

RESOLUTION NO. 16-1

A RESOLUTION INITIATING PROCEEDINGS RELATING TO THE PROPOSED ANNEXATION OF CERTAIN REAL PROPERTY TO THE BEAR LAKE SPECIAL SERVICE DISTRICT; GIVING PUBLIC NOTICE OF ITS INTENTION TO ANNEX SAID PROPERTY, SETTING A DATE, TIME AND PLACE FOR A PUBLIC HEARING THEREON; PROVIDING FOR PUBLICATION OF NOTICE OF ITS INTENTIONS WITH RESPECT THERETO; PROVIDING FOR THE RECEIPT OF WRITTEN PROTESTS AND PRESCRIBING OTHER RELATED MATTERS.

WHEREAS, §17A-2-1327, of the Utah Special Service District Act (the "Act"), Utah Code Annotated 1953, as amended, provides that additional land from that specified in the resolution establishing a special service district may be annexed to the district in conformance with the applicable procedures set forth in the Act; and

WHEREAS, certain real property owners desire to obtain services provided by the Bear Lake Special Service District (the "District") to provide sanitary sewer service to their real property as hereinafter more particularly described (collectively the "Property"); and

WHEREAS, the District desires to take over the responsibility for providing sanitary sewer service to the Property; and

WHEREAS, pursuant to the provisions of §17A-2-1305 of the Act, the Commission adopts this resolution manifesting it's intent to initiate proceedings relating to the proposed annexation;

NOW, THEREFORE, be it hereby resolved by the Commission as follows:

Section 1. Determination. The Board of County Commissioners of Rich County, Utah (the "Commission"), finds that it may be in the best interest of the owners of the Property if sanitary sewer service is provided to the Property by the District, and as such declares, upon its own motion, in conformance with the provisions of §17A-2-1305(1) that the public health, convenience, and necessity may require the annexation of the Property to the District in conformance with the provisions of the Act.

Section 2. Property Proposed to be Annexed. The Property proposed to be annexed to the District is situated in Rich County, State of Utah, and is more particularly described in Section 4 below.

Section 3. Intention to Annex. It is the present intention of the Commission to annex all of the Property, or such part or parts thereof as the Commission may determine to be equitable and necessary for the proposed annexation, subject to any written protests filed in conformance with the provisions of §17A-2-1309 of the Act, which may be sufficient to prevent the annexation.

Section 4. Public Hearing and Notice. A public hearing is hereby called and directed to be held on the proposed annexation of the Property to the District on the date and at the time and place specified in the Notice in Intention to Annex Property to the Bear Lake Special Service District (the "Notice"), the form and content of which is set forth below. The Notice shall be published in the News Examiner, Montpelier, Idaho, a newspaper of general circulation in Rich County, to be published once a week during three (3) consecutive weeks, the first publication of which shall be not less than twenty-one (21) days nor more that thirty-five (35) days before the public hearing date as set in the Notice below. The notice shall be in the following form:

[THE NOTICE FOLLOWS ON THE NEXT PAGE]

Section 5. Direction. All officers and employees of the County are hereby directed to take such actions as shall be necessary and appropriate to effectuate the provisions of this Resolution and the intent expressed herein.

Section 6. Effective Date. This Resolution shall take effect immediately upon its approval and adoption by the Commission.

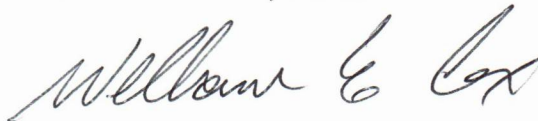
APPROVED AND ADOPTED THIS 6 day of Jan, 2016.

ATTEST:



County Clerk

BOARD OF COUNTY COMMISSIONERS
RICH COUNTY, UTAH



Chairman

**NOTICE OF INTENTION TO ANNEX PROPERTY
TO THE BEAR LAKE SPECIAL SERVICE DISTRICT**

PUBLIC NOTICE is hereby given to all interested parties that the Board of County Commissioners of Rich County, Utah (the "Commission"), has found and declared that the public health, convenience and necessity may require the annexation of certain property to the Bear Lake Special District (the "District") pursuant to the Utah Special Services Act, §17A-2-1301 et seq., Utah Code Annotated 1953, as amended (the "Act"). The real property proposed to be annexed (the "Property"), is situated in Rich County, State of Utah, and is more particularly described as follows:

PART OF SECTIONS 32 & 33 TOWNSHIP 14N & PART OF SECTIONS 4, 5, 8 & 17 TOWNSHIP 13N SLB&M

BEGINNING AT A POINT S 0° 58' W 1333.21 FEET FROM THE NE CORNER OF THE NW ¼ OF SECTION 17 T13N R6E SLB&M THENCE WEST 480 FEET TO THE POINT OF BEGINNING, SAID POINT OF BEGINNING BEING 100 FEET EAST OF THE NW CORNER OF VISTA GRANDE ESTATES SUBDIVISION AND PUBLIC CR 353 ALSO KNOWN AS NORTH CISCO ROAD; RUNNING THENCE NE PARALLEL ALONG SAID CR 353 18,000 FEET MORE OR LESS TO SOUTH SECTION LINE 28 T14N R6E SLB&M; THENCE WEST ALONG SOUTH SECTION 28 & 29 1780 FEET MORE OR LESS TO THE HIGH WATER LINE OF BEAR LAKE AT ELEVATION 5923.65 UP&L DATUM; THENCE SW ALONG SAID HIGH WATER LINE OF BEAR LAKE 18,000 FEET MORE OR LESS TO A POINT WEST OF THE POB; THENCE EAST 250 FEET MORE OR LESS TO THE POINT OF BEGINNING.

EDGE OF EDEN AND EDGE OF EDEN 2 SUBDIVISIONS ARE INCLUDED.

The purpose of the proposed annexation is to facilitate the proper delivery of a sanitary sewer system, pursuant to which the District will take over the sole responsibility for providing sanitary sewer service to the Property.

A PUBLIC HEARING ON THE PROPOSED ANNEXATION OF PROPERTY TO THE DISTRICT IS HEREBY CALLED AND SET FOR THE 3RD DAY OF February, 2016, AT 6:00 P.M. AT THE COUNTY COMMISSION CHAMBERS, RICH COUNTY COURTHOUSE, 20 SOUTH MAIN STREET, RANDOLPH, UTAH, AT WHICH TIME ALL INTERESTED PARTIES MAY APPEAR BEFORE THE COMMISSION AND BE HEARD WITH RESPECT TO THE PROPOSED ANNEXATION.

Protests against the annexation of the Property to the District may be made orally at the public hearing or in writing at or any time prior to the hearing by any interested person. At the time and place set forth in this Notice for the public hearing, or at any subsequent time and place to which the hearing may be adjourned, the Commission will give full consideration to all protests which have been properly filed, and will hear all persons desiring to be heard on the matter. If persons consisting of over 50% of the qualified electors of the Property proposed to be annexed to the District or the owners of 50% of the taxable value of the taxable property included within the boundaries of the Property file written protests at or before the hearing, the Commission shall abandon the

proposed annexation. Voter registration records of Rich County shall be considered by the Commission as conclusive evidence of residency. Assessment roles last completed by Rich County shall be considered by the Commission as conclusive evidence of owners, properties, and taxable value. Any protest made by the owners of the taxable property proposed to be annexed, signed on behalf of a corporation owning such property, 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, all of the persons holding title to it must join in the signing of the protest.

After conclusion of the hearing and after the time for filing protests have expired, the Commission shall adopt a resolution either annexing the Property, or determining that the proposal to annex the Property should be abandoned. Such resolution may contain any changes from the initial resolution or this Notice as the Commission determines to be appropriate, including reduction of the boundaries of the Property; but the boundaries of the Property may not be increased without the giving of a new notice of intention and the holding of a new hearing.

To the extent that such provision applies, in accordance with the provisions of § 17 A - 2-1311 (3) of the Act, any person who timely files a written protest and who is a qualified voter residing within the boundaries of the Property proposed to be annexed or who is a qualified voter whose property has been included within the Property to be annexed to the District, within thirty (30) days after the adoption of the resolution annexing the Property to the District, may apply to the district court for a writ of review of the action of the Commission in annexing the Property, but only upon the ground that the protestor's property will not be benefited by one or more of the types of services authorized to be furnished by the District or upon the ground that the proceedings taken in establishing the District have not been in compliance with law. A failure to timely apply for a writ of review forecloses the right of all owners of property or qualified voters within the District to further object.

After the adoption of the resolution annexing the Property to the District, the boundaries of the District shall be modified to include the Property, whereupon the Property will become an integral part of the District and be entitled to receive the benefit of all services provided by the District.

The Commission shall file a notice with the lieutenant governor within thirty (30) days after adopting the resolution in the format as required by §17A-2-1327(4).

Upon annexation of the Property to the District, it is possible that the District may annually levy taxes on all taxable property within the Property and fees and charges may be imposed to pay for all or a part of the services to be provided by the District.

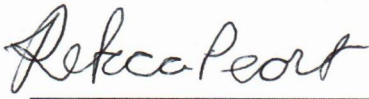
This Notice is given pursuant to and in accordance with the provisions of §17A-2-1307 of the Act. This Notice together with the resolution of the Commissioners authorizing the same, are on file and may be seen at the office of the Rich County Clerk, Rich County Courthouse, 20 South Main Street, Randolph, Utah, 84064.

Given and ordered published this ___ day of _____, 2016.

ATTEST:

BOARD OF COUNTY COMMISSIONERS

RICH COUNTY, UTAH



County Clerk



CHAIRMAN

(End of Notice)