup>nd</sup> day of November, 2005.**

**ATTEST:**

**TOOELE COUNTY**

*Marilyn K. Gillette*  
DENNIS D. EWING  
Tooele County Clerk  
*Marilyn K. Gillette*  
Chief Deputy Clerk

*Dennis Rockwell*  
DENNIS ROCKWELL, Chairman  
Tooele County Commission



To be published in the Tooele Transcript-Bulletin on November 29, December 6, and December 13, 2005 (once a week for three consecutive weeks; also to be posted within the municipalities of Tooele County).

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**Section 7.** The public hearing on the question of annexing the municipalities to the District was held by the Board of County Commissioners in Room 310, Tooele County Courthouse, 47 South Main Street, Tooele, Utah, at 3:00 p.m. on December 20, 2005. Five persons protested at the public hearing, not regarding the annexation of the municipalities into the district, but as to how the district's monies are allocated. No written protests were received. No protests were made within 15 days after the conclusion of the hearing. At the hearing, the county commission gave full consideration to all protests and heard and considered all interested persons desiring to be heard. The protests amounted to fewer than 50% of the qualified voters of the territory proposed to be annexed to the service district and less than the owners of more than 50% of the taxable value of the taxable property included within the area proposed to be annexed to the service district. Therefore, pursuant to Utah Code 17A-2-1309, abandonment of the annexation effort is not required.

**Section 8.** The officers of Tooele County, Utah, are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

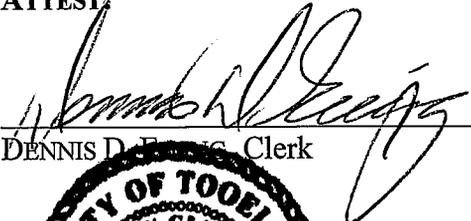
**Section 9.** If any one or more sections, sentences, clauses or parts of this resolution shall, for any reason, be questioned or held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this resolution, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this resolution so held unconstitutional and invalid, and the inapplicability and 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 applicability and 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 applicability and validity of this resolution in any other instances.

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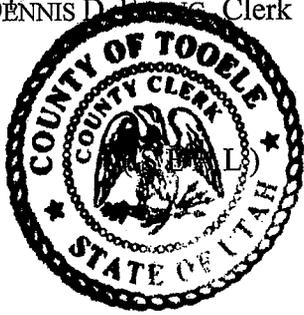
**Section 10.** All resolutions, by-laws and regulations of Tooele County, Utah in conflict with this resolution are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution, by-law or regulation, or part thereof, heretofore repealed.

ATTEST

TOOELE COUNTY LEGISLATIVE BODY

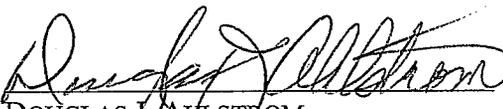
  
DENNIS D. EVANS, Clerk

  
DENNIS L. ROCKWELL, Chairman



Commissioner Rockwell voted aye  
Commissioner Lawrence voted aye  
Commissioner Johnson voted aye

APPROVED AS TO FORM:

  
DOUGLAS J. AHLSTROM  
Tooele County Attorney

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**EXHIBIT "A"**

**TOOELE COUNTY RECREATION SPECIAL SERVICE DISTRICT BOUNDARIES**

All of Tooele County, Utah as follows:

Beginning at the middle point of a straight line drawn between a point on the west shore of Great Salt Lake at latitude 41° north and a point on the east shore of said lake due west of the middle of the channel of the Weber River and north of the northwest corner of Kingston's Fort; thence southwesterly along said line to the west shore of said lake; thence west to the western boundary of the state; thence south to the second standard parallel south; thence east to the summit of the divide between Cherry and Faust Creeks; thence along the summit of the range next east of the Rush and Tooele valleys to the northern end of said summit; thence northeasterly on a straight line through Black Rock on the shore of Great Salt Lake to the point of beginning.

Less and excepting those properties in the Stansbury Recreation Service Area.

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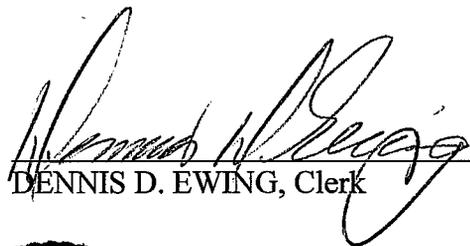
(Other business not pertinent to the above appears in the minutes of the meeting.)

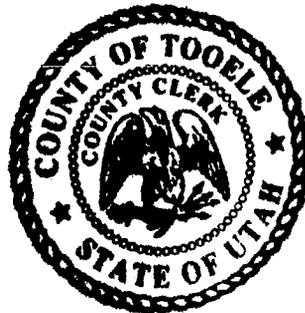
Pursuant to motion duly made and carried, the meeting was adjourned.

STATE OF UTAH            )  
                                  ss.  
COUNTY OF TOOELE    )

I, DENNIS D. EWING, the duly qualified and acting Clerk of Tooele County, Utah, do hereby certify that the foregoing constitutes a true and correct copy of excerpts from the minutes of a meeting of the duly qualified and acting members of the Board of County Commissioners of Tooele County, Utah, held on January 10, 2006, including a resolution adopted at the meeting, as the minutes and resolution are of record in my official possession.

IN WITNESS WHEREOF, I have this 10<sup>th</sup> day of January, 2006, subscribed my official signature and impressed hereon the official seal of said County.

  
DENNIS D. EWING, Clerk



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**SCHEDULE "A"**  
**NOTICE OF MEETING**

# TOOELE COUNTY CLERK

## TOOELE COUNTY COURTHOUSE

DENNIS D. EWING  
Tooele County Clerk

47 South Main Street  
Tooele, Utah 84074-2194  
(435)843-3140/Fax (435)882-7317  
www.co.tooele.ut.us/clerk.htm

MARILYN K. GILLETTE  
Chief Deputy Clerk

### AMENDED NOTICE AND AGENDA

NOTICE IS HEREBY GIVEN THAT THE TOOELE COUNTY COMMISSION WILL HOLD A REGULAR MEETING ON TUESDAY JANUARY 10 2006, AT 3:00 P.M., IN ROOM 310, TOOELE COUNTY COURTHOUSE, 47 SOUTH MAIN STREET, TOOELE, UTAH. THE AGENDA IS:

1. ROLL CALL
2. MINUTES
3. TAX ADJUSTMENTS
4. BILLS
5. DESERET PEAK COMPLEX
6. PUBLIC HEARING: ORDINANCE 2006- 03 - AMENDING CHAPTER 15 OF THE GENERAL PLAN REGARDING PINE CANYON, ALLOWING THE BROOKFIELD RANCHES AMENDMENT THERETO, AND AMENDING THE ZONING OF BROOKFIELD RANCHES FROM A-20 TO RR-5
7. ORDINANCE 2006-03 - AMENDING CHAPTER 15 OF THE GENERAL PLAN REGARDING PINE CANYON, ALLOWING THE BROOKFIELD RANCHES AMENDMENT THERETO , AND AMENDING THE ZONING OF BROOKFIELD RANCHES FROM A-20 TO RR-5
8. RESOLUTION 2006-01 - ANNEXING ADDITIONAL AREA TO THE TOOELE COUNTY RECREATION SPECIAL SERVICE DISTRICT; DEFINING THE BOUNDARIES OF SAID SPECIAL SERVICE DISTRICT AND THE SERVICES TO BE PROVIDED THEREIN
9. AMENDMENT #1 TO UTAH DEPT. OF HUMAN SERVICES CONTRACT #060084 WITH TOOELE COUNTY DEPT. OF AGING TO INCREASE FUNDING
10. STANDARD COOPERATIVE AGREEMENT FOR USU EXTENSION
11. ACCEPTANCE OF DEED OF PUBLIC DEDICATION OF SUSSEX DRIVE
12. BOARD APPOINTMENTS
13. PUBLIC CONCERNS
14. ADJOURN

DATED THIS 6<sup>th</sup> DAY OF January, 2006

*for Holly A Shields*  
DENNIS D. EWING  
TOOELE COUNTY CLERK

PURSUANT TO THE AMERICANS WITH DISABILITIES ACT, INDIVIDUALS NEEDING SPECIAL ACCOMMODATIONS DURING THIS MEETING SHOULD NOTIFY DENNIS D. EWING, TOOELE COUNTY CLERK, AT 843-3148 PRIOR TO THE MEETING.

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**ATTACHMENT "A"**

**CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW**

I, DENNIS D. EWING, the undersigned County Clerk of Tooele County, Utah, (the "County"), do hereby certify, according to the records of the County in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-6(2), Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the January 10, 2006 public meeting held by the County as follows:

(a) By causing a Notice, in the form attached hereto as Schedule "A", to be posted at the County's principal offices on January 5, 2006, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of such Notice, in the form attached hereto as Schedule "A", to be delivered to the Tooele Transcript-Bulletin on January 4, 2006, at least twenty-four (24) hours prior to the convening of the meeting.

**IN WITNESS WHEREOF**, I have hereunto subscribed my official signature this

10<sup>th</sup> day of January, 2006.

  
DENNIS D. EWING, Clerk



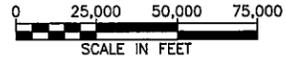
# TOOELE COUNTY RECREATION SPECIAL SERVICE DISTRICT

## ANNEXING ALL TERRITORY ENCOMPASSED WITHIN THE CORPORATE BOUNDARIES OF ALL CITIES AND TOWNS LOCATED WITHIN TOOELE COUNTY, UTAH

**SURVEYOR'S CERTIFICATE**

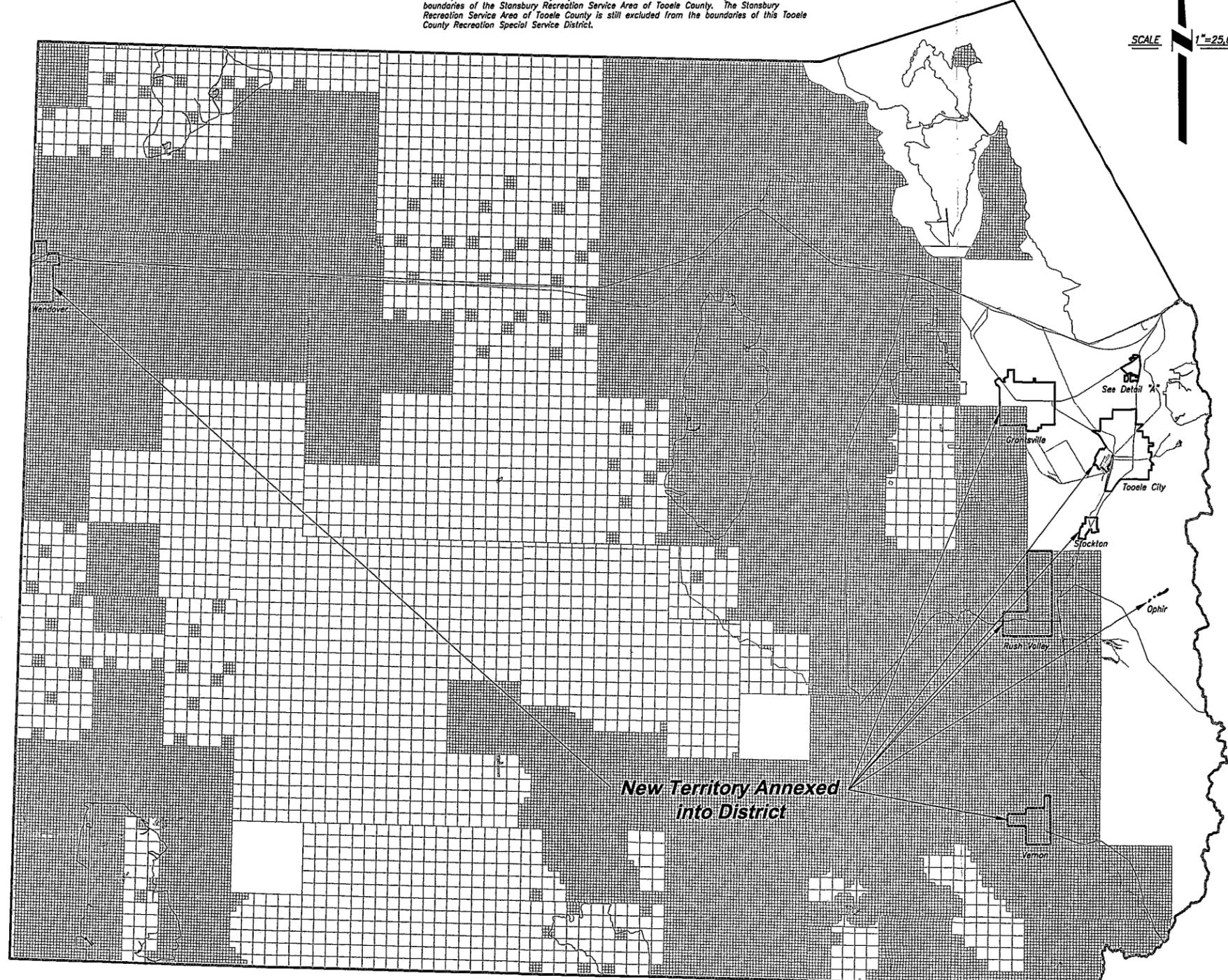
I Matt W Clark, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 323716 as prescribed by the laws of the State of Utah and that I have prepared this plat of the Tooele County Recreation Special Service District from data recorded with the Tooele County Recorder's Office and from state GIS resources. This data has not been field verified.

NO.	REVISIONS DESCRIPTIONS	DATE



**NARRATIVE**

This map was prepared as an exhibit for Tooele County Resolution No. 2006-01 to annex the corporate boundaries of all cities and towns located within Tooele County into the Tooele County Recreation Special Service District as established by Tooele County Resolution 89-19 dated November 28, 1989. Said Resolution 89-19 excluded all territory encompassed within the corporate boundaries of any city or town located within Tooele County, and the boundaries of the Stansbury Recreation Service Area of Tooele County. The Stansbury Recreation Service Area of Tooele County is still excluded from the boundaries of this Tooele County Recreation Special Service District.



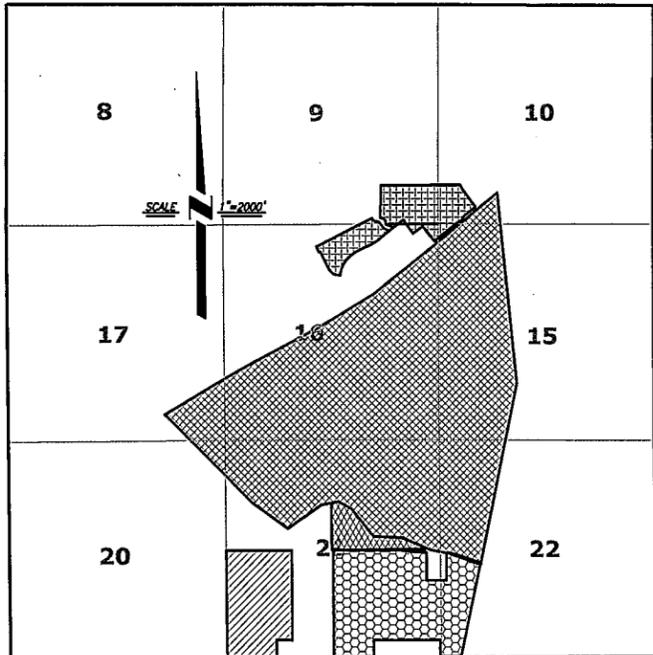
**LEGAL DESCRIPTION**

All of Tooele County, Utah as follows:

**BEGINNING** at the middle point of a straight line drawn between a point on the west shore of Great Salt Lake at latitude 41 degrees north and a point on the east shore of said lake due West of the middle of the channel of the Weber River and north of the northwest corner of Kingston's Fort; thence Southwesterly along said line to the west shore of said Lake; thence West to the western boundary of the state; thence South to the second standard parallel south; thence East to the summit of the divide between Cherry and Faust Creeks; thence along the summit of the range next east of the Rush and Tooele valleys to the northern end of said summit; thence Northeasterly on a straight line through Black Rock on the shore of Great Salt Lake to the POINT OF BEGINNING.

Excepting Therefrom the following properties in the Stansbury Recreation Service Area of Tooele County: (See Detail "A" below)

- Ordinance 81-18 establishment of a Tooele County Service Area Number 2 as recorded December 23, 1981 in Book 199 at Page 165 of the Tooele County records and depicted as Stansbury Park Service Area No. 2 on a boundary map as recorded January 15, 1982 in Book 199 at Page 136 of said records and Ordinance No. 84-7 as recorded August 20, 1985 in said records changing the name of said Tooele County Service Area Number 2 to Stansbury Recreation Service Area of Tooele County.
- Ordinance 96-23 annexing certain real property into said Stansbury Recreation Service Area of Tooele County as recorded November 5, 1996 in Book 440 at Page 254 of said records.
- Ordinance 2000-32 annexing Country Crossing Neighborhood Amended Subdivision in Stansbury Park into the Stansbury Greenbelt and Recreation Service Areas as recorded November 27, 2000 in Book 648 at Page 791 of said records. Country Crossing Neighborhood Amended is depicted on a subdivision plat recorded January, 13, 2000 in Book 606 at Page 403 of said records.
- Resolution No. 03-2 annexing Ponderosa Estates into the boundaries of the Stansbury Service Agency Service Area as recorded November 20, 2003 in Book 905 at Page 630 of said records.
- Resolution No. 05-1 annexing Old Mill @ Stansbury Park and Benson Mill Ranch Developments into the Stansbury Service Agency Recreation Service Area and the Greenbelt Service Area as recorded July 8, 2005 as Entry No. 243211 and the Certification of Annexation recorded November 3, 2005 as Entry No. 249599 of said records.



**Detail "A"**  
Stansbury Recreation Service Area of Tooele County  
Excluded from Tooele County Recreation Special Service District

**TOOELE COUNTY**

**ANNEXATION PLAT**  
**TOOELE COUNTY RECREATION SPECIAL SERVICE DISTRICT**  
 CLIENT: Doug Abilalom, Tooele County Attorney  
 PROJECT LOCATION: Tooele County, Utah, United States of America



PROJECT NO. TCS-2006-001  
 SCALE 1"=20'  
 DATE 2/13/2006 CK BY MHC  
 FILE M:\TCS Surveyor Data\TCS Projects\TCS-2006-001\Sur\01-Plat.DWG

SHEET NUMBER  
**1**  
OF 1