

STATE OF UTAH



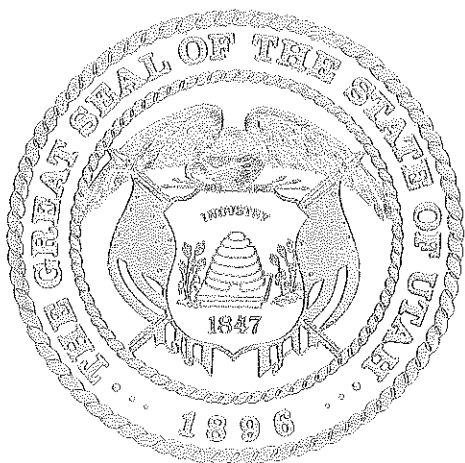
OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF CREATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT there has been filed in my office a notice of creation of the INDIAN HOLLOW CREEK SPECIAL SERVICE DISTRICT, dated May 21st, 2008 complying with Section 17D-1-209, 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 notice of creation, referred to above, on file with the Office of the Lieutenant Governor pertaining to the INDIAN HOLLOW CREEK SPECIAL SERVICE DISTRICT, located in Summit 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 16th day of July, 2008.




GARY R. HERBERT
Lieutenant Governor

DAVID R. BRICKEY
COUNTY ATTORNEY



Summit County Courthouse • 60 N. Main • P.O. Box 128 • Coalville, Utah 84017
Telephone (435) 336-3206 Facsimile (435) 336-3287
email: (first initial)(last name)@co.summit.ut.us

Criminal Division

AUGUSTUS G. CHIN
Prosecuting Attorney

PAUL R. CHRISTENSEN
Prosecuting Attorney

JOY NATALE
Prosecuting Attorney

Civil Division

DAVID L. THOMAS
Chief Deputy

JAMI R. BRACKIN
Deputy County Attorney

HELEN E. STRACHAN
Deputy County Attorney

June 26, 2008

Utah Lieutenant Governor's Office
Utah State Capitol Complex
P.O. Box 142325
Salt Lake City, Utah 84114

*Re: Certification of Special Service District
In Summit County, State of Utah*

To Whom It May Concern:

My name is Helen Strachan and I am a deputy attorney for Summit County. Pursuant to Utah's Special Service District Act, UCA §17D-1-101 *et. seq.*, please find enclosed a copy of documents relating to the establishment of the Indian Hollow Creek Special Service District. I have enclosed a copy of a map showing the boundaries of the district, prepared and certified by a licensed surveyor that has been filed with Summit County, a copy of the Resolution establishing the district, a certification from the Summit County clerk stating that all requirements have been met, as well as a copy of the Board of County Commissioner meeting minutes relating to the Resolution. I understand that once these documents are received and assuming all requirements are met, your office will issue a certificate of creation, at which point the district will be created and incorporated. Please let me know if you have any questions or concerns, or if you need anything else. I appreciate your help.

Sincerely,

Helen E. Strachan
Deputy Summit County Attorney

cc. Craig Call
Mike Gabel
Enclosures

Received

JUN 30 2008

Mike Gabel 7/1/08

Gary R. Herbert
Lieutenant Governor

RESOLUTION NO. 2008-16

A RESOLUTION TO ESTABLISH THE INDIAN HOLLOW CREEK SPECIAL SERVICE DISTRICT, SUMMIT COUNTY, UTAH, DESCRIBED IN THE NOTICE OF INTENTION CONCERNING THE DISTRICT AND TO AUTHORIZE CONSTRUCTION OF IMPROVEMENTS AS SET FORTH IN THE NOTICE OF INTENTION TO CREATE THE DISTRICT

WHEREAS, Summit County, Utah (the "County") is empowered by the provisions of Article XI, Section 8 of the Utah Constitution, and Utah Code Annotated, §17A-2-1301 *et. seq.* (the "Utah Special Service District Act"), 1953, amended, to establish special service districts within the boundaries of the County for the purpose of providing within the area of the service district certain services, including sewerage, provided through facilities or systems acquired for that purpose by way of construction, purchase, gift or condemnation or any combination of the same; and,

WHEREAS, pursuant to UCA §17A-2-1305(2) the BCC shall adopt a resolution, upon presentation of a petition proposing the establishment of a special service district and setting forth the boundaries of and services to be provided within the proposed special service district, if the petition is approved by the owners of 10% or more of the taxable value of the taxable property included in the proposed service district or by 10% or more of the qualified electors of the proposed service district; and,

WHEREAS, on or about October 16, 2007, the Summit County Board of County Commissioners ("BCC") received a petition proposing the establishment of a service district to provide sanitary sewerage services and other services as allowed pursuant to UCA §17A-2-1304(1)(a) and setting forth the boundaries of the proposed service district. Said petition was signed by those representing 100% of the taxable value of the taxable property included in the proposed service district; and,

WHEREAS, there are no special service districts presently existing, the boundaries of which lie, either wholly or partially within the boundaries of the proposed special service district providing the same services proposed to be supplied by the special service district; and,

WHEREAS, there are no incorporated cities or towns presently existing within the boundaries of the proposed special service district; and,

WHEREAS, pursuant to UCA §17A-2-1307 and §17A-2-1308, the Summit County Clerk gave notice of the intention of the County to establish the proposed special service district. Said notice was published in the Summit County News, a newspaper published in and having general circulation in Summit County, Utah on the following dates: February 8, February 15, and February 22, 2008.

WHEREAS, on March 12, 2008, at 2:00 p.m. in Commissioner Chambers of the Summit County Courthouse, 60 North Main Street in Coalville, Utah, a public hearing was duly held on the establishment of the proposed special service district at which time interested persons had the opportunity to protest the establishment of the special service district. The BCC heard and considered all interested persons desiring to be heard and full consideration was given by the BCC to any written protests filed.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Summit County, Utah, as follows:

Section 1: The definitions set forth in UCA §17A-2-1301 et. seq., 1953, amended, shall have the same meaning when used in this Resolution unless the content hereof clearly indicates a contrary meaning.

Section 2: On or about October 16, 2007, the Summit County Board of County Commissioners ("BCC") received a petition proposing the establishment of a service district to provide sanitary sewerage services and other services as allowed pursuant to UCA §17A-2-1304(1)(a) and setting forth the boundaries of the proposed service district. Said petition was signed by those representing 100% of the taxable value of the taxable property included in the proposed service district.

Section 3: The BCC has heretofore considered each and every protest filed and has heard each and every person who wished to be heard in protest against the creation of the District or the construction of any of the improvements therein or on any other matter pertinent to the District.

Section 4: The BCC, after consideration of all protests filed, written or oral, hereby finds and determines that, 0%, or less than 50% of the qualified voters within the boundaries of the District or property owners of 0%, or less than 50% of the assessed value of the taxable property included within the proposed district filed protests opposing creation of the District.

Section 5: The BCC, by this Resolution, hereby establishes the Indian Hollow Creek Special Service District (the "District"). The improvements proposed and described in the Notice of Intention to create the District are hereby authorized and the District is hereby created within the boundaries set forth in the Notice of Intention.

Section 6: There are no special service districts established under Article XI, Section 8 of the Utah Constitution and the Utah Special Service District Act, presently existing, the boundaries of which lie, either wholly or partially, within the boundaries of the District providing the same services proposed to be supplied by the District.

Section 7: The BCC hereby finds and determines that no part of the territory included within the District is included within the area of any other special service district established pursuant to Article XI, Section 8 of the Utah Constitution and the Utah Special Service District Act by Summit County providing the same services proposed to be supplied by the District and that there are no incorporated cities or towns within the proposed District.

Section 8: The officers and employees of Summit County are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 9: The provisions of the governing Ordinance to be adopted hereafter shall govern the procedures for the management of the Indian Hollow Creek Special Service District until otherwise provided by law.

Section 10: The District shall be administered by an Administrative Control Board, which is hereby delegated, without limitation, the power to act as the governing authority of the District and to exercise all or any of the powers provided for in Sections 17A-2-1313, 17A-2-1314, 17A-2-1316, 17A-2-1320, and 17A-1321 of the Utah Special Service District Act. Said Administrative Control Board shall not, however, have the power to levy a tax on the taxable property of the District, to issue bonds payable from taxes, or to call or hold an election for the authorization of the tax or bonds without first receiving approval of the County Commission of Summit County, Utah.

Section 11: The membership of the Administrative Control Board of the District shall consist of three (3) members, all of whom shall be appointed by the BCC. The BCC shall appoint the initial three (3) members of said Administrative Control Board, each of whom shall be a qualified elector of the District. The term of office of two (2) of the members of the Administrative Control Board appointed by the BCC shall be four (4) years each. The term of office of one (1) of the members of the Administrative Control Board appointed by the BCC shall be two (2) years. Said terms shall commence on December 1, 2008. Of the members initially appointed, as nearly as may be, one-half of the members shall serve for terms of office for two (2) years each and the remaining one-half for terms of office of four (4) years each from the regular commencement of their term of office, the determination of whom shall be in each category to be by lot.

Vacancies of the three (3) appointed members of said Board, other than by expiration of term, shall be filled by appointment of the entity which had the authority to make the initial

appointment for the unexpired term of the members whose vacancy is filled.

Section 12: Appointment of the initial membership of the Administrative Control Board shall be conducted by the BCC at a later date.

Section 13: The County Clerk is hereby authorized and directed to file a copy of the Notice of Intention and Resolution creating the District as finally approved in the Summit County Recorder's Office within five days from the date hereof.

Section 14: Within thirty (30) days after the BCC adopts this Resolution approving the establishment of the Indian Hollow Creek Special Service District, the BCC shall file a notice with the lieutenant governor of the State of Utah, which will include a) a copy of this Resolution; b) a map showing the boundaries of the District, prepared and certified by a licensed surveyor and filed with the County surveyor in accordance with UCA § 17-23-17; and c) a certification by the BCC that all requirements for the establishment of this District have been complied with.

Section 15: If any one or more sections, sentences, clauses or parts of this Resolution shall for any reason be held invalid or unenforceable, the invalidity or unenforceability thereof shall not affect, impair or invalidate the remaining provisions of this Resolution, but shall be confined in its operation to the specific sections, sentences, clauses or parts hereof held unenforceable or invalid. The unenforceability or invalidity of any section, sentence, clause or part of this Resolution in any one or more instances shall not affect or prejudice in any way the enforceability or validity of this Resolution in any other instance.

Section 16: All resolutions and regulations of the County which may be inconsistent or in conflict with this Resolution are amended to conform to the provisions of this Resolution to the extent only of such conflict or inconsistency. This repealer shall not be construed to revive any resolution or regulation, or part thereof, heretofore repealed.

Section 17. This Resolution shall take effect immediately upon its passage.

GIVEN by order of the legislative body of Summit County, this 21ST day of MAY, 2008.

Robert Fisher

Chairperson

ATTEST:

[Signature]
County Clerk



THE LAW OFFICES OF
ANDERSON CALL, P.C.

A Professional Corporation
1200 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE STREET
SALT LAKE CITY, UT 84111
TELEPHONE (801) 521-3434
FAX: (801) 521-3484

October 16, 2007

Commissioner Sally Elliott, Chair
Summit County Commission
P.O. Box 128
Coalville, UT 84017

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

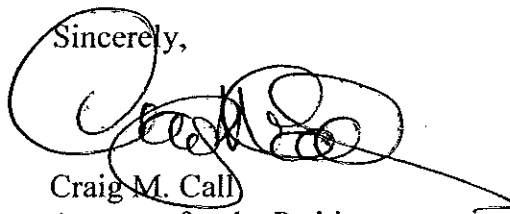
RE: Indian Hollow Creek Special Service District

Dear Commissioner Elliott:

Enclosed please find a petition for the creation of the Indian Hollow Creek Special Service District within Summit County. It is signed by 100% of the property owners representing 100% of the taxable value of the land within the proposed district.

We would like to meet with you at a convenient time to discuss the proposed district. Please let me know if there are ways in which I can assist you and the commission in responding to this petition.

Sincerely,



Craig M. Call
Attorney for the Petitioners

Cc: Mike Gabel, Summit Hollow LLC
Helen Strachan, Office of the County Attorney

PETITION

INDIAN HOLLOW CREEK SPECIAL SERVICE DISTRICT

SUMMIT COUNTY, STATE OF UTAH

Under the provisions of Utah Code Annotated § 17A-2-1305(2), the governing body of a county shall adopt a resolution declaring that the public health, convenience, and necessity requires the establishment of a service district upon the presentation to the governing body of a petition proposing the establishment of a service district. The petition is to set forth the boundaries of and the services to be provided within the proposed service district. This petition is therefore properly brought to the Board of County Commissioners of Summit County, State of Utah.

As provided by that same statute, a petition approved by the owners of 10% or more of the taxable value of the taxable property included in the proposed service district initiates the process which is to result in the creation of the special service district. Attached please find a diagram of the proposed Indian Hollow Special Service District. The entire proposed district includes the following parcels of land, the area of which totals 285.69 acres, more or less:

Tax ID No.	Record Owner	Acreage	Taxable Value
CD-413-A	Summit Hollow, LLC	41.02 Acres	\$ 515
CD-499	Leavitt Enterprises	16.28 Acres	\$ 2,775
CD-563	Leavitt Enterprises	111.76 Acres	\$ 28,930
CD-563-D	Leavitt Enterprises	8.00 Acres	\$ 41,550
CD- 563 -B	Summit Hollow, LLC	53.05 Acres	\$ 25,190
<u>575</u>			
Total		230.11 Acres	\$ 98,960

The proposed district is to provide sanitary sewerage services and may provide such other services as allowed by Utah Code Annotated § 17A-2-1304 (1)(a).

The proposed district area includes no area of any other special service district established by Summit County or any municipality that is now providing the same service proposed to be supplied by the new special service district.

The proposed special service district includes no area that is not directly benefitted by the services provided by the proposed special service district.

The area within the proposed special service district is entirely within the unincorporated area of Summit County, and no part of the proposed special service district is within the boundaries of a municipality.

By their endorsements below, the undersigned approve this petition and represent that each of them is the owner of the property indicated beside the name of each entity. These signatures represent 100% of the taxable value of the taxable property that is involved in the proposed special service district.

ENDORSEMENTS

We, the undersigned property owners, do hereby declare that we approve of the creation of the Indian Hollow Springs Special Service District and petition the Board of Commissioners of Summit County, State of Utah, to proceed with the creation of the special service district as provided in state law.

Dated this 20th day of September, 2007:

Summit Hollow, LLC and Crystal Springs Land and Cattle Company, Inc. – Parcels No. DC-413-A, CD-563, and CD-575-B:

Summit Hollow, LLC:



By Blaine G. Gough, Manager

8186 South 1300 West, West Jordan, UT 84088

Address

Crystal Springs Land and Cattle Company, Inc.

Steven R. Condie

By Steven R. Condie, President

339 East 600 South, No. 1306, Salt Lake City, UT 84111

Address

Leavitt Enterprises, LLP – Parcels No. CD-499 and CD-563-D:

Stanley Leavitt

9600

By Stanley Leavitt, General Partner

395 South 300 East, P. O. Box 96, Kamas, UT 84036-

Address

First American Title Insurance Company

Commitment Number: 27527

EXHIBIT "A"
PROPERTY DESCRIPTION

The land referred to in this Commitment is described as follows:

PARCEL 1

The Northwest Quarter of the Northeast Quarter and the North half of the Northwest Quarter of Section 18, Township 2 South, Range 6 East, Salt Lake Base and Meridian.

ALSO the South half of the Northwest Quarter of Section 18, Township 2 South, Range 6 East, Salt Lake Base and Meridian.

LESS AND EXCEPTING therefrom the following:

That portion being Tax Parcel CD-563-B as described by a Warranty Deed recorded December 24, 1986 as Entry No. 262704 in Book 411 at Page 198, of Official Records.

ALSO LESS AND EXCEPTING therefrom that portion being Tax Parcel CD-563-C, as described by a Warranty Deed recorded May 29, 1983, as Entry No. 271889 in Book 432 at Page 575, of Official Records.

ALSO LESS AND EXCEPTING therefrom that portion being Tax Parcel CD-563-E, as described by a Warranty Deed recorded January 29, 1990, as Entry No. 319644, in Book 552 at Page 330, of Official Records.

ALSO LESS AND EXCEPTING that portion within the bounds of NAYLOR SUBDIVISION, AMENDED.

ALSO LESS AND EXCEPTING therefrom that portion being Tax Parcel No. CD-575-A, as described by a Warranty Deed recorded January 21, 1993, as Entry No. 372636 in Book 705 at Page 381, of Official Records.

ALSO LESS AND EXCEPTING therefrom that portion being Tax Parcel No. CD-575, said parcel is further defined as being South of a Boundary Agreement dated September 17, 1981, recorded September 17, 1981, as Entry No. 183681 in Book 198 at Page 487, of Official Records.

PARCEL 2

BEGINNING at the Southeast Corner of the Northeast Quarter of Section 13, Township 2 South, Range 5 East, Salt Lake Base and Meridian; running thence South 60.10 feet; thence South 37°12' West, 594.90 feet; thence South 51°22' West 898.00 feet; thence South 45°36' West 309.80 feet; thence South 84°23' West 664.30 feet; thence South 89°51' West 271.0 feet; thence North 11°41' West 588.34 feet; thence North 81°24' East 235.80 feet; thence North 52°11' East 195.40 feet; thence North 70°57' East 144.30 feet; thence North 81°19' East 359.50 feet; thence North 63°0' East 117.80 feet; thence North 28°34' East 84.10 feet; thence North 66°38' East 346.40 feet; thence South 87°06' East 78.30 feet; thence North 67°49' East 295.70 feet; thence North 43°13' East 192.90 feet; thence North 24°58' East 269.20 feet; thence North 20°17' East 414.50 feet; thence North 19°30' East 774.76 feet; and thence South 1329.29 feet to the point of beginning.

PARCEL 3

BEGINNING at point that is 1330.51 feet West and 1 road North from the Southeast Corner of Section 7, Township 2 South, Range 6 East of the Salt Lake Base and Meridian; and running

First American Title Insurance Company

Commitment Number: 27527

EXHIBIT "A"
(Continued)

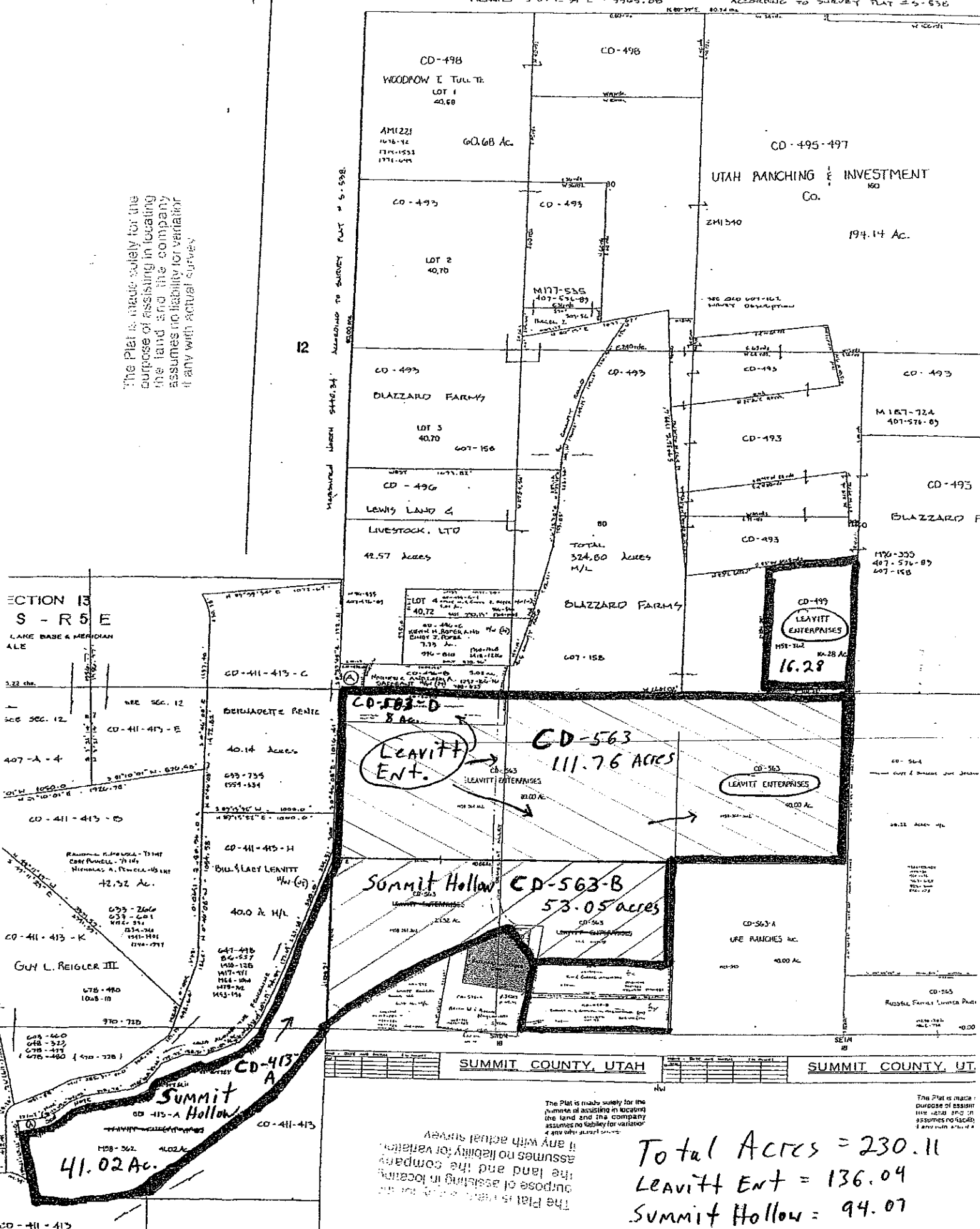
thence North 1041.5 feet; thence South 83°0' West 715.65 feet; thence South 954.29 feet; thence East 710.32 feet to the point of commencement.

Parcel Identification Nos. CD-563, CD-563-D, CD-575-B, CD-413-A, CD-499.

The Plat is made solely for the purpose of assisting in locating the land and the company assumes no liability for variation if any with actual survey.

12

Measured along 3440.34' According to Survey Plat # S-538.



The Plat is made solely for the purpose of assisting in locating the land and the company assumes no liability for variation if any with actual survey.

Total Acres = 230.11
Leavitt Ent = 136.04
Summit Hollow = 94.07

The Plat is made solely for the purpose of assisting in locating the land and the company assumes no liability for variation if any with actual survey.

SUMMIT COUNTY, UTAH

SUMMIT COUNTY, UT.

MINUTES

SUMMIT COUNTY
BOARD OF COMMISSIONERS
WEDNESDAY, MAY 21, 2008
COMMISSION CHAMBERS
COALVILLE, UTAH

PRESENT:

Ken Woolstenhulme, *Commission Chair*
Sally Elliott, *Commissioner*
Bob Richer, *Commissioner*

Kent Jones, *Clerk*
Anita Lewis, *Commission Administrator*
Kathy Lewis, *Administrative Secretary*

EXECUTIVE SESSION

- **Commissioner Elliott made the motion which was seconded by Commissioner Richer to convene in Executive Session to discuss *property acquisition*. All voted in favor.**

The Commissioners met in Executive Session from 9:50 a.m. to 10:20 a.m. Those in attendance were:

Ken Woolstenhulme, *Commission Chair*
Sally Elliott, *Commissioner*
Bob Richer, *Commissioner*

Jamie Brackin, *Deputy Attorney*
Matt Leavitt, *Deputy County Auditor*
Anita Lewis, *Commission Administrator*
NaVee Vernon, *Historical Director*

- **Commissioner Woolstenhulme was excused at 10:20 a.m. Commissioner Elliott nominated Commissioner Richer as acting Chair. All voted in favor.**
- **Commissioner Elliott made a motion at 10:20 a.m. to convene in open session. Commissioner Richer vacated the Chair and seconded the motion. All voted in favor.**

WORK SESSION – *Conference Room #1*

1) **PRESENTATION OF THE 2008 RESTAURANT TAX COMMITTEE RECOMMENDATIONS**

Committee Chair Tanja Hanscn listed the criteria that was used in determining the amount of funding recommended:

- The applicant's ability to attract guests from outside Summit County
- The ability to attract overnight guests
- The applicant's activities that will add to the restaurant tax coffers
- The applicant must be a publicly owned organization

RESOLUTION
CERTIFICATE OF COUNTY CLERK

STATE OF UTAH)
 :SS.
COUNTY OF SUMMIT)

I, KENT JONES, hereby certify that I am the duly qualified and acting County Clerk of Summit County, Utah (the "County").

I further certify that the above and foregoing constitutes a true and correct copy of the minutes of the meetings of the Summit County Board of Commissioners insofar as they pertain to a Resolution adopted at said meeting held on May 21, 2008, relating to the establishment of a special service district in Summit County, as said minutes and Resolution are officially of record in my possession.


I further certify that the minutes of said meeting were duly kept in accordance with the provisions of Title 52, Chapter 4, Utah Code Annotated, 2006, as amended, including the names of all citizens who appeared at said meeting and the substance, in brief, of their testimony.

I further certify that there are no special service districts or improvement districts, established under Article XI, Section 8 of the Utah Constitution and the Utah Special Service District Act, presently existing, the boundaries of which lie, either wholly or partially, within the boundaries of the Indian Hollow Creek Special Service District in Summit County, Utah and no City or Town within the boundaries of the Indian Hollow Creek Special Service District in Summit County, which is presently providing or is empowered to provide the same services proposed to be provided by the special service district referred to in the aforesaid Resolution.

I further certify that all the requirements for the establishment of the Indian Hollow Creek Special Service district have been complied with pursuant to Utah Code Annotated §17A-2-1301 et. seq. (now known as UCA §17D-1-101 et. seq.).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County this 26 day of June, 2008





COUNTY CLERK

- *Commissioner Elliott made the motion to approve the Consent Agenda items numbers 1-3. Commissioner Richer vacated the Chair and seconded the motion. All voted in favor.*

CONSIDERATION OF ADOPTION - ADMINISTRATIVE ITEMS

1. COMMISSION MEETING MINUTES: April 23, 2008

- *Corrections were made and noted. Commissioner Elliott moved to approve the minutes as corrected and authorized the Chair to sign. Commissioner Richer vacated the Chair and seconded the motion. All voted in favor.*

2. RESOLUTION #2008-16 *A resolution to establish the Indian Hollow Creek Special Service District, Summit County, Utah, described in the notice of intention concerning the district and to authorize construction of improvements as set forth in the notice of intention to create the District*

Deputy Attorney Helen Strachan introduced Mr. Craig Hall who was present to represent the applicant. Ms. Strachan stated that due to a pending application for a major development in Kamas Valley, a petition was submitted in October 2007 for the creation of a special service district relating to waste water management.

During a public hearing held March 12, 2008 opposition was voiced by neighboring landowners. However, 100% of the qualified voters within the boundaries of the district are in favor.

Commissioner Richer explained for the benefit of the media that in order for a major development to be approved and meet waste water requirements, a body politic is required. This action will accomplish that objective. He further explained that under Utah law, the commissioners must approve this resolution due to having 100% of the electors in favor.

- *Commissioner Elliott made the motion to adopt Resolution #2008-16 and authorized the Chair to sign. Commissioner Richer vacated the Chair and seconded the motion. All voted in favor.*

3. CHANGES TO SUMMIT COUNTY POLICY AND PROCEDURES SECTIONS 5 & 9

Human Resource Director Brian Bellamy explained the proposed Personnel Policies and Procedure changes.

- *Commissioner Elliott moved to adopt the Summit County Policy and Procedure changes to Sections 5 & 9. Commissioner Richer vacated the Chair and seconded the motion. All voted in favor. The motion passed.*

