

A RESOLUTION INITIATING PROCEEDINGS RELATING TO THE MODIFICATION OF SERVICES PROVIDED BY THE POLE CANYON BASIC LOCAL DISTRICT PURSUANT TO THE UTAH LIMITED PURPOSE LOCAL GOVERNMENT ENTITITES – LOCAL DISTRICTS ACT, TITLE 17B, CHAPTER 1 ET SEQ. UTAH CODE ANNOTATED (1953), AS AMENDED; SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON; PROVIDING FOR PUBLICATION OF A NOTICE OF INTENTION TO MODIFY THE SERVICES PROVIDED BY THE POLE CANYON BASIC LOCAL DISTRICT; PROVIDING FOR THE RECEIPT OF WRITTEN PROTESTS AND PRESCRIBING OTHER MATTERS RELATING THERETO.

Whereas, the Board of County Commissioners, Utah County, Utah, (hereinafter referred to as "the Commission"), has considered whether the public health, convenience and necessity requires the modification of services provided by the Pole Canyon Basic Local District (hereinafter referred to as "the District"), under the Utah Limited Purpose Local Government Entities – Local Districts Act, Title 17B, Chapter 1, Utah Code Annotated, 1953 as amended (the "Act"). WHEREAS, the Commission hereby finds that it is in the interest of the public to propose the modification of services provided by the District; and

WHEREAS, pursuant to Section 17B-2a-907 of the Act, the Commission may, upon its own motion, adopt a resolution initiating proceedings for the purpose of modifying services provided by the District;

NOW, THEREFORE, be it hereby resolved by the Board of County Commissioners, Utah County, Utah as follows:

Section 1. Determination

The Board of County Commissioners, Utah County, Utah, as the governing authority of Utah County, Utah, upon its own motion, declares, finds, and determines that it is in the interest

of the public to modify, and it is the present intention of the Commission to modify, the list of services that the District is authorized to provide, pursuant to and in accordance with the provisions of the Utah Limited Purpose Local Government Entities – Local Districts Act, Title 17B, Chapter 1, Utah Code Annotated, 1953 as amended (the "Act").

Section 2. Boundaries

The boundaries of the District include all of the real property more particularly described in Exhibit A.

Section 3. Services

Upon final action of the Commission, the District with all of the rights, powers and authority granted by law and the Act to provide the following modified services:

- a. the construction and maintenance of a right-of-way, including: a curb; a gutter; a sidewalk; a street; a road; a water line; a sewage line; a storm drain; an electricity line; a communications line; a natural gas line; or street lighting;
- b. the operation of parks or recreation facilities or services;
- c. the operation of a system, or one or more components of a system, for the collection, storage, retention, control, conservation, treatment, supplying, distribution, or reclamation of water, including storm, flood, sewage, irrigation, and culinary water whether the system is operated on a wholesale or retail level or both;
- d. the acquisition or assessment of a groundwater right for the development and execution of a groundwater management plan in cooperation with and approved by the state engineer in accordance with Utah Code Ann. § 73-5-15.

Section 4. Public Hearing and Notice

A public hearing is hereby called and directed to be held on the modification of authorized services provided by the District at a time and place specified in the Notice of Intention to Modify Authorized Services Provided by the Pole Canyon Basic Local District (the "Notice"), the form and content of which is set forth below. The Notice shall be published in the

Daily Herald, being a newspaper of general circulation in Utah County, to be published once each week for four consecutive weeks, with the final publication being no fewer than five and no more than 20 days before the public hearing date as set in the Notice below. The Notice shall be in the following form:

(The Notice follows on Page 4 hereof.)

NOTICE OF INTENTION TO MODIFY AUTHORIZED SERVICES PROVIDED BY THE POLE CANYON BASIC LOCAL DISTRICT

PUBLIC NOTICE is hereby given to all interested parties that pursuant to the provisions of the Utah Limited Purpose Local Government Entities – Local Districts Act, Title 17B, Chapter 1, Utah Code Annotated, 1953 as amended (the "Act"), the Board of County Commissioners of Utah County, Utah, (the "Commission"), has found and declared that it is in the interest of the public to propose the modification of services authorized to be provided by the Pole Canyon Basic Local District, (the "District"). The boundaries of the District are more particularly described in Section 2 of the Resolution of the Commission, initiating proceedings relating to the modification of authorized services within the District. Said Resolution is on file and may be seen at the office of the Utah County Clerk/Auditor, 100 East Center Street, Room 3600, Provo, Utah.

If the services are modified as proposed, ad valorem taxes annually levied on all taxable property within the boundaries of the District and fees and charges imposed to pay for all or a part of the services to be provided by the District and for the payment of bonds and other obligations of the District may change.

A PUBLIC HEARING ON THE PROPOSAL TO MODIFY THE SERVICES AUTHORIZED TO BE PROVIDED BY THE POLE CANYON BASIC LOCAL DISTRICT IS HEREBY CALLED AND SET FOR THE 2nd DAY OF DECEMBER, 2015, AT 6:00 P.M. AT THE EAGLE MOUNTAIN CITY BUILDING, 650 EAST STAGECOACH RUN, EAGLE MOUNTAIN, UTAH, AT WHICH TIME ALL INTERESTED PARTIES MAY APPEAR BEFORE THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, AND BE HEARD WITH RESPECT TO THE MODIFICATION OF SERVICES OF THE DISTRICT.

The Commission will give full consideration to all protests which are properly filed, and will hear all persons desiring to be heard on the matter

This Notice is given pursuant to and in accordance with the provisions of Title 17B, Chapter 1, Utah Code Annotated, 1953 as amended. This Notice and the Resolution of the Commission authorizing the same, are on file and may be seen at the office of the Utah County Clerk/Auditor, 100 East Center Street, Room 3600, Provo, Utah

Given and ordered published this 3rd day of November, 2015

BOARD OF COUNTY COMMISSIONERS,
UTAH COUNTY, UTAH



Larry A. Ellertson, Chairman

ATTEST:
Bryan E. Thompson
Utah County Clerk/Auditor

By: 
Deputy


William C. Lee, Commissioner


Greg Graves, Commissioner

To be published in The Deseret News on November 6, 13, 20, and 27th, 2015.

(END OF NOTICE)

Section 5. Direction

All officers and employees of the County are hereby directed to take actions necessary and appropriate to effectuate the provisions of this Resolution and the intent expressed herein.

Section 6. Effective Date

This Resolution shall take effect immediately upon its approval and adoption by the Commission.

APPROVED AND ADOPTED this 3rd day of November, 2015

BOARD OF COUNTY COMMISSIONERS,
UTAH COUNTY, UTAH



Larry A. Ellertson, Chairman



William C. Lee, Commissioner



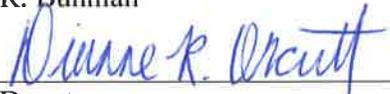
Greg Graves, Commissioner

ATTEST:
Bryan E. Thompson
Utah County Clerk/Auditor

By: 

Deputy

APPROVED AS TO FORM:
Jeffrey R. Buhman

By: 

Deputy

EXHIBIT A

ENT 70492:2009 PG 21 of 29

BUNDY SURVEYING INCORPORATED

351 S. Valley View Dr #35, St. George, Utah 84770
Phone: (435) 619-1990

June 20, 2009

Land lying in Section 16, the South ½ Section 17, Section 18, the North ½ Section 19, the NW ¼, the NE ¼ and the SE ¼ Section 20 and in Section 21, Township 6 South, Range 2 West, Salt Lake Base and Meridian, and in the East ½ of Section 13, Township 6 South, Range 3 West, Salt Lake Base and Meridian, described as follows:

Beginning at the Northeast corner of Section 18, Township 6 South, Range 2 West, Salt Lake Base & Meridian, and running South 89°30'22" East, 61.03 feet along the Section line to the westerly right-of-way line of State Route No. 73; thence South 08°40'29" East, 175.00 feet along said right-of-way line; thence leaving said right-of-way line and running along the boundary line of the William H. and Teresa Wilson property (development agreement) in the following two courses: South 81°19'31" West, 220.00 feet; thence South 08°40'29" East, 731.76 feet to the north boundary line of the White Hills Water Conservancy property; thence West 97.58 feet along said north boundary line; thence North 00°01'20" East, 23.15 feet; thence North 89°58'40" West, 1004.00 feet; thence South 00°01'20" West, 870.00 feet; thence North 89°58'40" West, 276.00 feet; thence South 00°01'20" West, 110.00 feet to the west boundary line of "White Hills Subdivision Plat B"; thence South 00°01'20" West, 163.52 feet along said west boundary line to the west boundary line of "White Hills Subdivision Plat A Amended"; thence along the west and south boundary of said subdivision in the following nine courses: South 00°01'20" West, 300.00 feet; thence North 89°58'40" W, 143.00 feet; thence South 00°01'20" West, 321.15 feet; thence South 89°28'47" East, 851.85 feet; thence South 31°31'20" West, 117.29 feet; thence South 89°28'47" East, 209.45 feet; thence North 00°01'20" East, 66.13 feet to a point on the arc of a 742.11 foot radius curve to the left, the bearing to radius point being North 21°33'06" East; thence Easterly 273.40 feet along the arc of said curve through a central angle of 21°06'30" to the point of tangency; thence South 89°33'23" East, 909.98 feet along said subdivision boundary line and its Easterly prolongation to the easterly right-of-way line of "State Route No. 73"; thence North 08°40'29" West, 87.54 feet along said right-of-way line to a point on the East-West center section line of Section 17, Township 6 South, Range 2 West, Salt Lake Base & Meridian; thence South 89°51'20" East, 2021.71 feet along said center section line to the Center ¼ corner of said Section 17; thence South 89°51'20" East, 512.21 feet along the center section line to the west boundary line of the "White Hills Special Service District" property recorded as Entry # 040239-1986, in the office of the Recorder for Utah County, State of Utah; thence along the boundary line of said property in the following three courses: South 00°23'34" West, 1336.39 feet to the South 1/16 line; thence South 89°40'18" East, 811.68 feet along the South 1/16 line; thence North 00°30'03" East, 1339.00 feet to the Center Section line; thence South 89°51'20" East, 1326.43 feet along the center Section line to the East ¼ corner of said Section 17; thence North 00°23'57" East, 2668.89 feet along the section line to the Northwest corner of Section 16, Township 6 South, Range 2 West, Salt Lake Base & Meridian; thence South 89°22'57" East, 1333.51 feet along the Section line to the west boundary of the "Saffell" property, Utah County Serial No. 59:048:0077; thence along said boundary in the following three courses: South 00°55'27" West, 667.59 feet; thence South 89°22'01" East, 663.70 feet; thence North 01°11'12" East, 667.79 feet to the Section line; thence South 89°22'57" East, 666.76 feet to the North ¼ corner of said Section 16; thence South 89°23'26" East, 2000.54 feet to the Northeast corner of the Northwest ¼ of the Northeast ¼ of the Northeast ¼ of said Section 16; thence South 00°37'53" West, 2674.28 feet to the Southeast corner of the Southwest ¼ of the Southeast ¼ of the Northeast ¼ of said Section 16; thence North 89°19'10" West, 679.55 feet along the center Section line to the Southwest corner of the Southwest ¼ of the Southeast ¼ of the Northeast ¼ of said Section 16; thence North 00°54'13" East, 2005.11 feet to the Southeast corner of the Northeast ¼ of the Northwest ¼ of the Northeast ¼ of said Section 16; thence North 89°22'21" West, 1340.05 feet to the Northwest corner of the Southwest ¼ of the Northwest ¼ of the Northeast ¼ of said Section 16; thence South 01°26'55" West, 668.01 feet to the Southwest corner of the Southwest ¼ of the Northwest ¼ of the Northeast ¼ of said Section 16; thence South 89°21'16" East, 673.20 feet to the Southeast corner of the Southwest ¼ of the Northwest ¼ of the Northeast ¼ of said Section 16; thence South 01°10'34"

West, 1336.36 feet to the Southeast corner of the Southwest ¼ of the Southwest ¼ of the Northeast ¼ of said

Section 16; thence South 01°11'37" West, 670.14 feet to the Southeast corner of the Northwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of said Section 16; thence North 89°24'20" West, 682.55 feet to the Southwest corner of the Northwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of said Section 16; thence North 89°19'47" West, 651.45 feet to the Northwest corner of the Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of said Section 16; thence South 01°11'10" West, 671.29 feet to the Southwest corner of the Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of said Section 16; thence South 89°20'26" East, 648.38 feet to the Southeast corner of the Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of said Section 16; thence South 89°29'27" East, 1371.10 feet to the Northeast corner of the Northeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of said Section 16; thence South 00°56'16" West, 669.10 feet to the Southeast corner of the Northeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of said Section 16; thence South 89°34'32" East, 1377.10 feet to the Northeast corner of the Southeast 1/4 of the Southeast 1/4 of said Section 16; thence South 00°25'25" West, 667.04 feet along the Section line to the Southeast corner of said Section 16; thence North 89°39'34" West, 1383.11 feet along the Section line to the Northeast corner of the Northwest 1/4 of the Northeast 1/4 of Section 21, Township 6 South, Range 2 West, Salt Lake Base & Meridian; thence South 00°07'26" East, 2655.86 feet along the East 1/16 line to the Southeast corner of the Southwest 1/4 of the Northeast 1/4 of said Section 21; thence North 89°39'48" West, 1359.67 feet along the East-West center section line to the Center 1/4 of said Section 21; thence South 00°37'47" East, 1243.93 feet along the center section line; thence South 87°12'10" East, 1001.36 feet to the west boundary line of the Lehi to Fairfield road; thence South 51°20'10" East, 28.00 feet to the centerline of said road; thence South 38°39'50" West, 123.17 feet along said centerline; thence North 51°20'10" West, 28.00 feet to the west boundary line of said road; thence North 87°12'10" West, 923.22 feet to the center section line; thence South 00°37'47" East, 643.56 feet along the center section line to the north right-of-way line of "2500 North Street"; thence leaving the center section line and running North 88°30'22" West, 2664.40 feet along said north right-of-way line to the West line of the Southwest 1/4 of said Section 21, being the East line of the Southeast 1/4 of Section 20, Township 6 South, Range 2 West, Salt Lake Base & Meridian, thence North 88°46'05" West, 2853.85 feet to the North-South Center section line of said Section 20; thence North 02°56'34" East, 1905.75 feet along the Section line to the Center 1/4 corner of said Section 20; thence North 89°21'12" West, 1184.44 feet along the East-West center section line of said Section 20 to the westerly right-of-way line of "State Route No. 73"; thence North 08°49'29" West, 4497.36 feet along said right-of-way line; thence North 89°49'48" West, 4.56 feet to the north boundary line of the "White Hills Country Estates "A" subdivision; thence following along said north boundary line in the following three courses: North 89°49'48" West 630.43 feet; South 00°31'27" West, 1779.88 feet to the southwest corner of Section 17, Township 6 South, Range 2 West, Salt Lake Base and Meridian; South 00°30'29" West, 1325.45 feet to the north boundary line of the "White" property, Utah County Serial No. 59:051:0019; thence along the north boundary line of said "White" property and along the north boundary line of the "MMN Investments, LLC" property, Utah County Serial No. 59:051:0015, North 89°34'42" West, 1333.13 feet to the northwest corner of said "MMN Investments, LLC" property; thence along the west boundary line of said "MMN Investments, LLC" property and along the west boundary line of the "2 B Investments, LLC" property, Utah County Serial No. 59:051:0020, South 00°23'27" West, 1333.26 feet to the East-West center section line of Section 19, Township 6 South, Range 2 West, Salt Lake Base and Meridian; thence North 89°54'53" West, 2669.90 feet along said East-West center section line to the Southwest corner of the Southeast 1/4 of the Northwest 1/4 of said Section 19; thence North 00°22'32" East, 2691.68 feet to the Northwest corner of the Northeast 1/4 of the Northwest 1/4 of said Section 19; thence North 89°30'26" West, 1334.74 feet along the Section line to the Northwest corner of said Section 19; thence North 89°25'32" West, 2701.52 feet along the South line of Section 13, Township 6 South, Range 3 West, Salt Lake Base & Meridian to the South 1/4 corner of said Section 13; thence North 00°44'00" East, 5331.71 feet along the North-South center section line to the North 1/4 corner of said Section 13; thence South 89°28'51" East, 2683.99 feet along the Section line to the Northeast corner of said Section 13; thence South 89°25'11" East, 2665.67 feet along the north line of Section 18, Township 6 South, Range 2 West, Salt Lake Base & Meridian to the North 1/4 corner of said Section 18; thence South 89°32'03" East, 2670.91 feet along the section line to the point of beginning. Containing 2,604.06 acres more or less.

Less and excepting from the above described land, the following Parcel 1:

ENT 70492:2009 PG 23 of 29

Parcel 1:

A parcel of land lying in the Southwest 1/4 of Section 17, Township 6 South, Range 2 West, Salt Lake Base & Meridian, described as follows:

Beginning at a point South 00°36'11" West, 1204.17 feet along the Section line, and West, 1687.98 feet from the Center 1/4 corner of Section 17, Township 6 South, Range 2 West, Salt Lake Base & Meridian; thence South 08°49'29" East, 445.60 feet; thence North 81°10'31" East, 103.41 feet; thence South 08°49'29" East, 86.58 feet; thence South 81°10'31" West, 237.30 feet to the Easterly right-of-way line of "State Route No. 73"; thence North 08°49'29" West, 532.18 feet along said right-of-way line; thence leaving said right-of-way line running North 81°10'31" East, 133.89 feet to the point of beginning. Containing 1.84 acres more or less.