

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.

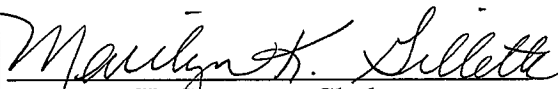
Section 8. All acts and resolutions in conflict with any part of this resolution are repealed.


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

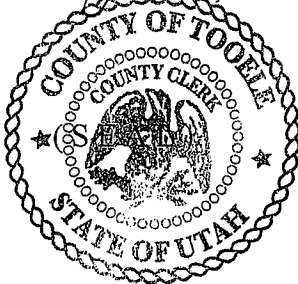
Adopted by majority vote at a duly called meeting this 16th day of June 2009.

ATTEST:

TOOELE COUNTY COMMISSION:


MARILYN K. GILLETTE, Clerk


COLLEEN S. JOHNSON, Chairman



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

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.

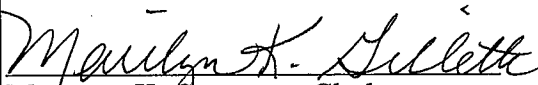
Accompanying this Notice is a copy of the Resolution approving the establishment of the Tooele County Transportation Special Service District, together with a map showing the boundaries of the Tooele County Transportation Special Service District, prepared and certified by a licensed surveyor. A copy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

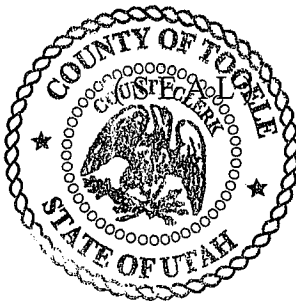


EXHIBIT A

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.