



HARRISVILLE CITY

363 W. Independence Blvd · Harrisville, Utah 84404 · 801-782-4100
www.cityofharrisville.com

MAYOR:
Michelle Tait

COUNCIL MEMBERS:
Grover Wilhelmsen
Steve Weiss
Blair Christensen
Max Jackson
Karen Fawcett

CITY COUNCIL AGENDA

March 12th, 2024

[Zoom Meeting Link](#)

Meeting ID: 881 9891 4586

Passcode: 964820

7:00 PM City Council Meeting

Presiding: Mayor Michelle Tait
Mayor Pro Tem: Steve Weiss

1. **Call to Order** [Mayor Tait]
2. **Opening**
 - a. Pledge of Allegiance [Council Member Fawcett]
3. **Consent Items**
 - a. Approval of meeting minutes February 13th, 2024 as presented.
4. **Employee Recognition**
 - a. Jason Keller - FOP Member of the Year
5. **Oath of Office** – [Jack Fogal]
6. **Business Items**
 - a. Discussion/possible action to adopt Harrisville Resolution 24-06; a resolution authorizing the creation of a Local Building Authority. [Marcus Keller]
 - b. Discussion/possible action to adopt Harrisville Resolution 24-05; a resolution approving a Boundary Line Adjustment. – [Jennie Knight]
 - c. Discussion/possible action for 2024 City Goals. – [Jennie Knight]
7. **Adjournment**

The foregoing City Council agenda was posted and can be viewed at City Hall, on the City's website www.cityofharrisville.com, and at the Utah Public Notice Website at <http://pmn.utah.gov>. Notice of this meeting has also been duly provided as required by law.

In accordance with the Americans with Disabilities Act, the City of Harrisville will make reasonable accommodations for participation in the meeting. Requests for assistance may be made by contacting the City Recorder at (801) 782-4100, at least three working days before the meeting.
Posted: By: Jack Fogal, City Recorder.

**MINUTES
HARRISVILLE CITY COUNCIL
February 13, 2024
363 West Independence Blvd
Harrisville, UT 84404**

Minutes of a regular Harrisville City Council meeting held on February 13th, 2024 at 7:00 P.M. in the Harrisville City Council Chambers, 363 West Independence Blvd., Harrisville, UT.

Present: Mayor Michelle Tait, Council Member Karen Fawcett, Council Member Grover Wilhelmsen, Council Member Steve Weiss, Council Member Blair Christensen, Council Member Max Jackson.

Excused:

Staff: Jennie Knight, City Administrator, Brody Flint, City Attorney, Mark Wilson, Chief of Police, Justin Shinsel, Public Works Director, Jack Fogal, City Recorder, Brody Flint, City Attorney, Jessica Hardy, Finance Director, Glen Gammell, Assistant Public Works Director, Bryan Fife, Parks and Recreation Director.

Visitors: Arnold Tait, Blaine Burrows, Deana Moss, Deanna Aguilar, Carlos Aguilar, Kris Maxfield, Marcus Keller.

1. Call to Order.

Mayor Tait called the meeting to order and welcomed all in attendance.

2. Opening Ceremony.

Council Member Jackson opened with the Pledge of Allegiance.

3. Consent Items

- a. **Approval of Meeting Minutes for January 9th, 2024 and January 23rd, 2024 as presented.**

Motion: Council Member Wilhelmsen made a motion to approve the meeting minutes for January 9th, 2024, and January 23rd, 2024 as presented, second by Council Member Weiss.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes
Council Member Weiss, Yes
Council Member Christensen, Yes
Council Member Jackson, Yes
Council Member Fawcett, Yes

The motion passed unanimously

4. Employee Recognition

- a. The recognition for Jason Keller was postponed to a later date.
- b. Mayor Tait presented plaques to Jennie Knight and Glen Gammell for 15 years of service.

5. Business Items.

a. Public Hearing to receive input from the public for and/or against Harrisville Resolution 24-02; a resolution amending the FY 2024 budget.

Jennie Knight explained that per state statute we can amend the budget twice a year and are proposing to do so now. Staff is recommending to re-open the following budget items for the Fiscal Year 2024. Transfer \$84,000 from the General Fund to the Garbage Fund to cover the fund deficit from Fiscal Year 2023. Transfer \$54,000 from the General Fund to the Capital Projects Fund to cover the additional costs for architectural services on the Public Works Complex. Approve the advance purchase of three police vehicles from the Internal Service Fleet Fund with an estimated total cost of \$160,000. These will be budgeted in the Fiscal Year 2024-2025. Approve the purchase of a generator for the Public Works Complex from the Capitol Projects Fund using interest earnings within the Capital Projects Fund with an estimated cost of \$45,360.43. Approve the hiring of a full time Police Officer using COPS grant funding to cover the 1st year of salary and any applicable benefits within the General Fund. Approve the hiring of a part-time Seasonal Recreation position which will begin April/May 2024 in the General Fund using interest earnings with an estimated cost of \$14,500 a year. Approve the addition of a part-time crossing guard in the police department within the General Fund for the remainder of the 2023/2024 school year with an estimated cost of \$3,000.

Motion: Council Member Weiss made a motion to open the public hearing for Harrisville Resolution 24-02, second by Council Member Christensen.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes
Council Member Weiss, Yes
Council Member Christensen, Yes
Council Member Jackson, Yes
Council Member Fawcett, Yes

The motion passed unanimously.

There was no public comment offered

Motion: Council Member Wilhelmsen made a motion to close the public hearing for Harrisville Resolution 24-02, second by Council Member Weiss.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes
Council Member Weiss, Yes
Council Member Christensen, Yes
Council Member Jackson, Yes
Council Member Fawcett, Yes

The motion passed unanimously.

b. Discussion/possible action to adopt Harrisville Resolution 24-02; a resolution amending the FY 2024 budget.

Council Member Fawcett inquired what the plan is going forward to avoid a possible deficit in the garbage fund. Jennie Knight explained item F on the agenda will cover how staff proposes to avoid further deficit in the Garbage Fund.

Motion: Council Member Weiss made a motion to adopt Harrisville Resolution 24-02; a resolution amending the FY 2024 budget, second by Council Member Jackson.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes
Council Member Weiss, Yes
Council Member Christensen, Yes
Council Member Jackson, Yes
Council Member Fawcett, Yes

The motion passed unanimously.

c. Discussion/possible action to adopt Harrisville Resolution 24-01; an interlocal agreement with Weber County for Technical Forensic Services.

Mark Wilson explained this is a regular contract that we have with the County for CSI services. The only change from the last contract is an increase in price. Mayor Tait inquired how long the contract term is. Chief Wilson answered it is a twenty-year contract. Brody Flint clarified that it is a long contract but it is standard for CSI services. There are termination provisions that are equitable for all involved. This contract makes sense with the terms.

Motion: Council Member Jackson made a motion to approve Harrisville Resolution 24-01; an interlocal agreement with Weber County for Technical Forensic Services, second by Council Member Wilhelmsen.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes
Council Member Weiss, Yes
Council Member Christensen, Yes
Council Member Jackson, Yes
Council Member Fawcett, Yes

The motion passed unanimously.

d. Discussion/possible action to adopt Harrisville Resolution 24-03; to approve a contract with R&O Construction for general contracting services related to the Public Works Facility.

Jennie Knight reviewed the staff memo from the January 23rd, 2024 work session. The City hired a CMGC to design a building that was within budget and scope. When the project went out for bid, they came in approximately \$1,500,000 over budget. After reviewing information, it was found that there were errors with the CMGC's calculations. The City terminated the contract with

the CMGC and worked with the architect to put the project back into budget. The project was put out for bid and they came back within budget. Staff's recommendation is for R&O to provide general contracting services.

Motion: Council Member Christensen made a motion to approve Harrisville Resolution 24-03; to approve a contract with R&O Construction for general contracting services related to the Public Works Facility, second by Council Member Wilhelmsen.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes
Council Member Weiss, Yes
Council Member Christensen, Yes
Council Member Jackson, Yes
Council Member Fawcett, Yes

The motion passed unanimously.

e. Discussion/possible action to approve options related to the North View Fire addition to the Public Safety Building.

Jennie Knight explained that staff has been meeting with Chief Maxfield and Marcus Keller about including North View Fire in the new Public Safety Complex. Marcus Keller with Crews and Associates presented the financial scenarios for the inclusion of North View Fire. The addition of North View Fire can be a great opportunity. The project will most likely involve a lease revenue bond. A potential option is the City issues the lease revenue bond. The district would enter an interlocal agreement with the City agreeing to send the City the payment for the bond. The agreement would need to be worked out between the City and District to make sure both are happy with it. It can be a benefit to the City this way. If the District does not make the payment the City would be the next responsible party for it but this would also allow the City to retain control over the full building. The second option is the district could build on their own parcel within the complex and issue their own bonds. There are some risks involved in the City acquiring the bonds. This has been done before in other Cities. He wants to keep Council informed of options and risk associated with this potential project. If Council decides to move forward, he recommends building a very strong interlocal agreement. Mayor Tait asked if Marcus Keller has done this before. Marcus Keller explained he has not done it himself but his previous firm has done it. The projects he has seen have been put in place and have had no issues arise. Mayor Tait inquired if Marcus Keller would help with the interlocal agreement. Marcus Keller explained he would be part of the process but it would also involve bond council and attorneys for both sides. Council Member Wilhelmsen inquired what amount of a tax increase residents would expect to pay. Chief Maxfield explained the tax burden would be shared between the whole district. Jennie Knight explained the intent of sharing the building is to save tax payers money. The district desires to put a station in Harrisville to provide the necessary services. Chief Maxfield explained they are developing a 20-year Master Plan. This station fits in with the Master Plan. This is the best spot based on the analysis from internal audits and Triton audit firm. He is confident that a strong interlocal agreement is possible between the City and District. Council Member Jackson explained the study done by Triton stated that by the time this building is completed call volume in Harrisville will warrant a station. Chief Maxfield thanked the Council for the time and effort in looking at these options.

Motion: Council Member Weiss made a motion to approve staff to look into a lease bond related to the North View Fire addition to the Public Safety Building, second by Council Member Wilhelmsen.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes
Council Member Weiss, Yes
Council Member Christensen, Yes
Council Member Jackson, Yes
Council Member Fawcett, Yes

The motion passed unanimously.

f. Discussion/possible action to adopt Harrisville Resolution 24-04; a resolution amending the Harrisville Consolidated Fee Schedule.

Jennie Knight explained this is the resolution approving the amendment to the Consolidated Fee Schedule. This would increase the rates for the first garbage can to \$21.50 and the second can to \$9.50. Recycling cans will be \$7.00 for the first can and \$7.00 for the second can. Mayor Tait inquired if this would keep the Garbage Fund balanced. Jennie Knight clarified from our calculations this would keep us out of a deficit. Staff will work with Waste Management to stay ahead of costs. Council Member Fawcett inquired why our second garbage can does not cost as much as the first can. In other cities the second can is equal to or more than the first. Jennie Knight explained Waste Management charges less for a second can so in the past we have charged residents less for the second can. Council can set the price for the garbage cans; this is the price based off the study results. Council Member Weiss asked if we could approve this resolution tonight then study this further and adjust the fee at a later date if the increase is inadequate. Council Member Wilhelmsen inquired how often we could adjust the Consolidated Fee Schedule. Mayor Tait answered we can adjust this as needed by passing a resolution during a Council Meeting. Council Member Fawcett inquired how we keep track of garbage cans so people are billed appropriately. Jennie Knight explained it is hard because we do not own or maintain the cans. Public Works has to drive the City and count cans. It is not a precise method. Brody Flint explained we need to be careful when setting costs. Studies have been conducted and the price is set by those studies. The legal way of looking at it is the study says it should be priced at this amount do we approve the change or keep it the way it is. Jennie Knight explained we also have the spring and fall cleanup that is payed out of the Garbage Fund. Brody Flint clarified the fund does not have to balance to exactly zero. It should have a small surplus to cover unexpected increases or costs.

Motion: Council Member Jackson made a motion to approve Harrisville Resolution 24-04; a resolution amending the Harrisville Consolidated Fee Schedule, second by Council Member Fawcett.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes
Council Member Weiss, Yes
Council Member Christensen, Yes
Council Member Jackson, Yes
Council Member Fawcett, Yes

The motion passed unanimously.

Council asked staff to review the Garbage Fund and report back in April.

6. Public Comment

Mayor Tait opened the public comment period.

Carlos Aguilar inquired how deficits happen in City funds and how transferring money from the General Fund solves the long-term problem.

Mayor Tait closed the public comment period.

7. Mayor/Council Follow-up

Chief Wilson reported that Officer Clark is retiring at the end of the month. The department has two full time positions open. They have had some applications. Officer Clark will be missed and the department will struggle to replace his knowledge and expertise.

Bryan Fife explained boys' basketball is going great. The playground installation is almost complete. Once the wood chips are delivered, they can finish the project. The Easter Egg hunt will be held on March 30, 2024 at 10 AM.

Justin Shinsel reported that after meeting with local officials' snowpack is on track to be one hundred percent. The public works building is moving along. Footings and foundations are getting poured. We should see lots movement going forward. The projected move in date is still December of this year. He thanked Glen Gammell for his time and dedication to the City.

Jennie Knight reported that the ULCT meeting is April 17th to the 19th. If Council wants to attend, please inform her so hotels can be booked. Staff has a suggestion for placing pictures at the Cabin. Staff's suggestion is mounting a TV on the wall and having it go through a slide show of historical pictures. Council Member Fawcett inquired about the cost. Chief Wilson explained it would cost approximately \$1000 to \$1500 depending on the TV size and placement. Council Member Fawcett asked how often the cabin is rented out. Jennie Knight explained it is rented out most weekends. Council Member Fawcett inquired what budget it would come out of. Jennie Knight clarified it would come out of Buildings Fund. Council asked staff to explore options and come back with prices and options.

Council Member Wilhelmsen reported on the Senior Luncheon. It was very well attended. The discussion was about emergency preparedness. He attended a Youth City Council retreat and got to learn a lot about their process. He would like to incorporate the YCC in and involve them more. The bottom line is how many youths do we have and what are we doing to help them.

Mayor Tait thanked all those in attendance.

8. Adjournment

Council Member Weiss motioned to adjourn the meeting, second by Council Member Christensen.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes
Council Member Weiss, Yes
Council Member Christensen, Yes
Council Member Jackson, Yes
Council Member Fawcett, Yes

The motion passed unanimously.

The meeting adjourned at 8:24 P.M.

MICHELLE TAIT
Mayor

ATTEST:

Jack Fogal
City Recorder
Approved this 12th day of March, 2024

Harrisville, Utah

March 12, 2024

The City Council (the “*Council*”) of the City of Harrisville, Utah (the “*City*”), met in public session on March 12, 2024, at 363 W Independence Blvd, in Harrisville, Utah, at 7:00 p.m., Utah time, due, legal and timely notice of the meeting having been given as required by law and the rules of the Council.

The meeting was called to order by the Mayor. On roll call, the following members, constituting a quorum, were present:

Mayor	Michelle Tait
Council Member	Grover Wilhelmsen
Council Member	Steve Weiss
Council Member	Blair Christensen
Council Member	Max Jackson
Council Member	Karen Taylor-Fawcett

ABSENT: _____

The City Recorder presented to the Council an affidavit evidencing the giving of not less than twenty-four (24) hours’ public notice of the agenda, date, time and place of the March 12, 2024 regular meeting of the Council in compliance with the requirements of Section 52-4-202(1), Utah Code Annotated 1953, as amended, by (1) posting written notice of the meeting at the principal office of the Council and (2) posting written notice of the meeting at the Utah Public Notice Website. The affidavit was ordered recorded in the minutes of the meeting and is as follows:

STATE OF UTAH)
)
COUNTY OF WEBER)

I, the undersigned, the duly qualified and acting City Recorder of the City of Harrisville, Utah (the “City”), do hereby certify that, according to the records of the City Council of the City (the “Council”) in my official possession, and upon my own knowledge and belief, in accordance with the requirements of Section 52-4-202(1), 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 March 12, 2024 regular public meeting held by the Council, by:

(a) causing a Notice of Public Meeting to be posted at the principal office of the Council at 363 W Independence Blvd, Harrisville, Utah, at least twenty-four (24) hours before the convening of the meeting, in the form attached hereto as *Exhibit A*, such Notice of Public Meeting having continuously remained so posted and available for public inspection during the regular office hours of the Council until the convening of the meeting; and

(b) causing a Notice of Public Meeting to be posted at the Utah Public Notice Website at least twenty-four (24) hours before the convening of the meeting.

IN WITNESS WHEREOF, I have hereunder subscribed my official signature this March 12, 2024.

City Recorder

After the conduct of other business not pertinent to the following, the following resolution was introduced in written form for consideration by the Council. After due consideration of the resolution by the Council, _____ moved for its adoption, and _____ seconded the motion. On being put to a vote, the motion was carried by the following vote:

AYE:

NAY:

ABSENT:

The resolution is as follows:

RESOLUTION

A RESOLUTION APPROVING THE ORGANIZATION OF THE LOCAL BUILDING AUTHORITY OF HARRISVILLE CITY, UTAH, AND THE FORMS OF ARTICLES OF INCORPORATION AND BYLAWS RELATING THERETO; AUTHORIZING THE APPROPRIATE OFFICERS OF THE COUNCIL TO TAKE ALL NECESSARY ACTIONS IN CONNECTION THEREWITH; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, pursuant to the provisions of the Utah Local Building Authority Act, Title 17D, Chapter 2 of the Utah Code Annotated 1953, as amended (the “*Act*”), the City Council (the “*Council*”) of the City of Harrisville, Utah (the “*City*”), is authorized to create a Local Building Authority; and

WHEREAS, the Council considers it necessary and desirable to organize a nonprofit corporation as the Local Building Authority of Harrisville (the “*Corporation*”) solely for the purpose of accomplishing the public purposes for which the Council exists by acquiring, improving or extending such improvements, facilities or properties and appurtenances to them and financing their costs on behalf of the Council, all in accordance with the procedures and subject to the limitations of the Act; and

WHEREAS, Section 17A-2-201 of the Act provides that the articles of incorporation and bylaws of a Local Building Authority, such as the Corporation, are to be approved by the Council; and

WHEREAS, there have been presented to and reviewed by the Council proposed Articles of Incorporation (the form of which is attached hereto as *Exhibit B* and which by this reference is incorporated herein) and proposed Bylaws (the form of which is attached hereto as *Exhibit C* and which by this reference is incorporated herein) for the Corporation, and the Council desires to approve the organization of the Corporation and such proposed documents and to authorize the appropriate officers of the Council to take all necessary or desirable actions in connection with the organization of the Corporation as required by law;

NOW, THEREFORE, Be it Resolved by the City Council of the City of Harrisville, Utah, as follows:

Section 1. The Council hereby approves the organization of the Local Building Authority of Harrisville City, Utah (the “*Corporation*”), to function on behalf of the Council as its Local Building Authority in accordance with the provisions of the Act, as the same now exists or as it may be from time to time amended. In connection with the organization of the Corporation as hereby approved, the Council hereby approves (a) the Articles of Incorporation of the Corporation in the form presented to and reviewed by the Council that is attached hereto as *Exhibit B* and (b) the Bylaws of the Corporation in the form presented to and reviewed by the Council that is attached hereto as *Exhibit C*.

Section 2. The members of the Council are hereby authorized and directed as incorporators to execute the Articles of Incorporation of the Corporation in the form hereby approved, the legal counsel of the Council shall cause such executed Articles of Incorporation to be filed with the Division of Corporations and Commercial Code of the State of Utah, and the Mayor, the City Recorder, the legal counsel of the Council and other officers of the Council are hereby authorized and directed to take all necessary or desirable actions to cause the organization of the Corporation in accordance with the Act and the Utah Revised Nonprofit Corporation Act, Title 16, Chapter 6a, Utah Code Annotated 1953, as amended.

Section 3. The Council hereby ratifies, confirms and approves all actions heretofore taken by the officers of the Council to arrange for the organization of the Corporation and the financing of certain projects on behalf of the Council by the Corporation as authorized by the Act.

Section 4. It is hereby declared that all parts of this resolution are severable, and if any section, paragraph, clause or provision of this resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this resolution.

Section 5. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this resolution shall be in full force and effect immediately upon its adoption.

APPROVED AND ADOPTED this March 12, 2024.

By _____
Mayor

COUNTERSIGN AND ATTEST:

By _____
City Recorder

(Other business not pertinent to the above appears in the minutes of the meeting.)

Pursuant to motion duly made and carried, the meeting was adjourned.

CITY OF HARRISVILLE, UTAH

By _____
Mayor

ATTEST:

By _____
City Recorder

STATE OF UTAH)
)
COUNTY OF WEBER)

I, the duly chosen, qualified and acting City Recorder of the City Council (the “*Council*”) of the City of Harrisville, Utah (the “*City*”), do hereby certify that the foregoing is a full, true and correct copy of the extracts of minutes of a regular meeting of the Council held at the City Office located at 363 W Independence Blvd, in Harrisville, Utah, within the City, on March 12, 2024, including a resolution adopted at said meeting, as recorded in the regular official book of minutes of the proceedings of the Council kept in my office, that all members were given due, legal and timely notice of said meeting, that the meeting therein shown was in all respects called, held and conducted in accordance with law and in full conformity therewith, and that the persons therein named were present at the meeting, as therein shown.

IN WITNESS WHEREOF, I have hereunto set my hand this March 12, 2024.

City Recorder

EXHIBIT A

[ATTACH NOTICE OF PUBLIC MEETING]

EXHIBIT B

[ATTACH FORM OF ARTICLES OF INCORPORATION]

EXHIBIT C

[ATTACH FORM OF BYLAWS]

ARTICLES OF INCORPORATION
OF
LOCAL BUILDING AUTHORITY OF
HARRISVILLE CITY, UTAH

We, the undersigned persons, acting as incorporators of a corporation under the Utah Revised Nonprofit Corporation Act, adopt the following articles of incorporation for such corporation:

ARTICLE I

NAME

The name of the corporation shall be: LOCAL BUILDING AUTHORITY OF HARRISVILLE CITY, UTAH.

ARTICLE II

DURATION

The period of duration of the corporation shall be perpetual unless and until dissolved according to Article XIV hereof or by operation of law.

ARTICLE III

ORGANIZATION AS NONPROFIT CORPORATION

The corporation is organized as a nonprofit corporation pursuant to the provisions of the Utah Local Building Authority Act, Title 17D, Chapter 2 of the Utah Code Annotated 1953, as amended (the "*Building Authority Act*"), and in accordance with the procedures set forth in the Utah Revised Nonprofit Corporation Act, Title 16, Chapter 6a, Utah Code Annotated 1953, as amended (the "*Nonprofit Corporation Act*"). The corporation does not contemplate pecuniary

gain or profit to the trustees or officers thereof and shall so conduct its affairs so that no profit or income from the operation thereof shall inure to any trustee or officer of the corporation or to any private person or private corporation. No distribution shall ever be made of any of the properties, assets or income of the corporation to any trustee or officer thereof or to any private person or private corporation. Notwithstanding anything herein to the contrary, the corporation may be dissolved as provided in Article XIV hereof.

ARTICLE IV
PURPOSES AND POWERS

The purposes of organizing the corporation are:

(a) To accomplish the public purposes for which Harrisville City, Utah (the “City”) exists by acquiring, improving, or extending one or more projects consisting of improvements, facilities or properties and appurtenances to them that the City is authorized or permitted by law to acquire, including, but not limited to, public buildings or other structures of every nature or any joint or partial interest in the same, which improvements, facilities, properties and appurtenances need not be situated within the boundaries of the City.

(b) To finance on behalf of the City the costs of acquiring, improving, or extending such projects by issuing the corporation’s bonds, notes or other evidences of indebtedness (collectively, the “*Obligations*”) pursuant to the Building Authority Act at any time.

(c) To conduct its business and affairs so as to tender by gift, or otherwise to transfer, as provided by law, to the City or its successors after all of the corporation’s

indebtedness has been paid or provision therefor has been made all rights, title and interest of the corporation in and to all of its properties, assets, and net earnings.

(d) Without limiting the generality of the foregoing, but subject to the limitations set forth in Article VIII hereof, the corporation shall have all the powers, privileges and rights necessary or convenient for carrying out the purposes for which the corporation is organized, and the incorporators hereby claim for the corporation all the benefits, privileges, rights and powers created, given, extended or conferred by the provisions of all applicable laws of the State of Utah, including, without limitation, the Building Authority Act and the Nonprofit Corporation Act, and any additions, amendments or supplements thereto.

ARTICLE V

MEMBERS

The corporation shall have no members and shall issue no shares of stock evidencing membership.

ARTICLE VI

BYLAWS

The Board of Trustees of the corporation (the "*Board of Trustees*") shall have the power to adopt Bylaws for the regulation and management of the affairs of the corporation not inconsistent with law or these Articles of Incorporation, and to amend or repeal any or all of such Bylaws, by the vote of a majority of the trustees present at any regular or special meeting of the Board of Trustees, as provided and subject to the limitations in the Bylaws.

ARTICLE VII
AMENDMENT TO ARTICLES

These Articles of Incorporation may be amended or repealed in the manner provided by law; *provided, however*, that to the extent permitted by applicable law, after the issuance of any Obligations of the corporation and while any such Obligations may be outstanding, the provisions of Article III and Article IV(c) hereof may not be amended or repealed unless necessary to comply with the requirements of applicable law, and no articles of amendment shall be delivered to the Utah Division of Corporations and Commercial Code (and no amendment shall become effective) until a certified copy of a resolution or other proceeding of the City Council of the City (the “*Council*”) approving such amendment shall have been filed with the Secretary of the corporation.

ARTICLE VIII
ISSUANCE OF OBLIGATIONS TO BE APPROVED

No Obligations of the corporation shall be issued until a certified copy of a resolution or other proceeding of the Council approving the issuance of such Obligations and their terms shall have been filed with the Secretary of the corporation.

ARTICLE IX
TRUSTEES

The corporation shall be administered and under the responsibility of a Board of Trustees subject to the following:

- (a) The number of trustees who shall constitute the Board of Trustees of the corporation shall be five or such other number as provided in the Bylaws of the corporation.

(b) The Board of Trustees of the corporation shall be composed of the members of the Council and any change in the membership of the Council shall automatically and without any action required hereunder operate to change the composition of the membership of the Board of Trustees of the corporation in the manner provided in the Bylaws of the corporation and in accordance with law.

(c) Members of the Board of Trustees of the corporation may be removed and replaced by the Council at any time in its discretion to the extent provided by law.

ARTICLE X

INITIAL BOARD OF TRUSTEES

The number of trustees who shall constitute the initial Board of Trustees of the corporation shall be seven. The names and business addresses of the persons who are to serve as the initial trustees until their successors are appointed and qualified are:

NAME	STREET ADDRESS
Grover Wilhelmsen	363 W Independence Blvd Harrisville, Utah 84341
Steve Weiss	363 W Independence Blvd Harrisville, Utah 84341
Blair Christensen	363 W Independence Blvd Harrisville, Utah 84341
Max Jackson	363 W Independence Blvd Harrisville, Utah 84341
Karen Taylor-Fawcett	363 W Independence Blvd Harrisville, Utah 84341

ARTICLE XI
INCORPORATORS

The name and street address of each incorporator are as follows:

NAME	STREET ADDRESS
Grover Wilhelmsen	363 W Independence Blvd Harrisville, Utah 84341
Steve Weiss	363 W Independence Blvd Harrisville, Utah 84341
Blair Christensen	363 W Independence Blvd Harrisville, Utah 84341
Max Jackson	363 W Independence Blvd Harrisville, Utah 84341
Karen Taylor-Fawcett	363 W Independence Blvd Harrisville, Utah 84341

ARTICLE XII

INITIAL PRINCIPAL OFFICE AND REGISTERED OFFICE

The location and street address of the initial principal office and registered office of the corporation are as follows:

363 W Independence Blvd
Harrisville, Utah 84341

ARTICLE XIII

REGISTERED AGENT

The corporation hereby appoints as its initial registered agent Jennie Knight, an individual resident in the State of Utah. The location and street address of the registered office of such registered agent are as follows:

363 W Independence Blvd
Harrisville, Utah 84341

ARTICLE XIV

DISSOLUTION

The corporation may be dissolved in the manner provided in the Bylaws and as provided by law, including, without limitation, Section 17A-3-912 of the Utah Code Annotated 1953, as amended.

IN WITNESS WHEREOF, the undersigned incorporators have executed these articles this
March 12, 2024.

Grover Wilhelmsen

Steve Weiss

Blair Christensen

Max Jackson

Karen Taylor-Fawcett

ACKNOWLEDGMENT OF REGISTERED AGENT

The undersigned hereby acknowledges and accepts appointment as the initial registered agent of the Local Building Authority of Harrisville City, Utah, the Utah nonprofit corporation organized pursuant to the Articles of Incorporation to which this acknowledgment is attached.

IN WITNESS WHEREOF, the undersigned registered agent has hereunto set his hand this March 12, 2024.

Jennie Knight

**BYLAWS OF THE
LOCAL BUILDING AUTHORITY OF
HARRISVILLE CITY, UTAH**

THESE BYLAWS have been adopted for the regulation and management of the affairs of the Local Building Authority of Harrisville City, Utah (the “*Corporation*”), subject to the provisions of its Articles of Incorporation and the laws of the State of Utah, at a meeting of the Board of Trustees (the “*Board of Trustees*”) of the Corporation held in Harrisville, Utah, on [Organization Meeting], 2024, duly called for that purpose.

ARTICLE I

PROPERTY INTEREST AND NON-LIABILITY OF TRUSTEES AND OFFICERS

Section 1.1. Nonprofit Character and Property Interest. The Corporation is organized and shall operate as a nonprofit corporation that does not distribute any part of its income to its trustees or officers. No trustee or officer of the Corporation shall have any right, title or interest in or to any property, assets or income of the Corporation either prior to or at the time of the dissolution of the Corporation, all of which properties, assets and income shall at the time of dissolution be transferred to the City of Harrisville, Utah (the “*City*”), as provided in the Articles of Incorporation of the Corporation. The property, assets and income of the Corporation shall not inure to the benefit of any private person or private corporation. No earnings of the Corporation may inure to the benefit of anyone other than the City.

Section 1.2. Non-Liability. No member of the Board of Trustees or officer of the Corporation shall be individually liable upon any indebtedness or liability incurred by the Corporation.

Section 1.3. Activities. The Corporation shall engage only in activities that are essentially public in character and that are consistent with the purposes for which the Corporation was organized as provided in its Articles of Incorporation.

ARTICLE II

MEETINGS

Section 2.1. Regular Meetings. The Board of Trustees may provide for the holding of regular meetings of the Board of Trustees, following such notice to the trustees and to the public as may be required by Section 2.3 hereof, at the regular meeting place of the City Council of the City (the “*City Council*”) as shall be designated in the notice of the meeting. Any regular meeting of the Board of Trustees may be held on the same or a different day as the day on which regular meetings of the City Council are held.

Section 2.2. Special Meetings. Special meetings of the Board of Trustees may be called upon a written order signed by any three trustees or by the President of the Corporation, and it

shall thereupon be the duty of the Secretary to cause notice of such meeting to be given as provided in Section 2.3 hereof. Any special meeting of the Board of Trustees may be held at any place specified in the notice of such special meeting that is lawful for the holding of special meetings of the City Council.

Section 2.3. Notice. Notice to the trustees of any regular or special meeting of the Board of Trustees of the Corporation shall be given by the Secretary in the same manner and at the same time as notice of any regular or special meeting, respectively, of the City Council is required to be given to members of the City Council as provided by law. The Secretary of the Corporation shall cause notice to be given to the public of any such meeting as required by law, including, but not limited to, any such notice as may be required by the Utah Open and Public Meetings Law (Title 52, Chapter 4, Utah Code Annotated 1953, as amended), as amended or supplemented from time to time.

Section 2.4. Waiver of Notice. By signing a written waiver, any trustee may waive any notice of a meeting required to be given by these Bylaws or any other notices required to be given to such trustee under the provisions of the Utah Revised Nonprofit Corporation Act or under the provisions of the Articles of Incorporation of the Corporation or these Bylaws. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Board of Trustees need be specified in the waiver of notice of such meeting. The attendance of a trustee at any meeting shall constitute a waiver of notice of such meeting by such trustee, except where such trustee attends a meeting for the express purpose of objecting to the transaction of any business because the meeting has not been lawfully called or convened.

Section 2.5. Quorum. Three trustees shall constitute a quorum for the transaction of business at any meeting of the Board of Trustees; *provided, however*, that in the event of the increase or decrease in the number of trustees pursuant to Section 3.2 hereof, a majority of the number of trustees so determined shall constitute a quorum for the transaction of business at any meeting of the Board of Trustees held thereafter. The act of a majority of the trustees present at a meeting at which a quorum is present shall be the act of the Board of Trustees; *provided, however*, that the minimum number of yes votes required to pass any resolution or to take any action by the Board of Trustees shall never be less than two. If less than a quorum is present at a meeting, a majority of the trustees present may adjourn the meeting from time to time without further notice.

Section 2.6. Voting. Each trustee shall be entitled to only one vote upon each matter submitted to a vote at a meeting of the Board of Trustees.

ARTICLE III

TRUSTEES

Section 3.1. General Powers. The affairs of the Corporation shall be managed by its Board of Trustees, which shall exercise all of the powers of the Corporation.

Section 3.2. Number, Appointment, Tenure of Office and Removal. The number of trustees of the Corporation shall be five; *provided* that the number of trustees of the Corporation shall be increased or decreased automatically and without any further action of the Board of Trustees of the Corporation or of the City Council (including, but not limited to, any action to amend these Bylaws or the Articles of Incorporation of the Corporation) to equal the number of members of the City Council at any time as the number of the members of the City Council shall be increased or decreased as provided by law. The members of the City Council shall act as the members of the Board of Trustees of the Corporation and, upon taking office as members of the City Council, shall be considered as appointed to the Board of Trustees of the Corporation. The term of office of each trustee shall be the period during which such trustee serves as a member of the City Council. Each trustee shall hold office for the term for which he or she is appointed and until his or her successor shall have been appointed and qualified or until his or her earlier death, resignation or removal from office. No trustee shall take office unless and until he or she is a duly elected or appointed member of the City Council. Any trustee who ceases to be a member of the City Council shall simultaneously cease to be a trustee. To the extent provided by law, members of the Board of Trustees may be removed and replaced by the City Council at any time in its discretion, upon the filing with the Secretary of the Corporation of a certified copy of a resolution directing such removal and replacement adopted by the City Council, a copy of which resolution shall be recorded in the corporate records of the Corporation; *provided, however*, that only a member of the City Council may be appointed to replace any trustee so removed.

Section 3.3. Vacancies. Any vacancy occurring in the Board of Trustees, including any trusteeship to be filled by reason of an increase in the number of trustees as provided in Section 3.2 hereof, shall be filled by the member of the City Council who has succeeded or been appointed to a position as a member of the City Council as a result of a vacancy on the City Council or as a result of the increase in the number of members of the City Council, such appointment as a trustee to be effective upon such successor taking office as a member of the City Council. Any such vacancy in the Board of Trustees shall remain unfilled until the election or appointment of a new member to the City Council who shall be considered as appointed to the Board of Trustees in the manner provided in Section 3.2 hereof.

Section 3.4. Compensation. Neither trustees nor officers shall receive any salary for their services rendered to the Corporation except that, by resolution of the Board of Trustees, actual expenses of attendance, if any, may be allowed for attendance at meetings of the Board of Trustees. No trustee or officer shall receive compensation for serving the Corporation in any other capacity, nor shall any close relative (as hereinafter defined) of a trustee or officer receive compensation for serving the Corporation. The term “*close relative*” as used herein shall mean any brother or sister of any trustee or officer, the forebears and descendants of a trustee or officer or of any such brother or sister, and any spouse of a trustee or officer or any aforesaid person.

Section 3.5. Accounting and Audits. The Board of Trustees shall establish and maintain an appropriate accounting system. A complete audit shall be made of the Corporation’s accounts, books and financial condition after the close of each fiscal year, and a report thereon shall be submitted to the City Council.

ARTICLE IV

OFFICERS

Section 4.1. Number. The officers of the Corporation shall be a President, Vice President, Secretary, Treasurer and such other officers as may be determined by the Board of Trustees from time to time to perform such duties as may be designated by resolution of the Board of Trustees. Any two or more offices may be held by the same person, except the offices of President and Secretary and the offices of President and Vice President. None of the officers need be members of the Board of Trustees unless otherwise required by law.

Section 4.2 Selection of Officers and Term of Office. (a) The Mayor shall act as the President of the Board of Trustees and, without any further action of the Board of Trustees, upon taking office as Mayor, shall be considered as elected as President of the Board of Trustees.

(b) The City Recorder of the City shall act as the Secretary and the Treasurer of the Board of Trustees and, without any further action of the Board of Trustees, upon being appointed as City Recorder of the City, shall be considered as elected as Secretary and Treasurer of the Board of Trustees.

(c) All other officers, if any, shall be elected by the Board of Trustees at a meeting called for such purpose from time to time as a vacancy occurs in any office.

(d) Each officer shall, so long as he or she qualifies for such position, hold office until his or her successor shall have been duly elected and qualified or until he or she is removed as provided in Section 4.3 hereof.

Section 4.3. Removal of Officers and Agents by Board of Trustees. Any officer or agent of the Corporation may be removed by the Board of Trustees whenever in its judgment the best interests of the Corporation will be served thereby.

Section 4.4. President. The President:

(a) shall be the principal executive officer of the Corporation and, unless otherwise determined by the Board of Trustees, shall preside at all meetings of the Board of Trustees;

(b) may sign any deeds, mortgages, deeds of trust, notes, bonds, contracts, leases, assignments or other instruments authorized by the Board of Trustees to be executed, except in cases in which the signing and execution thereof shall be expressly delegated by the Board of Trustees or by these Bylaws to some other officer or agent of the Corporation, or shall be required by law to be otherwise signed or executed; and

(c) shall in general perform all duties incident to the office of President and such other duties as from time to time may be assigned to him or her by the Board of Trustees.

Section 4.5. Vice President. In the absence of the President, or in the event of his or her inability or refusal to act, the Vice President shall perform the duties of the President, and, when so acting, shall have all the powers of, and be subject to all the restrictions upon, the President. The Vice President shall also perform such other duties as from time to time may be assigned to him or her by the Board of Trustees.

Section 4.6. Secretary. The Secretary shall:

(a) keep the minutes of the meetings of the Board of Trustees in one or more books provided for that purpose;

(b) see that all notices are duly given in accordance with these Bylaws or as required by law;

(c) be custodian of the corporate records and of the seal of the Corporation and affix the seal of the Corporation to documents, the execution of which on behalf of the Corporation under its seal is duly authorized in accordance with the provisions of these Bylaws;

(d) keep a register of the names and post office addresses of all members of the Board of Trustees;

(e) have general charge of the books of the Corporation;

(f) keep on file at all times a complete copy of the Articles of Incorporation and Bylaws of the Corporation containing all amendments thereto (which copy shall always be open to the inspection of any trustee) and, at the expense of the Corporation, forward a copy of the Bylaws and of all amendments thereto to each member of the Board of Trustees upon request; and

(g) in general perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned to him or her by the Board of Trustees.

Section 4.7. Treasurer. The Treasurer shall (except to the extent that the Corporation may have assigned its receivables or securities):

(a) have charge and custody of and be responsible for all funds and securities of the Corporation;

(b) be responsible for the receipt of, and the issuance of receipts for, all moneys due and payable to the Corporation and for the deposit of all such moneys in the name of the Corporation in such banks, trust companies or depositaries as shall be selected in accordance with the provisions of these Bylaws; and

(c) in general perform all duties incident to the office of Treasurer and such other duties as from time to time may be assigned to him or her by the Board of Trustees.

Section 4.8. Powers, Duties and Compensation. The powers, duties and compensation of officers, agents and employees (other than those expressly hereinabove provided for the officers of the Corporation in this Article IV) shall be fixed by resolution of the Board of Trustees, subject to the provisions of these Bylaws with respect to compensation for trustees and officers and close relatives of trustees and officers as provided in Section 3.4 hereof.

ARTICLE V

NONPROFIT OPERATION

The Corporation shall at all times be operated on a nonprofit basis. No dividend shall be paid or payable by the Corporation, and no part of the income of the Corporation shall be distributed by the Corporation, to any trustee or officer of the Corporation.

ARTICLE VI

ACCOMPLISHMENT OF PURPOSE

The Corporation is a public entity and an instrumentality of the State of Utah performing essential governmental functions on behalf of the City, and has been organized solely for the purpose of accomplishing the public purposes for which the City exists by acquiring, improving or extending improvements, facilities or properties and appurtenances to them that the City is authorized or permitted by law to acquire, including, but not limited to, public buildings or other structures of every nature or any joint or partial interest in the same, which improvements, facilities, properties and appurtenances need not be situated within the boundaries of the City, and financing the costs of such improvements, facilities or properties and appurtenances on behalf of the City. To fulfill its purpose, the Corporation intends to issue its bonds, notes or other evidences of indebtedness (collectively, the “*Bonds*”) to acquire funds to pay the costs of acquiring, improving or extending any such improvements, facilities or properties and appurtenances to them and to pay all costs incidental thereto to the extent permitted by law. Upon payment in full of all Bonds issued to acquire, improve or extend a particular project, title to such project shall vest in the City as provided by law, and the Corporation shall forthwith tender by gift, or otherwise transfer, as provided by law, all of the Corporation’s right, title and interest in and to such project to the City.

ARTICLE VII

DISSOLUTION

Section 7.1. Voluntary Dissolution. (a) Subject to the limitations hereinafter provided, the Corporation shall be dissolved upon the affirmative vote of a majority of the members of the Board of Trustees voting upon a motion to dissolve, at a regular or special meeting of the Board of Trustees, in the manner provided by law; *provided, however*, that no such vote shall take effect, and no dissolution of the Corporation shall occur, until the filing with the Secretary of the

Corporation of a certified copy of a resolution ordering such dissolution adopted by the City Council, a copy of which resolution shall be recorded in the corporate records of the Corporation.

(b) The Corporation may not be dissolved unless all outstanding Bonds and other obligations of the Corporation are paid in full as to principal, interest and redemption premiums, if any, or unless provision for the payment of the same when due has been made.

Section 7.2. Distribution of Assets. Upon the dissolution of the Corporation, title to each “project” (as such term is defined in Section 17A-3-902(10), Utah Code Annotated 1953, as amended) of the Corporation shall vest in the City, and all assets and net earnings of the Corporation remaining after payment or provision has been made for the payment of all outstanding Bonds and obligations of the Corporation, shall be transferred to the City.

ARTICLE VIII

FINANCIAL TRANSACTIONS

Section 8.1. Contracts. Except as otherwise provided by these Bylaws, the Board of Trustees may authorize any officer or officers or agent or agents of the Corporation to enter into any contract or execute and deliver any instrument in the name and on behalf of the Corporation, and such authority may be general or confined to specific instances.

Section 8.2. Checks, Drafts, Etc. All checks, drafts or other orders for the payment of money and all notes, bonds or other evidences of indebtedness issued in the name of the Corporation shall be signed by such officer or officers or agent or agents of the Corporation and in such manner as shall from time to time be determined by resolution of the Board of Trustees.

Section 8.3. Deposits. All funds of the Corporation not otherwise employed shall be deposited from time to time to the credit of the Corporation in such banks, trust companies or other depositories as the Board of Trustees may select or as may otherwise be required by law.

Section 8.4. Form and Execution of Bonds. The Bonds issued by the Corporation shall be in such form as may be approved by the Board of Trustees, shall be executed in the name and on behalf of the Corporation by such officer or officers of the Corporation as shall be designated by the Board of Trustees and under the corporate seal of the Corporation, and shall be issued in compliance with the terms and conditions, and subject to the limitations, provided in the Utah Local Building Authority Act, as amended from time to time, including, but not limited to, the requirement that no Bonds may be issued by the Corporation unless the issuance of the Bonds and the terms of the Bonds have been approved by the City Council, and in compliance with the terms and conditions provided in the proceedings authorizing the issuance of the Bonds.

ARTICLE IX

INDEMNIFICATION OF TRUSTEES AND OFFICERS

To the extent allowed by the Articles of Incorporation and law, each trustee and officer of the Corporation, whether or not then in office, and his or her personal representatives, shall be indemnified by the Corporation against all expenses actually and necessarily incurred by him or her in connection with the defense of any action, suit or proceeding in which he or she was made a party by reason of being or having been such trustee or officer, if a) the trustee or officer's conduct was in good faith; b) the trustee or officer reasonably believed that his or her conduct was in, or not opposed to, the Corporation's best interests; and c) in the case of any criminal proceeding, the trustee or officer had no reasonable cause to believe his or her conduct was unlawful. The termination of a proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent is not, of itself, determinative that the trustee or officer did not meet the standard of conduct described above. To the extent permitted by law, each trustee, officer, employee or agent of the Corporation shall have all rights provided to employees in the Utah Governmental Immunity Act, Title 63, Chapter 30, Utah Code Annotated 1953, as amended, and in Title 63, Chapter 30b, Utah Code Annotated 1953, as amended.

ARTICLE X

AMENDMENT

These Bylaws may be altered, amended or repealed by the affirmative vote of a majority of the trustees present at any regular or special meeting, *provided* a quorum as provided in these Bylaws be present and *provided* the waiver or notice of such meeting shall have contained a copy of the proposed alteration, amendment or repeal. Notwithstanding the foregoing, no such alteration, amendment or repeal of any or all of these Bylaws shall take effect until a certified copy of a resolution or other proceeding approving such alteration, amendment or repeal adopted by the City Council shall have been filed with the Secretary of the Corporation.

ARTICLE XI

MISCELLANEOUS

Section 11.1. Fiscal Year. The fiscal year of the Corporation shall be the same as the annual accounting period of the City as from time to time in effect, being initially a period commencing on July 1 of each calendar year and ending on the next succeeding June 30.

Section 11.2. Rules and Regulations. The Board of Trustees shall have the power to make and adopt such rules and regulations, not inconsistent with law, the Articles of Incorporation of the Corporation or these Bylaws, as it may deem advisable for the regulation and management of the affairs of the Corporation.

Section 11.3. Office and Principal Place of Business. The office and principal place of business of the Corporation shall be located at 363 W Independence Blvd, Harrisville, Utah, unless and until changed by the Board of Trustees with the appropriate written notices being given.

I hereby certify that the foregoing is a full, true and correct copy of the Bylaws of the Local Building Authority of Harrisville City, Utah, a Utah nonprofit corporation, adopted by the Board of Trustees of the Corporation on [Organization Meeting], 2024.

Secretary

**HARRISVILLE CITY
RESOLUTION 24-05**

BOUNDARY LINE ADJUSTMENT

**A RESOLUTION OF HARRISVILLE CITY, UTAH, AUTHORIZING THE
DIXON CREEK SUBDIVISION BOUNDARY LINE ADJUSTMENT.**

WHEREAS, Harrisville City (hereafter “City”) is a municipal corporation duly organized and existing under the laws of the state of Utah;

WHEREAS, *Utah Code Annotated §10-3-717* authorizes the City to exercise administrative powers by resolution;

WHEREAS, the City owns certain real properties identified as Weber County Parcel Numbers 11-06-0047;

WHEREAS, D.R. Horton LLC as the owner of Weber County Parcel Number 11-016-0027 has applied for a Boundary Line Adjustment;

WHEREAS, the City and D.R. Horton desire to adjust the boundary to the existing fence to match the ownership uses that have existed;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Harrisville City, Utah, that the Boundary Line Adjustment as described in the Dixon Creek ALTA Survey attached as Exhibit “A” is approved with the conditions listed in the Boundary Line Agreement attached as Exhibit “B”.

PASSED AND APPROVED by the Harrisville City Council this ____ day of _____, 2024.

MICHELLE TAIT
Mayor

JACK FOGAL
City Recorder

Municipal Council
Roll Call Vote Tally

	Yes	No
Mr. Wilhelmsen	___	___
Mr. Weiss	___	___
Mr. Christensen	___	___
Mr. Jackson	___	___
Ms. Fawcett	___	___

When Recorded Return To:
Scott Group
505 S. 100 E.
Bountiful, UT 84010
Attention: Scott Smoot

BOUNDARY LINE AGREEMENT

THIS BOUNDARY LINE AGREEMENT (this “Agreement”) is entered into to be effective as of the _____ day of _____, 2024, by and among THE SCOTT GROUP, L.L.C., a Utah limited liability company, SDS7, LLC, a Utah limited liability company, THE MYERS GROUP, LLC, a Utah limited liability company, and BAILEY V PROPERTIES, LLC, a Utah limited liability company, (collectively referred to herein as “Scott”), whose joint address for purposes of this Agreement is 505 South 100 East, Bountiful, Utah 84010, and HARRISVILLE CITY, a municipal corporation of the State of Utah (referred to herein as “City”), whose address is 363 West Independence Blvd., Harrisville, Utah. Scott and City are sometimes referred to herein singularly as a “Party” and collectively as the “Parties” with respect to the following:

A. Scott owns that certain real property (the “Scott Parcel”) located in Harrisville, Weber County, Utah, more particularly identified as Tax Parcel No. 11-016-0027. The legal description of the Scott Parcel is set forth in Exhibit A attached hereto and incorporated herein by this reference.

B. City owns that certain real property (the “City Parcel”) located in Harrisville, Weber County, Utah, more particularly identified as Tax Parcel No. 11-016-0047. The legal description of the City Parcel is set forth in Exhibit B attached hereto and incorporated herein by this reference

C. The Scott Parcel and the City Parcel are contiguous.

D. The Parties are entering into this Agreement to adjust the boundary line between the Scott Parcel and the City Parcel in accordance with the terms of this Agreement. The legal description of the adjusted and agreed upon boundary line (the “Adjusted Boundary Line”) is set forth in Exhibit C attached hereto and incorporated herein by this reference. The legal description of the Scott Parcel after the Adjusted Boundary Line becomes effective is set forth in Exhibit D attached hereto and incorporated herein by this reference (the “Adjusted Scott Parcel”). The legal description of the City Parcel after the Adjusted Boundary Line becomes effective is set forth in Exhibit E attached hereto and incorporated herein by this reference (the “Adjusted City Parcel”). The Scott Parcel, the Adjusted Scott Parcel, the City Parcel and the Adjusted City Parcel are sometimes referred to herein singularly as a “Parcel” and collectively as the “Parcels.”

E. As of the date of this Agreement, neither the Scott Parcel nor the City Parcel is a platted lot.

F. In conjunction with the preparation of this Agreement, and pursuant to Section 17-23-17 of the Utah Code, a survey (the “Survey”) was prepared that shows the location of the Scott Parcel, the City Parcel, the Adjusted Boundary Line, the Adjusted Scott Parcel and the Adjusted City Parcel, which Survey was prepared by Stephen Burt of Entellus, and which Survey was filed with the Weber County Surveyor on March 1, 2019, as File No.19-100.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and based upon the mutual covenants and promises hereinafter set forth, the Parties agree as follows:

1. Accuracy of Recitals. The recitals set forth above are true, correct and complete in all material respects.

2. Adjusted Boundary Line. Pursuant to Section 57-1-45 and Section 10-9a-524 of the Utah Code, the Parties hereby covenant and agree that from and after the date of this Agreement the boundary line between the Scott Parcel and the City Parcel is adjusted to be the Adjusted Boundary Line. As the result of such adjustment to the Adjusted Boundary Line, the legal description of the Scott Parcel is hereby adjusted to be the legal description of the Adjusted Scott Parcel, and the legal description of the City Parcel is hereby adjusted to be the legal description of the Adjusted City Parcel. To conform the legal descriptions of the Scott Parcel and the City Parcel to the Adjusted Boundary Line, (a) Scott hereby quitclaims to City any and all of Scott’s right, title and interest in and to the Adjusted City Parcel, and (b) City hereby quitclaims to Scott any and all of City’s right, title and interest in and to the Adjusted Scott Parcel.

3. Duration; Rights Run With the Land; Binding Effect. This Agreement and the Adjusted Boundary Line established hereby shall be perpetual. Each of the agreements and rights contained in this Agreement: (i) shall inure to the benefit of and be binding upon the Parties and their respective successors, successors-in-title, heirs and assigns as to their respective Parcel, or any portion of their respective Parcel, each of whom shall be an intended beneficiary (whether third party or otherwise) of the rights and agreements granted hereunder; (ii) shall run with the land; and (iii) shall remain in full force and effect and shall be unaffected by any change in the ownership of, or any encumbrance, lien, judgment, easement, lease or other right affecting, the Adjusted Scott Parcel or the Adjusted City Parcel, or any portion thereof, or any change of use, demolition, reconstruction, expansion or other circumstances.

4. Integration; Modification. This Agreement contains the entire agreement between the Parties with respect to the matters set forth herein. This Agreement may be modified or amended only with the unanimous written agreement of the Parties, their successors and assigns.

5. Further Action. The Parties shall execute and deliver all documents, provide all information, and take or forbear from taking all action as may be necessary or appropriate to achieve the purpose of this Agreement.

6. Applicable Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Utah.

7. Interpretation. The paragraph headings in this Agreement are for convenience only and shall not be considered or referred to in resolving questions of interpretation and construction.

The use of the singular in this Agreement shall include the plural, and the use of the plural in this Agreement shall include the singular, where the context is otherwise appropriate.

8. Severability. In the event that any condition, covenant or other provision herein contained is held to be invalid or void by any court of competent jurisdiction, the same shall be deemed severable from the remainder of this Agreement and shall in no way affect any other condition, covenant or other provision herein contained. If such condition, covenant or other provisions shall be deemed invalid due to its scope or breadth, such condition, covenant or other provision shall be deemed valid to the extent of the scope and breadth permitted by law.

9. Attorneys' Fees. In the event it becomes necessary for either Party or its successors and assigns to employ the service of an attorney in order to enforce such Party's rights under this Agreement with respect to the other Party hereto or its successors and assigns, either with or without litigation, the non-prevailing Party in such controversy shall pay to the prevailing Party reasonable attorneys' fees and, in addition, such costs and expenses as are incurred by the prevailing Party in enforcing such Party's rights under this Agreement.

10. Counterparts. This Agreement may be executed and acknowledged in any number of counterparts, each of which, when executed, acknowledged and delivered, shall be deemed an original, but all of which shall together constitute one and the same instrument.

IN WITNESS WHEREOF, this Boundary Line Agreement is executed to be effective as of the day and year first above written.

The Scott Group, L.L.C., a Utah limited liability company

By: _____
Name: _____
Title: _____

Date of Execution: _____, 2024

SDS7, LLC, a Utah limited liability company

By: _____
Name: _____
Title: _____

Date of Execution: _____, 2024

The Myers Group, LLC, a Utah limited liability company

By: _____
Name: _____
Title: _____

Date of Execution: _____, 2024

Bailey V Properties, LLC, a Utah limited liability company

By: _____
Name: _____
Title: _____

Date of Execution: _____, 2024

Harrisville City

By: _____
Name: _____
Title: _____

Date of Execution: _____, 2024

STATE OF UTAH)
 : ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by _____, in such person’s capacity as the _____ of The Scott Group, L.L.C., a Utah limited liability company.

NOTARY PUBLIC

STATE OF UTAH)
 : ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by _____, in such person’s capacity as the _____ of SDS7, LLC, a Utah limited liability company.

NOTARY PUBLIC

STATE OF UTAH)
 : ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by _____, in such person’s capacity as the _____ of The Myers Group, LLC, a Utah limited liability company.

NOTARY PUBLIC

STATE OF UTAH)
 : ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by _____, in such person’s capacity as the _____ of Bailey V Properties, LLC, a Utah limited liability company.

NOTARY PUBLIC

STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this _____ day of _____, 2024, by _____, in such person's capacity as the _____ of HARRISVILLE CITY.

NOTARY PUBLIC

**EXHIBIT A
TO
BOUNDARY LINE AGREEMENT**

LEGAL DESCRIPTION OF THE SCOTT PARCEL

EXISTING LEGAL

**EXHIBIT B
TO
BOUNDARY LINE AGREEMENT**

LEGAL DESCRIPTION OF THE CITY PARCEL

EXISTING LEGAL

**EXHIBIT C
TO
BOUNDARY LINE AGREEMENT**

LEGAL DESCRIPTION OF THE ADJUSTED BOUNDARY LINE

NEW LINE

**EXHIBIT D
TO
BOUNDARY LINE AGREEMENT**

LEGAL DESCRIPTION OF THE ADJUSTED SCOTT PARCEL

The Adjusted Scott Parcel is located in Weber County, Utah and is more particularly described as follows:

TO BE PARCEL

**EXHIBIT E
TO
BOUNDARY LINE AGREEMENT**

LEGAL DESCRIPTION OF THE ADJUSTED CITY PARCEL

The Adjusted City Parcel is located in Weber County, Utah and is more particularly described as follows:

TO BE PARCEL

w37241

WHEN RECORDED MAIL TO:
HARRISVILLE CITY
PART OF 11-016-0028
363 W Independence Rd
Harrisville, Ut. 84404

WARRANTY DEED

FRANK J. MCCORMICK, JED MCCORMICK, PAMELA M. MCCORMICK, LEX C. MCCORMICK, BEVERLY E. MCCORMICK, MICHAEL F. MCCORMICK & JANA E MCCORMICK, grantor

of OGDEN, County of WEBER, State of UTAH, hereby CONVEY and WARRANT to

HARRISVILLE CITY

grantee

of PART OF 11-016-0028, for the sum of Ten Dollars and other good and valuable consideration, the following tract of land in WEBER County, State of Utah:

SEE ATTACHED LEGAL DESCRIPTION

Subject to easements, restrictions and rights of way of record.

WITNESS, the hands of said grantors, this 20 day of JUNE, 2001

Signed in the presence of

Jed McCormick
JED MCCORMICK

Pamela M. McCormick
PAMELA M. MCCORMICK

Lex C. McCormick
LEX C. MCCORMICK

Beverly E. McCormick
BEVERLY E. MCCORMICK

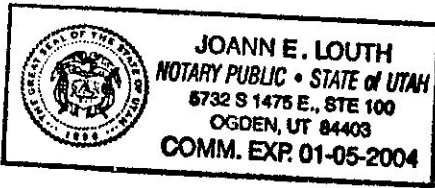
Frank J. McCormick, Trustee
FRANK J. MCCORMICK, TRUSTEE

Michael F. McCormick & Janae McCormick
MICHAEL F. MCCORMICK & JANA E MCCORMICK

STATE OF UTAH)
COUNTY OF WEBER)

On the 20 day of JUNE, A.D. 2001, personally appeared before me FRANK J. MCCORMICK, JED MCCORMICK, PAMELA M. MCCORMICK, LEX C. MCCORMICK, BEVERLY E. MCCORMICK, MICHAEL F. MCCORMICK & JANA E MCCORMICK the signers of the within instrument, who duly acknowledged to me that they executed the same.

[Signature]
Notary Public
residing at:
commission expires:



E# 1778025 BK2148 PG39
DOUG CROFTS, WEBER COUNTY RECORDER
21-JUN-01 119 PM FEE \$17.00 DEP JPM
REC FOR: MOUNTAIN.VIEW.TITLE

w37241

T.

11-016-0047 (11-016-0028)

PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. DESCRIBED AS FOLLOWS: BEGINNING AT A POINT OF THE NORTH LINE OF BROOK MEADOW PHASE 2 SUBDIVISION, SAID POINT ALSO BEING DESCRIBED AS BEING SOUTH 88 DEG 58 MIN 38 SEC EAST 2651.91 FEET AND NORTH 00 DEG 11 MIN 45 SEC EAST 698.93 FEET AND NORTH 87 DEG 39 MIN 40 SEC EAST 697.79 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION, SAID POINT ALSO BEING ON THE WEST LINE OF E.K. BAILEY PROPERTY, RUNNING THENCE NORTH 01 DEG 10 MIN 37 SEC EAST 553.73 FEET, ALONG SAID WEST LINE; THENCE SOUTH 48 DEG 44 MIN 19 SEC WEST 49.29 FEET; THENCE SOUTH 40 DEG 35 MIN 14 SEC WEST 81.91 FEET; THENCE SOUTH 35 DEG 36 MIN 39 SEC WEST 55.94 FEET; THENCE SOUTH 34 DEG 35 MIN 48 SEC WEST 50.60 FEET; THENCE SOUTH 8 DEG 49 MIN 41 DEG EAST 35.37 FEET; SOUTH 10 DEG 09 MIN 42 SEC WEST 127.34 FEET; THENCE SOUTH 29 DEG 59 MIN 54 SEC WEST 54.54 FEET; THENCE SOUTH 40 DEG 36 MIN 45 SEC WEST 39.77 FEET; THENCE SOUTH 38 DEG 18 MIN 58 SEC WEST 124.36 FEET; THENCE SOUTH 11 DEG 42 MIN 21 SEC WEST 49.67 FEET, MORE OR LESS, TO THE NORTH LINE OF THE BROOK MEADOW PHASE 2 SUBDIVISION PROPERTY; THENCE ALONG SAID NORTH LINE NORTH 87 DEG 39 MIN 40 SEC EAST 297.90 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

~~11-016-0028~~