

TOOELE COUNTY, UTAH
BOARD OF COUNTY COMMISSIONERS
RESOLUTION PROPOSING SPECIAL SERVICE DISTRICT
July 21, 2009

RESOLUTION 2009-15

A RESOLUTION PROPOSING THE ESTABLISHMENT OF THE PINE CANYON RECREATION SPECIAL SERVICE DISTRICT, TOOELE COUNTY, UTAH, CALLING A PUBLIC HEARING AND PROVIDING NOTICE THEREOF AND RELATED MATTERS

WHEREAS, the Board of County Commissioners of Tooele County, Utah has determined that the public health, convenience, and necessity require the establishment of the Pine Canyon Recreation Special Service District, Tooele County, Utah (the "District") to provide for recreation within the proposed District's boundaries, pursuant to the provisions of Article XIV, Section 8 of the Utah Constitution and Section 17D-1-201, *et seq.* (the "Act"); and

WHEREAS, all of the property to be included in the District will be benefitted by said District and its provision of the proposed services.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Tooele County, Utah as follows:

1. The name of this special service district shall be the Pine Canyon Recreation Special Service District, Tooele County, Utah.
2. The boundaries and service area of the District shall include all of the Pine Canyon Township of Tooele County, Utah, and more particularly described as follows:

BEGINNING at a point 1,319 feet North of the Southwest corner of Section 23, Township 3 South, Range 4 West, Salt Lake Base and Meridian, then Easterly 1,318.77 feet, then Southerly 2,239 feet then Westerly 100 feet, then Southerly 148.82 feet then Easterly 111.53 feet along old Tooele Valley Railroad, then Southerly 290 feet, than Easterly 3,974.69 feet, then Northerly 1,315.05 feet to Northeast corner Section 26, and the Southeast corner Section 23, Township 3 South, Range 4 West, Salt Lake Base and Meridian. Then Easterly to Tooele County Line located at a point on the boundary line of Section 28, and Section 21, of Township 3 South, Range 3 West, Salt Lake Base and Meridian, then Northerly along said County line to a point of the boundary line of the Northeast side of Section 4, Township 3 South, Range 3 West and the Southeast side of Section 33, Township 2 South, Range 3 West, Salt Lake Base and Meridian. Then Westerly to the Northwest corner Section 1, Township 3 South, Range 4 West, Salt Lake Base and Meridian. Then Southwesterly along Salt Lake and Los Angeles Rail Road easement to a point 400 feet South of the Northwest corner of Section 11, Township 3 South, Range 4

West, Salt Lake Base and Meridian. Then Southerly 10,262.67 feet, then Easterly 2,010.98 feet, then Southerly 1,236.08 feet, then Westerly 2,010.64 feet, then Southerly 2,641.15 feet to the POINT OF BEGINNING.

3. The services to be provided by the District shall be recreation.

4. The Board of County Commissioners of Tooele County, Utah shall hold a public hearing on the proposed creation of the District on August 25, 2009, at 3:00 p.m., at 47 South Main, Tooele, Utah.

5. The Board of County Commissioners directs the County Clerk to cause to be prepared and published the notice of intention in substantially the form attached hereto as Exhibit A, to establish a special service district and call the aforementioned public hearing, which notice shall be published once each week during three consecutive weeks with the first publication being not less than 21 days nor more than 35 days before the public hearing, in accordance with the terms of the Act and it directs the County Clerk to also complete the record of proceedings attached as Exhibit B.

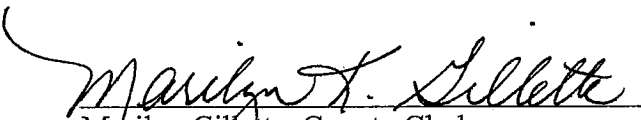
ADOPTED, APPROVED, and ORDERED by majority vote at a duly called meeting of the Board of County Commissioners of Tooele County, Utah this 21st day of July, 2009.

TOOELE COUNTY, UTAH



Colleen Johnson, Commission Chairman

ATTEST:



Marilyn Gillette, County Clerk

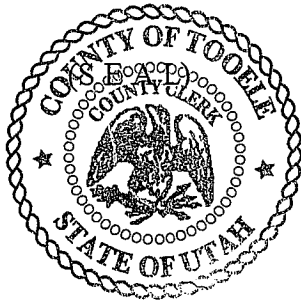


EXHIBIT A

NOTICE OF INTENTION TO ESTABLISH THE PINE CANYON RECREATION
SPECIAL SERVICE DISTRICT, TOOELE COUNTY, UTAH

NOTICE is hereby given to all interested persons that on July 21, 2009, the Board of County Commissioners (the "Commission") of Tooele County, Utah adopted a resolution proposing the establishment of a special service district, to be known as the Pine Canyon Recreation Special Service District, Tooele County, Utah (the "District") to provide for recreation within the District's boundaries and providing for the holding of a public hearing on the proposed establishment of the District.

In the event the District is created and in the event an election is called and a majority of qualified electors voting at an election grant approval, taxes may be annually levied upon all taxable property within the District. For services provided by the District, charges may be imposed to pay for all or part of the services to be provided by the District.

The boundaries and service area of the proposed District shall include all of the Pine Canyon Township of Tooele County, Utah, more particularly described as follows:

BEGINNING at a point 1,319 feet North of the Southwest corner of Section 23, Township 3 South, Range 4 West, Salt Lake Base and Meridian, then Easterly 1,318.77 feet, then Southerly 2,239 feet then Westerly 100 feet, then Southerly 148.82 feet then Easterly 111.53 feet along old Tooele Valley Railroad, then Southerly 290 feet, than Easterly 3,974.69 feet, then Northerly 1,315.05 feet to Northeast corner Section 26, and the Southeast corner Section 23, Township 3 South, Range 4 West, Salt Lake Base and Meridian. Then Easterly to Tooele County Line located at a point on the boundary line of Section 28, and Section 21, of Township 3 South, Range 3 West, Salt Lake Base and Meridian, then Northerly along said County line to a point of the boundary line of the Northeast side of Section 4, Township 3 South, Range 3 West and the Southeast side of Section 33, Township 2 South, Range 3 West, Salt Lake Base and Meridian. Then Westerly to the Northwest corner Section 1, Township 3 South, Range 4 West, Salt Lake Base and Meridian. Then Southwesterly along Salt Lake and Los Angeles Rail Road easement to a point 400 feet South of the Northwest corner of Section 11, Township 3 South, Range 4 West, Salt Lake Base and Meridian. Then Southerly 10,262.67 feet, then Easterly 2,010.98 feet, then Southerly 1,236.08 feet, then Westerly 2,010.64 feet, then Southerly 2,641.15 feet to the POINT OF BEGINNING.

The public hearing shall be held on August 25, 2009, at 3:00 p.m. at the county offices at 47 South Main, Tooele, Utah. Any interested person may protest the establishment of the District either orally at said public hearing, or in a written protest filed with the Tooele County Clerk. All written protests must be filed within 15 days after the conclusion of said public hearing and all withdrawals or cancellations of withdrawals must be filed within 30 days after the conclusion of said public hearing. The Commission will hear all interested persons desiring to be heard and will give full

consideration to all protests. If special accommodations are required, please call (435) 843-3148 with reasonable advance notice.

Any written protest made on behalf of a corporation owning property within the proposed District shall be signed by the president, vice president, or any duly authorized agent of the corporation. Where property within the proposed District is owned by more than one person or entity, all owners holding title to the property must join in the signing of the protest in order for it to be considered in the fifty percent (50%) calculation discussed below.

If, within 30 days after the conclusion of said public hearing, more than fifty percent (50%) of the qualified voters of the territory proposed to be included within the District, or the owners of over fifty percent (50%) of the taxable value of the taxable property proposed to be included within the District, file written protests against the establishment of the District, the Commission is required by law to abandon the proposed creation of the District.

After the public hearing and 30-day protest period closes, the Governing Authority shall adopt a resolution either establishing the District, amending the District or abandoning the establishment of the District. A resolution approving the establishment of the District may contain any changes from the initial resolution or this notice of intention the Commission determines to be appropriate, including reduction of boundaries of the District and elimination of one or more of the types of services proposed. The boundaries of the District may not be increased nor additional types of services added, unless the Commission gives a new notice of intention and holds a new public hearing.

Any person who shall have timely filed a written protest and who is a qualified voter residing within, or owning property within, the District, may petition the district court within 30 days after the adoption of said creation resolution for a writ of review. The grounds for such a petition are limited to: (1) a claim that the petitioner's property will not be benefitted by the services to be provided by the District; and (2) a claim that the procedures used to establish the District violated the law.

FAILURE TO TIMELY FILE A WRITTEN PROTEST PRECLUDES THE PROTEST FROM BEING INCLUDED IN THE 50% CALCULATION DISCUSSED ABOVE AND THE PROTESTANT FROM FILING A PETITION FOR A WRIT OF REVIEW. FAILURE TO TIMELY FILE A PETITION FOR WRIT OF REVIEW FORECLOSES ANY RIGHTS TO THEREAFTER OBJECT TO THE ESTABLISHMENT OF THE DISTRICT.

DATED July 21, 2009.

/s/ Marilyn Gillette
County Clerk

Published on July 30, August 6, and August 13

EXHIBIT B

RECORD OF PROCEEDINGS

July 21, 2009

The Board of County Commissioners of Tooele County, Utah, met in public session at its regular meeting place in Tooele, Utah, at 47 South Main at 3:00 p.m., or as soon thereafter as feasible, on July 21, 2009, with the following members present:

Colleen Johnson	Chair
J. Bruce Clegg	Commissioner
Jerry Hurst	Commissioner

Also present:

Marilyn Gillette	County Clerk
Scott Broadhead	Deputy County Attorney

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 presented to the Board of County Commissioners a Certificate of Compliance With Open Meeting Law with respect to this July 21, 2009 meeting, a copy of which is attached hereto as Exhibit "A".

Commissioner _____ then introduced and moved the adoption of the foregoing resolution, which motion was seconded by Commissioner _____ and the motion was passed as follows:

AYE:

NAY:

ABSTAIN:

STATE OF UTAH)
 : ss.
COUNTY OF TOOELE)

I, Marilyn Gillette, the duly qualified and acting County Clerk of Tooele County, Utah, do hereby certify according to the records of said County in my official possession that the foregoing constitutes a true and correct copy of the minutes of the meeting of the Board of County Commissioners held on July 21, 2009, including a resolution adopted at said meeting as said minutes and resolution are officially of record in my possession.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of said County this 21st day of July, 2009.

County Clerk

(S E A L)

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Marilyn Gillette, the undersigned County Clerk of Tooele County, Utah (the "County"), do hereby certify, according to the records of the County in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-6(2), Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the July 21, 2009, public meeting held by the County as follows:

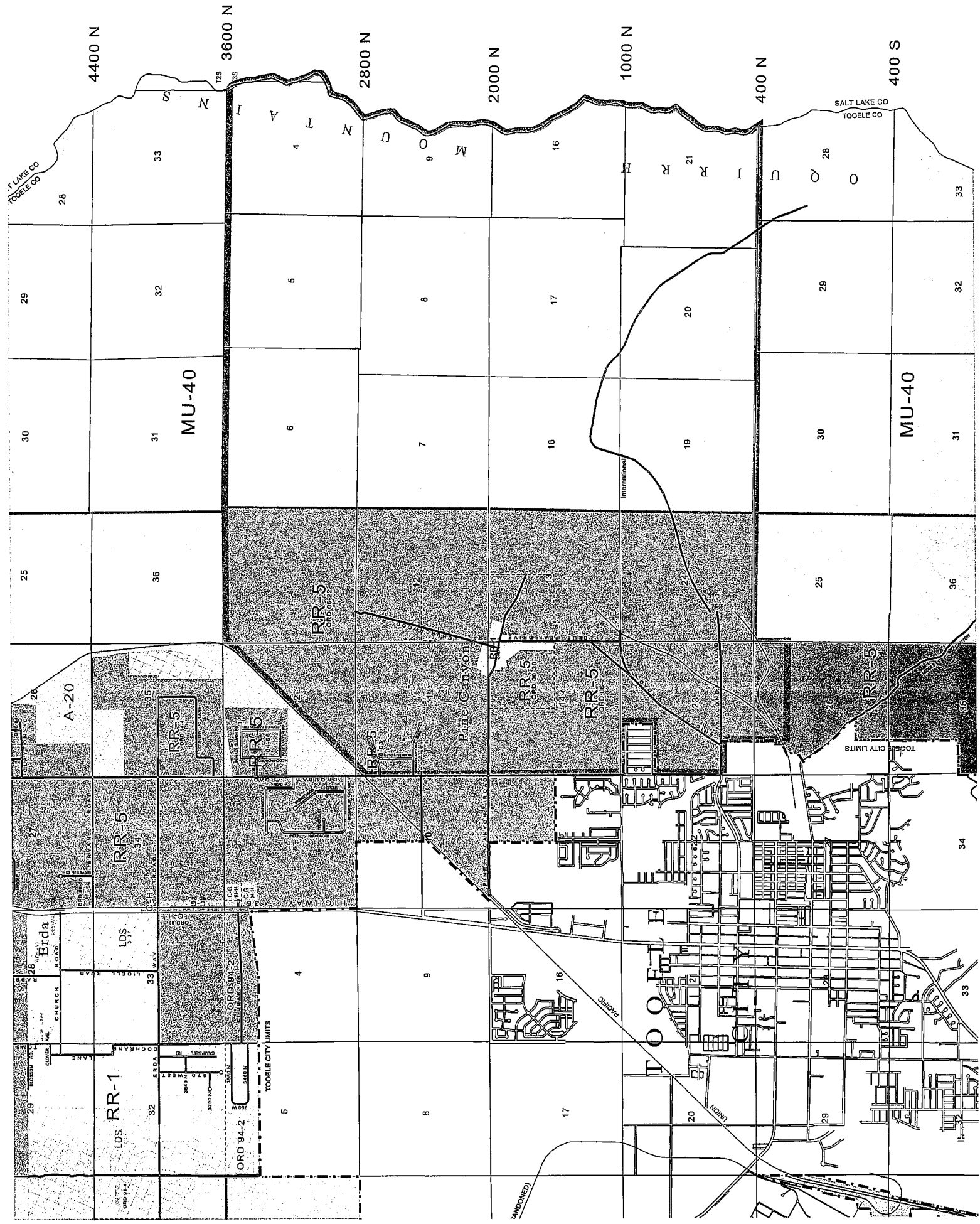
- a. By causing a Notice, in the form attached hereto as Schedule "1", to be posted at the County's principal offices at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and
- b. By causing a copy of such Notice, in the form attached hereto as Schedule "1", to be delivered to a newspaper of general circulation within the County at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2009 Annual Meeting Schedule for the County Commission (attached hereto as Schedule "2") was given specifying the date, time, and place of the regular meetings of the County Commission to be held during the year, by causing said Notice to be posted on _____, 200__, at the principal office of the County and by causing a copy of said Notice to be provided to at least one newspaper of general circulation within the County on _____, 200__.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this 21st day of July, 2009.

Marilyn Gillette, County Clerk

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