

STATE OF UTAH

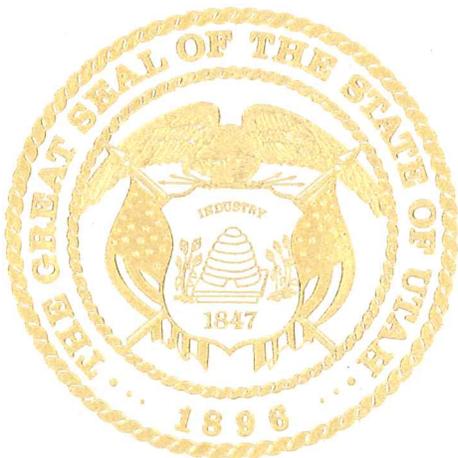


OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF CREATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT there has been filed in my office a notice of creation of the BIG CREEK STREET LIGHTS AND STREET TREES LOCAL DISTRICT, dated September 23rd, 2008, complying with Section 17B-1-215, Utah Code Annotated, 1953, as amended.

NOW, THEREFORE, notice is hereby given to all whom it may concern that the attached is a true and correct copy of the notice of creation, referred to above, on file with the Office of the Lieutenant Governor pertaining to the BIG CREEK STREET LIGHTS AND STREET TREES LOCAL DISTRICT, located in Tooele County, State of Utah.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Utah at Salt Lake City, this 9th day of February, 2009.

Handwritten signature of Gary R. Herbert in black ink.

GARY R. HERBERT
Lieutenant Governor

TOOELE COUNTY
NOTICE OF ADOPTION OF RESOLUTION ESTABLISHING THE BIG CREEK
STREET LIGHTS AND STREET TREE LOCAL DISTRICT AND CERTIFICATION

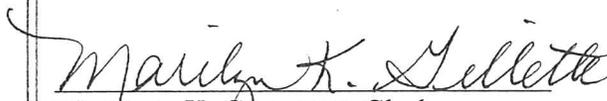
Under Utah Code Ann. §17B-1-215, the Board of County Commissioners of Tooele County, a body corporate and politic of the State of Utah, gives notice to the Utah Lieutenant Governor, that on September 23, 2008 the Board of County Commissioners of Tooele County, Utah adopted a Resolution establishing the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

Accompanying this Notice is a copy of the Resolution approving the establishment of the Big Creek Street Lights and Street Tree Local District, together with a map showing the boundaries of the Big Creek Street Lights and Street Tree 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 Street Lights and Street Tree Local District.

DATED this 23rd day of September 2008.

ATTEST:


MARILYN K. GILLETTE, Clerk

TOOELE COUNTY COMMISSION:


COLLEEN S. JOHNSON, Chairman



Received

JAN 29 2009

Gary R. Herbert
Lieutenant Governor

RESOLUTION 2008-18

A RESOLUTION ESTABLISHING THE BIG CREEK STREET LIGHTS AND STREET TREE LOCAL DISTRICT

Preamble

- A. The Tooele County Clerk received a proper petition to create the Big Creek Street Lights and Street Tree 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 street light maintenance and street maintenance to the properties 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 Street Lights and Street Tree 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: street light maintenance and street tree maintenance to the properties within the Street Lights and Street Tree 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.

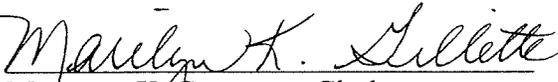
Section 9. All acts and resolutions in conflict with any part of this resolution are repealed.

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

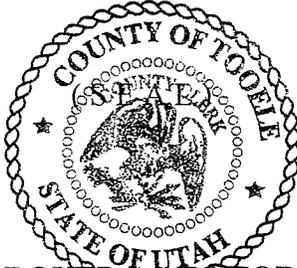
Adopted by majority vote at a duly called meeting on the 23rd day of September 2008.

ATTEST:

TOOELE COUNTY COMMISSION:


MARILYN K. GILLETTE, Clerk


COLLEEN S. JOHNSON, Chairman



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

APPROVED AS TO FORM:


DOUG HOGAN
Tooele County Attorney

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, SAULT 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, SAULT LAKE BASE AND MERIDIAN, TOOLE 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 72.60332 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.

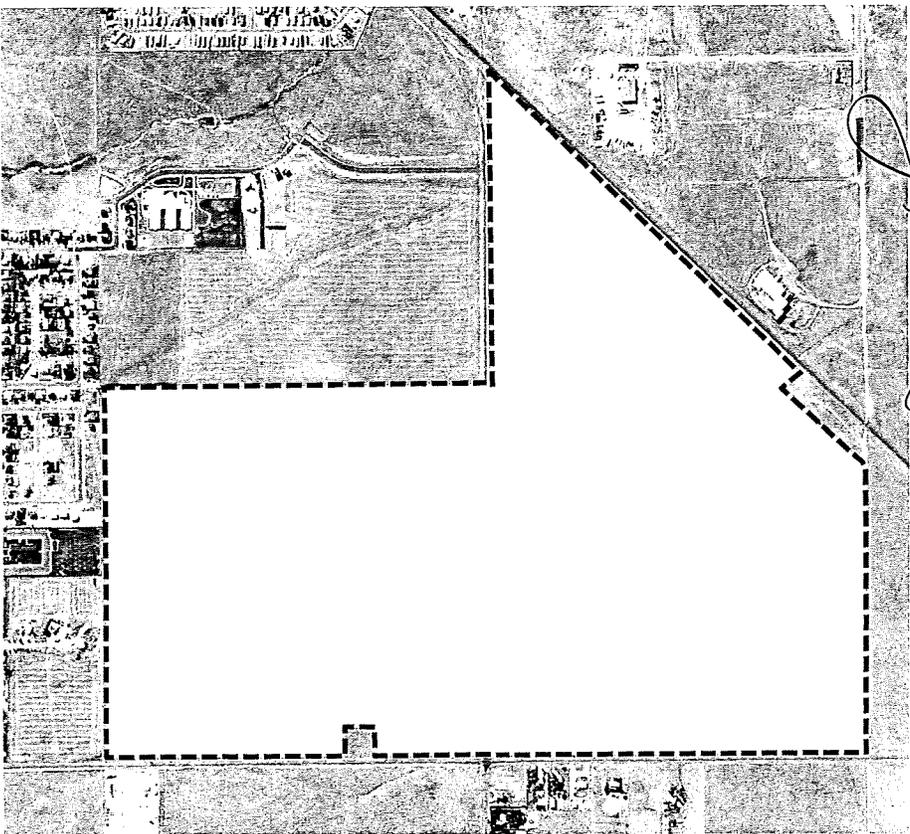
SURVEYOR'S CERTIFICATE

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).

STATE OF UTAH



OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF CREATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT there has been filed in my office a notice of creation of the BIG CREEK OPEN SPACE LOCAL DISTRICT, dated September 23rd, 2008, complying with Section 17B-1-215, Utah Code Annotated, 1953, as amended.

NOW, THEREFORE, notice is hereby given to all whom it may concern that the attached is a true and correct copy of the notice of creation, referred to above, on file with the Office of the Lieutenant Governor pertaining to the BIG CREEK OPEN SPACE LOCAL DISTRICT, located in Tooele County, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Utah at Salt Lake City, this 9th day of February, 2009.



Gary R. Herbert

GARY R. HERBERT
Lieutenant Governor

TOOELE COUNTY
NOTICE OF ADOPTION OF RESOLUTION ESTABLISHING
THE BIG CREEK OPEN SPACE LOCAL DISTRICT AND CERTIFICATION

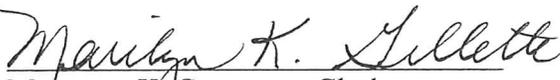
Under Utah Code Ann. §17B-1-215, the Board of County Commissioners of Tooele County, a body corporate and politic of the State of Utah, gives notice to the Utah Lieutenant Governor, that on September 23, 2008 the Board of County Commissioners of Tooele County, Utah adopted a Resolution establishing the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

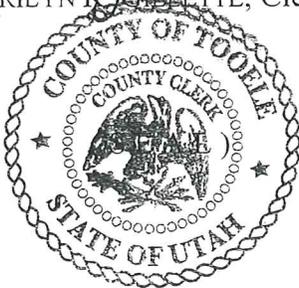
Accompanying this Notice is a copy of the Resolution approving the establishment of the Big Creek Open Space Local District, together with a map showing the boundaries of the Big Creek Open Space Local District, prepared and certified by a licensed surveyor. A copy of the map has been filed with the 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 Open Space Local District.

DATED this 23RD day of September 2008.

ATTEST:


MARILYN K. GILLETTE, Clerk



TOOELE COUNTY COMMISSION:


COLLEEN S. JOHNSON, Chairman

Received

JAN 29 2009

Gary R. Herbert
Lieutenant Governor

RESOLUTION 2008-17

A RESOLUTION ESTABLISHING THE BIG CREEK OPEN SPACE LOCAL DISTRICT

Preamble

- A. The Tooele County Clerk received a proper petition to create the Big Creek Open Space 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 active open space (parks) maintenance and passive open space maintenance to the properties 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 Open Space 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: active open space (parks) maintenance and passive open space maintenance to the properties within the Open Space 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.

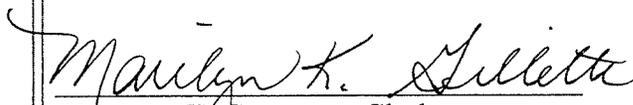
Section 9. All acts and resolutions in conflict with any part of this resolution are repealed.

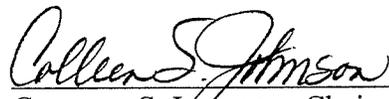
Section 10. This resolution will take effect immediately upon its adoption.

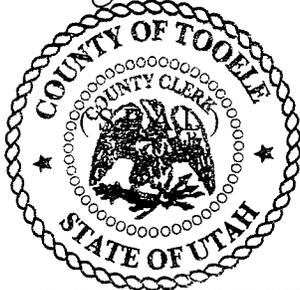
Adopted by majority vote at a duly called meeting on the 23rd day of September 2008.

ATTEST:

TOOELE COUNTY COMMISSION:

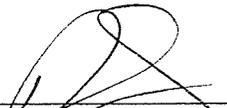

Marilyn K. Gillette, Clerk


Colleen S. Johnson, Chairman



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

APPROVED AS TO FORM:


DOUG HOGAN
Tooele County Attorney

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 8,889,208 SQ. FT. OR 202,231 ACRES, MORE OR LESS.

BIG CREEK LOCAL DISTRICT(S) OVERALL SOUTH DESCRIPTION

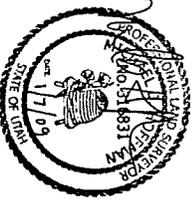
A PARCEL OF LAND LYING WITHIN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, TOOLEE COUNTY, UTAH: BEGINNING AT A POINT SOUTH 89°41'19" WEST 49.50 FEET AND SOUTH 00°21'19" EAST 33.00 FEET FROM A BRASS CAP MARKING THE NORTHEAST CORNER OF SAID SECTION 15, 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.

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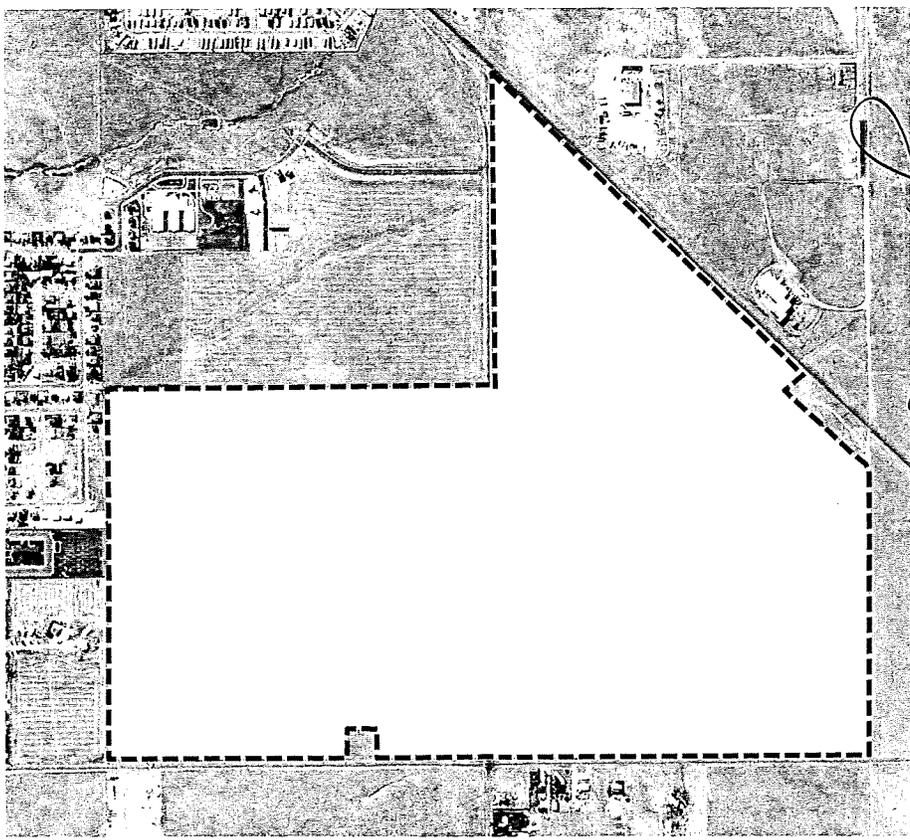
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I, MICHAEL D. HOFFMAN, DEPOSE AND SAY THAT I AM A DULY REGISTERED LAND SURVEYOR ACCORDING TO THE RULES AND REGULATIONS OF THE STATE OF UTAH. I FURTHER STATE THAT THE ABOVE LEGAL DESCRIPTIONS WERE PREPARED UNDER MY DIRECT SUPERVISION AND ARE DEPICTED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

MICHAEL D. HOFFMAN
UTAH LICENSE NO. 316831



Big Creek



Area of Services

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).

STATE OF UTAH



OFFICE OF THE LIEUTENANT GOVERNOR

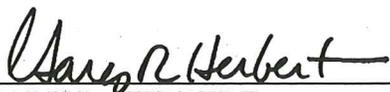
CERTIFICATE OF CREATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT there has been filed in my office a notice of creation of the BIG CREEK WATER AND SEWER LOCAL DISTRICT, dated September 23rd, 2008, complying with Section 17B-1-215, Utah Code Annotated, 1953, as amended.

NOW, THEREFORE, notice is hereby given to all whom it may concern that the attached is a true and correct copy of the notice of creation, referred to above, on file with the Office of the Lieutenant Governor pertaining to the BIG CREEK WATER AND SEWER LOCAL DISTRICT, located in Tooele County, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Utah at Salt Lake City, this 9th day of February, 2009.




GARY R. HERBERT
Lieutenant Governor

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

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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



Received

JAN 29 2009

Gary R. Herbert
Lieutenant Governor

JAN 29 2009

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.

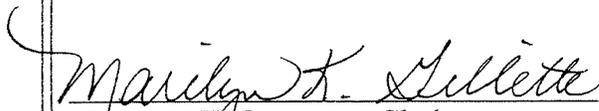
Section 9. All acts and resolutions in conflict with any part of this resolution are repealed.

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:

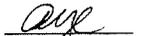
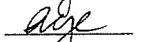

MARILYN K. GILLETTE, Clerk


COLLEEN S. JOHNSON, Chairman



APPROVED AS TO FORM:


DOUG HOGAN
Tooele County Attorney

Commissioner Johnson voted 
Commissioner Clegg voted 
Commissioner Hurst voted 

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

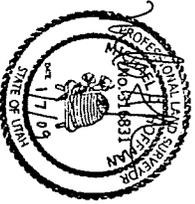
A PARCEL OF LAND LYING WITHIN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, TOOLEE COUNTY, UTAH, BEGINNING AT A POINT SOUTH 89°41'19" WEST 49.50 FEET AND SOUTH 00°21'19" EAST 33.00 FEET FROM A BRASS CAP MARKING THE NORTHEAST CORNER OF SAID SECTION 15, 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.

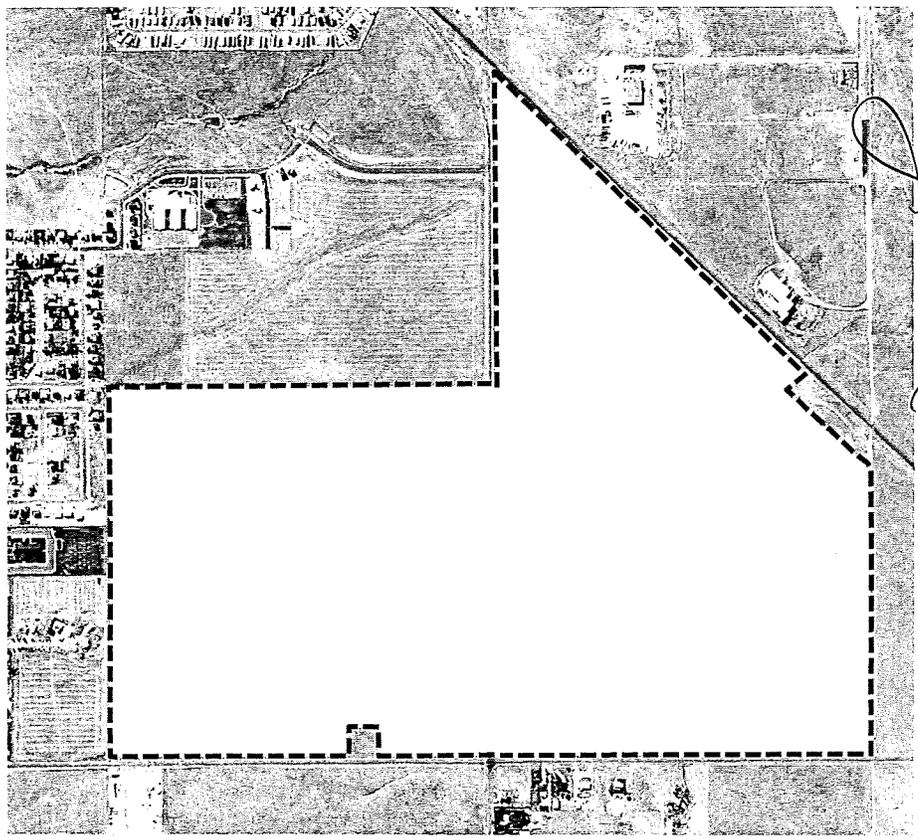
SURVEYOR'S CERTIFICATE

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).

STATE OF UTAH



OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF CREATION

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT there has been filed in my office a notice of creation of the DESERET PEAK SPECIAL SERVICE DISTRICT, dated June 2nd, 2009, complying with Section 17D-1-209, Utah Code Annotated, 1953, as amended.

NOW, THEREFORE, notice is hereby given to all whom it may concern that the attached is a true and correct copy of the notice of creation, referred to above, on file with the Office of the Lieutenant Governor pertaining to the DESERET PEAK SPECIAL SERVICE DISTRICT, located in Tooele County, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Utah at Salt Lake City, this 6th day of October, 2009.



GREG BELL
Lieutenant Governor



TOOELE COUNTY CLERK
TOOELE COUNTY COURTHOUSE

MARILYN K. GILLETTE
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

DEBBIE SMART
Chief Deputy Clerk

September 16, 2009

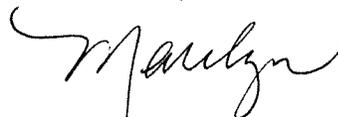
Lieutenant Governor's Office
Attn: Justin Siebenhaar
Utah State Capitol Complex
East Office Building, Suite #325
PO Box 142325
SLC, UT 84114-2325

Dear Justin:

Enclosed please find the two Special Service Districts that have been created by the Tooele County Commission. I am resubmitting them for certification by the Lieutenant Governor's Office, with the required maps.

Please send the certificate's to my attention at the above address.

Sincerely, -



Marilyn K. Gillette
Tooele County Clerk

Received

SEP 21 2009

map sent 9/21

Greg Bell
Lieutenant Governor

RESOLUTION 2009-10

A RESOLUTION ANNEXING APPROXIMATELY 320 ADDITIONAL ACRES INTO THE DESERET PEAK SPECIAL SERVICE DISTRICT

WHEREAS, the Board of the Deseret Peak Special Service District received a petition from Giza Development requesting annexation of the Miller Motorsports Business Park property into the Deseret Peak Special Service District heretofore created on September 19, 2006 by Tooele County Resolution 2006-16 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; and

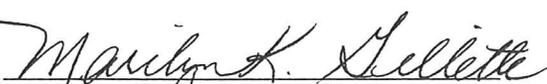
WHEREAS, the Board of the Deseret Peak Special Service District, by Resolution 2009-01, has approved the annexation of said property into the District.

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE COUNTY COMMISSION that the following property owned by Giza Development / Miller Family Trust, containing approximately 320 acres, is annexed into the Deseret Peak Special Service District:

The East ¼ of Section 12, Township 3 South, Range 5 West, and the East ¼ of Section 1, Township 3 South, Range 5 West.

APPROVED AND ADOPTED this 2nd day of June 2009.

ATTEST:


MARILYN K. GRIBETTE, Clerk

TOOELE COUNTY COMMISSION:


COLLEEN S. JOHNSON, Chairman



Commissioner Johnson voted *Aye*
Commissioner Clegg voted *Aye*
Commissioner Hurst voted *Aye*

Received

APPROVED AS TO FORM:


DOUG HOGAN
Tooele County Attorney

SEP 21 2009
Max Scott 9121
Greg Bell
Lieutenant Governor

STATE OF UTAH



OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF ANNEXATION

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT there has been filed in my office a notice of annexation from the LAKE POINT IMPROVEMENT DISTRICT, dated October 8th, 2009, complying with Section 17B-1-414, Utah Code Annotated, 1953, as amended.

NOW, THEREFORE, notice is hereby given to all whom it may concern that the attached is a true and correct copy of the notice of annexation, referred to above, on file with the Office of the Lieutenant Governor pertaining to LAKE POINT IMPROVEMENT DISTRICT, located in Tooele County, State of Utah.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Utah at Salt Lake City, this 2nd day of November, 2009.



GREG BELL
Lieutenant Governor

THE ENSIGN GROUP, L.C.
P O BOX 540478
NORTH SALT LAKE, UTAH 84054
801-677-6400
FAX: 801-677-6416

Received

OCT 29 2009

Greg Bell
Lieutenant Governor

October 28, 2009

Utah State Capitol
Attn: Justin Siedenhoar
Suite 220
Salt Lake City, Utah 84114

RE: Salt Pointe Commerce Center--Annexation to Lake Point Improvement District

Dear Mr. Siedenhoar:

Enclosed are the following requested items needed for the above referenced Annexation:

- Notice of Impending Boundary Action
- Resolution No. 2009-4
- Resolution No. 2009-3
- Letter to Keith Fryer from Scott A. Broadhead, Deputy County Attorney, Tooele County
- Resolution No. 2009-2
- Petition For Annexation into Lake Point Improvement District
- Salt Pointe Commerce Center Annexation Plat drawing.

Your points of contact on this matter are Keith Fryer: 801-250-0453 or Randy Cassidy: 801-201-8272, mailing address shown in the above letterhead.

Thanks very much for your assistance.

Sincerely,



Deanna Stookey, Assistant to
J. Randolph Cassidy

Enclosures

NOTICE OF IMPENDING BOUNDARY ACTION
ANNEXATION TO LAKE POINT IMPROVEMENT DISTRICT

Greg Bell
Lieutenant Governor
Utah State Capital Complex
East Office Building, Suite E325
P.O. Box 14220
Salt Lake City, Utah 84114-2220

NOTICE IS HEREBY GIVEN that the 8th day of October, the Board of Trustees of the Lake Point Improvement District of Tooele County, State of Utah, passed and adopted the attached Resolution No. 2009-4 providing for annexation of certain territory into the Lake Point Improvement District, which territory is more particularly described in Section 2 of the attached Resolution Approving the Annexation of Territory into the District. The approved final local entity plat depicting the boundaries of the territory to be annexed and a legal description of that area is also filed herewith. Request is hereby made that you cause to be filed in the records of your office the attached Resolution and approved final local plat evidencing the approved annexation. The Board of Trustees of the Lake Point Improvement District hereby certifies that all requirements under the law for this annexation have been complied with.

SUBMITTED on this 8th day of October, 2009.

LAKE POINT IMPROVEMENT DISTRICT

ATTEST:

Mary Lynn Robbins
Clerk

Keith B. Feyer
By:

STATE OF UTAH)
)
) :SS.
COUNTY OF TOOELE)

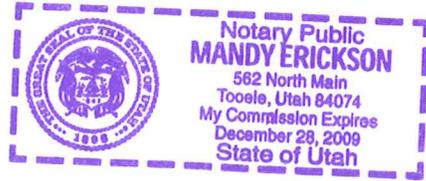
On the 10 day of ^{October} August 2009, personally appeared before me Keith B. Fryer & Mary Lyn Robbins (clerk) who being by me duly sworn, did say that he is the Chairman of the Board of Trustees of **LAKE POINT IMPROVEMENT DISTRICT**, a political subdivision of the State of Utah, and that said instrument was signed in behalf of the District by authority of its Board of Trustees and said Chairman acknowledged to me that the District executed the same.

My Commission Expires:

12-28-09

Mandy Erickson
Notary Public
Residing at:

Tooele, UT



WHEN RECORDED MAIL TO:

Lake Point Improvement District
7856 North Mountain View Road
Lake Point, Utah 84074-9755

04-0-068-0001
04-0-069-0004
04-0-069-0005
04-0-070-0001
04-0-070-0036
04-0-070-0037

Parcel ID Nos: 05-0-021-0001
05-0-021-0002
05-0-022-0001
05-0-021-0015
04-0-070-0065

RESOLUTION NO: 2009-4

**A RESOLUTION APPROVING THE ANNEXATION OF TERRITORY
INTO THE LAKE POINT IMPROVEMENT DISTRICT**

WHEREAS, the owners of certain private real property that is located in Tooele County have signed and presented a petition (the "Petition"), requesting to the Board of Trustees (the "Board") of the Lake Point Improvement District (the "District"), requesting that the area described in the Petition be annexed to the District, and,

WHEREAS, the Board has certified the Petition as meeting the requirements of law pertaining to such Petition, and,

WHEREAS, the Board had determined that the Petition contains the names of 100% of the owners of private real property described in the Petition as the area to be annexed to the District, and,

WHEREAS, THE Board as authority to approve the annexation of territory to the District as provided in Title 17B, part 4 of the *Utah Code Annotated*, 1953, as amended;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF LAKE POINT IMPROVEMENT DISTRICT AS FOLLOWS;

Section 1. The Board hereby finds and certifies that:

a. 100% of owners of private real property included within the area proposed to be annexed have signed the Petition requesting annexation.

b. In accordance with the provisions of 17B-1-413 of Utah Code Annotated, 1953, as amended 100 Percent of the real property owners signed the Petition hence a public hearing is not required. The Board has provided all required notices of the

proposed annexation and no person or entity has requested a public hearing and, accordingly, no public hearing is necessary and none will be held.

c. No changes were made by the Board nor are they considered to be necessary by the Board in the annexation petitioned, including but not limited to the boundaries thereof.

d. It is the best interest of the District and the property owners and taxpayers within the territory to be annexed that the property described in Section 2 hereof be annexed to the District as requested.

e. All requirements for the annexation of the territory described herein have been complied with.

f. Upon completion of the annexation as requested, the District will not contain any property which will not be benefited by being included within the District.

Section 2. The area described below is hereby approved for annexation to the Lake Point Improvement District. The real property annexed is located within Tooele County, State of Utah and is more particularly described as follows:

See Exhibit "A" attached hereto and by this reference made a part hereof.

Section 3. Upon receipt by the District of a certificate of annexation from the Utah State Lieutenant Governor, the territory described in Section 2 above shall be an integral part of the District. The taxable property located herein shall be subject to taxation for the purposes of the District, including payment of any bonds or other obligations thereof now outstanding or hereafter authorized and issued. All properties and users of services in the District, as enlarged by the annexation, shall be subject to all of the rules, regulations, powers and authority of the District and the Board as provided by law.

Section 4. This Resolution shall take effect immediately upon its approval and adoption. The Tooele County Recorder is hereby requested to file a copy of this Resolution, the Notice of Impending Boundary Actions, Certificate of Annexation and the approved final local entity plat on file in the Recorder's office for no fee.

Section 5. The Board shall cause a notice of impending boundary action and a copy of this Resolution to be filed with the Utah State Lieutenant Governor. The notice shall be accompanied by an approved final local entity plat illustrating and describing the boundary of the area to be annexed to the District, adequate for purposed of the Tooele County Assessor and Recorder and approved by the Tooele County Surveyor. This annexation shall be deemed complete upon the date the Lieutenant Governor issues a certificate of annexation to the District.

APPROVED AND ADOPTED BY THE BOARD OF TRUSTEES OF LAKE
POINT IMPROVEMENT DISTRICT ON THIS 8th DAY OF OCTOBER 2009.

LAKE POINT IMPROVEMENT DISTRICT

ATTEST:

Mary Lynn Robbins
Clerk

Keith B. Fayer
Chairman Board of Trustees

VOTING:

Keith B. Fayer
Tim A. Wells
[Signature]
[Signature]
[Signature]

yes
yes
YES
YES
yes

Resolution No. 2009-3

A RESOLUTION TO CERTIFY THE ANNEXATION PETITION FOR THE PROPOSED REAL PROPERTY INTO THE LAKE POINT IMPROVEMENT DISTRICT.

BE IT RESOLVED that the Lake Point Improvement District Board of Trustees (the "District) has determined that the *Petition for Annexation* submitted by the owners of the real property: (1) equaled at least 75% of the total private land area proposed to be annexed with assessed valuation equaled to at least 75% of the its value; and, (2) that the land area and assessed valuation represented by the signers of the petition was in excess of 75% and thus the District did not hold a public hearing; and, (3) lists the names and has the signatures of the sponsors of the Petition with mailing addresses; and (4) included is a certified description area proposed by a licensed surveyor to be annexed with a map of the boundaries to be annexed.

The Tooele County Attorney has determined that the *Petition for Annexation* meets the requirements of law (UCA 17B-1-404) and is of proper form.

Shall the Lake Point Improvement District Board of Trustees approve Resolution 2009-3 to approve the *Certification of the Petition for Annexation* for the propose area as submitted.

Motion: Jim; Seconded: Todd ; In Favor: 5; Opposed: 0

Discussion: NONE

Motion to approve the *Certification of the Petition for Annexation* carries and is approved.

October 8, 2009

TOOELE COUNTY ATTORNEY'S OFFICE



Gary K. Searle, Chief Deputy Attorney
John Mack Dow, Deputy Attorney
Scott A. Broadhead, Deputy Attorney

DOUG HOGAN, COUNTY ATTORNEY

Wayne D. Jones, Deputy Attorney
Robert L. Clegg, Deputy Attorney
Holly Johnson, Victim Advocate

September 30, 2009

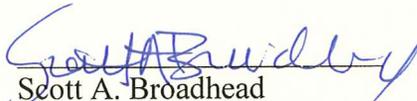
Keith B. Fryer
Lake Point Improvement District
7856 North Mountain View Road
Lake Point, UT 84074-9755

RE: Petition Certification

Mr. Fryer:

I have reviewed the Petition for Annexation sent to Mr. Hogan. It appears to meet all of the requirements of UCA 17B-1-404.

If you have any questions, please call me.


Scott A. Broadhead
Deputy County Attorney

Resolution No. 2009-2

A RESOLUTION TO CERTIFY THE PETITION FOR THE PROPOSED ANNEXATION OF REAL PROPERTY INTO THE LAKE POINT IMPROVEMENT DISTRICT.

BE IT RESOLVED that the Lake Point Improvement District Board of Trustees (the "District") shall cause to determine the *Petition for Annexation* submitted by the owners or real property: (1) equals at least a certain percentage of the total private land area proposed to be annexed with assessed valuation equal to at least a certain percentage; and, (2) that the land area and assessed valuation represented by the signers of the petition is in excess of 75% and thus the District may not hold a public hearing; and, (3) lists the names of the sponsors of the Petition with mailing addresses be attached; and (4) includes a description of the area proposed to be annexed and be accompanied by a map of the boundaries of the proposed area.

The District further resolves that the Tooele County Attorney review the Petition for Certification to determine if the Petition of Annexation meets the requirements of law and is of proper form.

Shall the Lake Point Improvement District Board of Trustees approve Resolution 2009-2 to proceed with the *Certification of the Petition for Annexation* for the propose area as submitted.

Motion: Keith; Seconded: Todd; In Favor: 5; Opposed: 0

Discussion: None

Motion to proceed with the Certification of the Petition for Annexation carries and approved.

August 13, 2009

PETITION FOR ANNEXATION
INTO
LAKE POINT IMPROVEMENT DISTRICT

To The Honorable Board of Trustees of the Lake Point Improvement District:

The undersigned, owners of private real property included within an area proposed to be annexed to the Lake Point Improvement District, do hereby petition for annexation and submit the following:

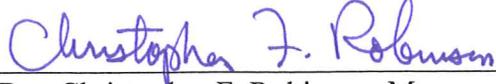
1. The property owned by the undersigned covers at least seventy-five percent (75%) of the total private land area within the entire area proposed to be annexed to the District and is equal in assessed value to at least seventy-five percent (75%) of the assessed value of all private real property within the entire area proposed to be annexed.

2. The area proposed to be annexed is located in Tooele County, State of Utah, and is more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof. The area to be annexed is shown on the boundary map attached hereto as Exhibit "A". The address or approximate address of the real property to be annexed is: 1428 East Hardy Road.

3. The name and current residence address of each person signing this petition are as follows:

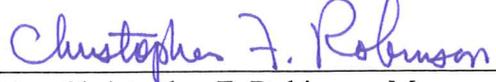
<u>Name</u>	<u>Current Residence Address</u>
Lake Point Land Company, L.C. Christopher F. Robinson, Manager	925 West 100 North, Suite F North Salt Lake, Utah 84054
Salt Pointe Land Company, L.C. Christopher F. Robinson, Manager	925 West 100 North, Suite F North Salt Lake, Utah 84054
Beaver Creek Investments, L.C. Christopher F. Robinson, Manager	925 West 100 North, Suite F North Salt Lake, Utah 84054
Unitah Land Company, L.C. Christopher F. Robinson, Manager	925 West 100 North, Suite F North Salt Lake, Utah 84054
Kennecott Utah Copper, LLC c/o Rio Tinto Clayton Walker, Vice President Projects and Value Generation	4700 Daybreak Parkway Suite 3 South Jordan, Utah 84095

Beaver Creek Investments, L.C.,
a Utah limited liability company



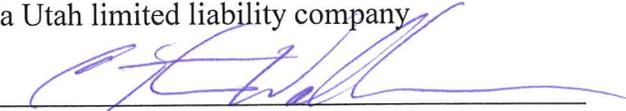
By: Christopher F. Robinson, Manager

Unitah Land Company, L.C.,
a Utah limited liability company



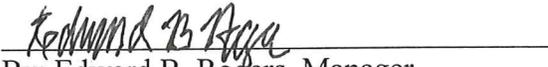
By: Christopher F. Robinson, Manager

Kennecott Utah Copper, LLC,
a Utah limited liability company



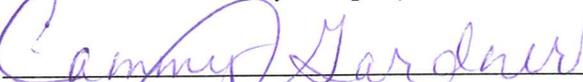
By: Clayton Walker, Vice President
Projects and Value Generation

Browns Canyon Ranching Co., LLC,
a Utah limited liability company



By: Edward B. Rogers, Manager

Cammy Gardner & Steven C. Miklovik, LLC,
a Utah limited liability company



By: Cammy Gardner, Manager



By: Steven C. Miklovik, Manager

STATE OF UTAH

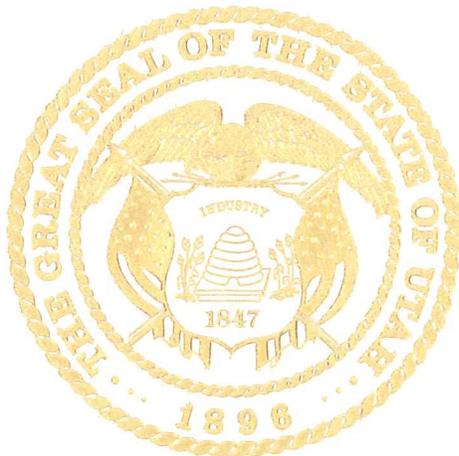


OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF CREATION

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT there has been filed in my office a notice of creation of the TOOELE COUNTY TRANSPORTATION SPECIAL SERVICE DISTRICT, dated June 16th, 2009, complying with Section 17D-1-209, Utah Code Annotated, 1953, as amended.

NOW, THEREFORE, notice is hereby given to all whom it may concern that the attached is a true and correct copy of the notice of creation, referred to above, on file with the Office of the Lieutenant Governor pertaining to the TOOELE COUNTY TRANSPORTATION SPECIAL SERVICE DISTRICT, located in Tooele County, State of Utah.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Utah at Salt Lake City, this 6th day of October, 2009.


GREG BELL
Lieutenant Governor

TOOELE COUNTY CLERK

TOOELE COUNTY COURTHOUSE

MARILYN K. GILLETTE
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

DEBBIE SMART
Chief Deputy Clerk

September 16, 2009

*Lieutenant Governor's Office
Attn: Justin Siebenhaar
Utah State Capitol Complex
East Office Building, Suite #325
PO Box 142325
SLC, UT 84114-2325*

Dear Justin:

Enclosed please find the two Special Service Districts that have been created by the Tooele County Commission. I am resubmitting them for certification by the Lieutenant Governor's Office, with the required maps.

Please send the certificate's to my attention at the above address.

Sincerely,



Marilyn K. Gillette
Tooele County Clerk

Received

SEP 21 2009

map sent 9/21

Greg Bell
Lieutenant Governor

RESOLUTION 2009-11

**A RESOLUTION ESTABLISHING THE TOOEELE COUNTY
TRANSPORTATION SPECIAL SERVICE DISTRICT, TOOEELE
COUNTY, UTAH**

Preamble

- A. In a resolution (the "Resolution") adopted on February 17, 2009, the Board of County Commissioners of Tooele, Utah (the "Commission") gave notice of its intention (the "Notice of Intention") to create the Tooele County Special Service District, Tooele County, Utah (the "District"), having the boundaries set out in the Notice of Intention, to potentially provide the services described in the Notice of Intention.
- B. The County Clerk gave public notice of the Commission's intention and of the time and place of a public hearing called for March 17, 2009, 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 three consecutive weeks, the first of such publications having been at least 21 days but not more than 35 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 17D-1-206, 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 Toole County Clerk caused public notice of the hearing regarding the establishment of the District to provide for the construction, repair, and maintenance of roads 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 three consecutive weeks prior to March 17, 2009, the first publication having been made at least 21 days but not more than 35 days prior to the date of the public hearing.

(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 March 17, 2009 at 3:00 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 and is found, determined and declared that the District will be created with the boundaries described in Exhibit A and will 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 **"Tooele County Transportation Special Service District."** The boundaries and service area of the District 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: construction, repair, and maintenance of roads within the area included within its boundaries, through facilities or systems acquired or constructed for that purpose through construction, purchase, lease, contract, gift, or condemnation.

Section 4. The Board of County Commissioners declare that neither more than 50% of the qualified voters of the territory to be included within the District, nor the owners of more than 50% of the taxable value of the taxable property to be included within the District, have filed written protests with the County Recorder against either (1) the establishment of the District, or (2) a specified type or types of services within the District.

Section 5. Any person who filed a written protest at the public hearing or within 15 days after the conclusion of the public hearing held on March 17, 2009, with the County, against the establishment of the District or against the furnishing of a specified type or types of services within the District or to the effect that his land will not be directly benefited by the District's services and who is a qualified voter residing within the District or whose property has been included within the boundaries of the District notwithstanding such protest, may, within 30 days after the adoption of this resolution, apply to the District Court of the Third Judicial District for a writ of review of the actions of the Board of County Commissioners in establishing the District. Under Section 17D-1-212, Utah Code Annotated 1953, as amended, the only ground upon which a person may apply for a writ of review is that the protestor's property will not be benefited by one or more of the types of services authorized to be furnished by the District upon the ground that the proceedings taken in establishing the District have not been in compliance with law. Persons who fail to file a written protest as provided in this section will be deemed to have consented to the inclusion of their land within the District.

Failure to timely apply for a writ of review forecloses the right of all owners of property and of qualified voters within the District to further object.

Section 6. The District will be a separate body politic and a quasi-municipal public corporation distinct from Tooele County, Utah. The Commission will control and have supervisory authority over all activities of the District, except that the Commission may by resolution delegate authority to an administrative control board established under Section 17D-1-301, Utah Code Annotated 1953, as amended, the performance of any activities and the exercise of any rights, powers and authority of the District, to the extent permitted by law. The District shall have all rights, powers and authority granted to special service districts under the Utah Special Service District Act, Chapter 1 of Title 17D, Utah Code Annotated 1953, as amended.

Section 7. Under the requirements of Section 17D-1-209, Utah Code Annotated 1953, as amended, the County Clerk is directed to file the required notification of the establishment of the District with the Lieutenant Governor within thirty days after the adoption of this resolution.

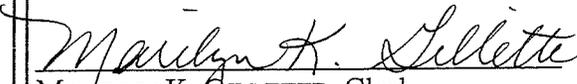
Section 8. All acts and resolutions in conflict with any part of this resolution are repealed.

Section 9. This resolution will take effect immediately upon its adoption..

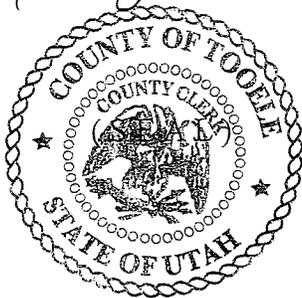
Adopted by majority vote at a duly called meeting this 16th day of June 2009.

ATTEST:

TOOELE COUNTY COMMISSION:


MARILYN K. GILLETTE, Clerk


COLLEEN S. JOHNSON, Chairman



Commissioner Johnson voted 
Commissioner Clegg voted 
Commissioner Hurst voted 

APPROVED AS TO FORM:


DOUG HOGAN
Tooele County Attorney

TOOELE COUNTY
NOTICE OF ADOPTION OF RESOLUTION ESTABLISHING THE
TOOELE COUNTY TRANSPORTATION SPECIAL SERVICE DISTRICT
AND CERTIFICATION

Under Utah Code Ann. §17D-1-205, 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 June 16, 2009 the Board of County Commissioners of Tooele County, Utah adopted a Resolution establishing the Tooele County Transportation Special Service District.

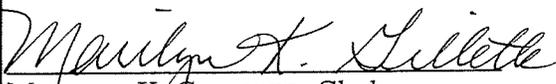
Accompanying this Notice is a copy of the Resolution approving the establishment of the Tooele County Transportation Special Service District, together with a map showing the boundaries of the Tooele County Transportation Special Service District, prepared and certified by a licensed surveyor. A copy 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 Tooele County Transportation Special Service District.

DATED this 16th day of June 2009.

ATTEST:

TOOELE COUNTY COMMISSION:


MARILYN K. GILLETTE, Clerk


COLLEEN S. JOHNSON, Chairman

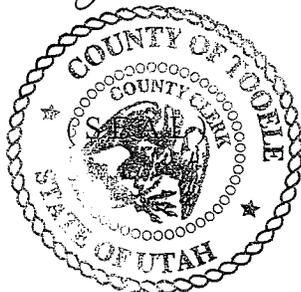


EXHIBIT A

**BOUNDARY DESCRIPTION FOR TOOELE COUNTY TRANSPORTATION
SPECIAL SERVICE DISTRICT**

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 all territory within the corporate boundaries of all cities and towns, namely Tooele City, Grantsville City, Stockton City, Wendover City, Town of Rush Valley, Town of Vernon, and the Town of Ophir, located within said Tooele County.

