

STATE OF UTAH



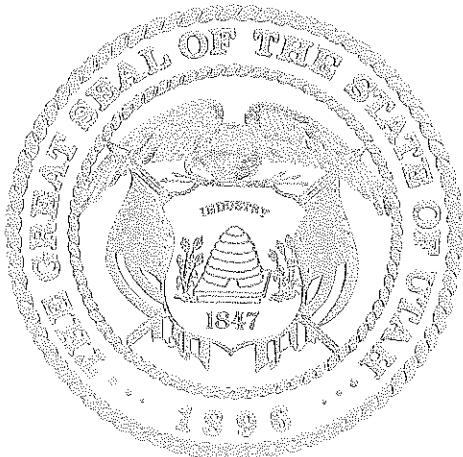
OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF ANNEXATION

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 SOUTH DAVIS WATER DISTRICT, dated August 21st, 2008, complying with Section 17D-1-403, 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 SOUTH DAVIS WATER 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 27th day of August, 2008.




GARY R. HERBERT
Lieutenant Governor

**SOUTH DAVIS WATER DISTRICT
NOTICE OF ANNEXATION**

TO: LIEUTENANT GOVERNOR OF THE STATE OF UTAH

NOTICE is hereby given that, on August 6, 2008, the Board of Trustees of the South Davis Water District, which provides culinary and secondary water distribution services (the "District"), adopted Resolution #16 (the "Annexation Resolution") annexing the real property which is described and/or otherwise identified in attached Exhibit "A" located in Davis County, Utah into the District, with the annexation to be effective upon the issuance by you, within ten days after receiving this notice, of a certificate of annexation, all in accordance with Utah Code Ann. §§ 17B-1-414 and 67-1a-6.5. A copy of the Annexation Resolution accompanies this Notice. The annexation is pursuant to a Landowner Annexation Petition signed by property owners(s) who own at least 75% of the subject real property, both by area and assessed valuation. From and after the effective date of the annexation, the subject property shall be subject to user fees or charges imposed by and property taxes and other taxes levied by or for the benefit of the District as provided in Utah Code Ann. § 17B-1-418.

As stated in the attached Annexation Resolution, the Board of Trustees of the District has certified and does certify that all requirements for the annexation of the subject real property into the District have been complied with, in satisfaction of the requirements of Utah Code Ann. § 17B-1-414(2)(b)(ii).

DATED this 21st day of August, 2008.

SOUTH DAVIS WATER DISTRICT

By: Melvin J. Hawley
Name: Melvin J. Hawley
Title: Chairman

Received

AUG 26 2008

Gary R. Herbert
Lieutenant Governor

RETURNED SOUTH DAVIS WATER DISTRICT

AUG 12 2008

RESOLUTION #16

E 2385646 B 4592 P 645-651
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
08/12/2008 02:01 PM
FEE \$0.00 Pgs: 7
DEPT REC'D FOR SOUTH DAVIS WATER
DISTRICT

SELL-IN-1W
01-106-0028, 0030, 0031

**Annexation Approval Resolution
(75% landowner petition)**

WHEREAS, the South Davis Water District (the "District") is a duly organized improvement district located in Davis County, Utah, established and operating as prescribed in Title 17B, Chapter 2a, Part 4 of the Utah Code and other relevant portions of Title 17B of the Utah Code;

WHEREAS, the District owns and operates culinary and secondary (irrigation) water systems which serve property in the South part of Davis County, Utah;

WHEREAS, a Landowner Annexation Petition (the "Petition") has been filed with the District requesting that the real property identified on Exhibit "A" attached to this Resolution (the "Subject Property") be annexed into the District in order to receive secondary water service from the District (the landowner is referred to herein as "Applicant");

WHEREAS, part of the Eaglewood Village development, within which the Subject Property is located, is already part of the District;

WHEREAS, the Subject Property is located within North Salt Lake City (the "City") and will receive culinary water service from the City;

WHEREAS, in a letter from the City dated April 15, 2008, the City requested that the District provide secondary irrigation water to all of the Eaglewood Village development;

WHEREAS, the District requires that Applicant's property be annexed into the District as a condition to receiving, and continuing to receive, secondary water service;

WHEREAS, the District Board of Trustees (the "Board") has the statutory authority to annex areas into the District pursuant to the requirements of Title 17B, Chapter 1, Part 4 of the Utah Code, which outlines the procedure to be followed to accomplish such annexations;

WHEREAS, Applicant owns 100% of the private land area within the Subject Property and more than 75% of all of the land within the Subject Property (the Utah Department of Transportation "UDOT" owns a small parcel within the Subject Property);

WHEREAS, the Petition satisfies the applicable requirements of Utah Code Ann. §§ 17B-1-403 and -404;

WHEREAS, at a duly called meeting of the Board, with the proposed annexation listed on the agenda, the Board voted to certify the Petition in accordance with Utah Code Ann. § 17B-1-405;

WHEREAS, the identified contact sponsor was notified, in writing, of the certification of the Petition as required by Utah Code Ann. § 17B-1-405;

WHEREAS, since the Petition has been signed by 100% of the owners of private land within the Subject Property and more than 75%, both by value and by area, of the total real property within the Subject Property, pursuant to Utah Code Ann. § 17B-1-413(1), the Board is not required to hold a public hearing pursuant to Utah Code Ann. §§ 17B-1-409 and -410 and the protest provisions of Utah Code Ann. § 17B-1-412 are not applicable to this annexation proceeding;

WHEREAS, a notice of the proposed annexation was given pursuant to the requirements of Utah Code Ann. § 17B-1-413;

WHEREAS, the written Notice referenced in the immediately preceding paragraph contained a brief description of the proposed annexation and included the name of the South Davis Water District, the service to be provided by the District, a description and/or map of the area proposed to be annexed, a local district telephone number where additional information about the proposed annexation could be obtained and an explanation of the right of an owner of property located within or a registered voter residing within the area proposed to be annexed who did not sign the annexation petition to request a public hearing on the proposed annexation in accordance with Utah Code Ann. § 17B-1-413(2)(a)(ii)(B), provided that such request was submitted to the District Board of Trustees within 20 days after the date the Notice was given;

WHEREAS, more than 20 days have passed since the notice was given, no property owner or registered voter having a right to do so has requested a hearing, and the time for submitting a request for a public hearing has passed;

WHEREAS, not more than 30 days has passed since the expiration of the time for submitting a request for a public hearing;

WHEREAS, no part of the area proposed to be annexed is located within the boundaries of any local district or special service district which is authorized to perform the same functions or provide the same services as the District and Davis County does not provide either culinary or secondary water service;

WHEREAS, the City provides culinary water service, but it is not proposed that the District provide culinary water service to the Subject Property, and the City does not provide secondary water service and has specifically requested that the District provide secondary water service to the Subject Property;

WHEREAS, it is not necessary to provide a notice of the proposed annexation to any county or municipality pursuant to Utah Code Ann. § 17B-1-406 because no county or municipality provides secondary water, which is the service to be provided to the Subject Property by the District, and the provisions of Utah Code Ann. §§ 17B-1-407 through -408 are not applicable; and

WHEREAS, the Board has determined that all applicable statutory requirements have been satisfied and, having considered the proposed annexation, has determined it to be in the best general interest of the District and of the property owners, residents and taxpayers within both the District as presently constituted and the area proposed to be annexed for the requested annexation to be completed.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the South Davis Water District, as follows:

1. That all of the legal requirements stated in Title 17B, Chapter 1, Part 4 of the Utah Code that must be satisfied before the adoption of this Resolution have been satisfied.

2. That, in accordance with Utah Code Ann. § 17B-1-414, the real property described and/or otherwise identified in attached Exhibit "A," which is incorporated by reference as part of this Resolution, shall be and hereby is annexed into and, from the effective date of the annexation, shall be part of the South Davis Water District.

3. That, from and after the issuance by the Lt. Governor of a certificate of annexation pursuant to Utah Code Ann. §§ 67-1a-6.5(7) and § 17B-1-414(3)(b), the Subject Property shall be an integral part of the District and the taxable property located within the Subject Property shall be subject to taxation for the purposes of the District, including the payment of any bonds and other obligations now outstanding or hereafter authorized and issued. All properties within and users of services provided by the District, as enlarged by this annexation, shall be subject to the payment of service and user fees and such other applicable fees and charges as may be assessed from time to time by the District and shall be subject to all rules, regulations, powers and authority of the District and of the Board as provided by law or otherwise.

4. That the Chairman and/or General Manager of the District be and are instructed, within 30 days after adoption of this Annexation Resolution, to file a written Notice of Entity Boundary Change with the Lt. Governor of the State of Utah, accompanied by a copy of this Resolution and an accurate map and/or legal description of the boundaries of the annexed area (the Subject Property) which is adequate for the purposes of the County Assessor and the County Recorder. The certificate of boundary change issued by the Lt. Governor shall be maintained with the District's records.

5. That this Resolution shall take effect immediately upon its approval and adoption but the annexation shall not be complete until the date on which the Lt. Governor issues the certificate of boundary change.

Approved and adopted by the Board of Trustees of the South Davis Water District this 6th day of August, 2008.

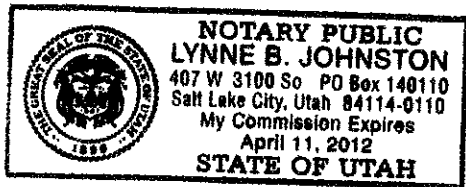
Melvin J. Hawley
Melvin J. Hawley, Chairman

J. Lynn Rasmussen
J. Lynn Rasmussen

Jerry W. Lynn
Jerry W. Lynn, Trustee

STATE OF UTAH)
 :SS.
COUNTY OF DAVIS)

The foregoing Resolution was subscribed before me, a notary public this 6th day of August, 2008 by Melvin J. Hawley, J. Lynn, Rasmussen and Jerry W. Lynn, being all of the members of the Board of Trustees of the South Davis Water District, who are personally known to me (or whose identities were proven to me by competent, satisfactory evidence).



Lynne B. Johnston
Notary Public

EXHIBIT A
Description of Annexed Real Property

That certain real property located in Davis County, Utah which is more particularly described as follows:

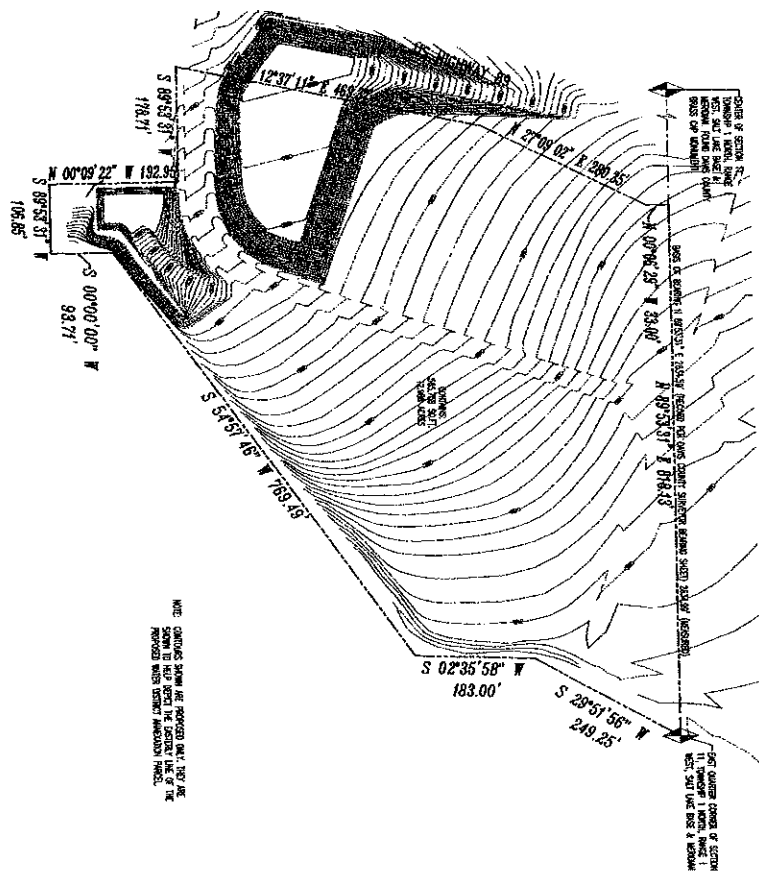
BEGINNING AT THE EAST QUARTER CORNER OF SECTION 11, TOWNSHIP 1 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH 29_51'56" WEST 249.25 FEET; THENCE SOUTH 02_35'58" WEST 183.00 FEET; THENCE SOUTH 54_57'46" WEST 769.49 FEET; THENCE SOUTH 93.71 FEET; THENCE SOUTH 89_53'31" WEST 106.85 FEET; THENCE NORTH 00_09'22" WEST 192.95 FEET; THENCE SOUTH 89_53'31" WEST 178.71 FEET TO THE EASTERLY RIGHT OF WAY LINE OF HIGHWAY 89; THENCE NORTHEASTERLY AND NORTHWESTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING (3) COURSES: 1) NORTH 12_37'11" EAST 469.37 FEET, 2) NORTH 27_09'02" EAST 280.35 FEET, 3) NORTH 00_06'29" WEST 33.00 FEET TO A POINT ON THE SECTION LINE; THENCE NORTH 89_53'31" EAST ALONG SAID SECTION LINE 818.13 FEET TO THE POINT OF BEGINNING.

CONTAINS: 565,758 SQ. FT OR 12.988 ACRES, MORE OR LESS.

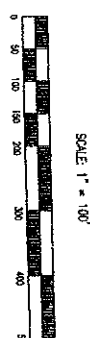
01: 106: 0028; 0031; 0030

WATER DISTRICT ANNEXATION EXHIBIT

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 11,
TOWNSHIP 1 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN
NORTH SALT LAKE CITY, DAVIS COUNTY, UTAH

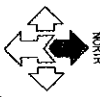


NOTE: CONTIGUOUS AREAS ARE PROPOSED AND HAVE NOT YET BEEN SURVEYED AND SHALL BE SUBJECT TO THE LATEST PLAN OF THE PROPOSED WATER DISTRICT ANNEXATION PROJECT.



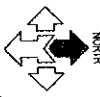
LEGEND
 - - - - - PROPOSED WATER DISTRICT ANNEXATION LINE
 ————— UNIMPROVED LINE

PROPOSED LEGAL DESCRIPTION
 BEGINNING AT THE SOUTHWEST CORNER OF SECTION 11, TOWNSHIP 1 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN AND RUNNING THENCE SOUTH 27°15'00\"/>



 NORTH

SCALE: 1" = 100'



 NORTH

LEGEND
 - - - - - PROPOSED WATER DISTRICT ANNEXATION LINE
 ————— UNIMPROVED LINE

PROPOSED LEGAL DESCRIPTION
 BEGINNING AT THE SOUTHWEST CORNER OF SECTION 11, TOWNSHIP 1 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN AND RUNNING THENCE SOUTH 27°15'00"

NOTED BY:

MAGNELL ENGINEERING, L.C.

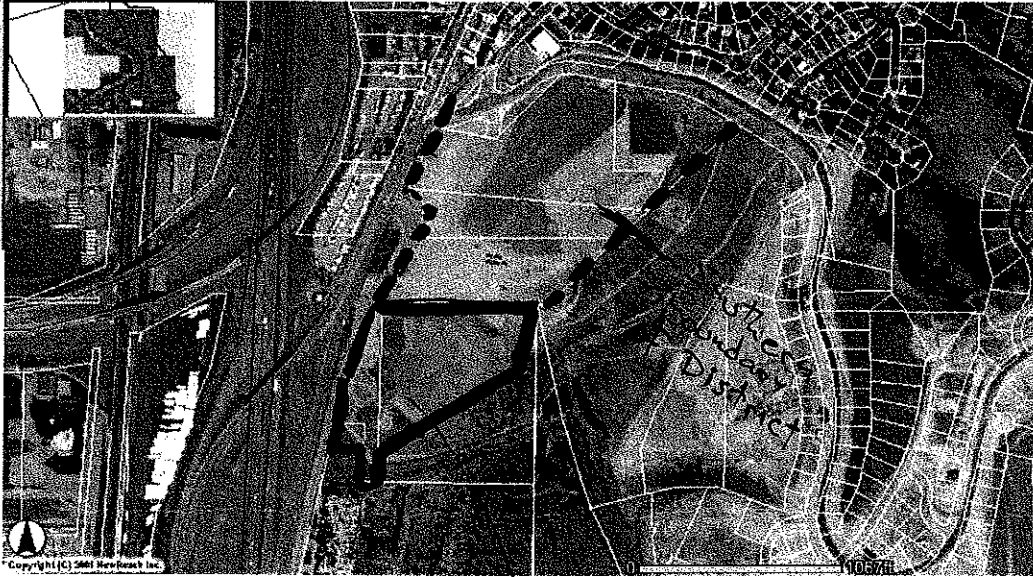
6885 SOUTH 800 EAST, MIDVALE, UT
 TEL. (801) 255-7700 FAX (801) 255-7701

NEWREACH

Davis County Aerial Parcel Map



User Guide



- Legend
- Parcels
 - Freeways
 - Surface Streets
 - Cities
 - County Boundary
 - Aerial Image 1

Annexation Parcel

Zoom In