

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 PANGUITCH LAKE LOCAL SPECIAL SERVICE DISTRICT, dated October 13<sup>th</sup>, 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 PANGUITCH LAKE LOCAL SPECIAL SERVICE DISTRICT, located in Garfield County, State of Utah.

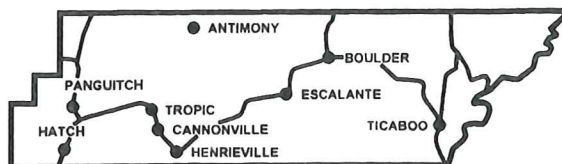
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Utah at Salt Lake City, this 10<sup>th</sup> day of December, 2008.



  
GARY R. HERBERT  
Lieutenant Governor

# GARFIELD COUNTY

County Commissioners  
D. Maloy Dodds  
H. Dell LeFevre  
Clare M. Ramsay  
Camille A. Moore  
Clerk/Auditor



55 South Main Street, P.O. Box 77 • Panguitch, Utah 84759  
Phone (435) 676-8826 • Fax (435) 676-8239

Joe Thompson, Assessor  
Judy Henrie, Treasurer  
James D. Perkins, Sheriff  
Barry L. Huntington, Attorney  
A. Les Barker, Recorder  
John W. Yardley,  
Justice Court Judge

December 3, 2008

The Honorable  
Lieutenant Governor Gary R Herbert  
State of Utah  
E325 State Capitol  
PO Box 142220  
Salt Lake City UT 84114

Re: Panguitch Lake Local Special Service District

Dear Lieutenant Governor Herbert:

Please find enclosed the documentation required for the establishment of the Panguitch Lake Local Special Service District as required by Utah Code 17D-1-209.

Sincerely,

D. Maloy Dodds  
Chair, Garfield County Commission

**Received**

DEC 09 2008  
Map sent on 12-9  
Gary R. Herbert  
Lieutenant Governor

RESOLUTION NO 2008-3

A RESOLUTION ESTABLISHING THE PANGUITCH LAKE LOCAL DISTRICT, DEFINING THE SERVICES TO BE PROVIDED, AUTHORIZING CONSTRUCTION OF FACILITIES AND METHOD OF FINANCING AS SET FORTH IN THE NOTICE OF INTENTION TO CREATE THE DISTRICT.

R E C I T A L S:

WHEREAS, the County Legislative Body of Garfield County, Utah is the Board of County Commissioners;

NOW, THEREFORE, BE IT RESOLVED by the Garfield County Commission:

Section 1. The public health, convenience and necessity require the construction or acquisition of facilities and equipment identified and described in the Notice of Intention concerning the establishment of the Panguitch Lake Local District.

Section 2. The Commission has considered each and every protest filed and had heard each and every person who wished to be heard in protest against the creation of the District or the construction or acquisition of any of the improvements therein or on any other matter pertinent to said Local District.

Section 3. The services, improvements, and method of financing proposed and described in the Notice of Intention to create the Panguitch Lake Local District of Garfield County, Utah, are hereby authorized, and Panguitch Lake Local District is hereby created for the purposes of providing snow removal, water and sewer services within the boundaries of said Local District.

Section 4. The territory to be included within the boundaries of the Local District, located entirely within Garfield County, Utah shall be as follows:

BEGINNING AT A POINT N. 88°02'38" W. 2626.30 FEET FROM THE EAST 1/4 CORNER OF SECTION 4, T36S, R7W, S.L.B.&M. SAID POINT BEING THE CENTER OF SAID SECTION; RUNNING THENCE S. 88°02'38" E. ALONG THE EAST-WEST 1/4 SECTION LINE 257.29 FEET; THENCE DEPARTING SAID LINE RUNNING S 01°14'17" W. 17.41 FEET TO A POINT ON THE BOUNDARY OF LAKE FRONT ESTATES, PHASE 2; THENCE ALONG SAID PHASE 2 BOUNDARY THE FOLLOWING COURSES; RUNNING S. 83°52'36" W. 198.50 FEET; THENCE S. 70°11'19" W. 157.20 FEET; THENCE S. 20°41'12" E. 321.17 FEET; THENCE S. 41°20'36" E. 124.05 FEET; THENCE S. 63°49'49" E. 222.21 FEET; THENCE S. 36°26'17" E. 132.45 FEET; THENCE S. 16°43'12" W. 85.61 FEET; THENCE S. 12°00'28" E. 204.23 FEET; THENCE N. 56°49'20" W. 404.62 FEET; THENCE S. 28°20'38" W. 209.22 FEET; THENCE N. 86°38'40" W. 35.00 FEET; THENCE N. 03°21'20" E. 55.65 FEET; THENCE N. 86°38'40" W. 172.00 FEET TO THE NORTHEAST CORNER OF COMMERCIAL LOT 35, SAID PHASE 2; THENCE DEPARTING SAID PHASE 2 BOUNDARY RUNNING S. 04°38'26" E. ALONG THE EAST LINE SAID COMMERCIAL LOT 35, 160.75 FEET TO THE SOUTHEAST CORNER SAID COMMERCIAL LOT 35, SAID POINT ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF LAKE FRONT DRIVE; THENCE S. 08°14'37" W. 55.31 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF SAID DRIVE, SAID POINT ALSO THE NORTHEAST CORNER OF COMMERCIAL LOT 33, SAID PHASE 2; THENCE S. 00°08'12" W. ALONG THE EAST LINE SAID COMMERCIAL LOT 33, 193.44 FEET TO THE NORTHEAST CORNER COMMERCIAL LOT 34 SAID PHASE 2; THENCE S. 52°46'29" E. ALONG THE EAST LINE SAID COMMERCIAL LOT 34, 301.28 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF HIGHWAY U-143, SAID POINT ALSO BEING THE SOUTHEAST CORNER SAID COMMERCIAL LOT 34; THENCE S. 77°12'53" W. ALONG SAID NORTH RIGHT-OF-WAY, 186.46 FEET TO THE SOUTHWEST CORNER SAID COMMERCIAL LOT 34, SAID POINT ALSO BEING THE PC OF A CURVE TO THE RIGHT, CURVE DATA: R=20.00 FEET, D=50°00'37", CH=16.91 FEET, C=N77°46'48"W, RPB=N12°46'14"W, THENCE DEPARTING SAID NORTH RIGHT-OF-WAY, RUNNING ALONG THE ARC OF SAID CURVE 17.46 FEET; THENCE N. 52°46'29" W. ALONG THE WEST LINE SAID COMMERCIAL LOT 34, 102.81 FEET TO THE PC OF A CURVE TO THE RIGHT, CURVE DATA: R=287.11 FEET, D=24°47'22", CH=123.25 FEET, C=N. 40°22'48" W., RPB=N. 37°13'31" E.; THENCE ALONG THE ARC OF SAID CURVE 124.22 FEET TO THE SOUTHWEST CORNER COMMERCIAL LOT 33; THENCE CONTINUING ALONG SAID CURVE, CURVE DATA: R=287.11 FEET, D=24°47'22", CH=123.25 FEET, C=N. 15°35'26" W., RPB=N. 62°00'53" E., THENCE ALONG ARC OF SAID CURVE AND THE WEST LINE OF SAID COMMERCIAL LOT 33, 124.22 FEET; THENCE N. 03°11'45" W. ALONG SAID WEST LINE, 152.43 FEET TO THE NORTHWEST CORNER SAID COMMERCIAL LOT 33, SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY OF SAID LAKE FRONT DRIVE; THENCE N. 03°11'45" W. 61.34 FEET, SAID POINT ALSO BEING ON THE NORTH BOUNDARY OF LAKE FRONT ESTATES SUBDIVISION, PHASE 1; THENCE ALONG SAID SUBDIVISION BOUNDARY THE FOLLOWING COURSES: RUNNING S. 89°00'00" W. 609.91 FEET; THENCE N. 01°23'30" E. 41.80 FEET; THENCE S87°32'47"E 330.00 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 4; THENCE DEPARTING SAID SUBDIVISION BOUNDARY RUNNING N. 01°22'27" E. ALONG SAID WEST LINE, 343.36 FEET; THENCE

S88°03'23"E. 127.76 FEET; THENCE S. 87°34'56" E. 73.00 FEET; THENCE S. 87°54'49" E. 128.51 FEET; THENCE S. 02°10'28" W. 23.91 FEET; THENCE N. 89°01'57" E. 99.96 FEET; THENCE N. 02°06'41" E. 35.38 FEET; THENCE N. 88°54'31" E. 100.00 FEET; THENCE N. 01°43'41" E. 80.00 FEET; THENCE S. 88°54'31" W. 200.00 FEET; THENCE N. 01°43'41" E. 21.75 FEET; THENCE N. 88°54'31" E. 100.02 FEET; THENCE N. 01°22'21" E. 170.77 FEET; THENCE S. 89°26'31" W. 100.62 FEET; THENCE N. 02°06'59" E. 33.61' FEET; THENCE N. 88°16'20" W. 111.60 FEET; THENCE S. 01°17'28" W. 37.34 FEET; THENCE S. 42°52'02" W. 165.08 FEET; THENCE N. 89°12'20" W. 108.40 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 4; THENCE N. 01°25'25" E. ALONG SAID WEST LINE, 316.24 FEET; THENCE DEPARTING SAID WEST LINE RUNNING S. 82°16'50" E. 122.59 FEET; THENCE S. 63°36'31" E. 184.05 FEET; THENCE S. 81°37'24" E. 140.40 FEET; THENCE S. 78°14'14" E. 191.19 FEET; THENCE N. 62°07'01" E. 130.14 FEET; THENCE N. 68°36'39" E. 174.24 FEET; THENCE N. 65°51'43" E. 468.72 FEET TO THE POINT OF BEGINNING AND CONTAINING 26.3368 ACRES.

Attached hereto is a map depicting the location of the above described boundaries which will constitute the boundary of the Panguitch Lake Local District.

Section 5(a). The affairs of the Panguitch Lake Local District shall be governed by a Board of Trustees, consisting of three (3) members, each of whom shall be appointed by the Garfield County Commission in accordance with Title 17B, Chapter 1, Part 3, Utah Code Annotated. Initially, the Board shall consist of:

1. Veronica Polidori
2. Marcello Polidori
3. Laya Polidori

Section 5(b). The affairs of the Panguitch Lake Local District shall initially be governed by a Board of Trustees, consisting of three (3) members, appointed by the Board of Commissioners of Garfield County, Utah, pursuant to 17B-1-301 et seq. Utah Code Ann. No applicant for the position of member of the Board of Trustees shall be disqualified as a result of his or her appointment or election as a member of a Board of Trustees providing other services to all or part of a local district located wholly or partially within Panguitch Lake Local District.

Section 6(a). Said Board of Trustees shall, upon appointment, act as the governing

authority of the district, and shall exercise all powers provided for in applicable Utah law.

Section 7. In the event a municipal corporation is incorporated and includes lands, wholly or partially within the boundaries of the Local District, the municipality may elect to provide the facilities and services then provided by the District. Upon written request from the municipality to the Board of Trustees and County Commission requesting that the lands within its boundaries be excluded from the District and making provision for any outstanding debt secured by lands within the municipal corporation pursuant to Section 17B-1-510, the Board of Trustees and County Commission shall change the boundaries of the Local District by removing the lands within the municipality from the Local District.

Section 8. Certain homeowners initially considered being in the district, but the services of the District may also benefit the property owners in the future. Those property owners are set forth just below. Said property owners may elect to use any single service (or all services) offered by the District on a voluntary basis, (water, sewer, snow removal) by entering into a Service Agreement with the Panguitch Lake Local District. They may not be required by the District to be served. Based upon this Agreement these property owners' protests were not made.

#### Property Owners in the District with Right to Enter Into Voluntary Service Contracts

<u>Property Owner's Name &amp; Address</u>	<u>Garfield County Assessor's Parcel No.</u>
Kay and Howard Prince, 420 W 800 S, Bountiful UT 84010-7232	WR-503
Hespor F. Sevy and others in care of Norman Sevy, 1663 N 2400 W, Clinton UT 84015-8259	WR-506
Arthur R. and Dorothy Chidester, 5546 W 10080 N, Highland UT 84003	(multiple properties: 23-0081-0871; 07-0063-0690; 23-0081-0507; 23-0081-0515)

Section 9. This resolution shall take effect and the Panguitch Lake Local District shall be deemed incorporated upon the issuance by the Lieutenant Governor of the State of Utah of a Certificate of Creation after following the requirement of Utah Code Annotated § 17B-1-215. In furtherance of those requirements the Clerk of Garfield County or delegated staff shall:

1) Record this Resolution and Plat with the County Recorder and with the County Surveyor in accordance with Utah Code Annotated §17-23-17.

2) File with the Lieutenant Governor on behalf of the Garfield County Commission the attached Notice Requesting Certificate of Incorporation of the Panguitch Lake Local District.

Motion to adopt the foregoing Resolution was made by Commissioner Clare Ramsay and seconded by Commissioner Dell LeFevre. The Resolution was thereupon put to a vote and unanimously adopted on the following recorded vote:

Commissioners:

D. Maloy Dodds  
Dell LeFevre  
Clare Ramsay

Vote:

Aye  
Aye  
Aye

APPROVED AND ADOPTED this 13<sup>th</sup> day of October, 2008.



D. Maloy Dodds, Chair,  
Board of Garfield County  
Commissioners

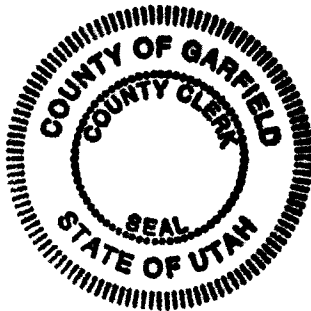


County Clerk

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF GARFIELD        )

I, CAMILLE A. MOORE the duly qualified and acting Clerk of Garfield County, Utah, do hereby certify that the foregoing constitutes a true and correct copy of excerpts from the minutes of a meeting of a duly qualified and acting members of the Board of County Commissioners of Garfield County, Utah, held on the 13<sup>th</sup> day of October, 2008, including a resolution adopted at said meeting, as said minutes and Resolution are of record in my official possession.

IN WITNESS WHEREOF, I have this 7<sup>th</sup> day of November, 2008, subscribed my official signature and impressed hereon the official seal of Garfield County.

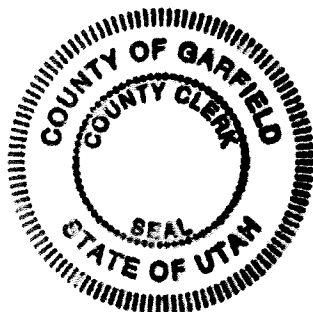


*Camille A Moore*  
County Clerk

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF GARFIELD        )

I, CAMILLE A. MOORE, the duly qualified and acting Clerk of Garfield County, Utah, do hereby certify that on the 13<sup>th</sup> day of October, 2008, pursuant to the Utah Code Annotated, §52-4-202, I personally posted (at least 24 hours prior to the meeting time) at the regular meeting place of the Board of County Commissioners of Garfield County, Utah, written notice of the regular meeting of the Board of County Commissioners held on the 13<sup>th</sup> day of October, 2008, at said meeting place. I further certify that there was delivered to the Garfield County Insider at least 24 hours prior to said meeting, a copy of said Notice of Regular Meeting. A correct copy of the Notice is attached hereto.

IN WITNESS WHEREOF, I have this 7<sup>th</sup> day of November, 2008, subscribed my official signature and impressed hereon the official seal of Garfield County.



*Camille A Moore*  
County Clerk



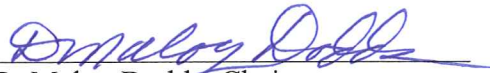
**NOTICE REQUESTING CERTIFICATE OF INCORPORATION OF THE  
PANGUITCH LAKE LOCAL DISTRICT**

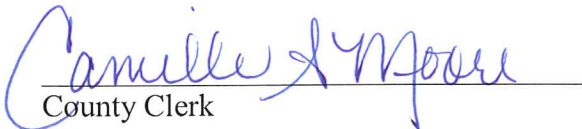
Pursuant to Utah Code Annotated § 17B-1-215, the Garfield County Commission hereby notifies the Lieutenant Governor of the State of Utah that it has adopted the attached Resolution No. 2008-3 a Resolution Establishing The Panguitch Lake Local District, Defining The Services To Be Provided, Authorizing Construction Of Facilities And Method Of Financing, as set forth in the Notice of Intention to Create District. Also included in the body of the Resolution is the legal description of the property. Also attached hereto is a copy of the plat map which has been filed with the County Surveyor in accordance with Utah Code Annotated § 17-23-17.

The Garfield County commission hereby certifies that all requirements for the creation of a Local District have been complied with. The Local District was formed by Resolution of the Garfield County Commission pursuant to Utah Code Annotated § 17B-1-203(c).

The Lieutenant Governor is requested to issue a Certificate of Creation under Utah Code Annotated § 67-1a-6.5.

APPROVED AND ADOPTED this 13<sup>th</sup> day of October, 2008.

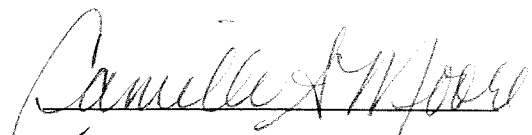
  
D. Maloy Dodds, Chair,  
Board of Garfield County  
Commissioners

  
County Clerk

**GARFIELD COUNTY COMMISSION MEETING  
AGENDA  
OCTOBER 13, 2008 AT 10:00 AM**

**GARFIELD COUNTY COURTHOUSE  
55 SOUTH MAIN STREET  
PANGUITCH, UTAH 84759**

<u>TIME</u>	<u>AGENDA ITEM</u>	<u>PERSON(S) PRESENTING</u>
10:00 am	ELECTED OFFICIAL/DEPARTMENT HEAD MEETING	
11:00 am	1. Adoption of Agenda	
	2. Approval of Minutes	September 22, 2008
	3. Executive Session	
	4. Board Reports	
11:00 am	5. PUBLIC HEARING - Panguitch Lake Resort Special Service District	
11:30 am	6. Planning Department Business	
11:45 am	7. Public Works	
12:00 Noon	8. Bryce Canyon Airport	
	9. Department Business	
	Assessor's Office - Personal Property	
	Building Inspector Business	
	10. Other Business	
	Beer License Application: Original Trade Goods Outpost	
	Property Purchase	
	11. Accounts payable	

  
Camille A. Moore, Clerk/Auditor

**GARFIELD COUNTY COMMISSION MEETING  
OCTOBER 13, 2008 AT 10:00 A.M.**

Present: Commissioner Maloy Dodds, Commissioner Dell LeFevre, Commissioner Clare Ramsay, Attorney Barry Huntington and Clerk Camille Moore.

Commissioner Dodds called the meeting to order.

Commissioner Ramsay made a MOTION to adopt the agenda. Seconded by Commissioner LeFevre. Motion carried. Voting unanimous.

Commissioner Ramsay made a MOTION to approve the minutes of the September 22, 2008 meeting. Seconded by Commissioner LeFevre. Motion carried. Voting unanimous.

PUBLIC HEARING - PANGUITCH LAKE RESORT SPECIAL SERVICE DISTRICT

Present: Russell Galleon, Earl Henrie, Lola Henrie, Art Chidester, Justin Fischer, County Planner, Brian Bremner, County Engineer, Victor Davis, Panguitch Lake Resort.

Russell Galleon, representing Panguitch Lake Resort, gave an overview of the proposed special Service District. He stated that the property owners within the district were contacted by mail. A certified letter was received from Kay Prince, a property owner, stating that she does not want her property included in the district. There was discussion regarding the proposed fees for services in the district. There was discussion regarding electric power to the properties. Art Chidester stated his concern regarding the notification process.

After discussion, Commissioner Ramsay made a MOTION to adopt Resolution 2008- 3 forming the Panguitch Lake Local District. Seconded by Commissioner LeFevre. Motion carried. Voting unanimous.

**GARFIELD COUNTY RESOLUTION 2008-3**

**A RESOLUTION ESTABLISHING THE PANGUITCH LAKE LOCAL DISTRICT, DEFINING THE SERVICES TO BE PROVIDED, AUTHORIZING CONSTRUCTION OF FACILITIES AND METHOD OF FINANCING AS SET FORTH IN THE NOTICE OF INTENTION TO CREATE THE DISTRICT. (Full document available in the Clerk's Office)**