

RESOLUTION 2008-19

A RESOLUTION ESTABLISHING THE BIG CREEK WATER AND SEWER LOCAL DISTRICT

Preamble

- A. The Tooele County Clerk received a proper petition to create the Big Creek Water and Sewer Local District, Tooele County, Utah (the "District").
- B. The County Clerk gave public notice of the Commission's intention and of the time and place of a public hearing called for August 14, 2008, through the publication of the Notice of Intention in the Tooele Transcript Bulletin, a newspaper published and of general circulation in Tooele County, Utah, once a week during two consecutive weeks, the final of such publications having been no less than 10 days but not more than 21 days prior to the date of the public hearing.
- C. The public hearing was properly noticed and held at the designated time and place, the Board of County Commissioners considered all protests filed and heard and considered all interested persons desiring to be heard, and received additional protests and comments for 15 days after the public hearing and the time for filing protests as provided in Section 17B-1-211, Utah Code Annotated 1953, as amended, has expired; and

Be it resolved by the Board of County Commissioners of Tooele County, Utah:

Section 1. The Board of County Commissioners declares:

(a) That the Tooele County Clerk caused public notice of the hearing regarding the establishment of the District for sanitary sewer and domestic water including fire hydrant maintenance within the District's boundaries, to be given by publication of an appropriate notice in the Tooele Transcript Bulletin, a newspaper published and of general circulation in Tooele County, Utah, once a week for two consecutive weeks prior to August 14, 2008, the final of such publications having been no less than 3 days but not more than 10 days prior to the date of the public hearing as provided in Section 17B-1-211, Utah Code Annotated 1953, as amended.

(b) That a public hearing on the establishment of the District and the furnishing of the services described in paragraph (a) above was held and conducted by this Commission as required by law and the Resolution giving notice of the public hearing, on August 14, 2008 at 6:00 p.m. at the regular meeting place of the Commission in Tooele County at which public hearing the Commission considered all interested persons desiring to be heard.

(c) That the Commission considered all protests, comments, and public input filed within fifteen (15) days following the public hearing.

(d) That after careful consideration of all factors involved and of all objections and protests, it has been determined that the proposed District will be created, with the boundaries described in Exhibit A, to provide the services described in this resolution and the Notice of Intention, and that all proceedings already taken in establishing the District have been in compliance with law.

Section 2. There is established a special service district within Tooele County, Utah, to be known as the “**Big Creek Water and Sewer Local District.**” The boundaries and service area of the District are identical to the original Notice of Intention and will include portions of Tooele County, Utah, more particularly described as follows:

For the legal description, see Exhibit A attached and incorporated by reference as part of this resolution.

Section 3. The District is created to provide the following services: sanitary sewer and domestic water including fire hydrant maintenance within the Water and Sewer District’s boundaries.

Section 4. Each of the initial members of the Board of Trustees of the District will be appointed by Tooele County from those who are either an owner of land within the Service Area or the designated agent(s) of the landowner, in accordance with Section 17B-1-302(1)(c), Utah Code Annotated 1953, as amended. Upon completion of the first expired term of a member of the Board of Trustees, Board members will be selected by an election according to property ownership, in accordance with Sections 17B-1-1402(1)(b)(i) and 17B-1-1402(2), Utah Code Annotated 1953, as amended.

Section 5. The Board of County Commissioners declare that petitioner is the sole owner of property within the boundaries of this local district and that there are no residences within the local district's boundaries.

Section 6. Petitioner is the sole owner of the property to be benefited by the local district. Furthermore, because no person lives within the boundaries of the proposed local district, there is no one with standing to protest this local district’s creation after adoption of this resolution. All filed written protests at the public hearing or within 15 days after the conclusion of the public hearing held on August 14, 2008 with the County, against the establishment of the District or against the furnishing of a specified type or types of services within the District have been considered before adopting this resolution.

Section 7. The District will be a separate body politic and a quasi-municipal public corporation distinct from Tooele County, Utah. The Board of Trustees will control and have supervisory authority over all activities of the District. The District shall have all rights, powers and authority granted to local service districts under the Utah Local Service District Act, Chapter 1 of Title 17B, Utah Code Annotated 1953, as amended.

Section 8. Under the requirements of Section 17B-1-215, Utah Code Annotated 1953, as amended, the County Clerk is directed to file the required notification of the establishment or the District with the Lieutenant Governor within ten days after the adoption of the is resolution.

Section 9. All acts and resolutions in conflict with any part of this resolution are repealed.

Section 10. This resolution will take effect immediately upon its adoption.

Adopted by majority vote at a duly called meeting on the 23rd day of September 2008.

ATTEST:

TOOELE COUNTY COMMISSION:


Marilyn K. Gillette, Clerk


Colleen S. JOHNSON, Chairman



APPROVED AS TO FORM:


DOUG HOGAN
Tooele County Attorney

Commissioner Johnson voted aye
Commissioner Clegg voted aye
Commissioner Hurst voted aye

TOOELE COUNTY
NOTICE OF ADOPTION OF RESOLUTION ESTABLISHING THE
BIG CREEK WATER AND SEWER LOCAL DISTRICT AND CERTIFICATION

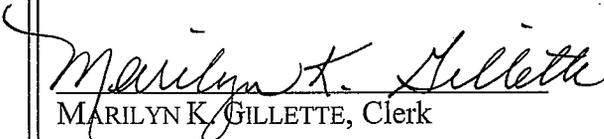
Under Utah Code Ann. §17B-1-215, the Board of County Commissioners of Tooele County, a body corporate and politic of the State of Utah, gives notice to the Utah Lieutenant Governor, that on September 23, 2008 the Board of County Commissioners of Tooele County, Utah adopted a Resolution establishing the Big Creek Water and Sewer Local District.

Accompanying this Notice is a copy of the Resolution approving the establishment of the Big Creek Water and Sewer Local District, together with a map showing the boundaries of the Big Creek Water and Sewer Local District, prepared and certified by a licensed surveyor. A copy of the map has been filed with the Tooele County Surveyor in accordance with Utah Code Ann. §17-23-17.

I certify that Tooele County, Utah has completed all of the legal requirements necessary for the establishment of the Big Creek Water and Sewer Local District.

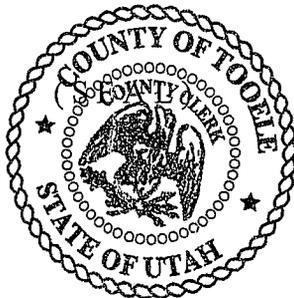
DATED this 23rd day of September 2008.

ATTEST:


MARILYN K. GILLETTE, Clerk

TOOELE COUNTY COMMISSION:


COLLEEN S. JOHNSON, Chairman



Certified Map of the Big Creek Local District(s)

BIG CREEK LOCAL DISTRICT(S) OVERALL NORTH DESCRIPTION

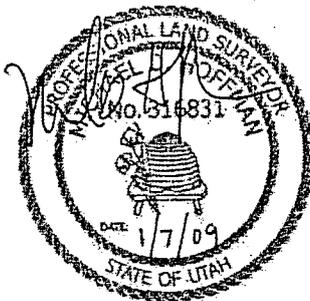
BEGINNING AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF DROUBAY ROAD AND THE NORTHERLY RIGHT OF WAY LINE OF 2000 NORTH STREET, SAID POINT BEING NORTH 00°24'55" WEST ALONG THE SECTION LINE 33.09 FEET AND SOUTH 89°35'05" WEST 49.50 FEET FROM THE SOUTHEAST CORNER OF SECTION 10, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING (2) COURSES: (1) SOUTH 89°41'24" WEST 2590.81 FEET, (2) SOUTH 89°41'31" WEST 2111.69 FEET TO AN EXISTING FENCE LINE, SAID POINT BEING THE EASTERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY; THENCE NORTH 43°54'20" EAST, MORE OR LESS, ALONG SAID FENCE LINE AND SAID EASTERLY RIGHT OF WAY LINE 2994.64 FEET, MORE OR LESS, TO THE SOUTHWESTERLY LINE OF THE ATLANTIC RICHFIELD PARCEL; THENCE NORTHEASTERLY ALONG SAID PARCEL THE FOLLOWING (2) COURSES: (1) SOUTH 45°33'00" EAST 200.00 FEET; (2) NORTH 43°54'20" EAST 822.96 FEET, MORE OR LESS, TO THE SOUTHERLY RIGHT OF WAY LINE OF 2400 NORTH STREET; THENCE NORTH 89°41'00" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE 1793.65 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG THE ARC OF A 100.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 89°54'05" A DISTANCE OF 156.91 FEET (CHORD BEARS SOUTH 45°21'57" EAST 141.30 FEET) TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SAID DROUBAY ROAD; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING (5) COURSES: (1) SOUTH 00°24'55" EAST 213.73 FEET, (2) NORTH 89°41'00" EAST 16.50 FEET, (3) SOUTH 00°24'55" EAST 2082.06 FEET, (4) SOUTH 89°41'24" WEST 16.50 FEET, (5) SOUTH 00°24'55" EAST 200.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 8,809,208 SQ. FT. OR 202.231 ACRES, MORE OR LESS

BIG CREEK LOCAL DISTRICT(S) OVERALL SOUTH DESCRIPTION

A PARCEL OF LAND LYING WITHIN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, TOOELE COUNTY, UTAH: BEGINNING AT A POINT SOUTH 89°41'19" WEST 49.50 FEET AND SOUTH 00°21'19" EAST 33.00 FEET FROM A BRASS CAP MARKING THE NORTHEAST CORNER OF SAID SECTION 15, AND RUNNING THENCE SOUTH 00°21'19" EAST 200.00 FEET; THENCE NORTH 89°41'19" EAST 16.50 FEET; THENCE SOUTH 00°21'19" EAST 607.87 FEET; THENCE SOUTH 89°38'41" WEST 214.50 FEET; THENCE SOUTH 00°21'19" EAST 199.32 FEET; THENCE NORTH 89°38'41" EAST 214.50 FEET; THENCE SOUTH 00°21'19" EAST 1,600.80 FEET; THENCE SOUTH 89°47'28" WEST 2,609.99 FEET; THENCE NORTH 00°17'13" WEST 2,603.32 FEET; THENCE NORTH 89°41'19" EAST 2,590.37 FEET TO THE POINT OF BEGINNING.

CONTAINS 6,750,604 SQUARE FEET OR 154.97 ACRES, MORE OR LESS.

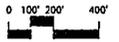
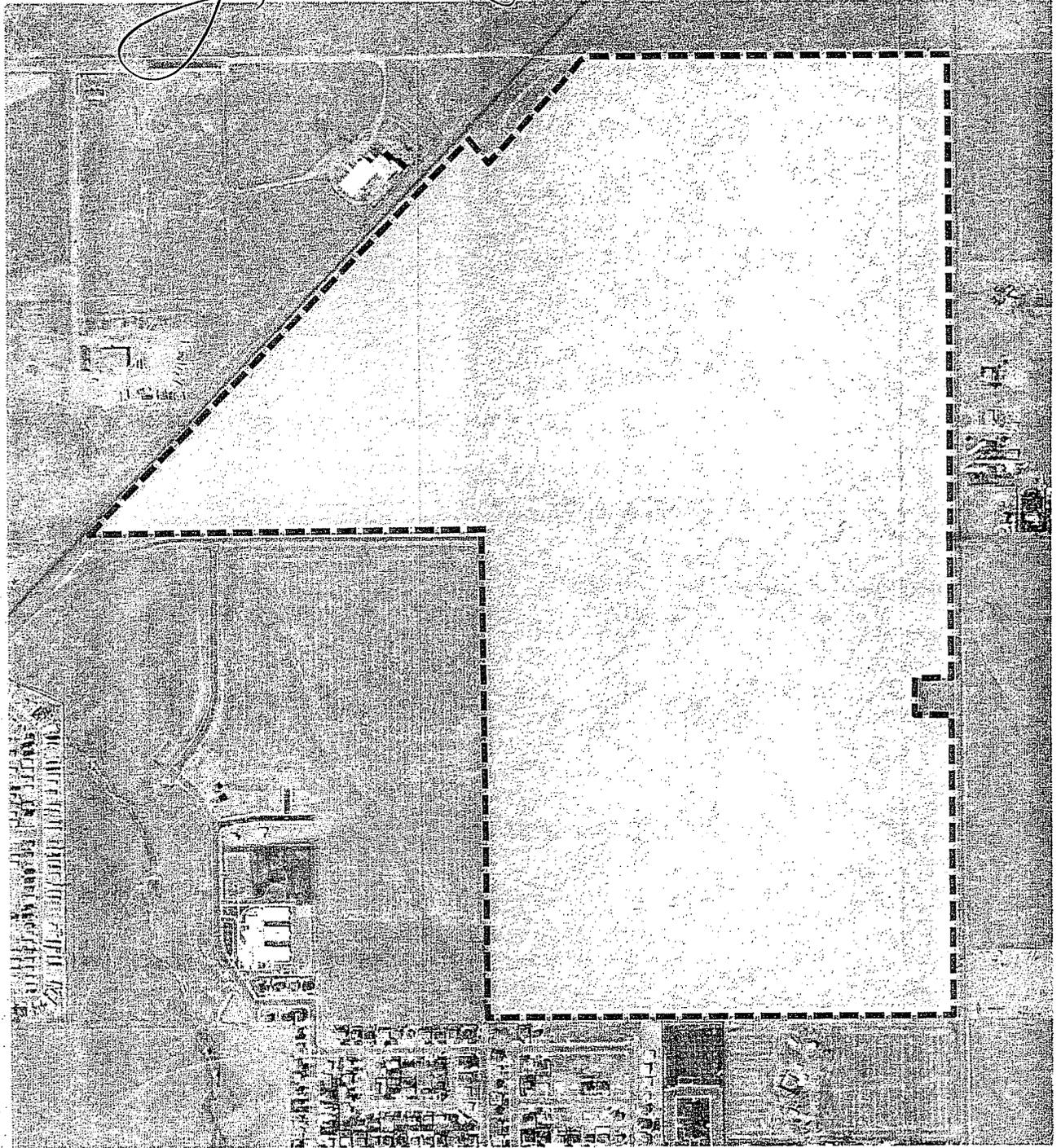


SURVEYOR'S CERTIFICATE

I, MICHAEL D. HOFFMAN, DEPOSE AND SAY THAT I AM A DULY REGISTERED LAND SURVEYOR ACCORDING TO THE RULES AND REGULATIONS OF THE STATE OF UTAH. I FURTHER STATE THAT THE ABOVE LEGAL DESCRIPTIONS WERE PREPARED UNDER MY DIRECT SUPERVISION AND ARE DEPICTED HEREON.

MICHAEL D. HOFFMAN
UTAH LICENSE NO. 316831

Big Creek



Area of Services

BIG CREEK LOCAL DISTRICT(S):
Service Area(s)

This map is a graphic representation of the area serviced by the Big Creek Local District(s).
The legal description(s) included with this map define(s) the areas covered by the Big Creek Local District(s).