

A Special Meeting of the
Brian Head Town Council
www.Zoom.us ([Click Here](#))
Via Zoom Meeting ID# 898 4328 0524
TUESDAY, DECEMBER 21, 2021 @ 10:30 AM

AGENDA

- A. CALL TO ORDER**
- B. DISCLOSURES**
- C. AGENDA ITEMS:**

1. **A RESOLUTION DECLARING THE INTENTION OF THE TOWN COUNCIL OF THE TOWN OF BRIAN HEAD, IRON COUNTY, UTAH, FOR WATER SYSTEM IMPROVEMENTS AND RELATED IMPROVEMENTS WITHIN THE CEDAR BREAKS MOUNTAIN ESTATES, UNIT B SUBDIVISION; TO DESIGNATE OR CREATE THE TOWN OF BRIAN HEAD, UTAH SPECIAL TAX ASSESSMENT AREA NO. 2021-04 (SCENIC DRIVE); TO FUND THE COST AND EXPENSES OF SAID ASSESSMENT AREA BY SPECIAL TAX ASSESSMENTS TO BE LEVIED AGAINST THE PROPERTY BENEFITTED BY SUCH IMPROVEMENTS; TO PROVIDE NOTICE OF INTENTION TO AUTHORIZE SUCH IMPROVEMENTS AND TO FIX A TIME AND PLACE FOR PROTESTS AGAINST SUCH IMPROVEMENTS OR THE CREATION OF SAID ASSESSMENT AREA; TO DECLARE ITS INTENTION OF FUNDING A RESERVE FUND IN LIEU OF A GUARANTY FUND; AND RELATED MATTERS.** Nancy Leigh, Town Clerk. The Council will consider a resolution amending the Notice of Intent for the Scenic Drive Special Assessment Area (SAA).

E. ADJOURNMENT

Date: December 17, 2021

Available to Board Members as per Ordinance No. 11-003 authorizes public bodies, including the Town, to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the public board may participate by means of electronic communications. In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029 at least three days in advance of the meeting.

CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this agenda in three conspicuous locations; The Mall, Post Office, and the Brian Head Town Hall and have posted copies on the Utah Meeting Notice Website and the Brian Head Town website and have caused a copy of this notice to be delivered to the Daily Spectrum, a newspaper of general circulation.

Nancy Leigh, Town Clerk





STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Scenic Drive Special Assessment Area – Notice of Intent Resolution
AUTHOR: Nancy Leigh, Town Clerk
DEPARTMENT: Administration
DATE: December 21, 2021
TYPE OF ITEM: Legislative Action

SUMMARY:

The Council will consider a Notice of Intent resolution for the Scenic Drive Special Assessment Area (SAA). Staff is working with the attorney on confirmation of the dates and cost for the SAA. Staff should have a confirmation from the attorney prior to Tuesday's council meeting.

BACKGROUND:

With the Southwest Health Department's regulation on water hauling and septic tank permits, the Town has seen an increase in the number of SAA petitions submitting for water and/or sewer improvements. This is the fourth SAA the Council will be reviewing in 2021 and the third SAA within the month of December.

During the December 14, 2021 Council meeting, the Council approved the Scenic Drive petition for a special assessment area. The next step is to adopt a Notice of Intent resolution that will begin the process and identify the public hearing date and contest period.

ANALYSIS:

In an effort to have this project possibly make the 2022 construction season, the Council will need to hold several special council meetings between February and April 2022. The following dates are identified in the Notice of Intent resolution:

1. Public Hearing date is scheduled for February 1, 2022 at 11:00 am. This allows for the noticing that is required.
2. The Council will meet on April 5, 2022 at 11:00 am to review the protests and consider either a Notice of Creation resolution for this SAA or a resolution that will abandon the SAA depending on written protests submitted.

The estimated cost for the waterline project is identified at \$250,000 which is divided between the fourteen lots included in this SAA on Scenic Drive and Lupine Court. The water system improvements include the main water line but does not include the laterals to each individual lot. That will be the responsibility of each lot owner when they connect to the waterline. Lots that are adjacent to Mountain View Drive are not identified in the SAA since they have the ability to connect to the Mountain View Drive waterline or are already connected.

During the April 5, 2022 special Council meeting, the Council will consider either adopting a resolution creating the Scenic Drive SAA or adopt a resolution abandoning the SAA, depending on the number of written protests that are submitted. If written protests exceed 40%, the SAA would fail.

If the SAA succeeds and the Notice of Creation is adopted staff will begin on the construction costs for the project and once received, the Council will be presented with the Final Assessment ordinance which finalizes the cost per lot and the ordinance will be recorded with the County Recorder.

FINANCIAL IMPLICATIONS:

Currently the estimated cost for the water system improvements is \$250,000, but once the actual costs are submitted, the project costs could either increase or reduced but the actual costs per lot will be identified in the Final Assessment ordinance. The current projected cost per lot is \$17,857 at this time.

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends the Council adopt resolution No. 510, a Notice of Intent to create the Scenic Drive Special Assessment Area as presented.

PROPOSED MOTION:

I move to adopt resolution No. 510, a Notice of Intent to create the Scenic Drive Special Assessment Area as presented.

ATTACHMENTS:

- A – Resolution for Notice of Intent for the Scenic Drive SAA
- B – Scenic Court SAA Map

TOWN OF BRIAN HEAD, UTAH
NOTICE OF INTENTION TO DESIGNATE TOWN OF BRIAN HEAD, UTAH
SPECIAL TAX ASSESSMENT AREA 2021-04 (SCENIC DRIVE)

December 21, 2021

RESOLUTION NO. ____

A RESOLUTION DECLARING THE INTENTION OF THE TOWN COUNCIL OF THE TOWN OF BRIAN HEAD, IRON COUNTY, UTAH, FOR WATER SYSTEM IMPROVEMENTS AND RELATED IMPROVEMENTS WITHIN THE CEDAR BREAKS MOUNTAIN ESTATES, UNIT A SUBDIVISION; TO DESIGNATE OR CREATE THE TOWN OF BRIAN HEAD, UTAH SPECIAL TAX ASSESSMENT AREA NO. 2021-04 (SCENIC DRIVE); TO FUND THE COST AND EXPENSES OF SAID ASSESSMENT AREA BY SPECIAL TAX ASSESSMENTS TO BE LEVIED AGAINST THE PROPERTY BENEFITTED BY SUCH IMPROVEMENTS; TO PROVIDE NOTICE OF INTENTION TO AUTHORIZE SUCH IMPROVEMENTS AND TO FIX A TIME AND PLACE FOR PROTESTS AGAINST SUCH IMPROVEMENTS OR THE CREATION OF SAID ASSESSMENT AREA; TO DECLARE ITS INTENTION OF FUNDING A RESERVE FUND IN LIEU OF A GUARANTY FUND; AND RELATED MATTERS.

WHEREAS, pursuant to the Utah Assessment Area Act, Title 11, Chapter 42, of the Utah Code, the Town Council of the Town of Brian Head, Iron County, Utah (the Town) has the power to make or cause to be made all of the following improvements, water system improvements that will benefit certain properties in the Cedar Breaks Mountain Estates, Unit A (the Improvements); and

WHEREAS, the Town has received petitions from property owners desiring the water system improvements described herein; and

WHEREAS, the Town desires to designate or create a Special Tax Assessment Area and impose a special tax assessment against the portion of the properties in the Town that will be directly or indirectly benefitted by the Improvements:

BE IT RESOLVED by the Town Council of the Town of Brian Head, Iron County, Utah:

Section 1. The Town Council of the Town hereby determines that it will be in the best interest of the Town to finance and install or have installed the Improvements in specified locations of the Town, and to complete the whole in a proper and workmanlike manner according to plans, profiles and specifications that have been presented to the Town and are on file in the Office of the Town Clerk. In order to finance the costs of the Improvements, the Town proposes to create, establish, and designate a Special Tax Assessment Area. A description of the proposed Special Tax Assessment Area is more particularly described in the Notice of Intention to construct the proposed Improvements hereinafter set forth.

Section 2. The proposed Assessment Area shall be known as the Town of Brian Head, Utah Special Tax Assessment Area No. 2021-04 (Scenic Drive) (the “Special Tax Assessment Area”).

Section 3. The cost and expenses of the proposed Improvements shall be paid by a special tax assessment to be levied against the properties on a per lot basis for lots that will be benefited directly or indirectly from the Improvements, or which may be affected or specially benefitted, directly or indirectly, by any of such Improvements, such assessment to be paid in not more than ten (10) annual installments with interest on the unpaid balance until due and paid. An allowance shall be made for corner lots, if applicable, so that such lots are not assessed at the full rate on both streets.

Section 4. The Town Council hereby finds that the water system improvements, including any modifications to streets, that is proposed for Special Tax Assessment Area No. 2021-04 (Scenic Drive) are necessary or convenient to enable the Town to provide the water service that the Town proposes and is authorized to provide in Special Tax Assessment Area No. 2021-04 (Scenic Drive).

Section 5. A public hearing is called for the Town Council meeting on February 1, 2022, at 11:00 a.m., at the Town offices located at 56 N. Highway 143, Brian Head, Utah 84719 to hear from any person desiring to be heard and objections to a) the designation of the proposed

Town of Brian Head, Utah Special Tax Assessment Areas No. 2021-04 (Scenic Drive) or the improvements proposed to be provided in said assessment area; b) the amount that a property reasonably and equitably benefits from the improvements; and c) the inclusion of unassessed benefitted government property.

Section 6. Any owner of property that is proposed to be assess and who does not want its property to be included in the proposed Special Tax Assessment Area No. 2021-04 (Scenic Drive) may file a written protest against:

- a) The designation of the Special Tax Assessment Area No. 2021-04 (Scenic Drive);
- b) The inclusion of the owner's property in the proposed Special Tax Assessment Area No. 2021-04 (Scenic Drive);
- c) The proposed improvements to be acquired or constructed; or
- d) If applicable, the inclusion of an unassessed benefitted government property, the benefit for which the other assessed properties will collectively pay (of which there are none)

Each written protest shall:

- a) Describe or otherwise identify the property owned by the person filing the protest; and
- b) Include the signature of the owner of the property.

The failure of a property owner within the proposed Special Tax Assessment Area No. 2021-04 (Scenic Drive) to file a timely written protest constitutes a waiver of any objection to:

- a) The designation of the Special Tax Assessment Area No. 2021-04 (Scenic Drive);
- b) Any improvement to be provided to property within the Special Tax Assessment Area No. 2021-04 (Scenic Drive);
- c) The inclusion of the owner's property within the Special Tax Assessment Area No. 2021-04 (Scenic Drive);
- d) The fact, but not amount, of benefit to the to the owner's property; and
- e) The inclusion of an unassessed benefitted government property in the assessment areas (of which there are none).

The Town Council hereby directs the Town Clerk to post the total and percentage of the written protests that the Town receives on the Town's website, and at the Town office at least five days before the April 5, 2022 meeting against the proposed Improvement or against the creations of the Special Tax Assessment Area must be presented and filed in the Office of the Town Clerk on or before April 1, 2022 at the hour of 1:00 pm. Any person desiring to be heard may file a written protest or objection to a) the designation of the proposed Town of Brian Head, Utah Special Tax Assessment Areas No. 2021-04 (Scenic Drive) or the improvements proposed to be

provided in said assessment area; b) the amount that a property reasonably and equitably benefits from the improvements; and c) the inclusion of unassessed benefitted government property (of which there is none). Thereafter at 11:00 a.m. on April 5, 2022, at 56 N. Highway 143, Brian Head, Utah, 84719, any such written protests shall be heard and considered by the Town Council.

Section 7. The Town Clerk is hereby directed to give notice of intention to make the proposed improvements and of the public hearing and of the time within which protests against the proposed improvements or the designation of the proposed Special Tax Assessment Area may be filed and the date when such protests will be heard and considered by publishing a notice of intention to create the Assessment Area one time in the Spectrum, a newspaper of general circulation in the Town. The Town Clerk shall also post the Notice of Intention on the Utah Public Notice Website one time. Post the Notice of Intention in at least 3 public places at least 20 days but not more than 35 days before the public hearing. In addition, the Town Clerk shall mail a copy of such notice by United States Mail, postage prepaid, to each owner of land to be assessed within the proposed Special Tax Assessment Area at the last known address of such owner, using for such purpose the names and addresses of said owners appearing on the last completed real property assessment rolls of Iron County, said notices to be so mailed not later than ten (10) days after the first publication or posting of the Notice of Intention or the posting of the Notice of Intention of the Utah Public Notice Website, whichever is first. Said Notice shall be in substantially the following form:

NOTICE OF INTENTION

PUBLIC NOTICE IS HEREBY GIVEN that the Town Council (the “Town Council”) of the Town of Brian Head, Iron County, Utah (the “Town”), intends to create or designate a Special Tax Assessment Area to be known as the Town of Brian Head, Iron County, Utah Special Tax Assessment Area No. 2021-04 (Scenic Drive) (the “Special Tax Assessment Area”). Accordingly, the Town Council called a public hearing regarding the creation or designation of the Special Tax Assessment Area to be held on February 1, 2022, at 11:00 a.m. at the Town Office at 56 N. Highway 143, Brian Head, Utah 84719, to hear from any person desiring to be heard and objections to a) the designation of the proposed Town of Brian Head, Utah Special Tax Assessment Areas No. 2021-04 (Scenic Drive) or the improvements proposed to be provided in said assessment area; b) the amount that a property reasonably and equitably benefits from the improvements; and c) the inclusion of unassessed benefitted government property (of which there is none). It is the intention of the Town Council to make water system improvements within the Special Tax Assessment Area and to levy special assessments as provided in Title 11, Chapter 42, Utah Code Annotated 1953, as amended, on the real estate lying within the Special Tax Assessment Area as described herein for the benefit of which such assessments are to be assessed in the making of such improvements.

DESCRIPTION OF SPECIAL TAX ASSESSMENT AREA

The proposed Special Tax Assessment Area shall include the following real property in the Town of Brian Head, Iron County, UT and is described as:

The properties in the Cedar Breaks Mountain Estates, Unit A subdivision in the Town of Brian Head, Iron County, Utah. More specifically the following parcel numbers in said Scenic Drive and Lupin Circle. Properties other than the identified parcel numbers will not be included in the proposed Special Tax Assessment Area.

Parcel #	Cedar Breaks Mountain Estates, Unit A Subdivision	
A-1209-0024-0000	Lot #24	440 N. Scenic Dr.
A-1209-0026-0000	Lot #26	420 N. Scenic Dr.
A-1209-0028-0000	Lot #28	298 N. Scenic Dr.
A-1209-0030-0000	Lot #30	
A-1209-0030-0000	Lot #32	
A-1209-0034-0000	Lot #34	330 N. Scenic Dr.
A-1209-0056-0000	Lot #56	361 E. Lupine Cr.
A-1209-0057-0000	Lot #57	441 N. Scenic Dr.
A-1209-0059-0000	Lot #59	362 E. Lupine Cr.

A-1209-0060-0000	Lot #60	384 E. Lupine Cr.
A-1209-0063-0000	Lot #63	391 N. Scenic Dr.
A-1209-0065-0000	Lot #65	369 N. Scenic Dr.
A-1209-0067-0000	Lot #67	349 N. Scenic Dr.
A-1209-0069-0000	Lot #69	329 N. Scenic Dr.

INTENDED IMPROVEMENTS

The improvements to be constructed within the Special Tax Assessment Area are as follows:

Water System Improvement: Water System Improvements to extend water lines on Scenic Drive and Lupin Court, and related improvements, and complete the whole in a proper and workman like manner with all drainage and other improvement appurtenant and useful to a water system and associated municipal improvements.

ESTIMATED COST AND METHOD OF ASSESSMENT

Estimated Cost and Method of Assessment: The total cost of Improvements in the Special Tax Assessment Area is currently estimated to be \$250,000, of which the Town will pay \$0 leaving a remainder of \$250,000.00 which shall be paid by special tax assessment on the private property within the Special Tax Assessment Area.

This includes engineering costs, overhead costs and funding of a reserve fund described herein, all of which shall be paid by special tax assessment to be levied against the properties which may be directly or indirectly benefited by the Improvements which benefits need not actually increase the fair market value of the property to be assessed. The property owners' portion of the total estimated cost of the Improvements may be financed during the construction period by the use of interim warrants, in which case the interest on said warrants will be assessed to the property owners.

In lieu of utilizing a guaranty fund, the Town Council intends to create a special reserve fund, if desired by lenders, to secure payment of the special assessment bonds (the "Bonds") anticipated to be issued by the Town to finance the proposed Improvements. The reserve fund will be either initially funded with proceeds of the Bonds in an amount equal to approximately ten percent (10%) of the total principal amount of Bonds to be issued, or by building up a reserve fund over a period of six years until an amount equal to approximately ten percent (10%) of the total principal amount of Bonds to be issued is placed in the reserve fund. The Town Council anticipates applying any moneys remaining in the reserve fund to the final payment on the Bonds which, in turn, would offset the final assessment payments to be made by the owners of property

benefited by such Improvements, all of which will be further described in the assessment ordinance to be adopted by the Town. Any money in the reserve fund upon full payment of the Bonds is to be disbursed ratably to each assessed lot owner as of the date of disbursement. In addition, estimated costs of assessment include estimated overhead costs which the Town projects to incur in the creation and administration of the Special Tax Assessment Area. If Bonds are issued, the current estimated interest rate is no more than 6.50% per annum and the estimated discount is no more than 2.00%, subject to market rates at the time of issuance and the current estimated term of financing is ten (10) years.

The estimated cost and method of assessment against the properties for the Improvements are as follows:

<u>Improvement</u>	<u>Estimated Assessment</u>	<u>Method of Assessment</u>
Water System Improvement	\$250,000 total cost or \$17,857 per lot.	Per lot.
Total of All Improvements	\$250,000 total cost or \$17,857 per lot	Per lot.

For assessment purposes, if applicable, an owner of a lot is defined herein to be the owner of a platted lot within the Town of Brian Head, Iron County, Utah according to the official records of the Town of Brian Head, upon which a residential, commercial, or other structure to be used for human occupancy is now or may be located consistent with the “lot size” requirements of the applicable Town of Brian Head Land Management ordinances in place as of the date this is adopted.

LEVY OF ASSESSMENTS

It is the intention of the Town Council to levy assessments as provided by the laws of Utah on all property, parcels, and lots of real property to be benefited by the proposed improvements within the Special Tax Assessment Area. The purpose of the assessment and levy is to pay those costs of the improvements which the Town will not assume and pay. The method of assessment shall be per lot, as set forth herein.

The assessments may be paid by property owners in not more than ten (10) annual installments with interest on the unpaid balance at a rate or rates fixed by the Town, or the whole

or any part of the assessment may be paid without interest within twenty-five (25) days after the ordinance levying the assessment becomes effective. The assessments shall be levied according to the benefits to be derived by each property within the Special Tax Assessment Area. Other payment provisions and enforcement remedies shall be in accordance with Title 11, Chapter 42, Utah Code Annotated 1953, as amended. The assessment method will be by inclusion on a property tax notice issued in accordance with Section 59-2-1317 and in compliance with Section 11-42-401 of the Utah Code.

A map of the proposed Special Tax Assessment Area is on file in the Town offices which will make such information available to all interested persons. Copies of plans, profiles and specifications of the proposed improvements shall be made available by the Town as soon as they have been prepared.

TIME FOR FILING PROTESTS

Any person who is the owner of record of property to be assessed in the Special Tax Assessment Area described in this Notice of Intention shall have the right to file in writing a protest against the creation of the Special Tax Assessment Area or to make any other objections relating thereto. Protests shall describe or otherwise identify the property owner of record by the person or persons making the protest and shall indicate the total number of lots represented by said protest. Protests shall be filed with the Town Clerk of the Town of Brian Head, Utah, on or before sixty (60) days after the public hearing to be held February 1, 2022, at 11:00 a.m. at the Town Office. The Town Council will meet on April 5, 2022, at 11:00 a.m. in public meeting at the regular meeting place of the Town Council at the Town Office at 56 N. Highway 143, Brian Head, Utah 84719 to consider all protests so filed and hear all objections relating to the proposed improvements. Each protest must be filed in writing and describe or otherwise identify the property owned by the person filing the protest and include the signature of the property owner.

A PROPERTY OWNER MUST PROTEST THE DESIGNATION OF THE SPECIAL TAX ASSESSMENT AREA IN WRITING IF THE OWNER OBJECTS TO (1) THE DESIGNATION OF THE SPECIAL TAX ASSESSMENT AREA, (2) ANY PROPOSED IMPROVEMENT, (3) THE INCLUSION OF THE OWNER'S PROPERTY, OR (4) THE FACT, BUT NOT AMOUNT, OF BENEFIT TO THE OWNER'S PROPERTY. Failure of an owner of property to file a timely written protest can constitute a waiver.

After such consideration and determination, the Town Council shall adopt a resolution either abandoning the Special Tax Assessment Area or creating and designating the Special Tax Assessment Area either as described in this Notice of Intention or with deletions and changes made as authorized by law; but the Town Council shall abandon the Special Tax Assessment Area and not create the same if the necessary number of protests as provided herein have been filed on or before the time specified in this Notice of Intention for the filing of protests after eliminating from such filed protests: (i) protests relating to property or relating to a type of improvement which has been deleted from the Special Tax Assessment Area, and (ii) protests which have been withdrawn in writing prior to sixty (60) days after the public hearing. The necessary number of protests shall mean the aggregate of the protests representing forty percent

(40%) of the owners proposed to be assessed, according to the same assessment method by which the assessment is proposed to be levied.

BY ORDER OF THE TOWN COUNCIL OF TOWN OF BRIAN HEAD, IRON COUNTY, UTAH

/s/ Nancy Leigh
Town Clerk

Published in the Spectrum.

Publication Date: January 2, 2022

Section 8. The Town Council reasonably expects, to reimburse the Town from proceeds of the Bonds for capital expenditures paid by the Town (whether or not such expenditures are paid from proceeds of interim warrants) with respect to the Improvements.

Section 9. This declaration is intended to be a declaration of official intent under Treasury Regulation ' 1.103-18(1).

Section 10. The maximum principal amount of debt expected to be issued for reimbursement purposes is \$250,000.00. This amount will be reduced by cash payments received by the Town from property owners who elect to pay their assessment in full during the cash payment period immediately following the effective date of the assessment ordinance.

Section 11. This declaration of official intent is consistent with the Town's budgetary and financial circumstances. No funds from sources other than the Bonds are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the Town or by any member of the same controlled group pursuant to their budget or financial policies with respect to the expenditures to be reimbursed.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF BRIAN HEAD, IRON COUNTY,
UTAH THIS December 21, 2021.

Clayton Calloway, Mayor

ATTEST:

Nancy Leigh, Town Clerk

(S E A L)

RECORD OF PROCEEDINGS

A special meeting of the Town Council of the Town of Brian Head, Iron County, Utah was held on December 21, 2021, at 10:30 a.m., or as soon thereafter as feasible, at the regular meeting place of said Town Council at 56 N. Highway 143, Brian Head, Utah 84719 at which meeting there were present and answering roll call the following members who constituted a quorum:

Clayton Calloway	Mayor
Shaun Kelly	Council Member
Kelly Marshall	Council Member
Larry Freeberg	Council Member

Also present:

Nancy Leigh	Town Clerk
Bret Howser	Town Manager

Absent:	Lynn Mulder	Council Member
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After the meeting had been duly called to order and other matters not pertinent to this resolution had been discussed, the Town Clerk presented to the Town Council a Certificate of Compliance with Open Meeting Law with respect to this December 21, 2021 meeting, a copy of which is attached hereto.

Council Member _____ introduced the foregoing resolution in writing and moved its adoption. Council Member _____ seconded the motion to adopt the foregoing resolution. The motion and resolution were adopted on the following recorded vote:

Those voting AYE:

Those voting NAY:

Those ABSTAINING:

After the conduct of other business not pertinent to the above, the meeting was adjourned.

STATE OF UTAH)

: ss.

COUNTY OF IRON)

I, Nancy Leigh, the duly chosen, qualified and acting Town Clerk of the Town of Brian Head, Iron County, Utah, do hereby certify as follows:

That the foregoing typewritten pages constitute a full, true and correct copy of the record of proceedings of the Town Council taken at a special meeting thereof held in said Town on December 21, 2021, at the hour of 10:30 a.m., insofar as said proceedings relate to the consideration and adoption of a resolution declaring the intention of the Town Council to create the Town of Brian Head, Utah Assessment Area No. 2021-04 (Scenic Drive) and make certain improvements therein described as the same appears of record in my office; that I personally attended said meeting, and that the proceedings were in fact held as in said minutes specified.

That due, legal, and timely notice of said meeting was served upon all members as required by law and the rules and ordinances of said Town.

That the above resolution was deposited in my office on December 21, 2021, has been recorded by me, and is a part of the permanent records of the Town of Brian Head, Iron County, Utah.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and affixed the seal of said Town this December 21, 2021.

Nancy Leigh, Town Clerk

(S E A L)

DRAFT

STATE OF UTAH)

: ss.

COUNTY OF IRON)

**AFFIDAVIT OF MAILING
NOTICE OF INTENTION**

I, Nancy Leigh, the duly chosen, qualified and acting Town Clerk of the Town of Brian Head, Iron County, Utah, do hereby certify that the attached Notice of Intention was approved and adopted in the proceedings of the Town Council had on December 21, 2021.

I further certify that on January 5, 2022 (a date not later than ten (10) days after the first publication of the Notice of Intention (or the posting on the Town Website, whichever was first) I mailed a true copy of the Notice of Intention to create the Town of Brian Head, Utah Assessment Area No. 2021-04 (Scenic Drive) by United States Mail, postage prepaid to each owner of land to be assessed within the proposed Assessment Area at the last known address of such owner, using for such purpose the names and addresses appearing on the last completed real property assessment rolls of Iron County. I further certify that a certified copy of said Notice of Intention together with profiles of the improvements and a map of the proposed Assessment Area, was on file in my office for inspection by any interested parties.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Brian Head, Iron County, Utah this December ____, 2021.

Nancy Leigh, Town Clerk

(S E A L)

(Affidavit of proof of publication of the Notice of Intention to create the Town of Brian Head, Utah Assessment Area No. 2021-04 (Scenic Drive)).

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Nancy Leigh, the undersigned Town Clerk of the Town of Brian Head, Iron County, Utah (the Town), do hereby certify, according to the records of the Town in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-6(2), Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the December 21, 2021 public meeting held by the Town as follows:

(a) By causing a Notice, in the form attached hereto (the “Meeting Notice”), to be posted at the principal office of the Issuer at least twenty-four (24) hours prior the convening of the meeting, the Meeting Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of the Meeting Notice to be delivered to a newspaper of general circulation in the geographic jurisdiction of the Issuer at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a copy of the Meeting Notice to be published on the Utah Public Notice Website at least twenty-four (24) hours prior to the convening of the meeting; and

(d) By causing a copy of the Meeting Notice to be delivered to each member of the Town Council of the Issuer at least twenty-four (24) hours prior to the convening of the Meeting.

In addition, the Notice of 2021 Annual Meeting Schedule for the Issuer, attached hereto, specifying the date, time and place of the regular meetings of the governing body of the Issuer to be held during the calendar year 2021 was (1) posted on December 8, 2020, at the principal offices of the Issuer; (2) provided to a newspaper of general circulation within the geographic jurisdiction of the Town on December 15, 202; and (3) published on the Utah Public Notice Website on January 26, 2021.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this December 21, 2021.

Nancy Leigh, Town Clerk

(S E A L)

SCHEDULE "1"

**NOTICE OF MEETING and EVIDENCE OF POSTING MEETING NOTICE
ON PUBLIC NOTICE WEBSITE**

SCHEDULE "2"

**NOTICE OF ANNUAL MEETING SCHEDULE
EVIDENCE OF POSTING ANNUAL NOTICE ON PUBLIC NOTICE
WEBSITE**



Source: Esri, USDA FSA, Esri Community Maps Contributors, Utah AGRC, © OpenStreetMap contributors, Microsoft, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA