

**ERDA CITY COUNCIL  
NOTICE OF PUBLIC HEARING**

**PUBLIC HEARING TO TAKE INPUT AND COMMENT ON A PROPOSED  
RESOLUTION**

The Erda City Council will hold a Public Hearing at 7:00 p.m. on Thursday, March 28, 2024, at 47 S. Main St, Tooele, UT 84074.

The purpose of the hearing is to take public comment on adopting a proposed Resolution entitled as follows:

RESOLUTION 24-04: A RESOLUTION OF THE CITY COUNCIL OF ERDA CITY, UTAH (THE "CITY"), ACKNOWLEDGING RECEIPT AND CERTIFICATION OF A REQUEST FOR CERTAIN SERVICES SIGNED BY 100% OF THE PROPERTY OWNERS IN THE PROPOSED SERVICE AREA; DECLINING TO PROVIDE THE REQUESTED SERVICES, AND ACKNOWLEDGING THE RECEIPT AND CERTIFICATION OF A PETITION FOR CREATION OF THE MID-VALLEY IMPROVEMENT DISTRICT, AND THE INABILITY OF ANY OTHER PARTIES TO FILE AN ADEQUATE PROTEST TO THE CITY'S PROPOSED ACTION.

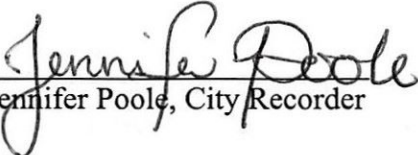
A draft copy of the resolution as proposed is attached to this Public Hearing Notice as Exhibit A.

A copy of the Request for Services being considered by the City Council, including a description or map of the area proposed to be served, is attached to this Public Hearing Notice as Exhibit B.

Members of the public are invited to attend the hearing where they will be given the opportunity to be heard on the estimates of revenues and expenditures or any item in the tentative budget of any fund.

The time period for adequate protests to be filed by certain eligible parties, as set forth in Utah Code §17B-1-213, is sixty (60) days following the last public hearing conducted by the City Council.

In compliance with the Americans with Disabilities Act, individuals needing reasonable accommodation to fully participate in this hearing should notify the City Recorder at 435-243-5577 at least one full business day prior to the hearing.

  
Jennifer Poole, City Recorder

## EXHIBIT A

### RESOLUTION 24-04

A RESOLUTION OF THE CITY COUNCIL OF ERDA CITY, UTAH (THE "CITY"), ACKNOWLEDGING RECEIPT AND CERTIFICATION OF A REQUEST FOR CERTAIN SERVICES SIGNED BY 100% OF THE PROPERTY OWNERS IN THE PROPOSED SERVICE AREA; DECLINING TO PROVIDE THE REQUESTED SERVICES, AND ACKNOWLEDGING THE RECEIPT AND CERTIFICATION OF A PETITION FOR CREATION OF THE MID-VALLEY IMPROVEMENT DISTRICT, AND THE INABILITY OF ANY OTHER PARTIES TO FILE AN ADEQUATE PROTEST TO THE CITY'S PROPOSED ACTION.

WHEREAS, on February 20th, 2024, the City received a Request for Services for certain public utility services, including culinary water, wastewater management, and sewer services (the "Request"), signed by 100% of the property owners in the proposed service area, a copy of which is attached hereto as Exhibit B; and

WHEREAS, pursuant to Utah Code §17B-1-206, the City Recorder certified the Request within thirty (30) days of receipt and delivered the Request to the City Council for consideration and a notice of certificate to the contact sponsor; and

WHEREAS, pursuant to Utah Code §17B-1-210, the City Council scheduled a public hearing to be held on at its regularly scheduled meeting on Thursday, March 28, 2024; and

WHEREAS, the City Council conducted said public hearing and received input and comment on the Request from members of the public; and

WHEREAS, the City Council now hereby adopts this resolution declining to provide the services requested in the Request; and

WHEREAS, the City Council acknowledges receipt of a Petition for creation of a new improvement district to be called the Mid-Valley Improvement District, to provide the services requested in the Request, said Petition having been certified by the City Recording, including as being signed by 100% of the property owners in the same proposed service area, and a copy of which is attached hereto as Exhibit C; and

WHEREAS, the City Council acknowledges that the City Recorder has reviewed the Petition and certified the same pursuant to Utah Code §17B-1-209; and

WHEREAS, Utah Code §17B-1-213 provides the procedure and the time period for the filing of a protest against the City's proposed action herein; however, because 100% of the property owners have signed the Request and Petition, and no registered voters reside in the proposed service boundary, there are no other parties eligible to file an adequate protest as defined in the Utah Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ERDA CITY, UTAH, AS FOLLOWS:

1. Terms defined in the foregoing recitals shall have the same meaning when used herein. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the City Council and by officers of the City directed toward the amendments contemplated herein, are hereby ratified, approved, and confirmed.
2. The City Council acknowledges receipt of the Request for Service attached as Exhibit B (the "Request") on February 20, 2024, and certification of the Request on March 14th, 2024, including as being signed by 100% of the property owners in the proposed service area boundary, and that there are no registered voters residing in the proposed service area boundary.
3. The Request received and certified by the City requested that the city provide (hereafter, the "Requested Services"):
  - a. the supply, treatment, and distribution of water;
  - b. the collection, treatment, and disposition of sewage; and
  - c. the collection, retention, and disposition of storm and flood waters.
4. The City Council conducted a public hearing during its regular meeting on Thursday, March 28, 2024, and received comments and input from the general public at that time, as required by Utah Code §17B-1-210, having given notice of the same as required by §17B-1-211.
5. The City Council, having taken public input and comment at the public hearing, hereby declines to provide the Requested Services.
6. The City Council acknowledges that it also received, on February 20th, 2024, a Petition, attached as Exhibit B, for creation of an improvement district to be governed by Chapter 2a, Part 4, of Title 17B of the Utah Code, the Limited Purpose Local Government Entities – Special Districts (the "Petition"), said improvement district to be known as the Mid-Valley Improvement District.
7. The Petition has been certified by the City Recorder on March 14th, 2024, including as being signed by 100% of the property owners in the proposed service area boundary, and that there are no registered voters residing in the proposed boundary.
8. The proposed annexation area of the proposed improvement district, which would allow for annexation of additional property into the boundary of the proposed improvement district, is the entire municipal boundary of the City.
9. The Petition falls under the exception set forth in Utah Code §17B-1-214(3)(a), and as a result no election is required for creation of the proposed improvement district, nor is the City Council required to adopt a resolution to approve creation of the proposed district (*see also* §17B-1-215(1)(b)(ii)).

10. The Request and the Petition both being signed by 100% of the affected property owners, and no registered voters residing within the boundaries of the proposed service area/district boundary, there are no other parties who are eligible to file an “adequate protest” against the City’s proposed action, as defined in Utah Code §17B-1-213.
11. 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 such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.
12. All acts, orders and resolutions, and parts thereof in conflict with this Resolution be, and the same are hereby, rescinded.
13. This resolution shall take effect immediately.

PASSED AND ADOPTED by the City Council of Erda City, Utah, this 28th day of March 2024.

ERDA CITY, UTAH

By: \_\_\_\_\_  
Sheldon Birch, Council Chair

ATTEST:

By: \_\_\_\_\_  
Jennifer Poole, CityRecorder

EXHIBIT B

(Map)

**REQUEST FOR SERVICES  
IN THE CITY OF ERDA, UTAH**

January 29, 2024

Erda City  
Attn: Jennifer Poole, City Clerk/Recorder  
2163 W. Erda Way  
Erda, UT 84074

The undersigned (the "Requestors") hereby request, pursuant to Utah Code § 17B-1-204, that the City of Erda, Utah (the "City"), provide the service proposed to be provided by the special district described in the enclosed Petition.

**I. Property Owners Requesting Service**

This Petition is signed by the owners of 100% of the private real property located within the District proposed in the Petition attached as Exhibit A, thus exceeding the requirements of Utah Code § 17B-1-204. The undersigned Requestors and their respective addresses and parcels are:

EHD Investment, LLC  
13 Pier Place  
Stansbury Park, UT 84074  
435-830-3642  
Owner of Parcel Nos. 01-422-0-0014, 01-401-0-0001, 01-401-0-0002, 01-401-0-0007,  
located in Erda City

Petitioner EHD Investment, LLC, is hereby designated as the sponsor and contact sponsor for this request.

**II. Proposed Service Area**

The proposed service area is described as the proposed District Boundaries in the Petition attached as Exhibit A.

**III. Services Requested**

The undersigned property owners request that the City provide the following services to the real property located in the District Boundaries described in the enclosed Petition, which services are proposed to be provided by the District proposed in the Petition:

- (a) the supply, treatment, and distribution of water;
- (b) the collection, treatment, and disposition of sewage; and
- (c) the collection, retention, and disposition of storm and flood waters.

#### **IV. Requestor Representations**

The undersigned hereby represent and warrant:

- (a) Those signing on behalf of entity owners are authorized to do so;
- (b) The Petitioners are all of the owners of the real property included within the proposed service area;
- (c) This Petition is signed by 100% of the surface property owners of real property within the proposed service area; and
- (d) There are no registered voters residing within the proposed service area.

#### **V. Electronic Means; Counterparts**

This Request may be circulated by electronic means and executed in several counterparts, including by electronic signature, all or any of which may be treated for all purposes as an original and shall constitute and be one and the same document.

#### **VI. Request for Certification**

The undersigned hereby request certification of this request no later than thirty (30) days following its filing, pursuant to § 17B-1-206. If this request is not certified or rejected within thirty days following its filing, it will be considered to be certified.

IN WITNESS WHEREOF, the Petitioner has executed and consented to this Petition as of the date indicated on the signature pages attached.

*(signature pages to follow)*

EHD Investment, LLC

By: Joseph White, Manager

*Joseph White, manager*

STATE OF UTAH )

: ss.

County of *Tooele* )

On the 20 day of ~~January~~ <sup>Feb</sup>, 2024, personally appeared before me Joseph White, who being by me duly sworn did say that he/she is the Manager of EHD Investment, LLC, and that he/she executed the foregoing Amendment on behalf of said company being duly authorized and empowered, and he/she did duly acknowledge before me that the company executed the same for the uses and purposes stated therein.

*Karalinn Kasmer*  
Notary Public





**PETITION REQUESTING THE CREATION OF  
CENTRAL VALLEY IMPROVEMENT DISTRICT  
IN THE CITY OF ERDA, UTAH**

January 29, 2024

Erda City  
Attn: Jennifer Poole, City Clerk/Recorder  
2163 W. Erda Way  
Erda, UT 84074

The undersigned (the “Petitioner”) hereby request that the City of Erda, Utah (the “City”), approve the creation of an improvement district (the “District”) pursuant to the Special District Act, Title 17B, Chapter 1, Utah Code Annotated 1953, and the Improvement District Act, Title 17B, Chapter 2a (the “Act”). The District is proposed to be named “Central Valley Improvement District.” The Petitioner requests the District in order to provide for public improvements and services to benefit the proposed area of the District and the Annexation Area as described herein.

**I. Petitioners**

This Petition is signed by the owners of 100% of the private real property located within the proposed District, thus exceeding the requirements of § 17B-1-203 of the Act. The undersigned Petitioners and their respective addresses and parcels are:

EHD Investment, LLC  
13 Pier Place  
Stansbury Park, UT 84074  
435-830-3642  
Owner of Parcel Nos. 01-422-0-0014, 01-401-0-0001, 01-401-0-0002, 01-401-0-0007,  
located in Erda City.

Petitioner EHD Investment, LLC is designated the contact sponsor.

**II. Proposed District Boundaries**

The Petitioner requests that the initial District boundaries (the “District Boundaries”) for the District include the property described on Exhibit A and depicted on the map attached as Exhibit B. The District Boundaries are within the boundaries of the City.

The Petitioner also requests the approval of an Annexation Area for the District. The Annexation Area would allow for the annexation of certain additional property, which may benefit from the public improvements and services anticipated to be provided by the District. The proposed Annexation Area is also depicted on the map attached as Exhibit B.

In any case, pursuant to applicable state law, annexation or withdrawal of property from the Districts can only be completed with the consent of the owners of such property and any registered voters residing there.

**III. Services Proposed**

The Petitioner requests that the District be created to acquire through construction, purchase, gift, or condemnation, or any combination of these methods, and operate all or any part of a system for:

- (a) the supply, treatment, and distribution of water;
- (b) the collection, treatment, and disposition of sewage; and
- (c) the collection, retention, and disposition of storm and flood waters.

Each of the foregoing as permitted under § 17B-2a-403(1) of the Act.

**IV. Type of District Proposed**

The Petitioner proposes that the District be created as a special service district that operates as an “improvement district” as defined in § 17B-1-102 of the Act.

**V. Board of Trustees**

The Petitioners propose that the Board of Trustees for the District be initially composed of three (3) members appointed by the City Council, pursuant to § 17B-2a-404 of the Act. The Petitioners propose that the following individuals be initially appointed to the Board of Trustees, which individuals are the initial property owners, their agents, or officers, as follows:

(a) **Joseph White**  
Property Owner/Agent of Property Owner  
13 Pier Place  
Stansbury Park, UT 84074

(b) **Derald Anderson**  
Property Owner/Agent of Property Owner  
333 East Coventry Way  
Stansbury Park, UT 84074

(c) **Dell Nichols**  
Agent of Property Owner  
1353 North 1075 West, Suite 6  
Farmington, UT 84025

**VI. Petitioner Representations**

The Petitioner hereby represent and warrant that:

- (a) Those signing on behalf of entity owners are authorized to do so;

- (b) The Petitioners are all of the owners of the real property included within the proposed District Boundaries;
- (c) This Petition is signed by 100% of the surface property owners of real property within the District Boundaries;
- (d) There are no registered voters residing within the proposed District Boundaries; and
- (e) The proposed Trustees listed above are registered voters at their primary residence and are either a property owner or the agent or officer of a property owner.

**VII. Petitioner Consent**

The Petitioner hereby consents to:

- (a) The creation of infrastructure district with the District Boundaries described herein;
- (b) The annexation of any portion of the Annexation Area into the District upon petition by the owner of such property and any registered voters residing thereon; and
- (c) The recording of a notice as required under Section 17B-1-215(2)(a) and 17D-1-209(1)(a) of the Act, which will apply to all real property within the District Boundaries

**VIII. Electronic Means; Counterparts**

This Petition may be circulated by electronic means and executed in several counterparts, including by electronic signature, all or any of which may be treated for all purposes as an original and shall constitute and be one and the same document.

IN WITNESS WHEREOF, the Petitioner has executed and consented to this Petition as of the date indicated on the signature pages attached.

*(signature pages to follow)*

**EHD Investment, LLC**

By: Joseph White, Manager

*Joseph White, manager*

STATE OF UTAH            )  
                                      ): ss.  
County of Tooele        )

On the 20 day of ~~January~~ <sup>Feb</sup>, 2024, personally appeared before me Joseph White, who being by me duly sworn did say that he/she is the Manager of EHD Investment, LLC, and that he/she executed the foregoing Amendment on behalf of said company being duly authorized and empowered, and he/she did duly acknowledge before me that the company executed the same for the uses and purposes stated therein.

*Karalinn Kasmer*  
Notary Public



**EXHIBIT A**

**Property Affected**

EHD Investment, LLC

01-422-0-0009

A PARCEL OF LAND SITUATE IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN. LOCATED IN TOOELE COUNTY, STATE OF UTAH, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED NORTH 00°19'31" WEST 1324.81 FEET ALONG THE QUARTER SECTION LINE FROM THE FOUND MONUMENT REPRESENTING THE NORTH QUARTER CORNER OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 89°39'31" WEST 1320.00 FEET; THENCE NORTH 00°19'31" WEST 1275.34 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF ERDA WAY; THENCE NORTH 89°46'23" EAST 958.50 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE EAST LINE OF A PARCEL HAVING THE ENTRY NO. 284396 AS RECORDED IN THE OFFICE OF THE TOOELE COUNTY RECORDER; THENCE SOUTH 00°19'31" EAST 343.01 FEET ALONG SAID EAST LINE TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE NORTH 89°40'29" EAST 361.50 FEET ALONG THE SOUTH LINE OF SAID PARCEL TO A POINT ON THE QUARTER SECTION LINE; THENCE SOUTH 00°19'31" EAST 930.31 FEET ALONG SAID QUARTER SECTION LINE TO THE POINT OF BEGINNING.

SURVEYED DESCRIPTION ACCORDING TO ENTRY NO. 594464. 35.76 AC

01-422-0-0014

A PARCEL OF LAND SITUATE IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN. LOCATED IN TOOELE COUNTY, STATE OF UTAH, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE FOUND MONUMENT REPRESENTING THE NORTH QUARTER CORNER OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 89°39'30" WEST 2510.01 FEET ALONG THE SECTION LINE TO THE EAST RIGHT-OF-WAY LINE OF SR-36; THENCE NORTH 00°24'53" WEST 1324.82 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE NORTH 89°39'31" EAST 2512.08 FEET TO A POINT ON THE QUARTER SECTION LINE; THENCE SOUTH 00°19'31" EAST 1324.81 FEET ALONG SAID QUARTER SECTION LINE, TO THE POINT OF BEGINNING.

SURVEYED DESCRIPTION ACCORDING TO ENTRY NO. 594464. 76.37 AC

01-401-0-0001

A PARCEL OF LAND SITUATE IN THE NORTH HALF OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN. LOCATED IN TOOELE COUNTY, STATE OF UTAH, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE FOUND MONUMENT REPRESENTING THE NORTH QUARTER CORNER OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE NORTH 89°39'26" EAST 2641.18 FEET TO THE NORTHEAST CORNER OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 00°25'27" EAST 1224.23 FEET TO AND ALONG THE WEST LINE OF PASS CANYON 5 ACRE RANCHETTES, WHICH IS RECORDED UNDER ENTRY NO. 218773 IN THE OFFICE OF THE TOOELE COUNTY RECORDER; THENCE SOUTH 89°38'38" WEST 2641.22 FEET; THENCE SOUTH 89°38'56" WEST 1028.68 FEET; THENCE NORTH 00°25'27" WEST 1225.02 FEET; THENCE NORTH 89°39'30" EAST 1028.72 FEET TO THE POINT OF BEGINNING. SURVEYED DESCRIPTION ACCORDING TO ENTRY NO. 594463. 103.18 AC

01-401-0-0002

A PARCEL OF LAND SITUATE IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN. LOCATED IN TOOELE COUNTY, STATE OF UTAH, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED SOUTH 89°39'30" WEST 1028.72 FEET FROM THE FOUND MONUMENT REPRESENTING THE NORTH QUARTER CORNER OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 00°25'27" EAST 1225.02 FEET; THENCE SOUTH 89°38'56" WEST 1481.49 FEET TO THE EAST RIGHT-OF-WAY LINE OF SR-36; THENCE NORTH 00°24'53" WEST 554.68 FEET ALONG SAID RIGHT-OF-WAY LINE TO THE SOUTH LINE OF D.R. DAVIS PUD AMENDED WHICH IS RECORDED UNDER ENTRY NO. 252513 IN THE OFFICE OF THE TOOELE COUNTY RECORDER; THENCE NORTH 89°39'30" EAST 908.42 FEET ALONG SAID SOUTH LINE TO THE SOUTHEAST CORNER OF SAID SUBDIVISION; THENCE NORTH 00°25'43" WEST 670.59 FEET ALONG THE EAST LINE OF SAID SUBDIVISION; THENCE NORTH 89°39'30" EAST 573.03 FEET TO THE POINT OF BEGINNING. SURVEYED DESCRIPTION ACCORDING TO ENTRY NO. 594463. 27.68 AC

01-401-0-0007

A PARCEL OF LAND SITUATE IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN. LOCATED IN TOOELE COUNTY, STATE OF UTAH, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

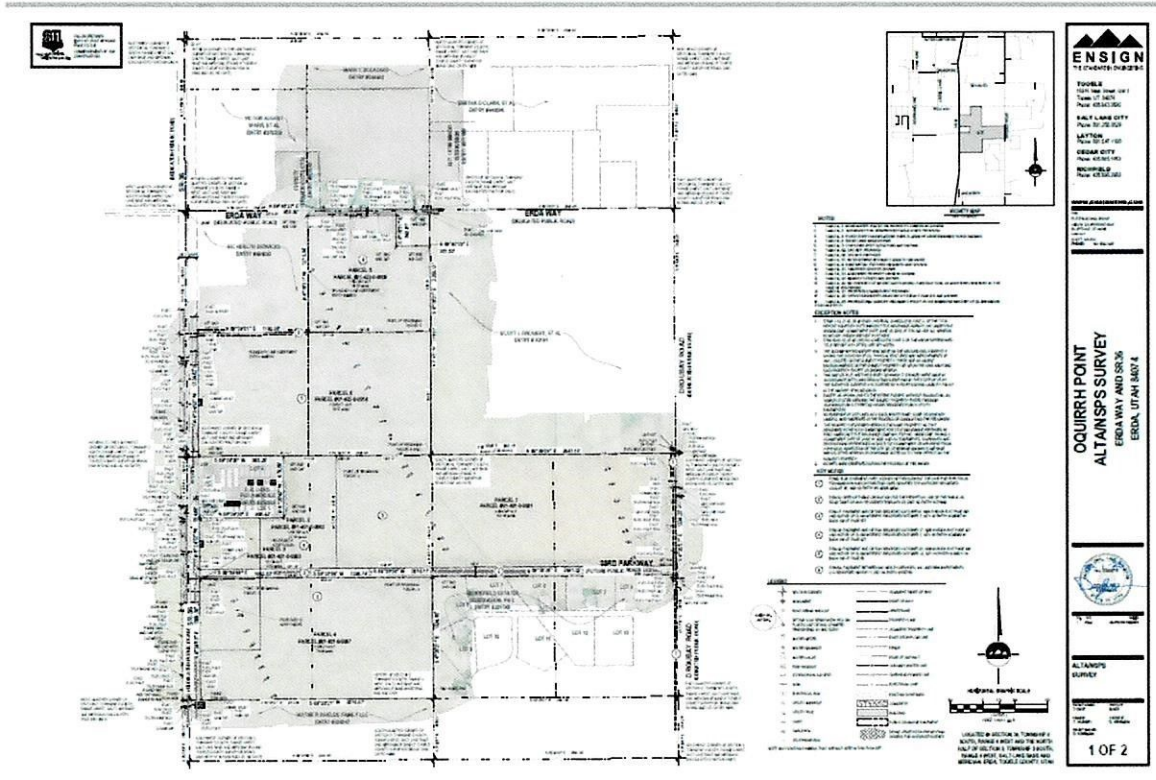
BEGINNING AT A POINT ON THE WEST LINE OF BROOKFIELD ESTATES, WHICH IS RECORDED UNDER ENTRY NO. 231748 IN THE OFFICE OF THE TOOELE COUNTY RECORDER, SAID POINT BEING LOCATED SOUTH 00°26'21" EAST 1324.85 FEET ALONG THE NORTH-SOUTH RUNNING QUARTER SECTION LINE FROM THE FOUND MONUMENT REPRESENTING THE NORTH QUARTER CORNER OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 00°25'21" EAST 1324.85 FEET ALONG SAID WEST LINE OF BROOKFIELD ESTATES AND THE NORTH-SOUTH RUNNING QUARTER SECTION LINE TO A POINT ON THE EAST-WEST RUNNING QUARTER SECTION LINE; THENCE SOUTH 89°38'21" WEST 2510.37 FEET ALONG SAID EAST-WEST RUNNING

QUARTER SECTION LINE TO THE EAST RIGHT-OF-WAY LINE OF SR-36; THENCE NORTH 00°24'53" WEST 1300.46 FEET ALONG SAID EAST RIGHT-OF-WAY LINE TO A POINT OF CURVATURE; THENCE NORTHEASTERLY 26.07 FEET ALONG THE ARC OF A 50.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT (CENTER BEARS SOUTH 89°35'07" WEST AND THE LONG CHORD BEARS NORTH 14°31'26" EAST 25.78 FEET THROUGH A CENTRAL ANGLE OF 29°52'37"); THENCE NORTH 89°38'56" EAST 2503.54 FEET TO THE SAID NORTH-SOUTH RUNNING QUARTER SECTION LINE, AND THE POINT OF BEGINNING.  
SURVEY DESCRIPTION ACCORDING TO ENTRY NO. 594464. 76.36 AC

# EXHIBIT B

## Map of Proposed District Boundaries and Annexation Area

### District Boundaries





# Annexation Area

