

MOUNTAIN GREEN SEWER IMPROVEMENT DISTRICT

RESOLUTION 2024-05-01

Annexation Approval Resolution (100% landowner participation)

WHEREAS, the Mountain Green Sewer Improvement District (the “District”) is a duly organized improvement district primarily located in Morgan County, Utah, but also may include a relatively small part of Weber County, Utah, established and operating as prescribed in Title 17B, Chapter 2a, Part 4 of the Utah Code and other relevant portions of Title 17B of the Utah Code which owns and operates a sanitary sewer system;

WHEREAS, a Landowner Annexation Petition (the “Petition”) has been filed with the District requesting that the real property identified on Exhibit “A” attached to this Resolution, (hereafter referred to as: “Subject Property”) be annexed into the District in order to receive sanitary sewer service from the District (the Landowner(s) is/are referred to herein as “Applicant”);

WHEREAS, the District requires that Applicant’s property be annexed into the District as a condition to receiving, and continuing to receive, sanitary sewer service;

WHEREAS, the District Board of Trustees (the “Board”) has the statutory authority to annex areas into the District pursuant to the requirements of Title 17B, Chapter 1, Part 4 of the Utah Code, which outlines the procedure to be followed to accomplish such annexations;

WHEREAS, Applicant owns 100% of the Subject Property;

WHEREAS, the Petition satisfies the applicable requirements of Utah Code Ann. §§ 17B-1-403 and -404;

WHEREAS, within thirty days after the Petition was filed, at a duly called meeting of the Board of Trustees of the District for which certification of the Petition was listed on the agenda, the Board voted to certify the Petition in accordance with Utah Code Ann. § 17B-1-405;

WHEREAS, the identified contact sponsor was notified, in writing, of the certification of the Petition as required by Utah Code Ann. § 17B-1-405;

WHEREAS, since the Petition has been signed by the sole owner or owners of the Subject Property, pursuant to Utah Code Ann. § 17B-1-413(1), the District Board is not required to hold a public hearing pursuant to Utah Code Ann. §§ 17B-1-409 and -410 and the protest provisions of Utah Code Ann. § 17B-1-412 are not applicable to this annexation proceeding;

WHEREAS, a notice of the proposed annexation was given pursuant to the requirements of Utah Code Ann. § 17B-1-413;

WHEREAS, the written Notice referenced in the immediately preceding paragraph contained a brief explanation of the proposed annexation and included the name of the Mountain Green Sewer Improvement District, the services provided by the District, a description and/or map of the area proposed to be annexed, a special district telephone number where additional information about the proposed annexation could be obtained, and an explanation of the right of an owner of property located within or a registered voter residing within the area proposed to be annexed who did not sign the annexation petition to request a public hearing on the proposed annexation in accordance with Utah Code Ann. § 17B-1-413(2)(a)(ii)(B), provided that such request was submitted to the District Board of Trustees within 20 days after the date the Notice was given;

WHEREAS, more than 20 days have passed since the notice was given, no property owner or registered voter having a right to do so has requested a hearing, and the time for submitting a request for a public hearing has passed;

WHEREAS, not more than 30 days have passed since the expiration of the time for submitting a request for a public hearing;

WHEREAS, no part of the area proposed to be annexed is located within the boundaries of any special district or special service district which is authorized to perform the same functions or provide the same services as the District, nor is it located within the boundaries of any municipality or any county that provides the same service that the District provides;

WHEREAS, it is not necessary to provide a notice of the proposed annexation to any county or municipality pursuant to Utah Code Ann. § 17B-1-406 and the provisions of Utah Code Ann. §§ 17B-1-407 through -408 are not applicable; and

WHEREAS, the Board has determined that all applicable statutory requirements have been satisfied and, having considered the proposed annexation, has determined it to be in the best general interest of the District and of the property owners, residents and taxpayers within both the District as presently constituted and the area proposed to be annexed for the requested annexation to be completed.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Mountain Green Sewer Improvement District, as follows:

1. That all of the legal requirements stated in Title 17B, Chapter 1, Part 4 of the Utah Code that must be satisfied before the adoption of this Resolution have been satisfied.
2. That, in accordance with Utah Code Ann. § 17B-1-414, the real property described and/or otherwise identified in attached Exhibit "A," which is incorporated by reference as part of this Resolution, shall be and hereby is annexed into and, from the effective date of the annexation, shall be part of the Mountain Green Sewer Improvement District.

3. That, from and after the issuance by the Lieutenant Governor of a certificate of annexation pursuant to Utah Code Ann. §§ 67-1a-6.5 and § 17B-1-414(3)(b)(ii), the Subject Property shall be an integral part of the District and, upon the submittal of the original notice of annexation, the original certificate of annexation issued by the Lieutenant Governor, the approved final local entity plat, and a certified copy of this Resolution to the applicable County Recorder for recordation, the taxable property located within the Subject Property shall be subject to taxation for the purposes of the District, including the payment of any bonds and other obligations now outstanding or hereafter authorized and issued. All properties within and users of services provided by the District, as enlarged by this annexation, shall be subject to the payment of service and user fees and such other applicable fees and charges as may be assessed from time to time by the District and shall be subject to all rules, regulations, powers and authority of the District and of the Board as provided by law or otherwise.

4. That the Chairman of the Board of Trustees and/or General Manager of the District be and are instructed, within 30 days after adoption of this Annexation Resolution, to file a written notice of annexation with the Lieutenant Governor of the State of Utah, accompanied by a copy of this Resolution and an approved final local entity plat. The Chairman and/or General Manager are further instructed, upon receipt of the certificate of annexation from the Lieutenant Governor, to submit the documents identified in paragraph 3 above to the applicable County Recorder for recordation.

5. That this Resolution shall take effect immediately but the annexation shall not be complete and effective until the date specified in the certificate of annexation issued by the Lieutenant Governor.

Approved and adopted by the Board of Trustees of the Mountain Green Sewer Improvement District the 1 day of May, 2024.

Chairman

The foregoing Resolution was subscribed before me, a notary public, this _____ day of _____, 202____, by _____, Chairman of the Board of Trustees of the Mountain Green Sewer Improvement District.

Notary Public

Exhibit A (Legal Description)

The proposed annexation area is located in Morgan County, Utah, Tax Id. (# Serial # 01-005-050-01; Parcel # 00-002-0052), and is generally bounded as follows: Cabin (Rec structures) A PT of the SW $\frac{1}{4}$ of Sec 26 & the SE $\frac{1}{4}$ of Sec 27 TNS R1E SLB&M. U.S. SUR: BEG AT A PT WH IS 0 DEG 18' _____ which area is depicted in the attachment to this Exhibit "A" and is more particularly described as follows:

A PART OF THE SOUTHWEST QUARTER OF SECTION 26, AND THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN BEGINNING AT A POINT WHICH IS NORTH $0^{\circ}18'$ EAST 1324 FEET **ALONG THE SECTION LINE AND SOUTH $89^{\circ}55'$ WEST 557.70 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 27**, SAID POINT IS ALSO GIVEN AS 126.2 RODS EAST AND 80 RODS SOUTH FROM THE CENTER OF SAID SEC 27, RUNNING NORTH $89^{\circ}55'$ EAST 1306.8 FEET; THENCE NORTH $5^{\circ}30'$ WEST 453.34 FEET TO THE SOUTH LINE OF THE UTAH PACIFIC RAILROAD RIGHT OF WAY, THENCE NORTH $83^{\circ}33'$ WEST 1268.26 FEET ALONG SAID SOUTHERN LINE; THENCE SOUTH $0^{\circ}18'$ WEST 595.63 FEET TO THE POINT OF BEGINNING.

Contain 15.39 acres.

