

STATE OF UTAH



OFFICE OF THE LIEUTENANT GOVERNOR


CERTIFICATE OF BOUNDARY ADJUSTMENT

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT there has been filed in my office a certified copy of a boundary adjustment pertaining to the NORTH DAVIS SEWER DISTRICT, dated August 14th, 2008, complying with Section 17B-1-512, Utah Code Annotated, 1953, as amended.

NOW, THEREFORE, notice is hereby given to all whom it may concern that the attached is a true and correct copy of the notices of boundary adjustment, referred to above, on file with the Office of the Lieutenant Governor pertaining to the NORTH DAVIS SEWER DISTRICT, located in Davis County, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Utah at Salt Lake City, this 21st day of August, 2008.




GARY R. HERBERT
Lieutenant Governor

NORTH DAVIS SEWER DISTRICT

Letter of Transmittal

4252 West 2200 South
Syracuse, Utah 84075

Tel: (801) 825-0712
Fax: (801) 773-6320

To: Office of Lieutenant Governor

Date: 08/18/08

Utah State Capitol

Suite #220

Salt Lake City, Utah 84114

ATTN: Gary R. Herbert

Subject: Resolution No. 2008-10

The following items are:

Requested Enclosed Sent separately via:

Other: _____

No. of Copies	Description
1	Resolution No. 2008-10 on withdrawal of certain area in Hooper from NDSD

These items and/or date are submitted:

At your request For your review For your files
 For your approval For action For your information

Remarks:

Received

AUG 19 2008

Gary R. Herbert
Lieutenant Governor



RESOLUTION NO. 2008-10

A RESOLUTION APPROVING, AUTHORIZING AND DIRECTING WITHDRAWAL OF A CERTAIN AREA FROM THE NORTH DAVIS SEWER DISTRICT AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, North Davis Sewer District (the "District") is a Special District organized and existing pursuant to and in accordance with the provisions of §§ 17B-2a-401, *et seq.*, Utah Code Annotated, 1953, and related statutes; and,

WHEREAS, the District provides service to a service area generally described as the northern part of Davis County and the southern part of Weber County; and,

WHEREAS, the service area includes approximately 152 acres (referred to herein as the "Area") in Hooper, Utah; and,

WHEREAS, most of the said Area has never received any service from the District and it is not planned or anticipated that the Area will receive any service from the District in the foreseeable future; and,

WHEREAS, most of the property owners within said Area are paying property taxes to the District without any foreseeable prospect of receiving services or benefitting from being included within the boundaries of the District; and,

WHEREAS, the Board of Trustees of the District is desirous of adopting a final Resolution withdrawing most of the Area from the boundaries of the District; and,

WHEREAS, procedures for withdrawal of territory are set forth in Title 17B, Chapter 1, Part 5, Utah Code Annotated, 1953; and,

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WHEREAS, the District adopted Resolution No. 2008-08 expressing intent to withdraw the Area from the District and setting forth procedures for withdrawal of the Area in accordance with the provisions of §§ 17B-1-502, *et seq.*, Utah Code Annotated, 1953 (the "Intent Resolution"); and,

WHEREAS, the Intent Resolution expressed intent of the Board of Trustees to withdraw from the boundaries of the District the Area as described therein; and,

WHEREAS, said Intent Resolution set forth the reasons for withdrawal of the Area; and,

WHEREAS, a public hearing on the proposed withdrawal was held by the Board of Trustees no later than ninety (90) days after adoption of the Intent Resolution as required by law, said public hearing having been held on August 14, 2008 as required by law; and,

WHEREAS, notice of public hearing was given as required by law and in particular as required by the provisions of § 17B-1-509, Utah code Annotated, 1953, by mail and by posting; and,

WHEREAS, at said public hearing it was determined that five (5) parcels contained in the Area were being served by the District and should remain in the District boundaries and after removing said parcels from the Area the remaining part, now designated as the "Withdrawn Area" should be withdrawn from the District boundaries; and,

WHEREAS, all other procedures necessary and prerequisite to withdrawal of the Withdrawn Area have been complied with as required by law.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES
OF THE NORTH DAVIS SEWER DISTRICT, as follows:**

SECTION ONE: APPROVAL OF WITHDRAWAL

The Board of Trustees of the North Davis Sewer District hereby approves, authorizes and directs that the Withdrawal Area be withdrawn from the boundaries of the District.

SECTION TWO: DESCRIPTION OF WITHDRAWAL AREA

The Withdrawal Area is hereby ordered to be withdrawn from the boundaries of North Davis Sewer District and said Withdrawal Area is located in Weber County, State Utah and particularly described as follows:

Parcel 1 A parcel of land located in Sections 17 and 16, T5N, R2W, SLB & M, U.S. Survey more particularly described as follows: Beginning at a point lying 40' West along the section line from the Northeast corner of Section 17; thence West 1272.99' more or less along the Roy City Limits to the North quarter corner of the Northeast quarter of Section 17; thence South 1765' more or less to a point lying on the Roy City Limits; thence East 1287' more or less along the Roy City Limits to the west side of 4300 West Street; Thence North 110' more or less along Roy City Limits to a point; thence N89°03'30"W 266.67' to a point; thence N0°40'37"E 150' to a point; thence S89°03'30"W 266.67' to the west side of 4300 West Street; Thence North 180' more or less along Roy City Limits to a point; thence N89°30'30"E 744' more or less along Roy City Limits to a point; thence N0°01'30"E 670.74' more or less along Roy City Limits; thence S89°41'W 410' more or less along Roy City Limits to a point; thence S7°40'56"W 140.17' more or less along the Roy City Limits to a point; thence 87°19'05"W 351.6' more or less along the Roy City Limits to the West side of 4300 West Street; thence North 810' more or less along the west side of 4300 West Street to the point of beginning. This parcel shall exclude all of Lot 6, Stoneybrook Estates Subdivision, more particularly described as follows: Beginning at a point lying S00°01'30"W 1018' from the Northwest corner of Section 16 at the east side of 4300 West Street; thence S00°01'30"W 157.5' to a point along the east side of 4300 West

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Street; thence N89030'30"E 254' to a point; thence N0001'30"E 157.5' to a point on the south side of 4950 South Street; thence S89030'30"W 254' to the point of beginning, comprising 40,000 square feet more or less. The entirety of the parcel shall be comprised of 60.5 acres more or less.

Parcel 2 A parcel of land located in Section 17, T5N, R2W, SLB & M, U.S. Survey more particularly described as follows: Beginning at the Southeast corner of Section 17; thence West 1302.24' more or less along the section line to the South quarter corner of the Southeast quarter of Section 17; thence North 2640' more or less along the sixteenth section line to the Northwest corner of the Northeast quarter of the Southeast quarter of Section 17; thence East 1038.24' more or less along the mid-section line and the Roy City Limits to a point 264' West of the East quarter corner of Section 17; thence South 165'; thence East 264' to the East Section line; thence South 1155' more or less along the east section line and the Roy City Limits; thence West 627' more or less along the Roy City Limits; thence South 528' more or less along the Roy City Limits; thence East 627' more or less along the Roy City Limits to the East section line; thence South 272.71' more or less along the East Section line and the Roy City Limits; thence West 280'; thence South 150'; thence East 280' to the East Section line; thence South 104.82' along the East Section line and the Roy City Limits; thence West 280'; thence South 150'; thence East 280' to the East Section line; thence South 114.47' more or less along the East Section line and the Roy City Limits to the point of beginning, comprising 68.4 acres more or less.

Parcel 3 A parcel of land located in Section 20, T5N, R2W, SLB & M, U.S. Survey more particularly described as follows: Beginning at the East quarter corner of Section 20 and running thence South along the section line 607.5' more or less to the Weber County Line; thence West 1320' along the Weber County Line; thence North 607.5' more or less to the Southwest corner of the Southeast quarter of the Northeast quarter of Section 20; thence East 1320' along the quarter section line more or less to the point of beginning, comprising 18.4 acres more or less.

A map of the Revised District boundary in the affected area is attached hereto as Exhibit "A."

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SECTION THREE: TERMS AND CONDITIONS OF WITHDRAWAL

There are no terms and conditions of withdrawal other than to comply with the notice provisions referred to the preceding section.

SECTION FOUR: DETERMINATIONS BY BOARD OF TRUSTEES

The Board of Trustees determines that the District will not be able to provide service to the Withdrawal Area for the reasonably foreseeable future.

SECTION FIVE: FURTHER DETERMINATIONS BY BOARD OF TRUSTEES

There are no terms and conditions for withdrawal and there is no legal reason for denying the withdrawal. The District does not own any lines or serve any connections or have any assets whatsoever within the Withdrawal Area. Withdrawal will not result in a breach or default by the District under any of its notes, bonds, or other debt or revenue obligations; will not result in a breach of any of its agreements with entities which have insured, guaranteed or otherwise credit-enhanced any debt or revenue obligations of the District or a default or breach of any agreements with the United States or any agency of the United States. The withdrawal will not adversely affect the ability of the District to make any payments or perform any other material obligations under any of its agreements with the United States or any agency of the United States, any of its notes, bonds or other debt or revenue obligations or any of its agreements with entities which have insured, guaranteed, or otherwise credit-enhanced any debt or revenue obligations of the District. The withdrawal will not result in the reduction or withdrawal of any rating on an outstanding note, bond, or

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other debt or revenue obligation of the District, will not materially impair the operations of the District or require the District to increase the fees it charges or property taxes or other taxes it levys in order to provide the District with the same level and quality of service that was provided before the withdrawal. The withdrawal will not create an island or peninsula of non-District territory within the District.

The withdrawal of the Withdrawal Area will have a *de minimus* effect or no effect at all on the financial and taxing structure of the District.

Because the District has no assets or connections in the Withdrawal Area and the withdrawal of the Withdrawal Area will have a *de minimus* or no effect on the taxing or financial structure of the District, there is no need to comply with the provisions of § 17B-1-510(5) and (6), Utah Code Annotated, 1953.

SECTION SIX: RELIEF FROM TAXES

Upon withdrawal, the Withdrawal Area is and shall be relieved of all property taxes, other taxes, assessments, and charges levied by the District, including taxes and charges for the payment of revenue bonds and maintenance and operation cost of the District.

SECTION SEVEN: NOTICE OF WITHDRAWAL

Within ten (10) days from the date of this Resolution approving withdrawal, the Board of Trustees shall file a written notice of the withdrawal with the Lieutenant Governor, Utah State Tax Commission, the Weber County Assessor and the Weber County Recorder which notice shall be accompanied by a copy of this Resolution approving the withdrawal and an accurate map depicting the boundaries of the Withdrawal Area or a legal description

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of the Withdrawal Area, adequate for purposes of said County Assessor and County Recorder. Upon filing the Notices herein above referred to, the withdrawal shall be effective.

The District determines that publication of this Resolution is not necessary or required.

SECTION EIGHT: APPEAL

Any person in interest may seek judicial review of the Board of Trustee's decision to withdraw the Withdrawal Area from the District and/or the terms and conditions of withdrawal. Judicial review shall be initiated by filing an action in the District Court of the Second Judicial District, State of Utah. Any such appeal shall be governed by the provisions of § 17B-1-512(5), Utah Code Annotated, 1953, which generally provides that any appeal must be taken within sixty (60) days from the date of this Resolution. After the applicable contest period under the said statute, no person may contest the Board of Trustee's approval of withdrawal for any cause.

SECTION NINE: EFFECTIVE DATE


The withdrawal of the Withdrawal Area shall be effective immediately upon passage and adoption of this Resolution and upon the filing of Notices within ten (10) days hereof as required by § 17B-1-512(1)(a), Utah Code Annotated, 1953, with the Lieutenant Governor, State Tax Commission, the Weber County Assessor and the Weber County Recorder together with a certified copy of this Resolution and an accurate map.

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DATED this 14th day of August, 2008.

NORTH DAVIS SEWER DISTRICT

By: 
IVAN D. ANDERSON
Chairman, Board of Trustees

ATTEST:


KAIL J. SANFORD, Clerk

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LAWYERS

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CERTIFICATION

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

I hereby certify that I am the Clerk of the Board of Trustees of the North Davis Sewer District, a special district of the State of Utah; that the above and foregoing Resolution No. 2008-10, is a full and true and correct copy of the Resolution duly and regularly adopted by the vote of a majority or more of the members of the Board of Trustees of said North Davis Sewer District at a meeting of the Board of said District duly and regularly called, noticed and held at the District Offices at 4252 West 2200 South, Syracuse, Utah, on August 14, 2008, at which meeting a quorum was present and acting, and I was present and acted as Clerk of the Board. That there are no provisions in the law applicable to the District or the Bylaws of said District conflicting with said Resolution, and that the said Resolution has not been modified or revoked and still remains in full force and effect.

IN WITNESS WHEREOF, I have hereto set my hand and seal as Clerk of the Board of Trustees of said District this 14th day of August, 2008.

NORTH DAVIS SEWER DISTRICT

By: *Kail J. Sanford*
KAIL J. SANFORD,
Clerk of the Board of Trustees








Subscribed and sworn to before me this 14th day of August, 2008.

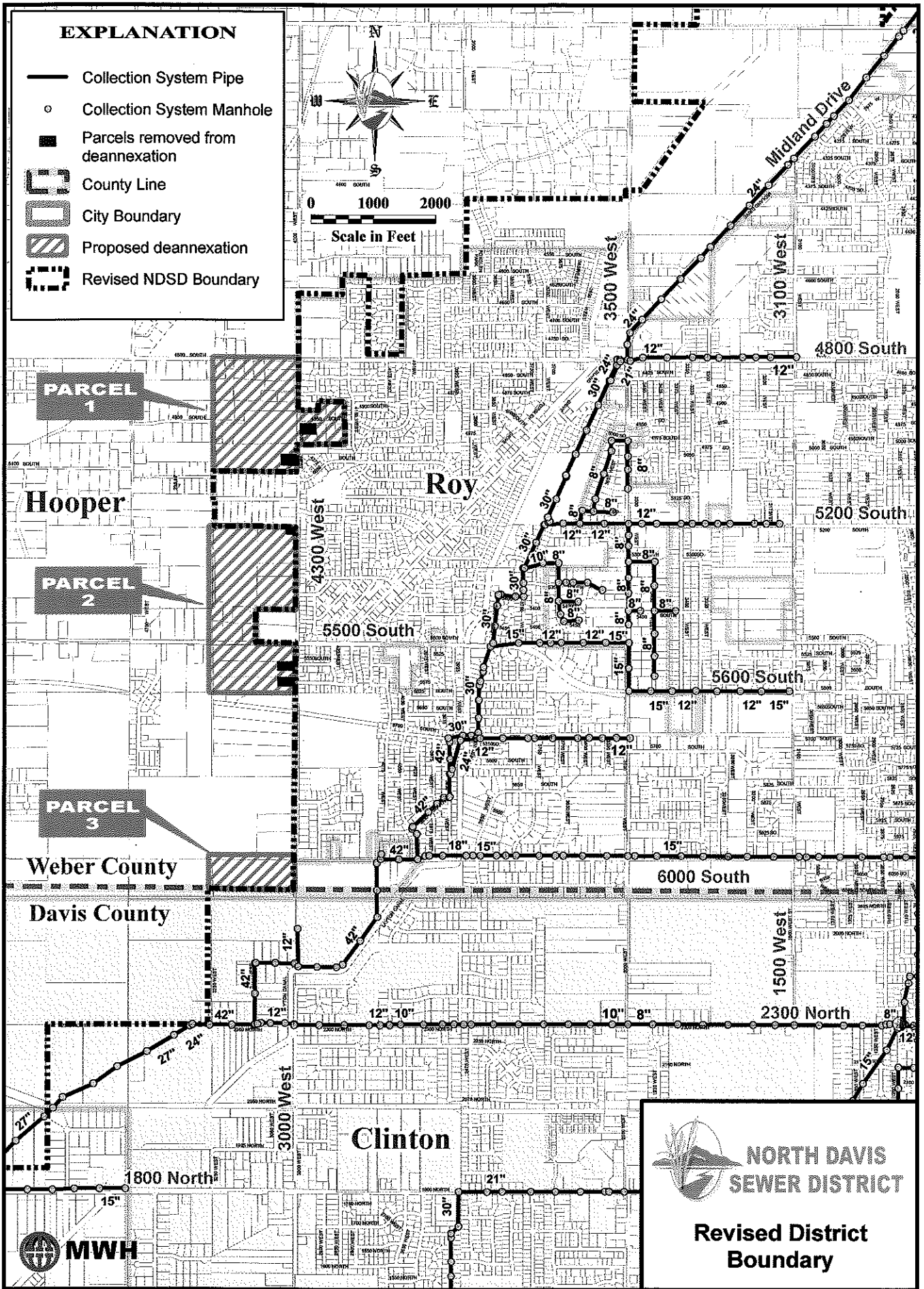
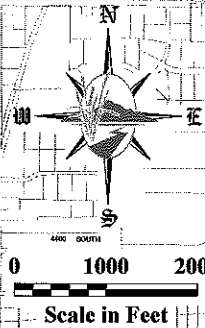
James E. Schroeder
NOTARY PUBLIC



(SEAL)

EXPLANATION

-  Collection System Pipe
-  Collection System Manhole
-  Parcels removed from deannexation
-  County Line
-  City Boundary
-  Proposed deannexation
-  Revised NDSD Boundary



PARCEL 1

PARCEL 2

PARCEL 3


Hooper

Roy

Weber County

Davis County

Clinton

**NORTH DAVIS
SEWER DISTRICT**

**Revised District
Boundary**

FILE NDSD_Revised District Boundary_Sparcelremoved_8x11_808 8/13/08