

## **PUBLIC HEARING NOTICE**

Notice is hereby given that the Town of Apple Valley Town Council will hold a public hearing on the 26<sup>th</sup> day of May 2011, at the Smithsonian Fire Station, 1777 N. Meadow Lark Drive, Apple Valley, UT beginning at 7:00 pm.

The public hearing will be to hear and address the following:

### **NOTICE OF INTENTION TO ESTABLISH TWO BEARS SOUTHWEST REGIONAL SERVICE DISTRICT**

NOTICE IS HEREBY GIVEN THAT on the 21<sup>th</sup> of April, 2011, the Town of Apple Valley, Utah, adopted a Resolution declaring that the public health, convenience and necessity require the establishment of a Special Service District, to be called "Two Bears Southwest Regional Service District" (the "District") for the purpose of providing water, sewer and natural gas services within the boundaries of the District. The Resolution also provides for a public hearing on the establishment of the District in the Town of Apple Valley to be held at 7:00 P.M. on the 26<sup>th</sup> of May, 2011, at the Smithsonian Fire Department Building, 1777 N. Meadowlark Dr., Apple Valley, Utah.

### **DESCRIPTION OF THE PROPOSED DISTRICT**

The District shall have the following boundaries:

The boundaries of the Town of Apple Valley, as set forth in the official town boundary records maintained by the office of the lieutenant governor pursuant to Utah Code Annotated, 1953, Section 67-1a-6.5, as amended, including therein all incorporated areas.

### **PROPOSED SERVICES**

The District will be authorized to construct, repair and maintain water, sewer and natural gas facilities and provide water, sewer and natural gas and services, as well as provide a means to address any issue reasonably related to water, sewer and natural gas services.

### **METHOD OF FINANCING**

In order to fund the creation, operation and maintenance of the District, taxes may be levied annually upon all taxable property within the proposed District and fees or charges may be imposed to pay for some or all of the services that the District is proposed to provide. While this may change in the future, it is currently proposed that the method of funding both the creation and ongoing operation and maintenance of the District be funded solely by the revenues generated by the activities of the District, and not by any taxation of the property or citizenry of the Town. The District will also be empowered to issue revenue bonds and obtain

any other financing or grant monies available for the purpose of providing the proposed services (see attached Exhibit “A” – “Proposed District Fee Structure”, incorporated herein by reference).

The Town of Apple Valley Town Council will hold a public hearing on the establishment of the District and the construction, repair, and maintenance of water, sewer and natural gas systems as well as establishment of a means by which any issue reasonably related to water, sewer and natural gas will be addressed with the Town of Apple Valley Town Council, at the Smithsonian Fire Department Building, 1777 N. Meadowlark Dr., Apple Valley, Utah, at 7:00 P.M. on the 26<sup>th</sup> of May, 2011. Any interested person may protest the establishment of the District or the furnishing of the proposed services. Each protest must be in writing, submitted to the Apple Valley Town Recorder no later than 15 days after the public hearing set forth above, and must explain why the person is protesting. A person who submits a written protest against the creation of the District may withdraw the protest or, having withdrawn a protest, cancel the withdrawal, until 30 days after the public hearing identified above.

Any protest signed on behalf of a corporation owning property in the District shall be sufficient if it is signed by the president, vice president, or any duly authorized agent of the corporation. Where title to any property is held in the name of more than one person, a majority of the persons holding title to the property must join in the signing of the protest.

At the public hearing, the Town of Apple Valley Town Council will give full consideration to all protests which have been filed and will hear and consider all interested persons desiring to be heard. The Town of Apple Valley Town Council may continue the hearing from time to time. After conclusion of the hearing and expiration of the protest period, the Town of Apple Valley Town Council shall adopt a resolution either establishing the Two Bears Southwest Regional Service District, determining that the establishment of the District should be abandoned, or reduce the boundaries of the District or eliminate services to be provided by the District, and establish the District by resolution, as modified.

If, within fifteen (15) days after the conclusion of the hearing, over 33% of the qualified voters of the territory proposed to be included within the District or the owners of over 33% of the taxable value of the taxable property included within the proposed District file written protest against the establishment of the proposed District or against the specified type of service to be provided within the District with the Town of Apple Valley, the Town Council is required by law, in the former instance, to abandon the proposed establishment of the District and, in the latter instance, to eliminate the type of service objected to from the resolution finally establishing the District.

Any registered voter within the District who alleges that the procedures used to create the special service district violated applicable law; or any owner of property included within the boundary of the special service district who alleges that the person's property will not be benefitted by a service that the special service district is proposed to provide or that the procedures used to create the special service district violated applicable law may, within thirty (30) days after the adoption of the Resolution establishing the District, apply to the District

Court of the Fifth Judicial District for a writ of review of the actions of the Town of Apple Valley in establishing the District, only upon the above grounds. A failure to apply for said writ of review within the prescribed time shall foreclose all owners of property within the District so established from the right to further object thereto.

CERTIFICATE OF POSTING I, as duly appointed Recorder for the Town of Apple Valley, hereby certify that copies of the notice of meeting and agenda were posted at the Smithsonian Fire Department, and Utah Public Meeting Notice website <http://pmn.utah.gov> and [www.applevalleyut.org](http://www.applevalleyut.org) on the 25<sup>th</sup> day of April, 2011.

Dated this 25<sup>th</sup> day of April, 2011.  
Nathan Bronemann, Recorder  
Town of Apple Valley.

**THE PUBLIC IS INVITED TO PARTICIPATE IN ALL TOWN COUNCIL MEETINGS**  
In compliance with the American with Disabilities Act, individuals needing special accommodations  
(Including auxiliary communicative aids and services) during this meeting  
should notify Nathan Bronemann at 435-877-1190.