



Welcome to
Garden City
Utah
Where Families Play

After Recording mail to:
Town of Garden City
PO Box 207
Garden City, Utah 84028

TOWN OF GARDEN CITY

Covenant to run with the land

ON THIS 11th DAY OF AUGUST, 2016 COMES NOW the Town of Garden City, a Class 4 municipality, acting by and through its duly appointed Mayor, (hereinafter known as the "town") and Everett Benton, a resident of the Town of Garden City, Utah (hereinafter known as the "owners") and owners of certain real property in the Town of Garden City, Rich County, State of Utah, known generally as 41-33-27-063, 41-33-27-012 and 41-33-27-013 and more particularly described as follows:

- Parcel 1: LOT 3-B REAL BEACH SUBDIVISION REVISED PLAT, ABOVE ELEVATION 5923.6 FT MEAN SEA LEVEL
- Parcel 2: LOT 12 REAL BEACH TOWNSITE, DESCRIB AS COMM AT A PT 1712 FT N 36* W FROM SE COR SEC 33, T14N, R5E, SLM TH W 140 FT 30* N TH N 330 FT 32* E TO BEG, TH 128 FT N 32* E TO WATERS EDGE, TH W 50 FT 30* N ALONG WATER EDGE, TH S 128 FT 32* E TH E 50 FT 30* S TO BEG.
- Parcel 3: LT 13, REAL BEACH TOWNSITE

(Hereinafter known as "property") and do hereby enter into this Agreement and Covenant as follows:

WHEREAS the Town of Garden City has duly enacted ordinances and statutes prescribing zoning land use policies and requirements of the Town of Garden City; and

WHEREAS owners are desirous of utilizing their land and improvements in a manner not strictly in conformity with the ordinances or statutes; and

WHEREAS the Town is willing to grant an encumbrance permit to the subject property based on the owner's providing the Town with a covenant to run with the land applicable to any and all heirs, successors of interest or assigns as set forth herein.

NOW THEREFORE, for valuable consideration received, the sufficiency of which is hereby acknowledged by the owners, the Town and the Owners do hereby covenant, promise, and agree as follows:

For and in consideration the encumbrance permit granted by the town, owners, their successors in interest heirs or assigns, covenant and irrevocably agree that the above described 3 parcels of real property shall remain in common ownership of the owners or their successors in interest heirs or assigns and shall not, under any circumstances so long as the encumbrance permit shall be effective, be sold separately or for any reason shall one parcel be segregated from ownership interest of the other parcel. In the event that such segregation or separate ownership shall occur, the owner of parcel 1, 2, and 3 as described above, covenants and agrees to forthwith demolish and remove from the property any and all structures not in conformance with the Garden City Ordinances or regulations at the time of the segregation or separation. The structures not in conformance with the Garden City Ordinances or requirements at the time of segregation or separation will be removed or demolished within 30 days of any such segregation of ownership.

This would also require the owner to bring property into conformity with any and all Garden City requirements, ordinances and regulations at the time of segregation.

1. THIS COVENANT shall be a covenant that runs with the land and shall be in perpetuity.
2. THIS COVENANT shall be binding on all heirs, successors in interest, assigns, sureties, or any other persons hereinafter acquiring any interest in the property.
3. THIS COVENANT shall be governed by the laws of the State of Utah and shall be enforceable through any and all remedies allowable at law including, but not limited to, injunctive or declaratory relief. The owner does hereby stipulate that the failure to abide by the covenants would leave the Town irreparably injured, and that there is no adequate remedy at law save and except injunctive relief.
4. THAT SHOULD THIS COVENANT have to be enforced, requiring the services of an attorney, either in Court, or in any administrative proceedings or otherwise, the Town shall be entitled to recover against the owners, or their successors, assigns, or

heirs a reasonable attorney's fee for the enforcement of the covenant herein, as well as all costs and fees incurred therein.

Covenant To Run With The Land

Evrett Benton

August 11, 2016

Page 3

5. OWNER, HIS HEIRS, SUCCESSORS IN INTEREST OR ASSIGNS promise to abide by the covenant and understand that the failure to abide by this covenant shall, be grounds for the Town to revoke the conditional use permit in addition to all other remedies, granted by the Town upon 10 days written notice to the property owners. Thereafter, the Town may enforce strict compliance with its land use planning and other ordinance allowable at law, and no claim or waiver estoppel shall apply as against the Town.

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5. OWNER, HIS HEIRS, SUCCESSORS IN INTEREST OR ASSIGNS promise to abide by the covenant and understand that the failure to abide by this covenant shall, be grounds for the Town to revoke the conditional use permit in addition to all other remedies, granted by the Town upon 10 days written notice to the property owners. Thereafter, the Town may enforce strict compliance with its land use planning and other ordinance allowable at law, and no claim or waiver estoppel shall apply as against the Town.

DATED this 9th day of June, 2016.

APPROVED:

Attest:

John Spuhler, Mayor

Kathy Hislop, Town Clerk

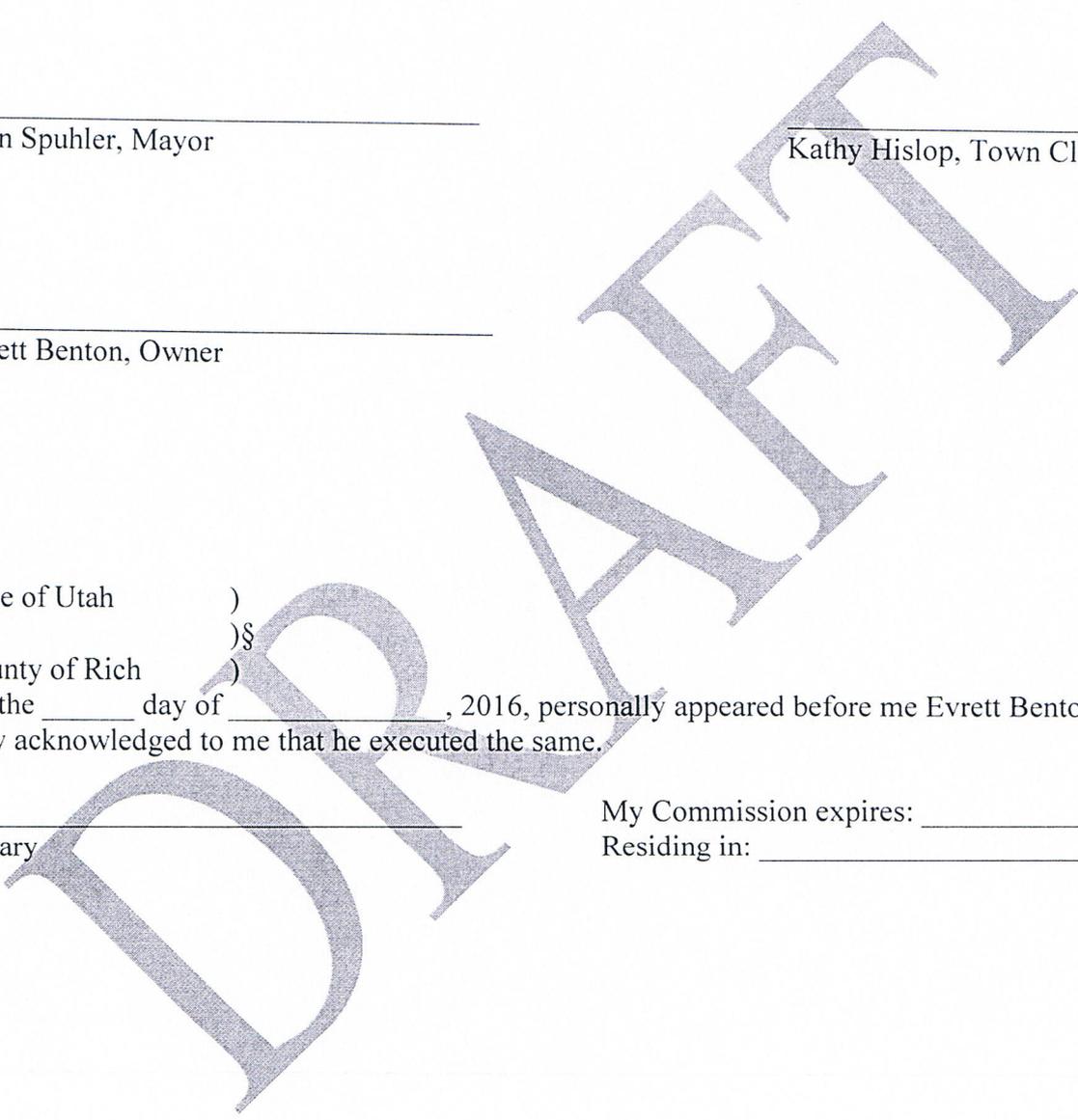
Evrett Benton, Owner

State of Utah)
)§
County of Rich)

On the _____ day of _____, 2016, personally appeared before me Evrett Benton, who
duly acknowledged to me that he executed the same.

Notary

My Commission expires: _____
Residing in: _____



Application for Project Review Garden City, Utah

This application must be accompanied with the necessary and appropriate materials, as stated on the project checklist, before it will be accepted for processing. The date upon which the project will appear on an agenda is determined by the notification schedule required by the State of Utah. The project will be scheduled for the next meeting for which a legal notice has not yet been prepared, after an application is accepted as complete by the Town Staff.

Type of Application (check all that apply):

- Annexation
- Appeal
- Conditional Use Permit
- Condominium/Townhouse
- Encumbrance
- Extension of Time

- Lot Split/Lot Line Adjustment
- PUD Conceptual
- PUD Phase Approval/Preliminary or Final
- PRUD Conceptual
- PRUD Phase Approval/Preliminary or Final
- Subdivision
- Vacation of Subdivision
- Variance
- Water Transfer
- Zone Change
- Other Land Use Permit _____

Ordinance Reference:

- 11A-301
- 11B-400
- 11C-500
- 11E-524 or 11E-525

- Subdivision 11E-503/PUD or PRUD
- 11F-107-A-2
- 11E-506
- 11C-1950, 11E-100, and 11F-100
- 11E-100
- 11E-523
- 11B-308
- 13A-1300

Project Name: Evrett Benton Property Current Zone: ^{Beach}~~Development~~ Proposed Zone: _____

Property Address: 390 East 1990 South Garden City UT 84028

Parcel # 41 - 33 - 27 - 063 and 41-33-27-012 and 41-33-27-013

Contact Person: Lothar Alomia Phone #: 801-687-2508

E-mail address: Lothar@stellarliving.com

Mailing Address: 4525 Wasatch Blvd Suite 300 SLC UT 84124

Applicant (if different): Lothar Alomia Phone #: 801-687-2508

Mailing Address: 4525 Wasatch Blvd Suite 300 SLC UT 84124

Property Owner of Record (if different): Evrett Benton Phone #: 801-495-7000

Mailing Address: 4525 Wasatch Blvd Suite 300 SLC UT 84124

Project Start date: 2016 Completion date: 2017

Describe the proposed project as it should be presented to the hearing body and in the public notices.

As the property owner of parcels 41-33-27-063, 41-33-27-012 and 41-33-27-013
of the Real Beach Subdivision, we request to combine these (3) parcels with the
intent to build a lake front residence on the combined property.

Lot Size in acres or square feet: Combined .25 Acres Number of dwellings or lots: (3) Lots

Non-residential building size: NA

I certify that the information contained in this application and supporting materials is correct and accurate.

J. [Signature]
Signature of Applicant

I certify that I am the Owner of Record of the subject property and that I consent to the submittal of this application. **Owner of Record MUST sign the application prior to submitting to Garden City.**

Ernest W. Benton
Signature of Owner of Record

Signature of Owner of Record

Signature of Owner of Record

Office Use Only
Date Received: _____
Fee: _____
By: _____

SCHEDULE A

Order Number: 9-001535

1. Effective date: July 14, 2016 at 7:45 a.m.

2. Policy or Policies to be issued: Amount of Insurance
(a) ALTA Owner's \$

Proposed Insured: TITLE REPORT ONLY-NO TITLE INSURANCE COMMITTED FOR

(b) ALTA Loan \$

Proposed Insured:

(c) ALTA Loan \$

Proposed Insured:

3. The estate or interest in the land described or referred to in this Commitment and covered herein is

Fee Simple

4. Title to the fee simple estate or interest in said land is at the effective date hereof vested in:

Evrett W. Benton and Cheryl C. Benton, as joint tenants with rights of survivorship

5. The land referred to in this Commitment is in the State of Utah, County of Rich and is described as follows:

SEE ATTACHED LEGAL DESCRIPTION.

Purported Address:
390 East 1990 South
Garden City Utah, 84028

STATEMENT OF CHARGES
These charges are due and payable.

Commitment Only \$300.00

SCHEDULE A

Order Number: 9-001535

LEGAL DESCRIPTION

All of Lots 12 and 13 of the Revised and Corrected Plat of Real Beach Subdivision, as shown by the official plat thereof, filed February 10, 1959 as Filing No. F7035 in Book "Y" of Deeds and Mortgages, Page 706, in the office of the Record of Rich County, Utah.

Parcel No.: 41-33-27-012/41-33-27-013

Also, All that portion of Lot 3B of the Revised and Corrected Plat of Real Beach Subdivision, as shown by the official plat thereof, filed February 10, 1959, as Filing No. F7035 in Book "Y" of Deeds and Mortgages, Page 706, in the office of the Recorder of Rich County, Utah not owned by the State of Utah, and lying above elevation 5923.6 feet mean sea level, as Ordered and Decreed in that certain Order and Decree, recorded January 24, 1983 as Entry No. 27347 in Book H4, Page 235, in the office of the Recorder of Rich County, Utah.

Parcel No.: 41-33-27-063

Parcel No.: 41-33-27-012, 41-33-27-013, 41-33-27-063

SCHEDULE B – SECTION 1

Order Number: 9-001535

REQUIREMENTS

The following are the requirements to be complied with:

Item (a) Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Item (b) Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record.

TO-WIT:

NOTICE TO APPLICANT: The land covered herein may be serviced by districts, service companies and/or municipalities, which assess charges for water, sewer, electricity and any other utilities, etc. which are not covered by this Commitment or insured under a title insurance policy.

NOTE: If the applicant desires copies of the documents underlying any exception to coverage shown herein, the Company will furnish the same on request, if available, either with or without charge as appears appropriate.

NOTE: Any matter in dispute between you and the Company may be subject to arbitration as an alternative to court action pursuant to the Title Insurance Rules of the American Arbitration Association, a copy of which is available on request from the Company. Any decision reached by arbitration shall be binding upon both you and the Company. The arbitration award may include attorney's fees if allowed by state law and may be entered as a judgment in any court of proper jurisdiction.

1. There are no requirements at this time.

Your Order has been assigned to Paul Newton for full service escrow at 165 East 6100 South, Suite 100 & 125, Murray, Utah 84107. For any escrow/closing questions please call (801) 263-1500, or email pnewton@backmantitle.com.

Please direct any title inquiries concerning this commitment to **Ron Brown**.

NOTE: The following names have been checked for Judgments, Federal Tax Liens and Bankruptcies.

Evrett W. Benton

Cheryl C. Benton

SCHEDULE B – SECTION 2

Order Number: 9-001535

EXCEPTIONS

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public record.
2. Any facts, rights, interests or claims which are not shown by the public records, but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents, or Acts authorizing the issuance thereof; (c) water rights, claims or title to water.
6. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
7. Any adverse claim based upon the assertion that (a) Some portion of the land forms the bed or bank of a navigable river or lake, or lies below the mean high water mark thereof; (b) The boundary of the land has been affected by a change in the course or water level of a navigable river or lake; (c) The land is subject to water rights, claims or title to water and to any law or governmental regulation pertaining to wetlands.
8. Lien of taxes, not yet due and payable:

Year:	2016
Parcel No.:	41-33-27-012 (Lot 12)
Prior year:	2015 Paid
Amount:	\$339.43
Parcel No.:	41-33-27-013 (Lot 13)
Prior year:	2015 Paid
Amount:	\$235.56
Parcel No.:	41-33-27-063 (Lot 3B)
Prior year:	2015 Paid
Amount:	\$588.90
9. The land described herein is located within the boundaries of Garden City and Rich County and is subject to any assessments levied thereby. Note: May also be subject to assessments to Rich County for Garbage Collection and a "Water Stand by Fee" from Garden City.
10. Rights of parties in possession, encroachments, overlaps, overhangs, unrecorded easements, violated restrictive covenants, deficiency in quality of ground, or any matters not of record, which would be disclosed by an accurate survey and inspection of the premises.

11. Subject to all matters as shown by the official plat of said subdivision filed February 10, 1959, as Filing No. F7035 in Book "Y" of Deed and Mortgages, Page 706, in the office of the Recorder of Rich County, Utah.
12. Title to any portion of the property lying below mean high way as it existed on the date of admission of the State of Utah to the Union. (Property appears to abut on a body of water).
13. The terms and conditions of that certain Resolution Establishing a Service district for Fire Protection and Ambulance Service:
 - Dated: July 7, 1976 by The Board of County Commissioners of Rich County
 - Recorded: July 5, 1977
 - Entry No.: F17,870
 - Book/Page: V2/320
14. The terms and conditions of that certain Certificate of Creation of the Bear Lake Special Service District:
 - Dated: December 22, 1982 by the Board of County Commissioners of Rich County
 - Recorded: December 22, 1982
 - Entry No.: 27061
 - Book/Page: G4/337
15. The terms and conditions of that certain Resolution Electing that the West Shore Sewer District become Bear Lake Special Service District:
 - Dated: July 22, 1983 by the Board of Trustees of West Shore Sewer District
 - Recorded: July 27, 1983
 - Entry No.: 28533
 - Book/Page: K4/575
16. Easement, and the terms and conditions thereof:
 - Grantee: P.C. Kimball to Bear Lake Special Services District
 - Recorded: June 25, 1985
 - Entry No.: 32188
 - Book/Page: Y4/534
 - Purpose: Utility right of way and grant of easement
17. The terms and conditions of that certain Resolution No. R-070801 executed by the Board of county Commissioners of Rich County, Utah, annexing certain real property to the Bear Lake Special Service District:
 - Recorded: September 14, 2007
 - Entry No.: 72683
 - Book/Page: L10/1499

The terms and conditions of that certain Certificate of Annexation executed by Gary R. Herbert, Lieutenant Governor of the State of Utah:

- Recorded: September 19, 2007
- Entry No.: 72737
- Book/Page: L10/1765
- Wherein: A resolution annexing certain real property to Bear Lake Special Service District

18. Subject to the Notes as shown on the official recorded plat.
Including but not limited to the following:
- (1) All streets shown on the accompanying plat are hereby dedicated to the public for street purposes. Said streets widths being 16 feet, 18 feet, 20 feet and 31 feet as located on said plat.
 - (2) That the following lots are to be restricted from building of homes and are to be developed only for bathing, boating and other recreation activities on Bear Lake, Lots 1B, 2B, 4B, 5B, 6B and 7B.
 - (3) That the following lots and right of way (16 feet) are to be made one tract; Lots 16, 38, 37, 36, 23, 24, 34, 35, 33, 32, 48 and 47; and that said area shall be registered in my name.
 - (4) That the boundary confirms to the Hodges Subdivision on the West, and to the Harding Tingey Survey on the South and East as outlined by Court Decree.
 - (5) That the interior lots of said Revised and Corrected Real Beach Subdivision were platted as nearly as possible to the intention of the original plat.
 - (6) That additional right of ways were provided so as to interfere with present ownership as little as possible and still provide practical accessibility to interior lots of said Real Beach.
 - (7) That evidence of earlier surveys were needed as a basis for the survey in conjunction with the revision and correction of said Real Beach Subdivision.
 - (8) That ownership shown thereon was based upon the registration of Lots on file in the Rich County Records Office and other sources. Since the registration of lots are not complete, the classification here given may not reflect present ownership.
 - (9) That this map and plat is true in dimension, and drawn at a scale of 1"=100'. Also that it was drawn from field notes and information on file in my office.
- (Note: Under Note (2) above, the non-applicability as to Lot 3B may be in error since all of "B" Lots abut Bear Lake. Also the court order in document recorded as Entry No. 27347 (immediate paragraph below) suggests that some portion of Lot 3B is owned by State of Utah. Finally, some documents of record (ie: Entry No. 71313) state that water from Bear Lake reaches the edge of Lot 12)
19. The terms and conditions of that certain Order and Decree:
- | | |
|------------|---|
| Plaintiff: | The State of Utah, by and through its Division of State Lands |
| Defendant: | Mark P. Hodges and LaGrande H. Merritt: |
| Recorded: | January 24, 1983 |
| Entry No.: | 27347 |
| Book/Page: | H4/235 |
20. Any adverse claim based upon the assertion that:
- (a) Some portion of the land forms the bed or bank of a navigable river or lake; or lies below the mean high water mark thereof;
 - (b) The boundary of the land has been affected by a change in the course or water level of a navigable river or lake;
 - (c) The land is subject to water rights, claims or title to water and to any law or governmental regulation pertaining to wetlands.
21. Any prior reservations of any minerals in or under said land including, but not limited to metals, oil, gas, coal, stone and mineral rights, mining rights, and easement rights or other matters relating thereto, whether expressed or implied.
22. The right of the State of Utah to modify the elevation mark of Bear Lake delineating the location of its ownership.
23. Matters as disclosed by that certain Survey dated March 30, 2011, prepared by JSH Surveying & Drafting, Inc., Registered Land Surveyor, License No. 325023, Project No. 11-012.
24. The effects of that certain Quit Claim Deed, Assignment and Bill of Sale by and between Claudia M. Anderson, as Assignor to Everett W. Benton and Cheryl Benton, as Assignee, recorded April 26, 2011, as Filing No. 81518, in Book C11, at Page 1263.

SCHEDULE C

Order Number: 9-001535

Chain of Title

According to Official Records, there have been no documents conveying the land described herein within a period of 24 months prior to the date of this commitment, except as follows:

<u>Document Name</u>	<u>Recording Date</u>	<u>Entry No.</u>	<u>Book</u>	<u>Page</u>
NONE				

PRIVACY POLICY

First American Title Insurance Company

WE ARE COMMITTED TO SAFEGUARDING CUSTOMER INFORMATION

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information, particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our parent company, The First American Corporation, we have adopted this Privacy Policy to govern the use and handling of your personal information.

APPLICABILITY

This Privacy Policy governs our use to the information, which you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity. First American has also adopted broader guidelines that govern our use of personal information regardless of its source. First American calls these guidelines its Fair Information Values, a copy of which can be found on our website at www.firstiam.com.

TYPES OF INFORMATION

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- * Information we received from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means.*
- * Information about your transactions with us, our affiliated companies, or others; and*
- * Information we receive from a consumer-reporting agency.*

USE OF INFORMATION

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies, and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies, or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

FORMER CUSTOMERS

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

CONFIDENTIALITY AND SECURITY

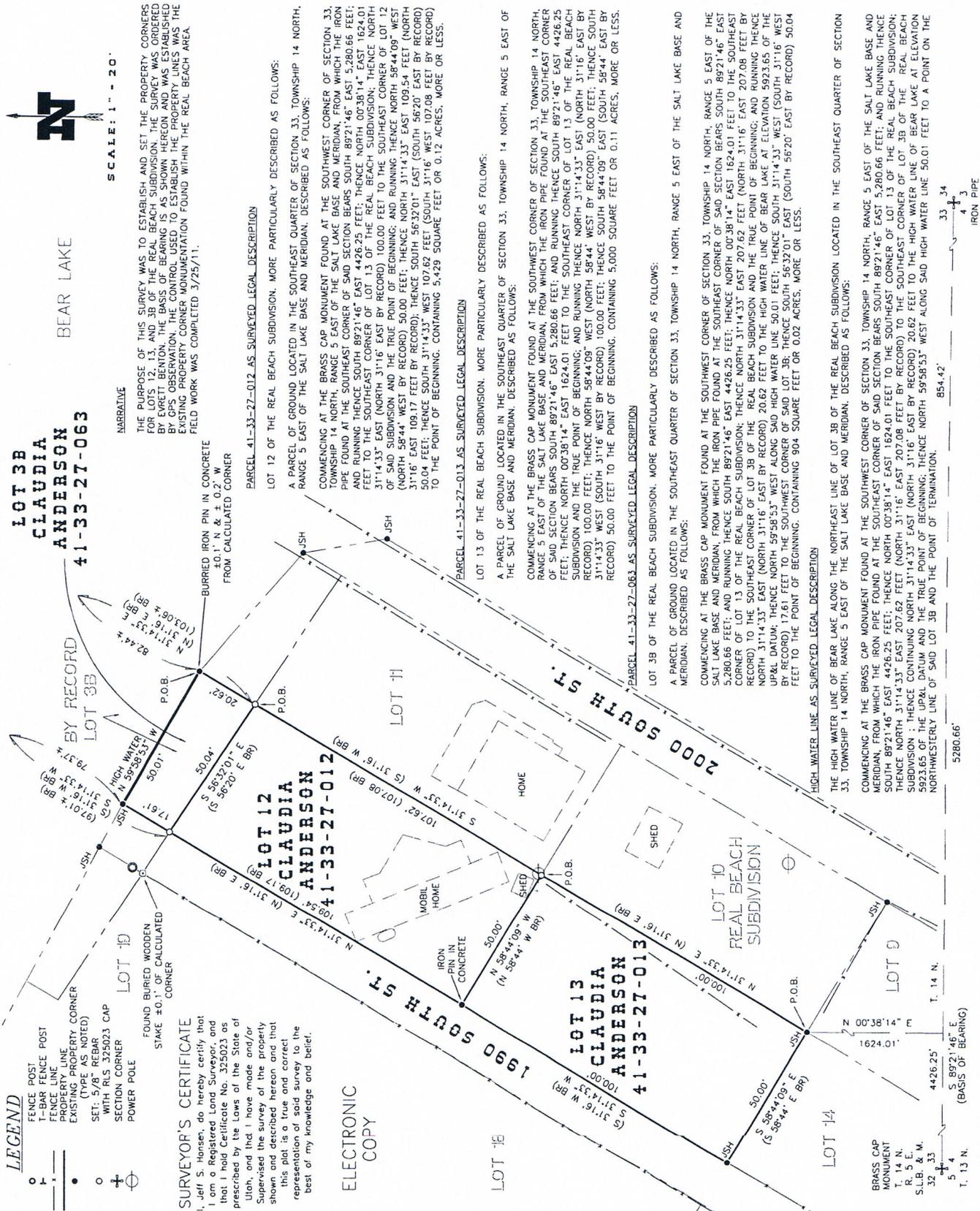
We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities that need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy and First American's Fair Information Values. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

- LEGEND**
- FENCE POST
 - T-BAR FENCE POST
 - FENCE LINE
 - PROPERTY LINE
 - EXISTING PROPERTY CORNER
 - SET, 5/8" REBAR
 - WITH RLS 325023 CAP
 - SECTION CORNER
 - POWER POLE
 - FOUND BURIED WOODEN CORNER
 - STAKE ±0.1' OF CALCULATED

SURVEYOR'S CERTIFICATE

I, Jeff S. Hense, do hereby certify that I am a Registered Land Surveyor, and that I hold Certificate No. 325023 as prescribed by the Laws of the State of Utah, and that I have made one or more Supervised the survey of the property shown and described hereon and that this plot is a true and correct representation of a said survey to the best of my knowledge and belief.

ELECTRONIC COPY



**LOT 3B
CLAUDIA
ANDERSON
41-33-27-063**

BEAR LAKE

SCALE: 1" = 20'

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO ESTABLISH AND SET THE PROPERTY CORNERS FOR LOTS 12, 13, AND 3B OF THE REAL BEACH SUBDIVISION. THE SURVEY WAS ORDERED BY ERETT BENTON, THE BASIS OF BEARING AND DISTANCE MONUMENTATION WAS ESTABLISHED BY GPS OBSERVATION. THE CONTROL USED TO ESTABLISH THE PROPERTY CORNERS WAS THE EXISTING PROPERTY CORNER MONUMENTATION FOUND WITHIN THE REAL BEACH AREA. FIELD WORK WAS COMPLETED 3/25/11.

PARCEL 41-33-27-012 AS SURVEYED LEGAL DESCRIPTION

LOT 12 OF THE REAL BEACH SUBDIVISION, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF GROUND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 14 NORTH, RANGE 5 EAST OF THE SALT LAKE BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE BRASS CAP MONUMENT FOUND AT THE SOUTHWEST CORNER OF SECTION 33, TOWNSHIP 14 NORTH, RANGE 5 EAST OF THE SALT LAKE BASE AND MERIDIAN, FROM WHICH THE IRON PIPE FOUND AT THE SOUTHEAST CORNER OF SAID SECTION BEARS SOUTH 89°21'46" EAST 5,280.66 FEET; AND RUNNING THENCE SOUTH 89°21'46" EAST 4,426.25 FEET; THENCE NORTH 00°38'14" EAST 1624.01 FEET TO THE SOUTHEAST CORNER OF LOT 13 OF THE REAL BEACH SUBDIVISION; THENCE NORTH 31°14'33" EAST (NORTH 31°16' EAST BY RECORD) 100.00 FEET TO THE SOUTHWEST CORNER OF LOT 12 OF SAID SUBDIVISION AND THE TRUE POINT OF BEGINNING; AND RUNNING THENCE NORTH 58°44'09" WEST (NORTH 58°44' WEST BY RECORD) 50.00 FEET; THENCE SOUTH 56°32'01" EAST (SOUTH 56°20' EAST BY RECORD) 50.04 FEET; THENCE SOUTH 31°14'33" WEST 107.62 FEET (SOUTH 31°16' WEST 107.08 FEET OR LESS, MORE OR LESS, CONTAINING 5,429 SQUARE FEET OR 0.12 ACRES, MORE OR LESS.

PARCEL 41-33-27-013 AS SURVEYED LEGAL DESCRIPTION

LOT 13 OF THE REAL BEACH SUBDIVISION, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF GROUND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 14 NORTH, RANGE 5 EAST OF THE SALT LAKE BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE BRASS CAP MONUMENT FOUND AT THE SOUTHWEST CORNER OF SECTION 33, TOWNSHIP 14 NORTH, RANGE 5 EAST OF THE SALT LAKE BASE AND MERIDIAN, FROM WHICH THE IRON PIPE FOUND AT THE SOUTHWEST CORNER OF SAID SECTION BEARS SOUTH 89°21'46" EAST 5,280.66 FEET; AND RUNNING THENCE SOUTH 89°21'46" EAST 4,426.25 FEET; THENCE NORTH 00°38'14" EAST 1624.01 FEET TO THE SOUTHWEST CORNER OF LOT 13 OF THE REAL BEACH SUBDIVISION AND THE TRUE POINT OF BEGINNING; AND RUNNING THENCE NORTH 31°14'33" EAST (NORTH 31°16' EAST BY RECORD) 100.00 FEET; THENCE NORTH 58°44'09" WEST (NORTH 58°44' WEST BY RECORD) 50.00 FEET; THENCE SOUTH 31°14'33" WEST 107.62 FEET (SOUTH 31°16' WEST 107.08 FEET OR LESS, MORE OR LESS, CONTAINING 5,000 SQUARE FEET OR 0.11 ACRES, MORE OR LESS.

PARCEL 41-33-27-063 AS SURVEYED LEGAL DESCRIPTION

LOT 3B OF THE REAL BEACH SUBDIVISION, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF GROUND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 14 NORTH, RANGE 5 EAST OF THE SALT LAKE BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE BRASS CAP MONUMENT FOUND AT THE SOUTHWEST CORNER OF SECTION 33, TOWNSHIP 14 NORTH, RANGE 5 EAST OF THE SALT LAKE BASE AND MERIDIAN, FROM WHICH THE IRON PIPE FOUND AT THE SOUTHWEST CORNER OF SAID SECTION BEARS SOUTH 89°21'46" EAST 5,280.66 FEET; AND RUNNING THENCE SOUTH 89°21'46" EAST 4,426.25 FEET; THENCE NORTH 00°38'14" EAST 1624.01 FEET TO THE SOUTHWEST CORNER OF LOT 13 OF THE REAL BEACH SUBDIVISION; THENCE NORTH 31°14'33" EAST (NORTH 31°16' EAST BY RECORD) 207.62 FEET TO THE POINT OF BEGINNING; AND RUNNING THENCE NORTH 31°14'33" EAST (NORTH 31°16' EAST BY RECORD) 20.62 FEET TO THE HIGH WATER LINE OF BEAR LAKE AT ELEVATION 5923.65 OF THE UPAL DATUM; THENCE NORTH 59°58'53" WEST ALONG SAID HIGH WATER LINE 50.01 FEET; THENCE SOUTH 31°14'33" WEST (SOUTH 31°16' WEST BY RECORD) 17.61 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3B; THENCE SOUTH 56°32'01" EAST (SOUTH 56°20' EAST BY RECORD) 50.04 FEET TO THE POINT OF BEGINNING, CONTAINING 904 SQUARE FEET OR 0.02 ACRES, MORE OR LESS.

THE HIGH WATER LINE OF BEAR LAKE ALONG THE NORTHEAST LINE OF LOT 3B OF THE REAL BEACH SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 14 NORTH, RANGE 5 EAST OF THE SALT LAKE BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE BRASS CAP MONUMENT FOUND AT THE SOUTHWEST CORNER OF SECTION 33, TOWNSHIP 14 NORTH, RANGE 5 EAST OF THE SALT LAKE BASE AND MERIDIAN, FROM WHICH THE IRON PIPE FOUND AT THE SOUTHWEST CORNER OF SAID SECTION BEARS SOUTH 89°21'46" EAST 5,280.66 FEET; AND RUNNING THENCE SOUTH 89°21'46" EAST 4,426.25 FEET; THENCE NORTH 00°38'14" EAST 1624.01 FEET TO THE SOUTHWEST CORNER OF LOT 13 OF THE REAL BEACH SUBDIVISION; THENCE NORTH 31°14'33" EAST (NORTH 31°16' EAST BY RECORD) 207.62 FEET TO THE POINT OF BEGINNING; AND RUNNING THENCE NORTH 31°14'33" EAST (NORTH 31°16' EAST BY RECORD) 20.62 FEET TO THE HIGH WATER LINE OF BEAR LAKE AT ELEVATION 5923.65 OF THE UPAL DATUM; THENCE NORTH 59°58'53" WEST ALONG SAID HIGH WATER LINE 50.01 FEET TO THE POINT OF BEGINNING, CONTAINING 904 SQUARE FEET OR 0.02 ACRES, MORE OR LESS.

THE HIGH WATER LINE AS SURVEYED LEGAL DESCRIPTION

THE HIGH WATER LINE OF BEAR LAKE ALONG THE NORTHEAST LINE OF LOT 3B OF THE REAL BEACH SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 14 NORTH, RANGE 5 EAST OF THE SALT LAKE BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE BRASS CAP MONUMENT FOUND AT THE SOUTHWEST CORNER OF SECTION 33, TOWNSHIP 14 NORTH, RANGE 5 EAST OF THE SALT LAKE BASE AND MERIDIAN, FROM WHICH THE IRON PIPE FOUND AT THE SOUTHWEST CORNER OF SAID SECTION BEARS SOUTH 89°21'46" EAST 5,280.66 FEET; AND RUNNING THENCE SOUTH 89°21'46" EAST 4,426.25 FEET; THENCE NORTH 00°38'14" EAST 1624.01 FEET TO THE SOUTHWEST CORNER OF LOT 13 OF THE REAL BEACH SUBDIVISION; THENCE NORTH 31°14'33" EAST (NORTH 31°16' EAST BY RECORD) 207.62 FEET TO THE POINT OF BEGINNING; AND RUNNING THENCE NORTH 31°14'33" EAST (NORTH 31°16' EAST BY RECORD) 20.62 FEET TO THE HIGH WATER LINE OF BEAR LAKE AT ELEVATION 5923.65 OF THE UPAL DATUM; THENCE NORTH 59°58'53" WEST ALONG SAID HIGH WATER LINE 50.01 FEET TO THE POINT OF BEGINNING, CONTAINING 904 SQUARE FEET OR 0.02 ACRES, MORE OR LESS.

IRON PIPE

33 34
4 3
IRON PIPE

5280.66'

1624.01'

4426.25'

5 89°21'46" E
(BASIS OF BEARING)

T. 13 N.

DATE: 03/30/11
DRAWN BY: JSH
JOB NUMBER: 11-012
SCALE: 1" = 20'
SECTION: 33/4 OF SECT. 33
TOWNSHIP: 14 N RANGE: 5 E
OF THE SALT LAKE BASE & MERIDIAN

H H O H H H H H
S S U U R R V V E E
M M O O N N
E E R R R R R R
B B E E N N T T
O O N N

JSH

SURVEYING & DRAFTING INC.

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RESOLUTION #R16-04

A RESOLUTION providing for the holding of a Bond Election in the Town of Garden City, Utah for the purpose of submitting to the qualified electors of the Town the question of the issuance and sale of \$6,300,000 General Obligation Bonds; providing for the holding of a public hearing and the publication of a Notice of Public Hearing; declaring official intent with respect to certain expenditures; and providing for related matters.

WHEREAS, there is a need of raising money for the purpose of constructing, improving, acquiring, equipping and furnishing a recreation facility (the "*Facilities*") in the Town of Garden City, Utah (the "*Town*"); and, to the extent necessary, for providing moneys for allowable working capital relating to the Facilities and capitalized interest on the bonds and for the refunding, at or prior to the maturity thereof, of general obligation bonds of the Town authorized hereunder or heretofore issued and now outstanding;

WHEREAS, there are no funds in the treasury of the Town available for this purpose;

WHEREAS, Section 11-14-318 of the Local Government Bonding Act, Chapter 14, Title 11 of the Utah Code Annotated 1953, as amended (the "*Utah Code*") requires that a public hearing be held with respect to the issuance of such bonds for said purposes and that notice of such public hearing be given as provided by law;

WHEREAS, the Town desires to (a) hold a Bond Election on November 8, 2016 to submit to the qualified electors of the Town the question of the issuance of such bonds for said purpose (the "*Bond Election*"), (b) provide for the holding of a public hearing and (c) direct the publication and posting of a Notice of Public Hearing (the "*Notice of Public Hearing*"); and

WHEREAS, the Town desires to provide for the conduct of the Bond Election by designating the election officials, approving the polling places and providing for other related matters;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Garden City, Utah, as follows:

Section 1. In satisfaction of the requirements of Section 53A-18-102 of the Utah Code, the Town hereby finds and determines that it is advisable to issue general obligation bonds to address the needs of the Town to construct, improve, acquire, equip and furnish a recreation facility and, to the extent necessary, to provide moneys for allowable working capital relating to the Facilities and capitalized interest on the bonds and to provide moneys for the refunding, at or

prior to the maturity thereof, of general obligation bonds of the Town authorized hereunder or heretofore issued and now outstanding.

Section 2. A special bond election shall be called and held in the Town on Tuesday, November 8, 2016, to submit to the qualified electors of the Town the question of whether bonds of the Town to the amount of \$6,300,000 shall be issued and sold for the purpose of raising money for constructing, improving, acquiring, equipping and furnishing a recreation facility, and, to the extent necessary, for providing moneys for allowable working capital relating to the Facilities and capitalized interest on the bonds and for providing moneys for the refunding, at or prior to the maturity thereof, of general obligation bonds of the Town authorized hereunder or heretofore issued and now outstanding.

Section 3. The question shall be submitted to the qualified electors of the Town at the Bond Election and such Bond Election is hereby called to be held in the Town on Tuesday, November 8, 2016 (the "*Election Date*"). The question shall be submitted in substantially the form set out in the form of ballot appearing in Section 4 hereof.

Section 4. The ballots to be used at the Bond Election shall comply in all respects with the requirements of Section 11-14-206 and Title 20A, Chapter 6, Part 1 of the Utah Code, and shall be in substantially the following form:

DRAFT

**OFFICIAL BALLOT FOR THE
TOWN OF GARDEN CITY, UTAH
BOND ELECTION**

November 8, 2016

(Facsimile Signature)

Town Clerk

PROPOSITION # _____

Shall the Town of Garden City, Utah, be authorized to issue general obligation bonds in an amount not to exceed \$6,300,000 and to mature in no more than twenty-five (25) years from the date or dates of issuance of such bonds for the purpose of raising money for constructing, improving, acquiring, equipping and furnishing a recreation center and providing moneys for allowable working capital and capitalized interest on the bonds?

PROPERTY TAX COST OF BONDS

If the bonds are issued as planned, an annual property tax to pay debt service on the bonds will be required over a period of 25 years in the estimated amount of \$155.04 on a \$213,472 residence, and in the estimated amount of \$281.89 on a business property having the same value.

The foregoing is only an estimate and is not a limit on the amount of taxes that the governing body may be required to levy in order to pay debt service on the bonds. The governing body is obligated to levy taxes to the extent provided by law in order to pay the bonds.

FOR THE ISSUANCE OF BONDS

AGAINST THE ISSUANCE OF BONDS

Section 5. In satisfaction of the requirements of Section 11-14-318 of the Code, a public hearing shall be held by the Council on September 27, 2016, at 6:00 p.m., at the Town's offices, located at 69 North Paradise Parkway, Garden City, Utah, with respect to the issuance by the Town of general obligation bonds, if approved by eligible voters at the Bond Election, for the purposes set forth in Section 1 and the potential economic impact of the Facilities.

Section 6. The Town Clerk shall cause the "Notice of Public Hearing," in substantially the form attached hereto as *Exhibit 1*, to be published (a) once each week for 2 consecutive weeks in *The Herald Journal*, a newspaper of general circulation in the Town, with the first publication being at least 14 days prior to the date set for the public hearing and (b) on the Utah Public Notice Website (as of the date of this Resolution, <http://pmn.utah.gov>) at least 14 days prior to the date set for the public hearing.

Section 7. After the adoption of this Resolution and at least 75 days before the Bond Election, a certified copy hereof, which includes the ballot title and the ballot proposition, shall be furnished on behalf of the Town by Farnsworth Johnson PLLC, as bond counsel, to the Lieutenant Governor of the State of Utah and to the election officer.

Section 8. The Town Clerk and the County Clerk of Rich County, Utah (the "County Clerk") are hereby authorized and directed to perform and do, and to cause to be performed and done, all things necessary to conduct the Bond Election in accordance with the provisions of this Resolution, Chapter 14, Title 11 of the Utah Code, and Title 20A of the Utah Code, each as election officer (each individually and collectively the "Election Officer").

Section 9. As permitted by Section 20A-3-302 of the Utah Code, the Bond Election shall be administered entirely by absentee ballot. The Election Officer is hereby requested, authorized and directed to make all preparations and take all actions necessary for the conduct of the Bond Election or required pursuant to the Election Code, Title 20A of the Utah Code.

Section 10. Notice of the Special Election shall be provided (a) by publishing once a week during at least 3 consecutive weeks a notice of election, the first publication to be not less than 21 days nor more than 35 days before the Election Day, in *The Herald Journal*, a newspaper of general circulation in the Town and (b) on a website established and maintained by the collective efforts of Utah's newspapers (currently, www.utahlegals.com) for the 3 weeks that immediately precede the Special Election. The notice shall be in substantially the form attached hereto as *Exhibit 2*.

Section 11. The officers and employees of the Town are authorized and directed to prepare and mail a voter information pamphlet or a notification thereof, including a plan of finance in compliance with Section 53A-18-102 of the Utah Code. The officers, employees and members of the Town are authorized and directed to prepare and submit to the Election Officer an argument and rebuttal argument in favor of the ballot proposition set forth in Section 4 hereof, in compliance with the Transparency of Ballot Propositions Act, Title 59, Chapter 1, Part 16 of the Utah Code.

Section 12. The Council shall meet as a board of canvassers no sooner than seven days and no later than 14 days after the Election Day, at the regular meeting place of the Council, located at 69 North Paradise Parkway, Garden City, Utah, and if the majority of the votes cast at the Special Election are in favor of such proposition submitted, then the Council shall cause an entry of that fact to be made upon its minutes, and thereupon the Council shall be authorized to issue such bonds.

Section 13. The officers and employees of the Town are authorized to take such action as they may deem necessary in order to assure that the Bond Election does not violate any applicable state or federal law, including laws regarding the use of the electronic voting devices.

Section 14. This Resolution is a declaration of official intent under Treas. Reg. Section 1.150-2. In satisfaction of the requirements thereof:

(a) Expenditures relating to paying the costs of the Facilities (i) have been paid within 60 days prior to the passage of this Resolution or (ii) will be paid on or after the passage of this Resolution (the "*Expenditures*").

(b) The Town reasonably expects to reimburse the Expenditures with proceeds of general obligation school building bonds, if any, authorized at the Bond Election, to be issued by the Town.

(d) The maximum principal amount of such bonds expected to be issued for the Expenditures to be made from the Fund is \$6,300,000.

Section 15. All acts and resolutions in conflict with this Resolution or any part thereof are hereby repealed.

Section 16. It is hereby declared that all parts of this Resolution are severable, and if any section, clause or provision of this Resolution shall, for any reason, be held to be invalid and unenforceable, the invalidity or unenforceability of any such section, clause or provision shall not affect the remaining sections, clauses or provisions of this Resolution.

Section 17. Immediately after its adoption by at least two-thirds majority of the members of the Council, this Resolution shall be signed by the Mayor or another member of the Council and the Town Clerk, shall be sealed with the seal of the Town and shall be recorded in a book kept for that purpose and shall take immediate effect.

(Signature page follows.)

ADOPTED AND APPROVED this day, August 11, 2016

TOWN OF GARDEN CITY, UTAH

By _____
Mayor

ATTEST AND COUNTERSIGN:

By _____
Town Clerk

DRAFT

TOWN COUNCIL VOTE AS RECORDED:

Mayor	John Spuhler	_____
Council member	Pat Argyle	_____
Council member	Darin Pugmire	_____
Council member	Chuck Stocking	_____
Council member	_____	_____

DRAFT

EXHIBIT 1

NOTICE OF PUBLIC HEARING

TOWN OF GARDEN CITY, UTAH

PUBLIC NOTICE IS HEREBY GIVEN that on Thursday, August 11, 2016, the Town Council (the "Council") of the Town of Garden City, Utah (the "Town") adopted a resolution (the "Resolution"), providing for a Bond Election to be held in the Town on Tuesday, November 8, 2016, for the purpose of submitting to the qualified electors of the Town the question of the issuance of general obligation bonds in an amount not to exceed \$6,300,000 (the "Bond Election") and calling a public hearing to receive input from the public with respect to the issuance of general obligation bonds and the potential economic impact that the improvement, facility, or property for which the bonds pay all or part of the cost will have on the private sector, pursuant to the Section 11-14-318 of the Utah Code Annotated 1953, as amended.

PURPOSE FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS

If approved by eligible voters at the Bond Election, the Town intends to issue general obligation bonds for the purpose of constructing, improving, acquiring, equipping and furnishing a recreation facility and, to the extent necessary, for providing moneys for allowable working capital relating to the Facilities and capitalized interest on the bonds and for providing moneys for the refunding, at or prior to the maturity thereof, of general obligation bonds of the Town.

MAXIMUM PRINCIPAL AMOUNT OF THE GENERAL OBLIGATION BONDS

If approved by eligible voters at the Bond Election, the Town intends to issue general obligation bonds in an amount not to exceed \$6,300,000, in one or more series at one or more times.

THE TAXES, IF ANY, PROPOSED TO BE PLEDGED

The Town proposes to pledge the full faith and credit of the Town for the payment of its general obligation bonds and may be obligated to levy and collect ad valorem taxes sufficient to pay the general obligation bonds, as provided by law.

TIME, PLACE AND LOCATION OF PUBLIC HEARING

The Council will hold a public hearing at 6:00 p.m. on September 27, 2016. The public hearing will be held at the Town's offices, located at 69 North Paradise Parkway, Garden City, Utah. All members of the public are invited to attend and participate in the public hearing. Prior to the public hearing, written comments may be submitted to the Town, to the attention of the Town Clerk, 69 North Paradise Parkway, Garden City, Utah 84028.

DATED this August 11, 2016.

Town of Garden City, Utah

DRAFT

EXHIBIT 2

NOTICE OF SPECIAL BOND ELECTION

TOWN OF GARDEN CITY, UTAH

PUBLIC NOTICE IS HEREBY GIVEN that a special bond election will be held in the Town of Garden City, Utah (the "Town"), on Tuesday, November 8, 2016, at which special election there shall be submitted to the qualified, registered voters residing within the Town the following question:

**OFFICIAL BALLOT FOR THE
TOWN OF GARDEN CITY, UTAH
BOND ELECTION**

November 8, 2016

(Facsimile Signature)

Town Clerk

PROPOSITION # _____

Shall the Town of Garden City, Utah, be authorized to issue general obligation bonds in an amount not to exceed \$6,300,000 and to mature in no more than twenty-five (25) years from the date or dates of issuance of such bonds for the purpose of raising money for constructing, improving, acquiring, equipping and furnishing a recreation center and providing moneys for allowable working capital and capitalized interest on the bonds?

PROPERTY TAX COST OF BONDS

If the bonds are issued as planned, an annual property tax to pay debt service on the bonds will be required over a period of 25 years in the estimated amount of \$155.04 on a \$213,472 residence, and in the estimated amount of \$281.89 on a business property having the same value.

The foregoing is only an estimate and is not a limit on the amount of taxes that the governing body may be required to levy in order to pay debt service on the bonds. The governing body is obligated to levy taxes to the extent provided by law in order to pay the bonds.

FOR THE ISSUANCE OF BONDS

AGAINST THE ISSUANCE OF BONDS

The special election will be administered entirely by absentee ballot. The election officer will mail to each registered voter within the District an absentee ballot and a postage paid business reply envelope. There will be no polling places in the District for the election. If a voter fails to follow the instructions included with the absentee ballot, the voter will be unable to vote in the election. Voters are not required to apply for an absentee ballot for the election.

On or around _____ an official absentee ballot will be mailed, postage paid, to all voters in the District who have registered to vote before the day on which the ballots are mailed. For a voter that registers to vote after the absentee ballots have been mailed, the County Clerk will either give the voter an absentee ballot and envelope to vote in the County Clerk's office or mail an absentee ballot, postage paid, to the voter.

To vote the mail-in absentee ballot, a voter will need to: (i) complete and sign the affidavit on the envelope; (ii) mark the votes on the absentee ballot; (iii) place the voted absentee ballot in the envelope; (iv) securely seal the envelope; and (v) deposit the self-addressed, prepaid envelope in the mail or deliver it in person to the County Clerk.

There is to be no special registration of voters for the special election, and the official register of voters last made or revised shall constitute the register for the special election. The County Clerk will make registration lists or copies of such lists available for use by registered voters.

For information about alternate times and forms of voting (including absentee ballot and early voting) and information on registering to vote, voters may contact the office of the County Clerk at 20 South Main, Randolph, Utah 84064 telephone: (435) 793-2415 or visit the County Clerk's website at <http://www.richcountyut.org/clerk.html>.

Pursuant to applicable provisions of Sections 11-14-208 and 20A-4-403 of the Utah Code, the period allowed for any contest of the special election shall end 40 days after the date on which the results of the election are to be canvassed and the results thereof declared. No such contest shall be maintained unless a complaint is filed with the Clerk of the Third Judicial District Court in and for Rich County, within the prescribed 40-day period.

IN WITNESS WHEREOF, the Town of Garden City, Utah has caused this notice to be given.

DATED: _____, 2016.

TOWN OF GARDEN CITY, UTAH

GENERAL OBLIGATION BOND ELECTION TIMELINE
TOWN OF GARDEN CITY
(for November 8, 2016 Election)

Date for Bond Election: Section 20A-1-204 - First Tuesday after the First Monday in November	November 8, 2016
Town approves Resolution Calling Election	August 11, 2016
Provide copy of Resolution to Lt. Governor and Election Officer (75 days prior to election)	August 25 th deadline
Publish 2 times, in consecutive weeks, a notice of intent to issue bonds in newspaper and on the Utah Public Notice Website (1 st publication not less than 14 days before the public hearing)	8/31/16 9/7/16
Hold a public hearing (not less than 5 business days nor more than 30 days before the Election Notice is first published)	9/27/16
Governing body must submit to the Election Officer an argument in favor of a ballot proposition (60 days prior to election)	September 9 th deadline
Last day any voter may submit to the Election Officer an argument against the ballot proposition (60 days prior to election)	September 9 th deadline
Last day multiple voters may submit to the Election Officer any arguments against a ballot proposition (50 days prior to election)	September 19 th deadline
Last day for the governing body or voters to submit rebuttal arguments for or against a ballot proposition (40 days prior to election)	September 29 th deadline
Publish 3 times, in consecutive weeks, Election Notice in newspaper (1 st publication not less than 21 nor more than 35 days before election)	First Publication Between October 3 rd and October 18 th : 10/12/16 10/19/16 10/26/16
Voter information pamphlet mailer is required to be mailed at least 15 but not more than 45 days prior to election. Notice must include: 1. Date and place of election 2. Hours when polls open 3. Title and text of ballot proposition 4. Tax impact of issuance of bonds 5. Plan of finance with projects(s) and prioritization 6. Other information (11-14-202(4)(b))	Between September 24 th and October 24 th

voter info pamphlet, mailed to each household with a registered voter	
Governing body must post the arguments and rebuttal arguments for or against a ballot proposition on the Statewide Electronic Voter Information Website and, if the entity has a public website, post the arguments in a prominent place on the entity's public website (for 30 consecutive days before election)	Commence by October 7 th
If the entity publishes a newsletter or other periodical, the governing body must post the arguments and rebuttal arguments for or against a ballot proposition in the next scheduled newsletter or periodical (before the election)	
Last day for overseas voters to request an absentee ballot (20 days prior to election date)	October 19 th
Election Officer must post a sample ballot in his/her office for public inspection (at least 7 days before the election)	November 1 st
Governing body must conduct a public meeting regarding the ballot proposition (no more than 14, but at least 4 days before the election)	Between October 25 th and November 4 th : 10/25/16
Last day for voters, excluding overseas voters, to request an absentee ballot (Friday before the election)	November 4 th
Election Officer must test the automatic tabulating equipment prior to the election and must publish notice of the test (at least 48 hrs before the test in a newspaper of general circulation). This notice could be part of any other published notice.	Prior to November 4 th
Last day for voters to mail absentee ballots (the day before the election)	November 7 nd
Election	November 8 rd
Canvass (not less than 7 nor more than 14 days following the election)	Between November 15 th and November 22 th



I, Jennifer Huefner am filing for the office of Garden City Town Council Member, which will be appointed by the Town Council on August 11, 2016. I certify that I have received and understand the following documents, which are included in the Candidate Packet:

1. Declaration of Candidacy
2. Letter explaining the date, time and place of the Town Council meeting when the Council Member will be appointed.

Jennifer Huefner
Candidates Signature

8/5/2016
Date

Jennifer Huefner
Candidates Printed Name

Kathy L. Huslop
Witness

8/5/2016
Date

DECLARATION OF CANDIDACY

(Non-Partisan)

STATE OF UTAH)
)§
COUNTY OF RICH)

I Jennifer Huefner, being first sworn, say that I reside at 740 S. Buttercup Circle Street, City of Garden City, County of Rich, State of Utah, Zip Code 84028, Telephone No. (if any) (435) 757-0940 that I am a registered voter; and that I am a candidate for the office of Town Council for the term of 1.5 years. I will meet the legal qualifications required of candidates for this office. I will file all campaign financial disclosure reports as required by law and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot.

I understand that the Town Council will appoint a new Council Member on August 11, 2016 during the Town Council meeting held that night at 69 N. Paradise Parkway. I understand that I will be given time to speak during the meeting and the Town Council may interview me during the meeting.

I request that my name be considered for appointment by the Garden City Town Council.

Jennifer Huefner
(Signed)

Subscribed and sworn to (or affirmed) before me by Jennifer Huefner on this 5th day of August, 2016.

Kathleen L. Huslap
Recorder/Clerk (Assistant)

- Note: The Qualifications to be a candidate are:
1. Be a United States Citizen at time of filing.
 2. Be a registered voter of the municipality.
 3. Be a resident of the municipality or a resident of the recently annexed area for 12 consecutive months immediately preceding the date of this appointment.
 4. Be at least 18 years of age at the time of appointment.
 5. Not be a convicted felon, unless the right to hold elective office has been restored.

The following information would be helpful in contacting you if the need arises:
E-mail: _____
Cell Phone #: _____
Other contact information: _____

July 13, 2016

Mayor John Spuhler, Garden City Town Council and Staff

It is with a great deal of regret that I formally announce my resignation from the Garden City town council, effective July 31, 2016. I have made this decision due to our acceptance of teaching positions beginning during the third week in August in Xi'an China.

Serving on the town council has been very satisfying and a learning experience for me. I hope to be able to work with all of you again in the future in some capacity where I can serve the citizens of the City.

Cordially,

A handwritten signature in cursive script that reads "Bruce Warner". The signature is written in black ink and is positioned above the printed name.

Bruce Warner



PUBLIC NOTICE

GARDEN CITY TOWN COUNCIL MEMBER APPOINTMENT

Notice of Municipal Office to be appointed during the Garden City Town Council meeting to be held on August 11, 2016 at 5:00 pm, at 69 N Paradise Parkway, Bldg C:

- Town Council Member to serve August 11, 2016 through December 31, 2017

Candidate filing period begins July 27, 2016 and ends August 5, 2016. Declaration of Candidacy forms will be accepted until 3:00 p.m. on August 5, 2016.

Declaration of Candidacy Forms must be filed in person with the Town Recorder at 69 N. Paradise Pkwy, Garden City, UT between the hours of 9 am and 5 pm July 27, 2016 through August 4, 2016 and 9 am and 3 pm on August 5, 2016.

Candidate must meet the following qualifications:

1. Be a United States Citizen at the time of filing.
2. Be at least 18 years of age at the time of appointment.
3. Be a legal resident of Garden City for 12 consecutive months immediately preceding the date of the appointment.
4. Be a registered voter of the municipality.
5. Not be a convicted felon, unless the right to hold elective office has been restored.

Posted this 27th day of July, 2016

GARDEN CITY, UTAH
 GENERAL OBLIGATION BONDS
 SERIES 2017

August 3, 2016

BONDING IMPACT ANALYSIS (Based on current benchmark rates)¹

Bond Assumptions

- \$5,135,000 Par Amount (est.)
- 20-Year Amortization
- 2.81% Average Rate
- Level Debt Service
- Deposit to Construction Fund: \$6,140,000

Taxable Value of the City ² :	\$310,521,304						
Annual Debt Service:	\$410,000						
Current City Tax Levy ² :	0.000000						
Required Levy Increase:	0.001320						
Resulting City Tax Levy:	0.001320						
% Increase in City Tax Levy:	100.00%						
			Average ³	Business ⁴			
Property Value:	\$100,000	\$200,000	\$213,472	\$213,472	\$300,000	\$400,000	\$500,000
45.0% Exemption:	\$45,000	\$90,000	\$96,062	-	\$135,000	\$180,000	\$225,000
Taxable Value:	\$55,000	\$110,000	\$117,410	\$213,472	\$165,000	\$220,000	\$275,000
Annual Impact:	\$72.62	\$145.24	\$155.02	\$281.86	\$217.86	\$290.48	\$363.10
Monthly Impact:	\$6.05	\$12.10	\$12.92	\$23.49	\$18.15	\$24.21	\$30.26

NOTES

1. First year tax impact. As City's taxable value increases, tax impact decreases.
2. Reflects 2015 Preliminary Tax Value Figure and Rate; Source: Utah State Tax Commission, Property Tax Division.
3. Source: Rich County Assessor's Office as of 8/3/2016. Includes all single family residences, condos, and twin homes.
4. No exemption on business property.