

STATE OF UTAH

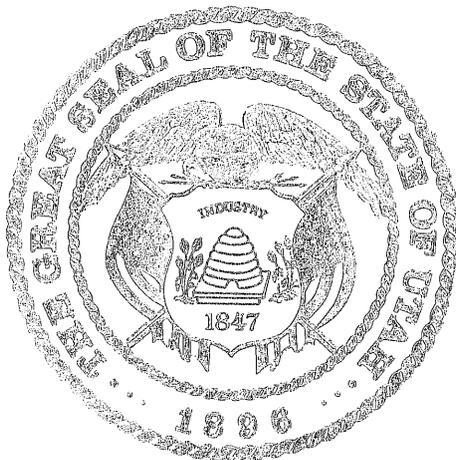


OFFICE OF THE LIEUTENANT GOVERNOR

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 CHARLESTON TOWN, dated March 3rd, 2011, complying with Section 10-2-425, 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 CHARLESTON TOWN, located in Wasatch County, State of Utah.



IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 4th day of April, 2011 at Salt Lake City, Utah.

A handwritten signature in black ink that reads "Greg Bell".

GREG BELL
Lieutenant Governor



CHARLESTON TOWN

3454 West 3400 South • Charleston, Utah 84032
435.654.7177 • Fax 435.654.9005

April 4, 2011

Utah State Lieutenant Governor's Office
Attn: Justin
350 N. State Street
Salt Lake City, UT 84114

Dear Justin:

As of March 3, 2011, Charleston Town has annexed a commercial area into its boundaries. The company that owns the property is Bingelli Properties, LLC located at 3595 South Highway 189, in Wasatch County. I have included a copy of the Annexation Ordinance. The legal description of the property is listed as Attachment "A" of the Annexation Ordinance. At the end of the agreement is a copy of the certified annexation map.

If I have failed to provide adequate information or if you have any questions please feel free to contact me at 435-654-7177.

Sincerely,

Ramie Winterton
Charleston Town Clerk

enc

Received

APR - 4 2011

Greg Bell
Lieutenant Governor

ORDINANCE NO. 2011-01

AN ORDINANCE APPROVING THE BINGELLI
ANNEXATION PETITION AND ACCEPTING THE AGREEMENT
OF CONDITIONS OF APPROVAL FOR ANNEXATION OF
BINGELLI PARCEL

WHEREAS, Applicant has on October 7, 2010, filed a Petition for Annexation of property into the Town of Charleston, including properties legally described in Attachment "A" of the attached Agreement of Conditions of Approval for the Annexation of the Bingelli Parcel attached hereto as Exhibit "A" (the "Agreement"); and

WHEREAS, Applicant has executed the attached Agreement attached hereto as Exhibit "A" as a condition of the Town of Charleston approving the annexation request,

BE IT ORDAINED by the Town Board of Charleston, Utah that The Bingelli Annexation is adopted consistent with and conditioned upon the execution of the above referenced Agreement of Conditions of Approval.

Said annexation approval is made by the Town of Charleston reserving all of its full statutory and common law discretion pursuant to Section 10-2-401 et seq. of the Utah Code Annotated.

This Ordinance shall be effective upon the posting of a copy in each of three (3) public places within the corporate limits of Charleston and posting on the Website.

PASSED AND ADOPTED by the Town of the of Charleston, Wasatch County, Utah, this 3rd day of March, 2011.

	YES	NO	ABSENT
Board Member Scott McEuen	<u>X</u>	_____	_____
Board Member Dennis McKenzie	<u>X</u>	_____	_____
Council Member Brenda Vincent	<u>X</u>	_____	_____
Council Member Wayne Winterton	<u>X</u>	_____	_____
President John Whiting	_____	_____	_____

By: *James Williams*
Town President

Attest: *Ree Duttle*
Town Recorder

Seal:

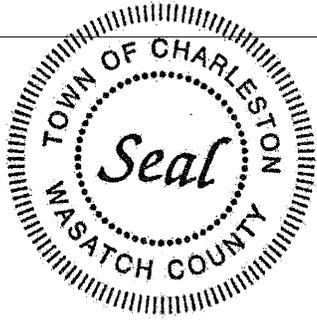


Exhibit "A"

AGREEMENT OF
CONDITIONS OF APPROVAL
TO ANNEX BINGELLI
PARCEL

THIS AGREEMENT (the "Agreement") is made and entered into this 3rd day of March, 2011 (the "Effective Date"), by and between the **Town of Charleston** (the "Town"), a Utah municipal corporation and **Bingelli Rock Products LLC**, a Utah Limited Liability Company "Applicant".

RECITALS:

- A. The Town and the Applicant, consider it mutually beneficial to Annex Applicant's property into the Town limits.
- B. The Company and the Applicant agree that this Agreement shall set forth the terms and conditions under which this annexation approval is based.

NOW, THEREFORE, for good and valuable consideration the sufficiency and receipt of which is hereby acknowledged, the parties hereto agree that as a condition of the Town of Charleston approving the Petition of the undersigned Applicant for annexation of properties into the Town of Charleston, said properties being legally described herein as Attachment "A". Said properties being located outside the Town of Charleston which consists of 504.22 acres owned by Bingelli Rock Products, LLC. Applicant and the Town of Charleston (the "Town") agree to be mutually bound by the following terms and conditions:

1. Conditions contained herein are subject to receipt of final approval of the Petition from all required Town agencies and bodies, including such zoning as will allow for the development of the subject property as set forth in the Petition and such other documents as may be submitted to the Town by the Applicant, subject only to the conditions contained herein and such additional conditions as Applicant may hereafter agree to.
2. Applicant, hereby agrees to adhere to all conditions, terms, requirements and so forth, as previously agreed to while under the jurisdiction of Wasatch County, herein attached to this agreement as Attachment "B", incorporated hereto and made a part hereof, *Existing Conditions of Operation of Wasatch County*.
3. Applicant hereby agrees that the annexed property will be zoned RA-5 and I-1, as outlined on the attached map, Attachment "C".
4. Applicant agrees to process site, concept, preliminary and final plans, as may be required by Town ordinances, for any development proposals through the Town Planning Commission and Board under the Town of Charleston Ordinances (as the same may be from time to time

amended) and agrees that no “vesting rights” issues exist with the Town of Charleston under any previous application, agreement, or approval with the Town of Charleston.

5. Applicant hereby agrees that any plans submitted to the Town, as outlined in Section 4 above, shall include and address the following:

- A. Discussion and submission of an approved plan for public trail easements surrounding and through the property, especially connecting to any future trail system to be constructed by the Town or others.
- B. Provide Water shares or water rights and infrastructure, in type and amount determined by the Charleston Water Conservancy District, “**Water District**”, which shall be turned over to the Water District prior to any final approvals of the Town, subject to a binding commitment for adequate water service by the Water District and annexation of the property into the Water District boundaries.
- C. Submission of appropriate documentation and approved designs relative to any existing and future roads within the annexation area that are required or requested to become public. Approval and acceptance by the Town shall be at the sole discretion of the Town Board.

6. Applicant agrees to adhere to the Town building, fire, zoning, nuisance and all other applicable Town, county, state, and federal codes, as the same may be amended from time to time.

7. Applicant agrees to pay all annexation fees, as per the Town’s adopted fee schedule and any outside consulting fees incurred by the Town on behalf of the Applicant for costs directly related to application and processing.

8. Applicant agrees to submit a detailed Landscape Plan to the satisfaction of the Town Board by June 30, 2012. The Landscape Plan shall include the following:

- A. A considerable mixture of trees, shrubs, landscape rock and plants;
- B. Drip irrigation system throughout the bermed/landscaped areas.
- C. Plants and trees shall be placed on and around the berms in random fashion to prevent the appearance of a straight fence-line of trees. The pattern and makeup of the foliage of the berm and other details shall be incorporated in the above mentioned Landscape Plan and approved by the Town prior to annexation approval. With regard to the berm to the East and Northeast of the cemetery, any such shall be, as is reasonably functional, incorporated into the natural rise already existing and shall be constructed in such a way to block, screen and hide any structures or equipment located on the adjacent property.
- D. Final construction of said berms will be completed by June 30, 2013.

9. Miscellaneous Provisions:

- A. Time is of the essence with respect to the performance of every provision of this Agreement in which time of performance is specified or is clearly a factor.
- B. Nothing contained in this Agreement shall create any partnership, joint venture or agency relationship between the parties.
- C. The Recitals to this Agreement are incorporated as a part of this Agreement. Whenever required by the context of this Agreement, the singular includes the plural and the masculine includes the feminine and vice versa. The term "including" and words of similar import mean "including, without limitation" and the phrase "sole discretion" means "sole and absolute discretion". This Agreement has been negotiated by the parties and shall not be construed for or against any of them.
- D. This Agreement contains the entire agreement and understanding of the parties with respect to the subject matter hereof and supersedes any prior promises, negotiations, representations or warranties not contained herein with respect to the matter hereof.
- E. The laws of the State of Utah shall govern the interpretation and enforcement of the Agreement. The parties agree that the venue for any action commenced in connection with this Agreement shall be proper only in a court of competent jurisdiction located in Wasatch County, Utah, and the Parties hereby waive any right to object to such venue.
- F. Applicant agrees to pay to the Town all legal fees, including court costs, incurred by the Town should the Applicant default on any portion of this agreement. Applicant agrees to also pay for any fees associated with the hiring of a certified inspector at as the Town deems needful.
- G. If any of the provisions of this agreement are declared void or unenforceable, such provision shall be severed from this Agreement, which shall otherwise remain in full force and effect, provided that the fundamental purpose of this Agreement.
- H. Upon execution of this Agreement, the same shall be recorded at the Office of the Wasatch County Recorder and shall become a covenant running with the land.

TOWN'S AUTHORIZING SECTION

DATED THIS 3rd day of March, 20 11.

ATTEST:

By: R. Outter
Town Clerk

CHARLESTON TOWN,
A Utah Municipal Corporation
By: James Wharton
Town President

Seal:



APPROVED AS TO FORM:
Joseph L. Smith
Town Attorney

APPLICANT'S AUTHORIZING SECTION

Properties LLC
Bingelli ~~Rock Products~~ Section

By [Signature]
It's MELVIN McQuarrie
member

Date: 3-21-2011

and

By [Signature]
It's member

Date: 3-21-2011

STATE OF UTAH)
)ss
COUNTY OF WASATCH)

On this day 21 of March, 2011,
personally appeared before me, Melvin McQuarrie & Deanna Binggeli,
whose identities are personally known to me or proved to me on the basis of satisfactory
evidence, and who affirmed that Melvin is the Owner and Deanna
is the owner of Binggeli Properties by authority of its members or its articles of
organization, and each acknowledged to me that said Limited Liability Company executed the
same.

[Signature]
Notary Public



Attachment "A"

Bingelli Annexation Legal Description

BEGINNING AT A POINT LOCATED N89°23'00"E ALONG THE SOUTH SECTION 1327.73 FEET FROM THE SOUTH ONE-QUARTER CORNER OF SECTION 14, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN TO A POINT ON THE CHARLESTON TOWN BOUNDARY, SAID POINT ALSO BEING ON THE EAST BOUNDARY OF DEER CREEK STORAGE AS RECORDED IN BOOK 578 PAGE 512 AT THE WASATCH COUNTY RECORDERS OFFICE (ALL REFERENCES ARE RECORDED AT THE WASATCH COUNTY RECORDERS OFFICE); THENCE NORTH 673.91 FEET ALONG SAID EAST BOUNDARY TO THE CENTERLINE OF US HIGHWAY 189; THENCE N52°34'03"E 2272.19 FEET ALONG SAID CENTERLINE, AND LEAVING SAID TOWN BOUNDARY, TO THE SOUTH BOUNDARY OF CONTINENTAL LEASING AS RECORDED IN BOOK 147 PAGE 454 AND WASATCH COUNTY PROPERTY AS RECORDED IN BOOK 316 PAGE 364; THENCE ALONG SAID BOUNDARIES THE FOLLOWING TWO COURSES: (1) THENCE S89°51'55"E 847.35 FEET; (2) THENCE N89°50'14"E 1334.94 FEET TO THE WEST BOUNDARY LINE OF OSWALD RANCH FAMILY PARTNERSHIP AS RECORDED IN BOOK 766 PAGE 428, SAID BOUNDARY ALSO BEING ON THE DANIEL TOWN BOUNDARY; THENCE ALONG SAID BOUNDARY S00°21'32"W 861.22 FEET TO THE SOUTH BOUNDARY LINE OF SAID RANCH PROPERTY AND THE SOUTH BOUNDARY OF DRAGE INVESTMENT CO AS RECORDED IN BOOK 58 PAGE 242, SAID BOUNDARY ALSO BEING ON THE DANIEL TOWN BOUNDARY; THENCE ALONG SAID BOUNDARIES THE FOLLOWING THREE COURSES: (1) THENCE S89°44'30"E 1838.39 FEET; (2) THENCE SOUTH 20.75 FEET; (2) THENCE EAST 820.57 FEET TO THE WEST BOUNDARY LINE OF MICHAEL C. SULLIVAN TRUST PROPERTY AS RECORDED IN BOOK 329 PAGE 414, SAID BOUNDARY ALSO BEING ON THE DANIEL TOWN BOUNDARY; THENCE S00°12'42"E 799.79 FEET ALONG SAID BOUNDARIES TO THE NORTHERLY BOUNDARY OF DANIEL CREEK SUBDIVISION SECOND AMENDED, SAID BOUNDARY ALSO BEING ON THE DANIEL TOWN BOUNDARY; THENCE ALONG SAID BOUNDARIES THE FOLLOWING SEVEN COURSES: (1) THENCE S89°31'46"W 141.21 FEET; (2) THENCE S62°33'45"W 114.51 FEET; (3) THENCE S60°52'42"W 137.41 FEET; (4) THENCE S77°13'05"W 310.68 FEET; (5) THENCE S52°09'28"W 56.18 FEET; (6) THENCE S22°57'29"W 141.82 FEET; (7) THENCE N89°58'08"W 548.38 FEET TO THE WEST BOUNDARY LINE OF SAID SUBDIVISION, SAID BOUNDARY ALSO BEING ON THE DANIEL TOWN BOUNDARY; THENCE S00°29'42"E ALONG SAID BOUNDARY 1312.05 FEET; THENCE S00°29'42"E LEAVING SAID DANIEL TOWN BOUNDARY AND FOLLOWING THE WEST BOUNDARY OF THE UTAH STATE DEPARTMENT OF FISH & GAME THE FOLLOWING THENCE 1327.95 FEET TO THE NORTH BOUNDARY LINE OF SAID STATE PROPERTY; THENCE WEST 4024.3 FEET ALONG SAID BOUNDARY TO THE EAST BOUNDARY OF ASSET PROTECTION LLC AS RECORDED IN BOOK 514 PAGE 356; THENCE ALONG SAID BOUNDARIES THE FOLLOWING TWO COURSES:

(1) THENCE NORTH 1292.76 FEET; (2) THENCE N89°59'59"W 1327.65 FEET TO THE EAST BOUNDARY OF THE CHARLESTON CITY CEMETERY; THENCE NORTH ALONG SAID BOUNDARY 676.49 FEET TO THE EAST BOUNDARY OF BINGGELI PROPERTIES AS RECORDED IN BOOK 447 PAGE 71, SAID BOUNDARY ALSO BEING ON THE CHARLESTON TOWN BOUNDARY; THENCE NORTH 657.79 FEET ALONG SAID BOUNDARIES TO THE POINT OF BEGINNING.

CONTAINS 509.60 ACRES

Attachment "B"

Conditions of Operation of Wasatch County

WASATCH COUNTY



25 North Main, Heber City, Utah 84032 • (435) 654-3211

BOARD OF COUNTY COMMISSIONERS

MICHAEL L. KOHLER

T. LaREN PROVOST

RALPH L DUKE

May 11, 2001

Binggeli Rock Products
Attn: Deanna Binggeli
P.O. box 98
Heber City, Utah

Dear Deanna,

Binggeli Asphalt Plant was approved by the Wasatch County Commission on April 23, 2001. Following you will find a list of conditions for the approval for the asphalt plant at the Binggeli Pit.

1. Provide a detail landscape plan for the approval of the Wasatch County Planning Office prior to the operation of the asphalt plant. The Landscape Plan will include bonding for each phase.
2. Redesign the access road at about 2800 West and Charleston Cemetery Road to conform to Charleston City and Wasatch County standards
3. Provide an ingress/egress plan for review and approval by Wasatch county Engineer's Office and UDOT.
4. Maintain noise level consistent with the surrounding residential uses. This could be accomplished by allowing the operation of the concrete batching and asphalt mixtures from 5:30 a.m. to 9:00 p.m. while the crushing operation is permitted only from 6:00 a.m. to 9:00 p.m. during daylight hours. Noise level between the hours of 8:00 p.m. and 7:00 a.m. shall not exceed 55 db and the average peak noise between 7:00 a.m. and 8:00 p.m. shall not exceed 70 db.

An exception to the above may be allowed, if the Planning Director believes that the disturbance will be minimal. If the Planning Director believes that the disturbance will be more than minimal, the County Commission must approve any such temporary changes in the hours of dispatch. Such temporary changes may be granted with conditions. Temporary changes shall not exceed a maximum of ninety (90) days in any rolling year, and requires a finding that such special operations will be for the public good. The County Commission may only grant a special operation that will exceed the (90) days maximum after a public hearing within fourteen (14) days publication of notice.

5. Keep all lighting within the operation away from the surrounding properties.

6. Take all necessary steps to minimize odors by using the latest available Technology.
7. Conform to the State and Federal environmental requirement pertaining to the operation of the asphalt plant.
8. Keep the dust under control by frequently watering the road and areas within the operation, or pave the road that will be used for the asphalt plant.
9. This Conditional Use Permit is subject to an annual review by the County Commission.
10. The Applicant consents to allow the Wasatch County Zoning Administrator or his staff, entrance to the property for inspection and to determine compliance with the conditions of this permit.

Within six months, the applicant agrees to provide, to a member of the Planning Department, training necessary to comply with the safety standards associated with on-site personnel.

It is important that all of these conditions will be followed. Your cooperation will avoid or reduce complaints from the adjoining property owners and the public.

Thank you for your assistance and willingness to work with the County on this sensitive issue.

Sincerely,

WASATCH COUNTY PLANNING



Al Mickelsen
Director

cc: Mystere Sapia



ENGINEERING

CIVIL / ENVIRONMENTAL

Planning Office

BINGGELI ROCK PRODUCTS INC.

CLOSURE PLAN FOR CHARLESTON GRAVEL OPERATIONS

PREPARED BY

MELVIN C. MCQUARRIE P.E.

MARCH 17, 1993

I. INTRODUCTION

A. Purpose of request:

Binggeli Rock Products (BRP) would like to expand their material source at their existing gravel operation. BRP feels that the expansion will help them in meeting the future needs of their customers and the community, while having minimal impact on the immediate and surrounding areas.

B. Location of site:

1. *Map 1: larger scale area map. (see appendix)*
2. *Map 2: smaller scale site map. (see appendix).*

C. Zoning of site:

The proposed site is currently zoned RA-3 and BRP has requested the zoning be changed to G-1.

D. Materials to be removed:

1. *A portion of the excavated top soil will be used to construct berms around the perimeter of excavation, excess material will be sold. The berms will later be utilized during closure for remediation of site, soil from the constructed berms will be placed on side slopes of the excavation.*
2. *Bank run gravel.*
3. *Raw material (Pit Run), for crushing operation, which is utilized to produce road base, concrete aggregate, drain rock (various sizes), and washed sand.*

II. PLAN OF OPERATION

A. Plan view map showing land use:

See Map number 3 (located in appendix).

B. Amount to be opened at one time:

BRP will open the excavation in five acre phases, methods of excavation will be such that minimal remediation will be required between phases (see methods of excavation). Parcel B is currently used for pasture, because BRP will open excavation in five acre phases the undisturbed property will remain in pasture until needed.

C. *Access to public road:*

BRP has an existing access to highway 189 located at the northwest corner of their existing gravel operation. This access was widened and paved during the summer of 1992 to give better visibility and improve safety. Currently the intersection of Cemetery Road and BRP's entrance merge at angles less than 80°. BRP will negotiate with Charleston City to realign this intersection to bring it up to standard.

There are two other existing easements located along HWY 189 that will be utilized for access. A secondary creek crossing will be placed near the east property line, this secondary access will allow BRP to relieve traffic from the main entrance road.

D. *Adjoining property ownership and uses:*

The proposed property borders highway 189 to the north, on the opposite side (north side) of HWY 189 the land is used for agricultural purposes; Property to the east, is used for agriculture. Property owners: Paradise Farms and Elvin Baker; Property to the south, current site for BRP gravel operation, zoned G-1, and is owned by BRP; Property to the west of the proposed site is located in Charleston City Limits, zoned commercial. Owned by Binggeli Rock Products Inc.

E. *Property rights of others within the project boundaries I.E. easements of record, irrigation ditches:*

There exists a 10 foot easement bordering the south property line of the proposed site which allows the power and phone company to maintain their lines. This area will not be disturbed without consent from the appropriate agencies.

Irrigation ditch (canal) to the east could possibly be effected, relocation of ditch eastward 100' would remediate this problem. The existing topography would allow this ditch to be relocated or offset. BRP would be responsible for design and also to receive approval from the irrigation companies effected.

F. *Processes performed on the site:*

1. Processing of gravel:

- a. Crushing rock.*
- b. Screening of materials.*
- c. Washing concrete aggregates.*
- d. Stock piling of materials.*

G. *Equipment located on site:*

- 1. Crushing and screening plant.*
- 2. Excavation equipment.*
 - a. Loaders*
 - b. Conveyor belts*
 - c. Bulldozers*

H. *Other permits and licenses needed:*

1. *Business license.*
2. *Bureau of Air Quality Permit for crusher.*
3. *Compliance with MSHA regulations.*

I. *Compliance plan for water quality control:*

Storm water and runoff will be controlled to minimize erosion and to comply with State Water Quality Standards for the control of storm water. Currently Storm water runoff from the open pit area (Parcel 1) sheet flows toward and collects to a detention pond area, this water is contained on site. Off site water is directed around excavation area and in to Dry Creek which passes through BRP property (see Drainage Control Map). Any portion of BRP property in which Storm water flows off site will be in compliance with Storm Water discharge standards, if required a permit will be obtained, currently a permit is not required for storm water discharge for BRP's operation.

As the existing rock quarry (Parcel A) is closed, drainage will be developed and controlled by means of Rip Rap ditches. Each terrace will drain toward the outer edges of quarry, collection ditches will then convey the drainage water down slope and eventually into Dry Creek. Because the closure of the Quarry will begin at the upper most elevation, vegetation will have a chance to grab hold as the excavation precedes downward, thus erosion and sedimentation transport will be contained in excavation area. Once excavation is complete drainage will be routed through a detention basin to allow sedimentation to settle before entering Dry Creek.

The new excavation (Parcel B) will be bermed which will prevent off site storm water runoff from entering excavation. Within the excavation area the Storm Water will be contained on site.

J. *Fueling Facilities:*

Fueling facilities are located on the BRP existing operation. These tanks are bermed to eliminate contact with storm water runoff and also emergency containment. There exists two above ground storage tanks: one 8000 gallon diesel tank; and one 500 gallon gasoline tank.

III. CLOSURE

A. *Topography before and after:*

1. *Refer to Site Map No. 2 for existing topography.*
2. *Refer to Site Map No. 3 for topography of total excavation.*

B. *Grading control plan:*

Excavation will be perform in such a manner as to leave the banks at a slope not steeper than 1.5:1. This will provide a mild enough slope for vegetation to grab hold, plus leave a factor of safety against slope failure. Drainage will be

controlled using methods of excavations outlined in chapter 70, 1991 UBC.

C. *Methods of closing pit:*

PARCEL B-OPTION 1:

There will be a 100 foot buffer zone around the perimeter of the property which will be used for access to the gravel operation. The top soil Parcel B property will be used to construct berms around perimeter of excavation, this will help with the aesthetics and minimizes the noise from the gravel operation.

As the source of material is depleted from each excavation (5 acre parcels), top soil from the berms will be placed on the side slopes, and seeded. Remediation will take place after each five acre cell is depleted, it will be an on going operation as the excavation proceeds.

Once the source of material has been exhausted the property could be developed and or sold.

PARCEL B-OPTION 2:

Use the same excavation techniques as Option 1.

After usable material is depleted from the excavation, back fill excavation using selected fill materials. Materials qualifying as Select Fill are inert construction debris, concrete, and fill dirt. The fill materials will be utilized to bring the area back up to original grade. Proper compaction and placement techniques will be practiced to assure the property is usable upon completion. The top soil from the berms will be placed over excavated/filled area, then seeded to complete remediation of site.

Once the property has been remediated it would be available for development or for agricultural purposes.

PARCEL A

Will be step sloped at 25' horizontal by 20' vertical drops. Each terrace will be sloped to control drainage and minimize erosion. Terraces will also be seeded to help revegetate hillside (see cross section in appendix).

D. *Cost of remediation:*

Costs are estimated to be \$1000/acre for soil placement and replanting of excavated areas (see break down in appendix).

IV. NONCONFORMING STATUS

A. *Parcel A is the location of BRP existing business, it has been in operation for many*

years. Currently the operation maintains grandfathered status, meaning it is exempted from current zoning requirements of maintaining a closure plan on file with the county. BRP plans to implement there existing gravel operation (Parcel A) into this closer plan and bring its current operation up to County Code.

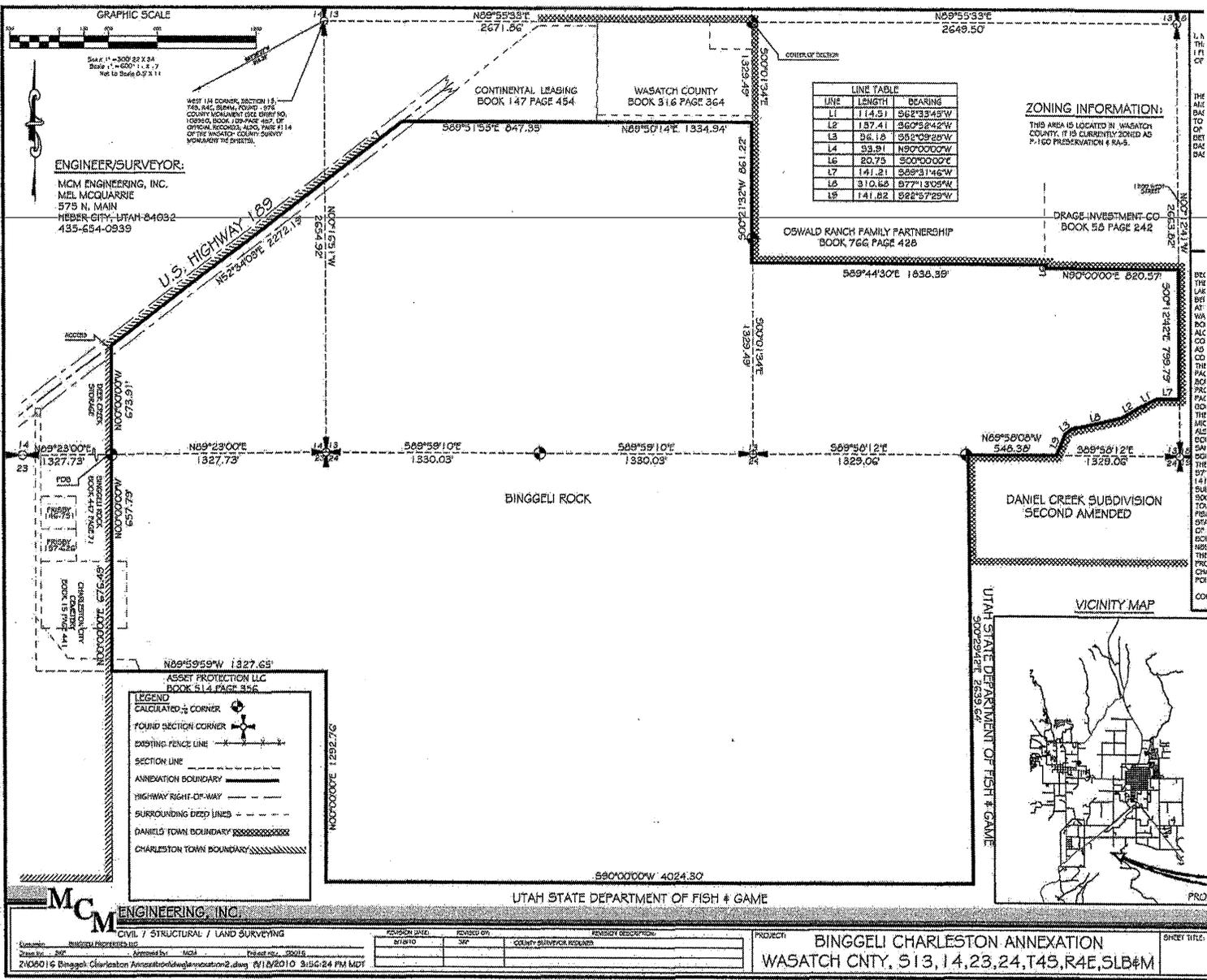
CONCLUSION

BRP produces materials required by all communities, Gravel and Concrete are all essential materials in maintaining and building a community. It is important for a community to plan for gravel pit operations, for without an economical source of supplies a community will not grow without paying a premium for importing materials. BRP intention is to continue current operations until their supply source is depleted, then to remediate and develop the site. This closure plan has outlined the guideline by which BRP will operate, BRP has voluntarily tried to operate in a manner least offensive to surrounding property owners, they are committed to continue this same policy.

BRP serves many customers both in and outside of this County, they employ 15-20 full time employees from this community, the community has a need for services provided by BRP. BRP brings outside revenues into this community by providing materials for State and Federally funded jobs, materials are also sold outside of the County because of the uniqueness of the mineral produced, taxes from these jobs are paid in this county, thus building the local economy. BRP is a valuable asset to this community and we need to preserve businesses such as these to insure that our community can grow and develop in the future.

Attachment "C"

Map of Zoning of Annexed Properties



GRAPHIC SCALE
 Scale 1" = 300' ± X 24
 Scale 1" = 600' ± X 7
 Not to Scale 0.5" ± 1.1

ENGINEER/SURVEYOR:
 MCM ENGINEERING, INC.
 MEL MCQUARRIE
 575 N. MAIN
 HEBER CITY, UTAH 84032
 435-654-0939

NEST 1/4 CORNER SECTION 15
 T4S, R4E, S14N, FOUND - 1976
 COUNTY RECORDS BOOK 100 PAGE 150
 (1996), BOOK 100 PAGE 487, 497
 OF THE WASATCH COUNTY SURVEY
 SHOWING THE SURVEY

CONTINENTAL LEASING
 BOOK 147 PAGE 454

WASATCH COUNTY
 BOOK 316 PAGE 364

LINE TABLE

LINE	LENGTH	BEARING
L1	114.51	S63°33'45"W
L2	137.41	S60°58'24"W
L3	26.18	S51°09'28"W
L4	93.91	N90°00'00"W
L6	20.75	S00°00'00"E
L7	141.21	S69°31'46"W
L8	310.68	S77°13'05"W
L9	141.82	S22°57'28"W

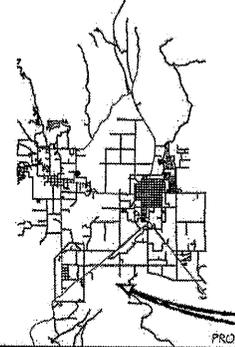
ZONING INFORMATION:
 THIS AREA IS LOCATED IN WASATCH
 COUNTY, IT IS CURRENTLY ZONED AS
 P-1 GO PRESERVATION & R.A.S.

OSWALD RANCH FAMILY PARTNERSHIP
 BOOK 766 PAGE 428

DRAGE INVESTMENT CO
 BOOK 53 PAGE 242

DANIEL CREEK SUBDIVISION
 SECOND AMENDED

VICINITY MAP



LEGEND

- CALCULATED CORNER
- FOUND SECTION CORNER
- EXISTING FENCE LINE
- SECTION LINE
- ANNEXATION BOUNDARY
- HIGHWAY RIGHT-OF-WAY
- SURROUNDING DEED LINES
- DANIELS TOWN BOUNDARY
- CHARLESTON TOWN BOUNDARY

N89°59'59"W 1327.63'
 ASSET PROTECTION LLC
 BOOK 514 PAGE 356

UTAH STATE DEPARTMENT OF FISH & GAME

MCM ENGINEERING, INC.
 CIVIL / STRUCTURAL / LAND SURVEYING

Client: BINGGELI CHARLESTON ANNEXATION
 Prepared by: MEL MCQUARRIE
 Date: 8/18/2010 9:54:24 PM MDT

REVISION DATE	REVISION BY	REVISION DESCRIPTION
8/18/10	SM	COUNTY SURVEY RECORDS

PROJECT: BINGGELI CHARLESTON ANNEXATION
 WASATCH CNTY, S13, 14, 23, 24, T4S, R4E, S1B#M

SHEET TITLE:

LINE TABLE		
LINE	LENGTH	BEARING
L1	114.51	S62°33'45"W
L2	137.41	S60°52'42"W
L3	56.18	S52°09'28"W
L4	53.91	N90°00'00"W
L6	20.75	S00°00'00"E
L7	141.21	S89°31'46"W
L8	310.68	S77°13'05"W
L9	141.82	S22°57'29"W

OSWALD RANCH FAMILY PARTNERSHIP
BOOK 766 PAGE 428

ZONING INFORMATION:

THIS AREA IS LOCATED IN WASATCH COUNTY. IT IS CURRENTLY ZONED AS P-160 PRESERVATION & RA-5.

DRAGE INVESTMENT CO
BOOK 58 PAGE 242

I, MELVIN C. MCQUARRIE, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 178851 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, THAT I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND THAT THIS IS TRUE AND CORRECT.

BASIS OF BEARING

THE BASIS OF BEARINGS FOR THIS SURVEY WERE ESTABLISHED FROM THE STATE COORDINATE AND DEPENDENT RESURVEY OF PORTIONS OF TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN OF THE WASATCH COUNTY RECORDS. ALL BEARINGS SHOWN ARE RELATIVE TO GRID NORTH IN CONFORMANCE WITH THE WASATCH COUNTY COORDINATE SYSTEM, A BEARING OF SOUTH 61°36'27" WEST (AS PER OFFICIAL RECORD REFERENCED AS ENTRY NO. 108950) BETWEEN THE WEST 1/4 CORNER OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, AND TARGET "MOUNT TIMPANOGOS" WAS USED TO ESTABLISH SAID BEARING BASE.



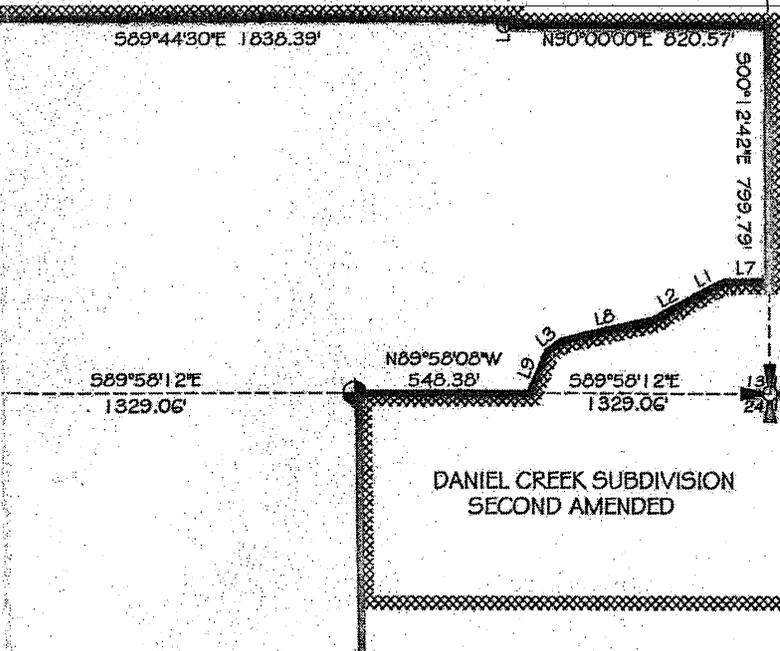
MELVIN C. MCQUARRIE
REGISTERED LAND SURVEYOR

3-29-11
DATE

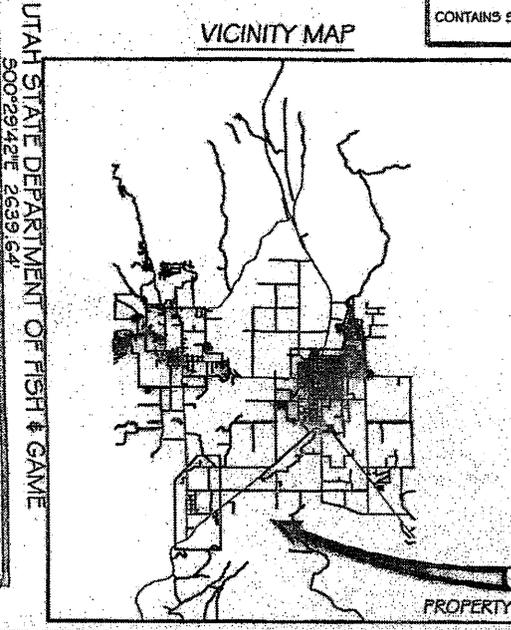
BOUNDARY DESCRIPTION

BEGINNING AT A POINT LOCATED N89°23'00"E ALONG THE SOUTH SECTION 1327.73 FEET FROM THE SOUTH ONE-QUARTER CORNER OF SECTION 14, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN TO A POINT ON THE CHARLESTON TOWN BOUNDARY, SAID POINT ALSO BEING ON THE EAST BOUNDARY OF DEER CREEK STORAGE AS RECORDED IN BOOK 578 PAGE 512 AT THE WASATCH COUNTY RECORDERS OFFICE (ALL REFERENCES ARE RECORDED AT THE WASATCH COUNTY RECORDERS OFFICE); THENCE NORTH 673.91 FEET ALONG SAID EAST BOUNDARY TO THE CENTERLINE OF US HIGHWAY 189; THENCE N52°34'03"E 2272.19 FEET ALONG SAID CENTERLINE, AND LEAVING SAID TOWN BOUNDARY, TO THE SOUTH BOUNDARY OF CONTINENTAL LEASING AS RECORDED IN BOOK 147 PAGE 454 AND WASATCH COUNTY PROPERTY AS RECORDED IN BOOK 316 PAGE 364; THENCE ALONG SAID BOUNDARIES THE FOLLOWING TWO COURSES: (1) THENCE S89°51'55"E 847.35 FEET; (2) THENCE N89°50'14"E 1324.94 FEET TO THE WEST BOUNDARY LINE OF OSWALD RANCH FAMILY PARTNERSHIP AS RECORDED IN BOOK 766 PAGE 428, SAID BOUNDARY ALSO BEING ON THE DANIEL TOWN BOUNDARY; THENCE ALONG SAID BOUNDARY S00°21'32"W 861.22 FEET TO THE SOUTH BOUNDARY LINE OF SAID RANCH PROPERTY AND THE SOUTH BOUNDARY OF DRAGE INVESTMENT CO. AS RECORDED IN BOOK 58 PAGE 242, SAID BOUNDARY ALSO BEING ON THE DANIEL TOWN BOUNDARY; THENCE ALONG SAID BOUNDARIES THE FOLLOWING THREE COURSES: (1) THENCE S89°44'30"E 1838.39 FEET; (2) THENCE SOUTH 20.75 FEET; (3) THENCE EAST 820.57 FEET TO THE WEST BOUNDARY LINE OF MICHAEL C. SULLIVAN TRUST PROPERTY AS RECORDED IN BOOK 329 PAGE 414, SAID BOUNDARY ALSO BEING ON THE DANIEL TOWN BOUNDARY; THENCE S00°12'42"E 799.79 FEET ALONG SAID BOUNDARIES TO THE NORTHERLY BOUNDARY OF DANIEL CREEK SUBDIVISION SECOND AMENDED, SAID BOUNDARY ALSO BEING ON THE DANIEL TOWN BOUNDARY; THENCE ALONG SAID BOUNDARIES THE FOLLOWING SEVEN COURSES: (1) THENCE S89°31'46"W 141.21 FEET; (2) THENCE S62°33'45"W 114.51 FEET; (3) THENCE S60°52'42"W 137.41 FEET; (4) THENCE S77°13'05"W 310.68 FEET; (5) THENCE S52°09'28"W 56.18 FEET; (6) THENCE S22°57'29"W 141.82 FEET; (7) THENCE N89°58'08"W 548.38 FEET TO THE WEST BOUNDARY LINE OF SAID SUBDIVISION, SAID BOUNDARY ALSO BEING ON THE DANIEL TOWN BOUNDARY; THENCE S00°29'42"E ALONG SAID BOUNDARY 1312.05 FEET; THENCE S00°29'42"E LEAVING SAID DANIEL TOWN BOUNDARY AND FOLLOWING THE WEST BOUNDARY OF THE UTAH STATE DEPARTMENT OF FISH & GAME THE FOLLOWING THENCE 1327.95 FEET TO THE NORTH BOUNDARY LINE OF SAID STATE PROPERTY; THENCE WEST 4024.3 FEET ALONG SAID BOUNDARY TO THE EAST BOUNDARY OF ASSET PROTECTION LLC AS RECORDED IN BOOK 514 PAGE 356; THENCE ALONG SAID BOUNDARIES THE FOLLOWING TWO COURSES: (1) THENCE NORTH 1292.76 FEET; (2) THENCE N89°59'59"W 1327.65 FEET TO THE EAST BOUNDARY OF THE CHARLESTON CITY CEMETERY; THENCE NORTH ALONG SAID BOUNDARY 676.49 FEET TO THE EAST BOUNDARY OF BINGGELI PROPERTIES AS RECORDED IN BOOK 447 PAGE 71, SAID BOUNDARY ALSO BEING ON THE CHARLESTON TOWN BOUNDARY; THENCE NORTH 657.79 FEET ALONG SAID BOUNDARIES TO THE POINT OF BEGINNING.

CONTAINS 509.60 ACRES



VICINITY MAP



ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT WE THE UNDERSIGNED CHARLESTON TOWN COUNCIL HAVE ADOPTED A RESOLUTION OF ITS INTENT TO ANNEX THE TRACT OF LAND SHOWN HEREON AND HAVE SUBSEQUENTLY ADOPTED AN ORDINANCE ANNEXING SAID TRACT INTO CHARLESTON TOWN, UTAH AND THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR FILING HERewith, ALL IN ACCORDANCE WITH UTAH CODE SECTION 10-2-418 AS REVISED AND THAT WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT AS SHOWN OF A PART OF SAID TOWN AND THAT SAID TRACT OF LAND IS TO BE KNOWN HEREAFTER AS THE BINGGELI CHARLESTON ANNEXATION. 2nd DAY OF March, A.D. 2010.

[Signature]
APPROVED BY MAYOR

[Signature]
ATTEST BY CLERK-RECORDER

COUNTY SURVEYOR

APPROVED THIS 19th DAY OF August, A.D. 2010, BY WASATCH COUNTY SURVEYOR.

SURVEYOR *[Signature]*

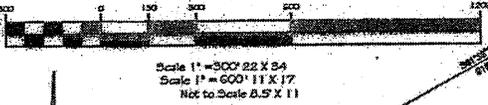
BINGGELI CHARLESTON ANNEXATION
WASATCH CNTY, S13,14,23,24,T4S,R4E,SLB&M

SHEET TITLE:

ANNEXATION MAP

SHEET NO.:

1



WEST 1/4 CORNER, SECTION 13, T45, R4E, S34M, FOUND 1975 COUNTY MONUMENT (SEE ENTRY NO. 106950, BOOK 109-PAGE 482, OF OFFICIAL RECORDS; ALSO, PAGE # 114 OF THE WASATCH COUNTY SURVEY MONUMENT TILE SHEETS).

ENGINEER/SURVEYOR:
 MCM ENGINEERING, INC.
 MEL MCQUARRIE
 575 N. MAIN
 HEBER CITY, UTAH 84032
 435-654-0939

CONTINENTAL LEASING
 BOOK 147 PAGE 454

WASATCH COUNTY
 BOOK 316 PAGE 364

U.S. HIGHWAY 189

ACCESS

DEER GREEN
 STORAGE

FRISBY
 146-751
 FRISBY
 157-626

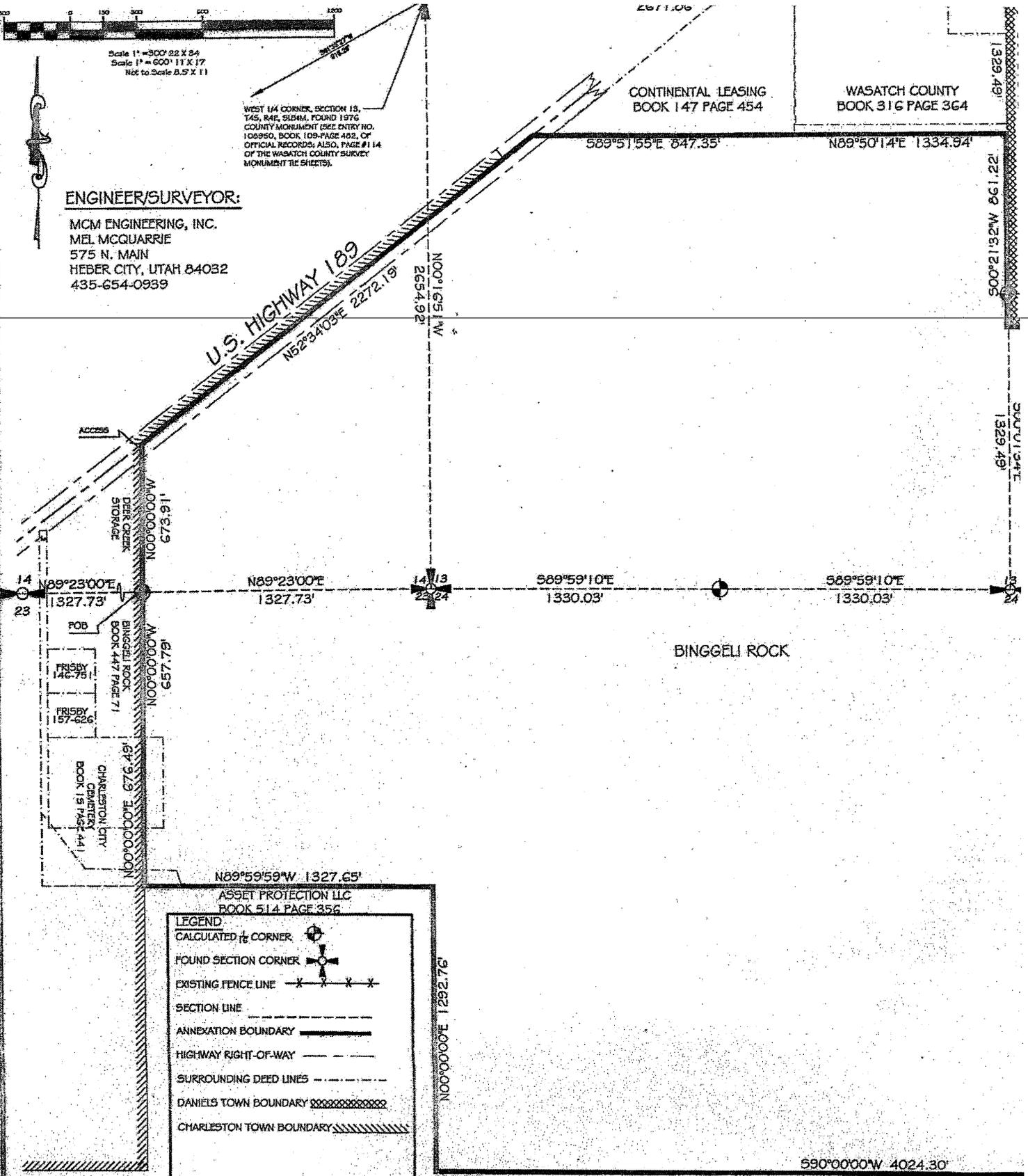
CHARLESTON CITY
 CHARLESTON
 BOOK 15 PAGE 441

ASSET PROTECTION LLC
 BOOK 514 PAGE 356

LEGEND

- CALCULATED CORNER
- FOUND SECTION CORNER
- EXISTING FENCE LINE
- SECTION LINE
- ANNEXATION BOUNDARY
- HIGHWAY RIGHT-OF-WAY
- SURROUNDING DEED LINES
- DANIELS TOWN BOUNDARY
- CHARLESTON TOWN BOUNDARY

BINGGELI ROCK



UTAH STATE DEPARTMENT OF FISH & GAME



CIVIL / STRUCTURAL / LAND SURVEYING

Customer: BINGGELI PROPERTIES LLC
 Drawn by: SKP Approved by: MCM Project no.: 02016
 Z:\05016 Beggeli Charleston Annexation\dwg\annexation2.dwg 8/18/2010 3:56:24 PM MDT

REVISION DATE	REVISED BY	REVISION DESCRIPTION
8/18/10	SKP	COUNTY SURVEYOR FEEDBACK

Ent 251956 Bk 0594 Pg 0843-0863
ELIZABETH M PALMIER, Recorder
WASATCH COUNTY CORPORATION
2002 DEC 18 11:09am Fee No Fee MWC
FOR WASATCH COUNTY

Heber City, Utah

October 28, 2002

The Board of County Commissioners (the "Commission") of Wasatch County, Utah (the "County"), acting as the governing body of the North Village Special Service District, Wasatch County, Utah (the "Special Service District"), met in regular session at its regular meeting place in Heber City, Utah at 2:00 p.m. on Monday, the 28th day of October, 2002, with the following members present:

LaRen Provost	Commission Chair
Michael L. Kohler	Commissioner
Ralph L. Duke	Commissioner

Also present:

Brent R. Titcomb	County Clerk/Auditor
------------------	----------------------

Absent:

After the meeting had been duly called to order and the minutes of the preceding meeting read and approved, and after other matters not pertinent to this resolution had been discussed, the County Clerk/Auditor presented to the Commission a Certificate of Compliance With Open Meeting Law with respect to this October 28, 2002, meeting, a copy of which is attached hereto as Exhibit "A".

Thereupon the following proceedings, among others, were duly had and taken:

Commissioner Duke introduced the following resolution in writing, which was fully discussed, and moved its adoption:

RESOLUTION NO. 2002-01

A RESOLUTION DECLARING THE INTENTION OF THE BOARD OF COUNTY COMMISSIONERS OF WASATCH COUNTY, STATE OF UTAH ACTING AS THE GOVERNING BODY OF THE NORTH VILLAGE SPECIAL SERVICE DISTRICT, WASATCH COUNTY, UTAH (THE "SPECIAL SERVICE DISTRICT"), TO FINANCE THE COST OF CONSTRUCTING CERTAIN SEWER AND WATER IMPROVEMENTS IN CERTAIN AREAS WITHIN THE SPECIAL SERVICE DISTRICT, AND ALL OTHER MISCELLANEOUS WORK NECESSARY TO COMPLETE THE IMPROVEMENTS IN A PROPER WORKMANLIKE MANNER; TO CREATE THE NORTH VILLAGE SPECIAL SERVICE DISTRICT, WASATCH COUNTY, UTAH SPECIAL IMPROVEMENT DISTRICT NO. 2002-1 (THE "DISTRICT"); TO DEFRAY THE COST AND EXPENSES OF SAID IMPROVEMENTS BY SPECIAL ASSESSMENTS TO BE LEVIED AGAINST THE PROPERTIES BENEFITTED BY SUCH IMPROVEMENTS; TO PROVIDE NOTICE OF INTENTION TO AUTHORIZE SUCH IMPROVEMENTS AND TO FIX A TIME AND PLACE FOR PROTESTS AGAINST SUCH IMPROVEMENTS OR THE CREATION OF SAID DISTRICT; TO DECLARE ITS OFFICIAL INTENT TO REIMBURSE ITSELF FOR EXPENDITURES PAID BY IT PRIOR TO THE SALE OF BONDS; TO DECLARE ITS INTENTION TO FUND A RESERVE FUND IN LIEU OF A GUARANTY FUND; AND RELATED MATTERS.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Wasatch County, Utah:

Section 1. The Commission of Wasatch County, Utah (the "County") acting as the governing body of the North Village Special Service District, Wasatch County, Utah (the "Special Service District") hereby determines that it will be in the best interest of the Special Service District to finance the costs of constructing certain sewer and water improvements in certain areas within the Special Service District consisting of sewer lines, force main and lift stations, manholes and related improvements and water lines, metering stations, fire hydrants, pressure reducing stations and related improvements (the "Improvements"), and to complete the whole in a proper and workmanlike manner according to plans, profiles and specifications on file in the Office of the County Engineer in Wasatch County, Utah. A description of the proposed special improvement district is more particularly described in the Notice of Intention to acquire and construct the proposed Improvements hereinafter set forth.

Section 2. The proposed district shall be known as "North Village Special Service District, Wasatch County, Utah Special Improvement District No. 2002-1 (the "District").

E 251956 B 0594 P 0844

Section 3. The cost and expenses of the proposed Improvements shall be paid by a special assessment to be levied against the property to be improved or which may be directly or indirectly benefited by any of such Improvements, such assessment to be paid in not more than fifteen (15) principal installments with interest on the unpaid balance until due and paid.

Section 4. Written protests against the proposed Improvements or against the creation of the District must be presented and filed in the Office of the County Clerk/Auditor on or before the 6th day of December, 2002, at the hour of 5:00 p.m. Thereafter at 2:00 p.m. on Monday, the 9th day of December, 2002, at the County offices in Heber City, Utah, any such protests shall be heard and considered by the Commission. The County Clerk/Auditor is hereby directed to give notice of intention to make the proposed Improvements and of the time within which protests against the proposed Improvements or the creation of the District may be filed and the date when such protests will be heard and considered by publishing notice of intention to create the District in the Wasatch Wave, a newspaper of general circulation in the Special Service District, said notice to be published four times, once during each week for four consecutive weeks, the last publication to be not less than five (5) nor more than twenty (20) days prior to the time fixed in the notice as the last day for the filing of protests. In addition, the County Clerk/Auditor shall mail a copy of such notice by United States Mail, postage prepaid, to each owner of land to be assessed within the proposed District at the last known address of such owner, using for such purpose the names and addresses of said owners appearing on the last completed real property assessment rolls of Wasatch County, Utah, and, in addition, a copy of such notice shall be mailed, postage prepaid, addressed to "Owner" at the street number of each piece of improved property to be affected by the assessment, said notices to be so mailed not later than ten (10) days after the first publication of the Notice of Intention. If a street number has not been so assigned, then the post office box, rural route number, or any other mailing address of the improved property shall be used for the mailing of the Notice. Said Notice shall be in substantially the following form:

E 251956 B 0594 P 0845

NOTICE OF INTENTION

PUBLIC NOTICE IS HEREBY GIVEN that on the 28th day of October, 2002, the Board of County Commissioners of Wasatch County, Utah (the "County") acting as the governing body of the North Village Special Service District, Wasatch County, Utah (the "Special Service District"), adopted a resolution declaring its intention to create a special improvement district to be known as North Village Special Service District, Wasatch County, Utah Special Improvement District No. 2002-1 (the "District"). It is the intention of the Special Service District to finance the cost of constructing certain sewer and water improvements to benefit certain areas within the Special Service District (the "Improvements") and to levy a special assessment as provided in Title 17A, Chapter 3, Part 2, Utah Code Annotated 1953, as amended, on the real estate lying within the District for the benefit of which such assessment is to be expended in the making of such Improvements.

DESCRIPTION OF DISTRICT

The proposed District shall include certain properties in Wasatch County, Utah east of Highway 40 and between Coyote Lane on the south and the Jordanelle Reservoir on the north and certain properties west of Highway 40 on the north and south of River Road between Highway 40 and the Provo River, which certain properties are more particularly described as follows:

North Parcel A:

The Southeast Quarter of Section 6 and the North Half of Section 7, Township 3 North, Range 5 East, Salt Lake Base and Meridian.

North Parcel B:

The Northeast Quarter, the Southeast Quarter and the Southwest Quarter of Section 7, Township 3 South, Range 5 West, Salt Lake Base and Meridian.

North Parcel C:

The West Half of Section 7 and the North Half of the Northeast Quarter of Section 18, Township 3 South, Range 5 East, Salt Lake Base and Meridian.

Central Parcel:

The Southeast Quarter of Section 18, the Southwest Quarter of Section 17 and the North Half of Section 20, Township 3 South, Range 5 East, Salt Lake Base and Meridian.

E 251956 B 0594 P 0846

South Parcel:

The East Half of Section 20, the Southwest Quarter of Section 21, the Northwest Quarter of Section 28 and the Northeast Quarter of Section 29, Township 3 South, Range 5 East, Salt lake Base and Meridian.

INTENDED IMPROVEMENTS

The Improvements to be constructed within the District in general include the following:

Sewer Improvements

A sewer outfall line from the existing Jordanelle Special Service District sewer to the Probst Property near River Road, and the Sorensen Property along State Road 32; sewer, force main and lift station from the planned campus of Utah Valley State College (the "UVSC Campus") to State Road 32; sewer improvements for Moulton Lane; sewer, force main and lift station from Coyote Lane to the UVSC Campus; sewer to the Sorensen Property near Coyote Lane; and sewer to the Sorensen Property through the Winkler Property.

Water Improvements

Offsite 16" waterline from the Jordanelle Special Service District to North Village and onsite waterlines to participating properties.

METHOD OF ASSESSMENT

The method under which the assessments are to be levied shall be according to "equivalent residential units." The term "equivalent residential unit" or ERU is defined as any dwelling, unit or development which in its nature of use or impact on the proposed Improvements is equal to a single family residential unit. The number of ERU's for each property was obtained through consultations between each property owner and the County. There is no assurance that the estimated number of ERU's will be developed within the District or that each parcel of property proposed to be assessed will ultimately be developed. The estimated number of ERU's is based solely on discussions with each property owner and represents said property owner's best estimate as to the number of ERU's that may at some future time be developed on said property owner's property proposed to be assessed within the District. For the purpose of this District, the total number of ERU's are as follows:

E 251956 B 0594 P 0847

Proposed Improvements

Sewer and Water Improvements

<u>Property Owner</u>	<u>Property Tax ID#</u>	<u>Number of ERUs</u>	<u>Estimated Assessment per ERU</u>
			\$2,230
JLS Properties L.L.C.	OWC-0476-0-006-035 OWC-0485-0-007-035 OWC-0501-0-017-035 OWC-0502-0-018-035 OWC-0592-0-020-035 OWC-0595-0-021-035 OWC-0616-0-028-035 OWC-0630-0-029-035	1,688	
Investment Lodging Corp. (Gary Willey)	OWC-0503-0-018-035 OWC-0522-0-018-035 OWC-0518-0-018-035 OWC-0533-1-019-035	550	
Pete Probst/Mel McQuarrie	OWC-0512-0-018-035 OWC-0512-2-018-035	225	
Doug Heiner	OWC 0504-0-018-035	106	
Robert Anderson	OWC-0525-1-018-035	3	
Dave Pegelow	OWC-0541-0-019-035	5	
Wayne/Barbara Stewart	OWC-0543-0-019-035 OWC-0544-0-019-035 OWC-0536-2-019-035	9	
Tom Anderson	OWC-0537-0-019-035	<u>24</u>	
TOTAL		2,610	

ESTIMATED COST OF IMPROVEMENTS

The total cost of Improvements in the District is estimated to be \$5,821,300 (which includes engineering costs, overhead costs and the funding of a reserve fund described herein) all of which shall be paid by a special assessment to be levied against the property which may be directly or indirectly benefitted by such Improvements which benefits need not actually increase the fair market value of the property to be assessed. The property owners' portion of the total estimated cost of the Improvements may be financed during the construction period by the use of interim warrants, in which case the interest on said warrants will be assessed to the property owners.

E 251956 B 0594 P 0848

In lieu of utilizing a guaranty fund, the Special Service District intends to create a special reserve fund to secure payment of the special assessment bonds (the "Bonds") anticipated to be issued to finance the proposed Improvements. The reserve fund will be initially funded with proceeds of the Bonds in an amount equal to approximately ten percent (10%) of the total principal amount of Bonds to be issued, plus amounts sufficient to pay capitalized interest on the Bonds. The Special Service District anticipates applying any moneys remaining in the reserve fund to the final payment on the Bonds which, in turn, would offset the final assessment payments to be made by the owners of property benefitted by such Improvements, all of which will be further described in the assessment ordinance to be adopted by the Special Service District.

ASSESSMENTS AND LEVY OF TAXES

It is the intention of the Special Service District to levy assessments as provided by the laws of Utah and upon approval by the Board of County Commissioners of Wasatch County, Utah on all parcels and lots of real property within the District benefitting by the proposed Improvements described herein. The purpose of the assessment and levy is to pay those costs of the subject Improvements which the Special Service District will not assume and pay. The method of assessment shall be by ERU as set forth hereinabove.

The assessments may be paid by property owners in not more than fifteen (15) annual principal installments with interest on the unpaid balance at a rate or rates fixed by the Special Service District, or the whole or any part of the assessment may be paid without interest within fifteen (15) days after the ordinance levying the assessment becomes effective. The assessments shall be levied according to the benefits to be derived by each property within the District. Other payment provisions and enforcement remedies shall be in accordance with Title 17A, Chapter 3, Part 2, Utah Code Annotated 1953, as amended.

A map of the proposed District and specifications of the proposed Improvements and other related information are on file in the office of the County Engineer who will make such information available to all interested persons.

TIME FOR FILING PROTESTS

Any person who is the owner of record of property to be assessed in the District described in this Notice of Intention shall have the right to file in writing a protest against the creation of the District or to make any other objections relating thereto. Protests shall describe or otherwise identify the property owned of record by the person or persons making the protest. Protests shall be filed with the County Clerk/Auditor of Wasatch County, Utah, on or before 5:00 p.m. on the 6th day of December, 2002. Thereafter at 2:00 p.m. on the 9th day of December, 2002, the Board of County Commissioners acting

11 E 251956 B 0594 P 0849

as the governing body of the Special Service District will meet in public meeting at the County offices to consider all protests so filed and hear all objections relating to the proposed District.

After such consideration and determination, the Special Service District shall adopt a resolution either abandoning the District or creating the District either as described in this Notice of Intention or with deletions and changes made as authorized in bylaws; but the Special Service District shall abandon the District and not create it if the necessary number of protests as provided herein have been filed on or before the time specified in this Notice of Intention for the filing of protests after eliminating from such filed protests: (i) protests relating to property or relating to a type of improvement which has been deleted from the District and (ii) protests which have been withdrawn in writing prior to the conclusion of the hearing. The necessary number of protests shall mean protests representing one-half of the total ERU's.

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF
WASATCH COUNTY, UTAH

/s/ Brent R. Titcomb
County Clerk/Auditor

Published in the Wasatch Wave on November 6, 13, 20 and 27, 2002.

11 E 251956 B 0594 P 0850

Section 5. The Commission acting as the governing body of the Special Service District reasonably expects to reimburse the Special Service District from proceeds of the Bonds for capital expenditures paid by the Special Service District (whether or not such expenditures are paid from proceeds of interim warrants) with respect to the Improvements.

Section 6. This declaration is intended to be a declaration of official intent under Treasury Regulation § 1.103-18(1).

Section 7. The maximum estimated principal amount of debt expected to be issued for reimbursement purposes is \$5,821,300. This amount will be reduced by cash payments received by the Special Service District from property owners who elect to pay their assessment in full during the cash payment period immediately following the effective date of the assessment ordinance.

Section 8. This declaration of official intent is consistent with the Special Service District's budgetary and financial circumstances. No funds from sources other than the Bonds are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the Special Service District or by any member of the same controlled group pursuant to their budget or financial policies with respect to the expenditures to be reimbursed.

01 E 251956 B 0594 P 0851

Commissioner Kohler seconded the motion to adopt the foregoing resolution. The motion and resolution were adopted on the following recorded vote:

Those voting AYE:

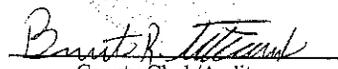
unanimous

Those voting NAY:

After the conduct of other business not pertinent to the above, the meeting was, on motion duly made and seconded, adjourned.


Chair

ATTEST:



County Clerk/Auditor

(SEAL)

E 251956 B 0594 P 0852

STATE OF UTAH)
 : ss.
COUNTY OF WASATCH)

I, Brent R. Titcomb, the duly chosen, qualified and acting County Clerk/Auditor of Wasatch County, Utah, do hereby certify as follows:

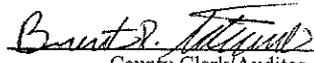
1. That the foregoing typewritten pages constitute a full, true and correct copy of the record of proceedings of the Board of County Commissioners taken at a regular meeting thereof held in said County on October 28, 2002, at the hour of 2:00 p.m., insofar as said proceedings relate to the consideration and adoption of a resolution declaring the intention of the Board of County Commissioners acting as the governing body of the North Village Special Service District, Wasatch County, Utah to create Special Improvement District No. 2002-1 and make certain Improvements therein described as the same appears of record in my office; that I personally attended said meeting, and that the proceedings were in fact held as in said minutes specified.

2. That due, legal and timely notice of said meeting was served upon all members as required by law and the rules and ordinances of said County.

3. That the above resolution was deposited in my office on October 28, 2002, has been recorded by me, and is a part of the permanent records of Wasatch County, Utah.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and affixed the seal of said County this 28th day of October, 2002.

(SEAL)


County Clerk/Auditor

E 251956 B 0594 P 0853

STATE OF UTAH)
 : ss.
COUNTY OF WASATCH)

AFFIDAVIT OF MAILING
NOTICE OF INTENTION

I, Brent R. Titcomb, the duly chosen, qualified and acting County Clerk/Auditor of Wasatch County, Utah, do hereby certify that the attached Notice of Intention was approved and adopted in the proceedings of the Board of County Commissioners had on Monday, the 28th day of October, 2002.

I further certify that on the 14 day of November, 2002 (a date not later than ten (10) days after the first publication of the Notice of Intention) I mailed a true copy of the Notice of Intention to create North Village Special Service District, Wasatch County, Utah Special Improvement District No. 2002-1 by United States Mail, postage prepaid to each owner of land to be assessed within the proposed Special Improvement District at the last known address of such owner, using for such purpose the names and addresses appearing on the last completed real property assessment rolls of Wasatch County, Utah, and in addition I mailed on the same date a copy of said Notice of Intention addressed to "Owner" addressed to the street number, post office box, rural route number, or other mailing address of each piece of improved property to be affected by the assessment.

I further certify that a certified copy of said Notice of Intention together with profiles of the Improvements in the proposed District, was on file in the office of the County Engineer at the County offices for inspection by any interested parties.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of Wasatch County, Utah this 14 day of November, 2002.



(SEAL)

Brent R. Titcomb
County Clerk/Auditor

E 251956 B 0594 P 0854

(affidavit of proof of publication of the
Notice of Intention to create
North Village Special Service District, Wasatch County,
Utah Special Improvement District No. 2002-1)

E 251956 B 0594 P 0855

EXHIBIT "A"

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Brent R. Titcomb, the undersigned County Clerk/Auditor of Wasatch 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 October 28, 2002, 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 October 24, 2002, 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 Wasatch Wave on October 24, 2002, at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2002 Annual Meeting Schedule for the Board of County Commissioners (attached hereto as Schedule "B") was given specifying the date, time and place of the regular meetings of the Board of County Commissioners of the County to be held during the year, by causing said Notice to be posted on Nov 26, 2001, at the principal office of the Board of County Commissioners and by causing a copy of said Notice to be provided to at least one newspaper of general circulation within the geographic jurisdiction of the County on Nov 26, 2001.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this 28th day of October, 2002.



Brent R. Titcomb
County Clerk/Auditor

(SEAL)

E 251956 B 0594 P 0856

SCHEDULE "A"
NOTICE OF MEETING

11 E 251956 B 0594 P 0857

PUBLIC NOTICE is hereby given that the Board of County Commissioners of Wasatch County will hold a regular public meeting in Commission Chambers in the County Administration Building, 25 North Main Street, Heber City, Utah, commencing at 2:00 p.m., Monday, October 28, 2002.

WASATCH COUNTY COMMISSION MEETING AGENDA

DATE: October 28, 2002

Order of Agenda Items Subject to Change Without Notice

2:00 Public Hearing – First Public Hearing for Community Development Block Grant 2003-2004

Approval of Minutes

Central Utah Water Conservancy Project Update

Peace House Women Shelter Request for Funds

Utah State Extension Service 4-H Presentation

Center for Drug and Alcohol Services – Approval of Mt. Lands Title 20 XX Contract

Personnel Director

Approval to Hire Sheriff Department Dispatch Employees

Approval of 2003 Wage Scale

Approval of Health Insurance Rates for 2003

Clerk/Auditor Department

Open and Public Meeting Affidavit

Approval of Expenditures and Payroll

Approval of Business Licenses

Planning Department

Decision Regarding Compliance to the Conditions of Approval for the CPC Asphalt Plant Conditional Use Permit. This Project is in the Southwest Area of the Heber Valley Near the Charleston City Boundaries and in the Area Known as the Binggeli Pit, Township 4 South, Range 4 East, Section 23

Signing of the Bridge Hollow Agreement

Decision to Consider a Request by ESAD Investments, LC (Dunn Construction) for a Transfer Station. The Proposed is Located West of the Heber/County Animal Shelter at Approximately 2050 South 700 West in the Daniel Area. It is in the Southwest 1/4 of Section 7, Township 4 S, Range 5 E and in I-1 (Industrial) Zone

Decision Regarding the Adoption of an Amendment to the Wasatch County Planning, Zoning and Subdivision Development Code Defining and Providing for the Establishment of Resort Specially Planned Areas (RSPA) Within the Jordanelle Basin Overlay Zone

E 251956 B 0594 P 0858

Decision Regarding the Request by HAMC Wasatch, LLC, Stichting Mayflower Recreational Fonds, Stichting Mayflower Mountain Fonds and Jordan Investments, Inc. for the Establishment of the Deer Valley Lakeside Resort Specially Planned Area in the Jordanelle Basin. The Location of the Proposed Resort Specially Planned Area is in All or Part of Sections 12, 13, 14, 22, 23, 24, 25, 26, 27, 34, 35, and 36 of Township 2 South, Range 4 East and Sections 7, 18, 19, 30, and 31 of Township 2 South, Range 5 East

Decision Regarding the Request by HAMC Wasatch, LLC Stichting Mayflower Recreational Fonds, Stichting Mayflower Mountain Fonds and Jordan Investments, Inc. for the Review and Approval of the Implementation Guidelines and Standards for the Deer Valley Lakeside Resort Specially Planned Area

Decision Regarding the Request by HAMC Wasatch, LLC, for an Amendment to the Density Determination to the Property Known as Deer Crest Village (Formerly Known as Elkhorn Mountain/Staghorn Village and Deer Cove), Located in the Jordanelle Basin Section 23 and 24, Township 2 South, Range 4 East

Decision Regarding the Request by HAMC Wasatch, LLC for Clarification to the First Amended Findings and Order of Density Determination (August 8, 1996) of Deer Crest, Located in All or Part of Sections 23 and 24, Township 2 South, Range 4 East of the Jordanelle Basin

Decision Regarding the Request by Stichting Mayflower Recreational Fonds, Stichting Mayflower Mountain Fonds and Jordan Investments, Inc. for Clarification of the Density Determination for Mayflower Mountain Resort Including: Second Revised Findings and Order (Revised August 2, 1985), Executed September 18, 1985; Density Determination Conditions for the Mayflower Mountain Resort (Revised August 2, 1985); and Notice of Density Standards Dated September 18, 1985 for Mayflower South. The Location of this Project is in All or Part of Sections 24, 25, 26, 35, and 36 of Township 2 South, Range 4 East and Sections 19 and 30 of Township 2 South, Range 5 East

Decision Regarding the Revision, Recodification and Rewrite to the Wasatch County Land and Development Code, Title #16. The Intent of this Proposal is to Implement Guidelines and Policies of the Wasatch County General Plan. Copies of this Draft Document will be Available at the Wasatch County Library (188 S Main), Wasatch County Community Services Building (55 S 500 E), and the Wasatch County Planning Department (25 N Main) for Review

Adoption of the Wasatch County Zoning Map to Conform to the Wasatch County General Plan. The Changes will Include Reclassification and Adjustments to the Zoning Classifications and Districts. Copies of this Draft Map will be Available at the Wasatch County Library (188 S Main), Wasatch County Community Services Building (55 S 500 E) and the Wasatch County Planning Department (25 N Main) for Review

An Ordinance Adopting Title 16 of the Wasatch County Code Entitled the Wasatch County Planning, Zoning & Development Code and the Zoning Map of Wasatch County (Dated October 28, 2002) and Repealing Title 16 of the Wasatch County Code (1997), as Amended, and All Inconsistent Ordinances, Zoning Maps, Resolutions, and Policies

Set Out-Of-Pocket Amount for Crossings at Lake Creek

Public Meeting to Consider a Request by LeeRoy Farrell, Agent for Tuhaye Ranches for Final Approval of the First Phase of a Golf Course Resort. This Resort Will be Completed in Five Phases When Finished and Will Consist of 360 Single Family Recreational Homes, 244 Townhouse/Condo Units, 160-200 Timeshare Hotel Units, 1200 Square Feet Maintenance Building, 10,000 Square Feet of Commercial Space (Restaurant and Convenience Market) and 35,000 Square Feet Golf Club House With One 18-Hole Golf Course and One 9-Hole Executive Course. This Development is Located to the Northeast of the Jordanelle Basin in Sections 21, 22, 23, 26, 27, and 28 in Township 2 South, Range 5 East to the South of SR 248 and to the Southeast of Kamas in the RF-1 (Recreational Forestry) Zone (Jordanelle Basin Area)

E 251956 B 0594 P 0859

Attorney

Resolution of Appointment of a Wasatch County Representative and an Alternate Representative for the Utah Association of Counties Insurance Mutual Membership Meeting

Resolution Authorizing Execution of Contract with VCBO for Architectural Services Rendered in Connection With the Wasatch County Library

Commission

Approval to Purchase 20 Acres of Ground from Don Hicken Located on Southfield Road Next to the County Southfield Park

Approval to Purchase 7.33 Acres of Ground from Helen W. Williams Located at 650 South 600 West, Heber City

Public Issues for Future Meetings

North Village Special Service District Governing Board I. Approval of September Warrants

Set Public Hearing Date for November 25, 2002 on the District's 2003 Budget and Amendments to the 2002 Budget

Adopt Resolution to Finance the Cost of Constructing Certain Sewer and Water Improvements in Certain Areas Within the Special Service District, and All Other Miscellaneous Work Necessary to Complete the Improvements in a Proper Workmanlike Manner; To Create the North Village Special Service District, Wasatch County, Utah Special Improvement District No. 2002-1 to Defray the Cost and Expenses of Said Improvements by Special Assessments to be Levied Against the Properties Benefitted by Such Improvements; to Provide Notice of Intention to Authorize Such Improvements and to Fix a Time and Place for Protests Against Such Improvements or the Creation of Said District; to Declare its Official Intent to Reimburse Itself for Expenditures Paid by it Prior to the Sale of Bonds; to Declare Its Intention to Fund a Reserve Fund in Lieu of a Guaranty Fund; and Related Matters

Approval to Advertise for Bids for Installation of Water and Sewer Lines

Wasatch County Special Service Area #1 Governing Board

Approval of September Warrants

Set Public Hearing Date for November 25, 2002 on the District's 2003 Budget and Amendments to the 2002 Budget

Strawberry Lakeview Special Service District Governing Board

Approval of September Warrants

Set Public Hearing Date for November 25, 2002 on the District's 2003 Budget and Amendments to the 2002 Budget

Twin Creeks Special Service District Governing Board

'An Ordinance for the Control of Backflow and Cross-Connections' Amendments to Twin Creeks Special Service District Resolution No. 0002: 'A Resolution Providing for the Regulation of the District's Culinary Water System', Page 4 Section 12

Set Public Hearing Date for November 25, 2002 on the District's 2003 Budget and Amendments to the 2002 Budget

E 251956 B 0594 P 0860

Executive Session

Personnel Director – Personnel

County Attorney - Pending Litigation

6:00 PM PUBLIC HEARINGS

Public Hearing to Consider a Request by Development Associates for Density Determination for Strawberry Pines Resort, a Planned Recreational Development on 1002 Acres to Consist of a 220 Unit Lodge, 104 Condominiums, Restaurant, and 212 Single Family Lots. The Project is Located on the East Side of the Strawberry Reservoir in All or Parts of Sections 15, 16, 21, and 22, Township 4 South, Range 10 West in the RF-1 (Recreational Forestry) Zone

October 23, 2002

Brent Titcomb
Clerk/Auditor

In compliance with the Americans With Disabilities Act, individuals needing special accommodations during this meeting should notify Marie Sabey at 657-3195 at least one day prior to the meeting.

E 251956 B 0594 P 0861

SCHEDULE "B"

2002 ANNUAL MEETING NOTICE

E 251956 B 0594 P 0862

EXHIBIT A**(To be published in newspaper of general circulation)**

Unless otherwise noticed and published, the regular meetings of the Board of County Commissioners of Wasatch County for the calendar year 2002 shall be held on the following dates:

January 14, 2002	May 13, 2002	September 9, 2002
January 28, 2002	May 27, 2002 (Memorial Day—no meeting)	September 23, 2002
February 11, 2002	June 10, 2002	October 14, 2002 (Columbus Day—no meeting)
February 25, 2002	June 24, 2002	October 28, 2002
March 11, 2002 Cancelled	July 8, 2002	November 11, 2002 (Veteran's Day—no meeting)
March 25, 2002	July 22, 2002	November 25, 2002
April 8, 2002	August 12, 2002	December 9, 2002
April 22, 2002	August 26, 2002	December 23, 2002

Special Sessions

May 28, 2002	June 26, 2002	
August 5, 2002 Work Meeting agenda only		

(The dates above with links have minutes attached.)

Unless otherwise noticed and published, these meetings shall be held at 2:00 p.m. at the Wasatch County Administration Building, 25 North Main Street, Heber City, Utah 84032. This annual meeting schedule is subject to change in the event circumstances so require. Any meeting held on a date not in conformity to this annual meeting schedule will be noticed in accordance with Utah law.

E 251956 B 0594 P 0863

00-0000-5244	4393 S RIVERBOAT RD STE 450
00-0000-5483	772 VALLEY HILLS DR
00-0004-0514	1315 E 1950 N
00-0004-0522	1315 E 1950 N
00-0004-0530	1315 E 1950 N
00-0004-0548	9537 WATERLINE DR
00-0004-0555	10 MATTERHORN CIR
00-0004-0563	10 MATTERHORN CIR
00-0004-0571	1685 E 1950 N
00-0004-0589	1735 E 1800 N
00-0004-0597	1240 E 1950 N
00-0004-0605	1320 E 1950 N
00-0004-0613	1390 E 1950 N
00-0004-0621	1460 E 1950 N
00-0004-0639	1543 E 1800 N
00-0004-0647	PO BOX 700
00-0004-0654	1685 E 1950 N
00-0004-0662	222 W GRAPE ST
00-0007-6997	4393 S RIVERBOAT RD STE 450
00-0007-7078	4393 S RIVERBOAT RD STE 450
00-0007-7169	4393 S RIVERBOAT RD STE 450
00-0007-7177	4393 S RIVERBOAT RD STE 450
00-0007-7326	4393 S RIVERBOAT RD STE 450
00-0007-7441	4393 S RIVERBOAT RD STE 450
00-0007-7458	133 W JEFFERSON
00-0007-7466	PO BOX 180
00-0007-7474	PO BOX 45360
00-0007-7508	4050 N HIGHWAY 40
00-0007-7516	4455 N HIGHWAY 40
00-0007-7557	1413 CENTER DR #250
00-0007-7565	3920 N HWY 40
00-0007-7573	3925 N RIVER RD
00-0007-7581	PO BOX 283
00-0007-7623	133 W JEFFERSON
00-0007-7664	133 W JEFFERSON
00-0007-7680	8344 S ETIENNE WAY
00-0007-7706	PO BOX 642
00-0007-7730	133 W JEFFERSON
00-0007-7748	360 W MOULTON LN
00-0007-7797	1165 E WILMINGTON AVE STE 275
00-0007-7805	PO BOX 3523
00-0007-7813	890 N STATE
00-0007-7821	PO BOX 755
00-0007-7847	6561 SABBICAS CIR
00-0007-7862	6898 S 2300 E APT 203
00-0007-7888	PO BOX 113
00-0007-7896	3480 N HIGHWAY 40
00-0007-7904	PO BOX 755
00-0007-7912	PO BOX 1118
00-0007-8431	1165 E WILMINGTON AVE STE 275

00-0007-8480	2032 N HIGHWAY 40
00-0007-8514	2500 N HIGHWAY 40
00-0007-8522	4393 S RIVERBOAT RD STE 450
00-0007-8530	6898 S 2300 E APT 203
00-0007-8548	4393 S RIVERBOAT RD STE 450
00-0007-8555	4393 S RIVERBOAT RD STE 450
00-0007-8878	4393 S RIVERBOAT RD STE 450
00-0007-8944	2032 N HIGHWAY 40
00-0007-9017	4393 S RIVERBOAT RD STE 450
00-0007-9058	PO BOX 23
00-0007-9264	4585 RUSSELL ST
00-0013-2139	2018 N HIGHWAY 40
00-0013-3327	2150 N HIGHWAY 40
00-0013-3335	310 DEMOCRAT ALLEY
00-0013-8359	800 W UNIVERSITY PARKWAY
00-0014-3177	4455 N HIGHWAY 40
00-0015-5502	4455 N HIGHWAY 40
<i>AA</i> 00-0016-0809	PO BOX 216
00-0016-5311	PO BOX 939
00-0016-7804	PO BOX 51338
00-0017-1897	800 W UNIVERSITY PKWY
00-0017-2036	800 W UNIVERSITY PKWY
00-0017-2044	800 W UNIVERSITY PKWY
00-0017-2051	800 W UNIVERSITY PKWY
00-0017-2390	380 E MAIN ST BLDG B 2ND FLOOR
00-0017-4081	800 W UNIVERSITY PKWY
00-0017-4099	800 W UNIVERSITY PKWY
00-0020-0285	PO BOX 51338
00-0020-0510	2150 N HWY 40
00-0020-0622	1413 CENTER DR #250
00-0020-1055	310 DEMOCRAT ALLEY
00-0020-1056	2032 N HWY 40
00-0020-1445	800 W UNIVERSITY PKWY
00-0020-1446	800 W UNIVERSITY PKWY
00-0020-1447	800 W UNIVERSITY PKWY
00-0020-1863	PO BOX 150
00-0020-1864	PO BOX 150
00-0020-2990	5552 CHALON RD
00-0020-2991	5552 CHALON RD
00-0020-2992	BOX 1524
00-0020-2993	8344 S ETIENNE WY
00-0020-2994	5552 CHALON RD
00-0020-2995	5552 CHALON RD
00-0020-3354	1165 E WILMINGTON AVE STE 275
00-0020-3355	PO BOX 939
00-0020-4301	2511 S WEST TEMPLE
00-0020-4584	55 S LACUMBRE STE 9
00-0020-5497	PO BOX 283
00-0020-5498	PO BOX 283
00-0020-5722	4393 S RIVERBOAT RD STE 450

00-0020-5725	4393 S RIVERBOAT RD STE 450
00-0020-5731	4393 S RIVERBOAT RD STE 450
00-0020-5733	2511 S WEST TEMPLE
00-0020-5734	4393 S RIVERBOAT RD STE 450
00-0020-5735	4393 S RIVERBOAT RD STE 450
00-0020-5736	4393 S RIVERBOAT RD STE 450
00-0020-5738	4393 S RIVERBOAT RD STE 450
00-0020-5739	4393 S RIVERBOAT RD STE 450
00-0020-5740	4393 S RIVERBOAT RD STE 450
00-0020-5741	4393 S RIVERBOAT RD STE 450
00-0020-5742	4393 S RIVERBOAT RD STE 450
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00-0020-5750	4393 S RIVERBOAT RD STE 450
00-0020-5751	4393 S ROVERBOAT RD STE 450
00-0020-5752	4393 S RIVERBOAT RD STE 450
00-0020-5753	4393 S RIVERBOAT RD STE 450
00-0020-5754	4393 S ROVERBOAT RD STE 450
00-0020-5755	5882 HOLLADAY BLVD
00-0020-5756	1578 E HANOVER DR
00-0020-5757	10191 N MOUNTAIN VIEW DR
00-0020-5758	13468 TUSALEA WAY
00-0020-5759	4393 S ROVERBOAT RD STE 450
00-0020-5760	4393 S RIVERBOAT RD STE 450
00-0020-5761	4393 S RIVERBOAT RD STE 450
00-0020-5762	4393 S RIVERBOAT RD STE 450
00-0020-5763	4393 S RIVERBOAT RD STE 450
00-0020-5764	1776 DEVONSHIRE DR
00-0020-5765	4393 S RIVERBOAT RD STE 450
00-0020-5766	4393 S RIVERBOAT RD STE 450
00-0020-5767	4393 S RIVERBOAT RD STE 450
00-0020-5768	4393 S RIVERBOAT RD STE 450
00-0020-5769	4393 S RIVERBOAT RD STE 450
00-0020-5770	4393 S RIVERBOAT RD STE 450
00-0020-5771	4393 S RIVERBOAT RD STE 450
00-0020-5772	4393 S RIVERBOAT RD STE 450
00-0020-5773	4393 S RIVERBOAT RD STE 450
00-0020-5774	4393 S RIVERBOAT RD STE 450
00-0020-5775	4393 S RIVERBOAT STE 450
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00-0020-5791	4393 S RIVERBOAT RD STE 450
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00-0020-5793	4393 S RIVERBOAT RD STE 450
00-0020-5794	4393 S RIVERBOAT RD STE 450
00-0020-5795	4393 S RIVERBOAT RD STE 450
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00-0020-5805	4393 S RIVERBOAT RD STE 450
00-0020-5806	4393 S ROVERBOAT RD STE 450
00-0020-5807	4393 S RIVERBOAT RD STE 450
00-0020-5808	4393 S ROVERBOAT RD STE 450
00-0020-5809	4393 S RIVERBOAT RD STE 450
00-0020-5810	4393 S RIVERBOAT RD STE 450
00-0020-5814	4393 S RIVERBOAT RD STE 450
00-0020-6936	10420 N JORDANELLE BLVD
00-0020-6937	10420 N JORDANELLE BLVD
00-0020-6940	10420 N JORDANELLE BLVD
00-0020-7056	4393 S RIVERBOAT RD STE 450
00-0020-7057	4393 S RIVERBOAT RD STE 450
00-0020-7058	4393 S RIVERBOAT RD STE 450
00-0020-7059	4393 S RIVERBOAT RD STE 450
00-0020-7060	4393 S RIVERBOAT RD STE 450
00-0020-7061	4393 S RIVERBOAT RD STE 450
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00-0020-7070	4393 S RIVERBOAT RD STE 450
00-0020-7071	4393 S RIVERBOAT RD STE 450
00-0020-7072	4393 S RIVERBOAT RD STE 450

00-0020-7123	4393 S RIVERBOAT RD STE 450
00-0020-7124	4393 S RIVERBOAT RD STE 450
00-0020-7125	4393 S RIVERBOAT RD STE 450
00-0020-7126	4393 S RIVERBOAT RD STE 450
00-0020-7127	4393 S RIVERBOAT RD STE 450
00-0020-7128	4393 S RIVERBOAT RD STE 450
00-0020-7956	7720 N 16TH ST STE 350
00-0020-7961	PO BOX 3523
00-0020-8333	1617 SE 11TH ST
00-0020-8334	1617 SE 11TH ST
00-0020-8335	1617 SE 11TH ST
00-0020-8359	75 N MAIN
00-0020-8445	275 E 300 N
00-0020-8446	3084 S 2900 E
00-0020-9067	25 N MAIN
00-0020-9068	25 N MAIN
00-0020-9098	PO BOX 283
00-0020-9099	PO BOX 283
00-0020-9341	1165 E WILMINGTON AVE
00-0020-9342	1165 E WILMINGTON AVE STE 275
00-0020-9346	4501 CONSTITUTION BLVD

ORDINANCE NO. 2007-19

AN ORDINANCE OF THE CITY COUNCIL OF MIDWAY CITY, STATE OF UTAH, ADOPTING THE COMMUNITY DEVELOPMENT PROJECT AREA PLAN ENTITLED, "42 WEST COMMUNITY DEVELOPMENT PROJECT AREA PLAN," DATED JULY, 2007.

**BE IT ORDAINED BY THE MIDWAY CITY COUNCIL,
STATE OF UTAH AS FOLLOWS:**

SECTION I. This Ordinance pertaining to the 42 West Community Development Project Area Plan" is hereby enacted to read as follows:

42 WEST COMMUNITY DEVELOPMENT PROJECT AREA PLAN

Sections:

1. Adoption of Project Area Plan.
2. Project Boundaries.
3. Purposes of Project Area Plan.
4. Project Area Plan Incorporated by Reference.
5. Findings.
6. Acquisition of Property.
7. Funding.
8. Effective Date.

Section 1. **Adoption of Project Area Plan.** The Midway City Community Development and Renewal Agency (the "Agency") has adopted the Project Area Plan entitled, "42 West Community Development Project Area Plan," dated July, 2007 (the "Project Area Plan"). The Project Area Plan is hereby designated as the official Community Development Project Area Plan of the Community Development Project Area. The City, after review of the Agency's findings, as set forth herein, hereby adopts by Ordinance the Project Area Plan pursuant to Section 17C-4-105 of the Utah Community Development and Renewal Agencies Act.

Section 2. **Project Boundaries.** The legal description of the boundaries of the Project Area Plan is attached as Exhibit "A", and a map of the Project Area is attached as Exhibit "B".

Section 3. **Purposes of Project Area Plan.** The purposes and intent of the Midway City Council with respect to the Project Area are to accomplish the following purposes by adoption of the Project Area Plan:

- A. Encourage and accomplish appropriate development and economic development within the Project Area.
- B. Promote and market the Project Area for economic development that would be complimentary to existing businesses and industries that would enhance the economic base of the City.
- C. Provide for the strengthening of the tax base and economic health of the community.
- D. Provide for compatible relationships among land uses and quality standards for development, such that the area functions as a unified and viable center of social and economic activity for the City.

Section 4. **Project Area Plan Incorporated by Reference.** The Project Area Plan, together with supporting documents, is incorporated herein by reference and made a part of this Ordinance. Copies of the Project Area Plan shall be filed and maintained in the office of the City Recorder and the office of the Renewal Agency for public inspection.

Section 5. **Findings.** The Community Development and Renewal Agency has determined and found as follows:

The adoption of the Project Area Plan will:

- A. Satisfy a public purpose by, among other things, encouraging and accomplishing appropriate development and economic development within the Project Area;
- B. Provide a public benefit, as shown by the benefit analysis that was performed for the Project Area as required pursuant to Subsection 17C-4-103(11) of the Act;
- C. Be economically sound and feasible; it is expected that the private sector will perform required construction and installation relating to projects, and any related funding from the Agency will be by way of reimbursement from sales tax or property tax proceeds received by the Agency, which sales tax increment or property tax increment is created by the establishment and operation of the new facilities or projects;
- D. Conform to Midway City's general plan, because the Plan provides that all development in the Project Area is to be in accordance with the City's zoning ordinances and requirements;
- E. Promote the public peace, health, safety and welfare of Midway City.

Section 6. **Acquisition of Property.** The Agency may acquire (but is not required to acquire) property in the Project Area by negotiation, gift, devise, exchange, purchase, or other lawful method, but not by **eminent domain (condemnation)** except from an Agency board

member or officer with their consent. The Agency is authorized to acquire (but is not required to acquire) any other interest in real property in the Project Area less than fee title such as leasehold interests, easements, rights of way, etc. by negotiation, gift, devise, exchange, purchase or other lawful method, but not by **eminent domain (condemnation)** except from an Agency board member or officer with their consent.

Section 7. **Financing.**

A. Subject to any limitations required by currently existing law (unless a limitation is subsequently eliminated), this Ordinance hereby specifically incorporates all of the provisions of the Act that authorize or permit the Agency to receive funding for the Project Area and that authorize the various uses of such funding by the Agency, and to the extent greater (or more beneficial to the Agency) authorization for receipt of funding by the Agency or use thereof by the Agency is provided by any amendment of the Act or by any successor provision, law or act, those are also specifically incorporated herein. It is the intent of this Ordinance that the Agency shall have the broadest authorization and permission for receipt of and use of sales tax, tax increment and other funding as is authorized by law, whether by existing or amended provisions of law. This Ordinance also incorporates the specific provisions relating to funding of community development project areas permitted by Title 17C, Chapter 4, Part 2, Utah Code Annotated, 1953, as amended, which provide in part as follows:

17C-4-201. Consent of a taxing entity or public agency to an agency receiving tax increment or sales tax funds for community development project. (1) An agency may negotiate with a taxing entity and public agency for the taxing entity's or public agency's consent to the agency receiving the entity's or public agency's tax increment or sales tax revenues, or both, for the purpose of providing funds to carry out a proposed or adopted community development project area plan. (2) The consent of a taxing entity or public agency under Subsection (1) may be expressed in: (a) a resolution adopted by the taxing entity or public agency; or (b) an interlocal agreement, under Title 11, Chapter 13, Interlocal Cooperation Act, between the taxing entity or public agency and the agency. (3) A school district may consent to an agency receiving tax increment from the school district's basic levy only to the extent that the school district also consents to the agency receiving tax increment from the school district's local levy. (4) (a) A resolution or interlocal agreement under this section may be amended from time to time. (b) Each amendment of a resolution or interlocal agreement shall be subject to and receive the benefits of the provisions of this part to the same extent as if the amendment were an original resolution or interlocal agreement. (5) A taxing entity's or public agency's consent to an agency receiving funds under this section is not subject to the requirements of Section 10-8-2."

C. The particulars as to the amount and duration of funding for the Project Area shall be as provided for in the funding resolutions or interlocal agreements of taxing entities and public agencies, unless another method is provided by law that is more beneficial to the Agency.

Section 8. **Effective Date.** This Ordinance shall take effect upon its first publication or posting.

PASSED and **APPROVED** by the Midway City Council, State of Utah, this 26th day of September 2007.

Cassie Tetta
Mayor

Brad Wilson
City Recorder



Exhibit A

00-0012-3757/DMI-0080-1-011-034

PROPERTY DESCRIPTION

BEGINNING - S.231.00 FT FROM N. CORNER BLOCK 11 MIDWAY CITY SURVEY:
5.29 FT; W. 100 FT; S. 136 FT; W.164 FT; S. 99 FT; W. 125.5 FT; N.302.83 FT; E.
244.95 FT; S. 23.83 FT; S.45 E.21.21 FT: E.129.55 FT TO BEGINNING. AREA:
1.67 ACRES

00-0006-0454/DMI-0081-0-011-034

PROPERTY DESCRIPTION

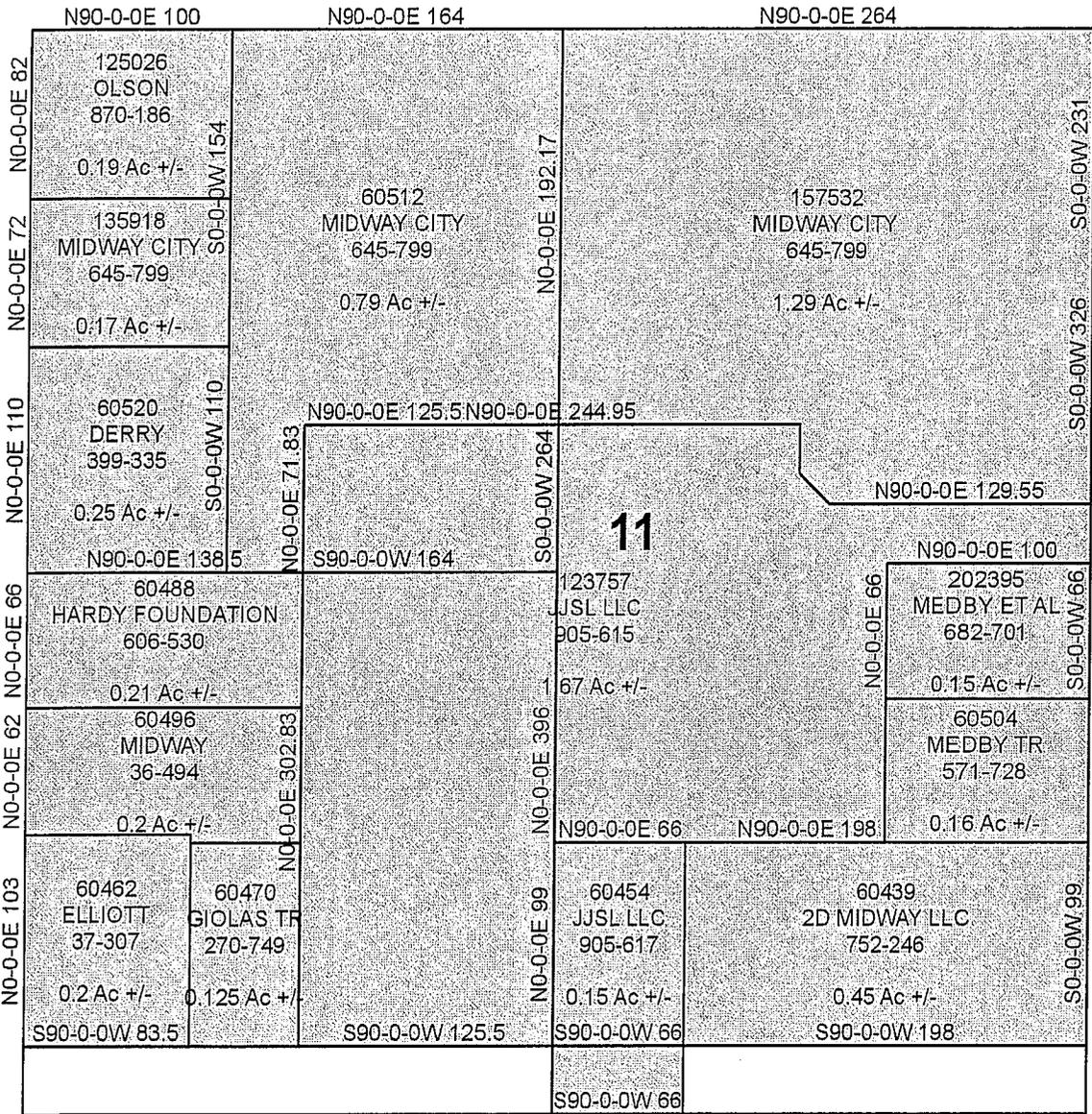
BEGINNING - N. 33 FT & W. 198 FT FROM SE CORNER BLOCK 11. MIDWAY
SURVEY: W.66 FT; N.99 FT; E.66 FT; S.99 FT. TO THE BEGINNING. AREA:
0.15 ACRES

00-0020-2517/DMI-0081-1-011-034

PROPERTY DESCRIPTION

BEGINNING W.198FT FROM SE CORNER BLOCK 11, MIDWAY SURVEY: W.66 FT;
N.33 FT; E.66 FT; S.33FT TO THE BEGINNING. AREA: 0.05 ACRES

Exhibit B



1 inch equals 100 feet

MIDWAY BLOCK LAYOUT

	20	19	18	17	16	15	
9	10	11	12	13	14		



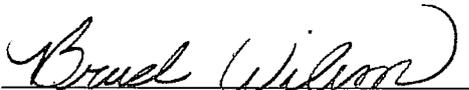
Certificate of Passage, Posting and Publication

I certify that on 26 September 2007 the Midway City Council adopted Ordinance 2007-19 (The ordinance adopted the community development project area plan entitled, "42 West Community Development Project Area Plat," dated July, 2007.).

I certify that a full, true and correct copy of the ordinance was posted on 23 October 2007 at the following locations:

Midway City Office Building
The Main Street Station
7-11 (Midway)

I further certify that a summary of the ordinance was published in The Wasatch Wave on 31 October 2007.


Brad Wilson, Midway City Recorder

Dated 31 October 2007



MIDWAY CITY CORPORATION

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Midway, Utah 84049
Phone: 435-654-3223 Fax: 435-654-4120