

STATE OF UTAH



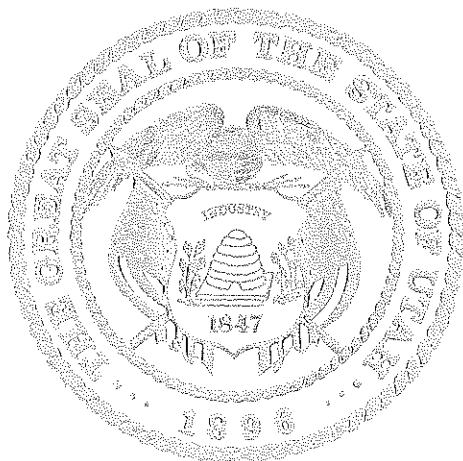
OFFICE OF THE LIEUTENANT GOVERNOR

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 SOUTH DAVIS WATER DISTRICT, dated May 7th, 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 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 12th day of May, 2008.




GARY R. HERBERT
Lieutenant Governor

**SOUTH DAVIS WATER DISTRICT
NOTICE OF BOUNDARY CHANGE (WITHDRAWAL)
AND BOARD CERTIFICATION**

TO: LIEUTENANT GOVERNOR OF THE STATE OF UTAH

NOTICE is hereby given that, on May 7, 2008, the Board of Trustees of the South Davis Water District (the "District") adopted Resolution #15 (the "Withdrawal Resolution") The withdrawal will be effective upon your issuance of a certificate of boundary change, which is to be accomplished with ten days after receiving this notice as provided in UTAH CODE ANN. § 67-1a-6.5(7). The withdrawal is pursuant to applicable requirements of UTAH CODE ANN. §§ 17B-1-501 *et seq.*, all of which have been satisfied. From and after the effective date of the withdrawal, the affected area will no longer be part of the District.

The Board of Trustees of the South Davis Water District hereby certify that all requirements for the withdrawal have been complied with. This certification is issued pursuant to the requirements of UTAH CODE ANN. § 17B-1-512(1)(b)(ii).

This notice is accompanied by: (a) a copy of the Withdrawal Resolution and (b) an accurate map depicting the boundaries of the withdrawn area and/or a legal description of the withdrawn area, adequate for purposes of the Davis County Assessor and the Davis County Recorder.

Please issue the certificate of boundary change and send a copy of the certificate to the District at the address provided in this notice, as well as to the government offices identified in UTAH CODE ANN. § 67-1a-6.5(7)(b).

The addresses of the District is as follows:

South Davis Water District
407 West 3100 South
Bountiful, Utah 84010

Mailing Address: P.O. Box 140110
Salt Lake City, UT
84114-0110

DATED this 8th day of May, 2008.

**SOUTH DAVIS WATER DISTRICT
BOARD OF TRUSTEES**

By: Melvin J. Hawley
Melvin J. Hawley, Chairman

ATTEST:

Gene B. Johnston
Clerk

RETURNED
MAY 08 2008

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RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
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FEE \$0.00 Pgs: 5
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SOUTH DAVIS WATER DISTRICT

RESOLUTION #15

RESOLUTION APPROVING WITHDRAWAL

WHEREAS, the South Davis Water District (the "District") owns and operates culinary and secondary water delivery systems and related facilities that serve the southern part of Davis County, Utah;

WHEREAS, the Trustees of the District adopted an Amended Resolution initiating withdrawal proceedings on April 2, 2008 (the "Initiating Resolution") initiating withdrawal proceedings on certain real property which was identified and described in the Initiating Resolution, which real property is described in Exhibit "A" attached hereto (the "Withdrawal Area");

WHEREAS, a public hearing on the proposed withdrawal has been held in accordance with the requirements of Utah Code Ann. § 17B-1-508, with a quorum of the Board of Trustees being present throughout the public hearing;

WHEREAS, notice of the public hearing was given as required by Utah Code Ann. § 17B-1-509;

WHEREAS, no one spoke in opposition to the withdrawal at the public hearing and the proposed withdrawal has not been protested or objected to by anyone;

WHEREAS, the Withdrawal Area does not receive secondary water from the District but, instead, receives secondary water from the Bountiful Water Subconservancy District ("Subconservancy");

WHEREAS, the Withdrawal Area does, however, receive culinary water from the District;

WHEREAS, the Withdrawal Area is included within and pays property taxes both to Subconservancy and to the District, and the owners of the real property located within the Withdrawal Area have objected to what they view to be the double taxation and have requested that their properties be withdrawn from the District;

WHEREAS, it is anticipated that at some future date culinary water may be served to the Withdrawal Area by Bountiful City, rather than by the District;

WHEREAS, to avoid any subsidy of culinary water service to the Withdrawal Area by the District's remaining customers after the Withdrawal Area is no longer paying property taxes to the District, the District may, after satisfying applicable statutory requirements, establish a higher charge for water service outside of the District's boundaries to compensate for a proportionate part of the

property taxes that would be paid to the District if the property being served were part of the District;

WHEREAS, Utah Code Ann. § 17B-1-510(1)(a) declares that, on or before the Board meeting next following the public hearing, the Board of Trustees may adopt a resolution approving the withdrawal from the District of some or all of the area proposed to be withdrawn;

WHEREAS, attached Exhibit "A" describes all of the property proposed to be withdrawn from the District and Exhibit "A" does not describe any property that was not included in the Initiating Resolution;

WHEREAS, this Resolution has been presented to the District Board of Trustees for consideration on _____, 2008, which is not later than the Board meeting next following the published hearing; and

WHEREAS, the District Board of Trustees has determined that it is just and equitable for the Withdrawal Area to be withdrawn from the District as provided in this Resolution.

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

1. That this Resolution is adopted for the purpose of fulfilling and complying with applicable requirements of Utah Code Ann. §§ 17B-1-501, *et seq.* relating to property being withdrawn from the District.

2. That the Board of Trustees of the District has and hereby does determine that:

(a) All required legal formalities, preparatory to the adoption of this Resolution, have been satisfied.

(b) The proposed withdrawal appears to be equitable and appropriate under the circumstances.

3. That the withdrawal from the District of the real property described and/or depicted in attached Exhibit "A," which is incorporated by reference as part of this Resolution, is hereby approved.

4. That a written notice of withdrawal shall be filed with the Lieutenant Governor of the State of Utah in accordance with the requirements of Utah Code Ann. § 17B-1-512(1)(a)(i) within 10 days after the adoption of this Resolution.

5. That the withdrawal shall be effective upon the Lieutenant Governor's issuance of a certificate boundary change under Utah Code Ann. § 67-1a-6.5 .

6. That, from and after the effective date of this withdrawal, the Withdrawal Area shall no longer be a part of the South Davis Water District.

7. That there are no special conditions to this withdrawal, but the District may in the future establish higher rates applicable to water service outside the District's boundaries to compensate for a proportionate part of the property taxes that would be paid to the District if the property being served were part of the District..

8. That, within 60 days after adoption of this Resolution, any person in interest may seek judicial review of the Board of Trustees' decision to withdraw the area described and/or depicted in attached Exhibit "A" or the terms and conditions of the withdrawal, in accordance with the requirements of Utah Code Ann. § 17B-1-512(6). As provided in Utah Code Ann. § 17B-1-512(7), after the applicable contest period under the statute, no person may contest the Board of Trustees' approval of the withdrawal for any cause.

9. That this Resolution has been placed on the agenda of a meeting of the Board of Trustees of the District and this action is taken in compliance with the Utah Open and Public Meetings Act.

10. That this Resolution shall take effect upon its approval and adoption by the Board of Trustees, but the withdrawal shall not be complete until the issuance by the Lieutenant Governor of a certificate of boundary change as provided in paragraph 5 above.

Approved and passed by the Board of Trustees of the South Davis Water District on the 7th day of May, 2008.

SOUTH DAVIS WATER DISTRICT

By: Melvin J. Hawley
Melvin J. Hawley, Chairman

By: J. Lynn Rasmussen
J. Lynn Rasmussen, Trustee

By: Jerry W. Lynn
Jerry W. Lynn, Trustee

EXHIBIT "A"

(Description and/or map of affected area to be withdrawn from the District)

Parcel No. 1 (Land Serial No. 05-001-0612):

Beginning at a Point 2058.84 Feet South and 936.54 Feet West from the Northeast Corner of the Northwest 1/4 of Section 31, Township 2 North, Range 1 East, Salt Lake Base and Meridian; Thence South 87_44'15" East 98.87 Feet; Thence South 0_28' West 146.60 Feet; Thence West 98.87 Feet, more or less, to the East Line of a Street; Thence North 146.60 Feet along the East Line of the Street to the Point of Beginning. (Note, this remaining legal was written in the Davis County Recorder's office for I.D. purposes. It does not reflect a survey of the property.)

Contains: .33 acres, more or less.

Parcel No. 2 (Land Serial No. 05-001-0152):

Beginning on the East Right-of-Way Line of 200 West Street at a Point West 990.10 Feet and North 405.37 Feet from the Center of Section 31, Township 2 North, Range 1 East, Salt Lake Base and Meridian; Thence South 85_05'19" East 99 Feet; Thence South 00_28' West 93.15 Feet; Thence North 87_44'15" West 98.87 Feet to the East Line of said 200 West Street; Thence North 00_28' East 96 Feet along said East Line to the Point of Beginning.

Contains: .21 acres, more or less.

