

STATE OF UTAH

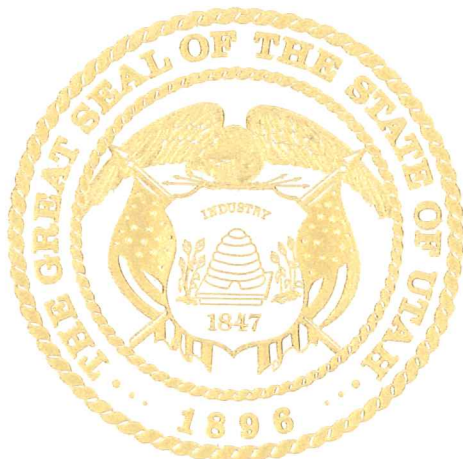


OFFICE OF THE LIEUTENANT GOVERNOR


CERTIFICATE OF ANNEXATION

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT there has been filed in my office a notice of annexation from the LAKE POINT IMPROVEMENT DISTRICT, dated October 8th, 2009, complying with Section 17B-1-414, 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 annexation, referred to above, on file with the Office of the Lieutenant Governor pertaining to LAKE POINT IMPROVEMENT DISTRICT, located in Tooele 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 2nd day of November, 2009.



GREG BELL
Lieutenant Governor

THE ENSIGN GROUP, L.C.
P O BOX 540478
NORTH SALT LAKE, UTAH 84054
801-677-6400
FAX: 801-677-6416

Received

OCT 29 2009

Greg Bell
Lieutenant Governor

October 28, 2009

Utah State Capitol
Attn: Justin Siedenhoar
Suite 220
Salt Lake City, Utah 84114

RE: Salt Pointe Commerce Center--Annexation to Lake Point Improvement District

Dear Mr. Siedenhoar:

Enclosed are the following requested items needed for the above referenced Annexation:

- Notice of Impending Boundary Action
- Resolution No. 2009-4
- Resolution No. 2009-3
- Letter to Keith Fryer from Scott A. Broadhead, Deputy County Attorney, Tooele County
- Resolution No. 2009-2
- Petition For Annexation into Lake Point Improvement District
- Salt Pointe Commerce Center Annexation Plat drawing.

Your points of contact on this matter are Keith Fryer: 801-250-0453 or Randy Cassidy: 801-201-8272, mailing address shown in the above letterhead.

Thanks very much for your assistance.

Sincerely,



Deanna Stookey, Assistant to
J. Randolph Cassidy

Enclosures

NOTICE OF IMPENDING BOUNDARY ACTION
ANNEXATION TO LAKE POINT IMPROVEMENT DISTRICT

Greg Bell
Lieutenant Governor
Utah State Capital Complex
East Office Building, Suite E325
P.O. Box 14220
Salt Lake City, Utah 84114-2220

NOTICE IS HEREBY GIVEN that the 8th day of October, the Board of Trustees of the Lake Point Improvement District of Tooele County, State of Utah, passed and adopted the attached Resolution No. 2009-4 providing for annexation of certain territory into the Lake Point Improvement District, which territory is more particularly described in Section 2 of the attached Resolution Approving the Annexation of Territory into the District. The approved final local entity plat depicting the boundaries of the territory to be annexed and a legal description of that area is also filed herewith. Request is hereby made that you cause to be filed in the records of your office the attached Resolution and approved final local plat evidencing the approved annexation. The Board of Trustees of the Lake Point Improvement District hereby certifies that all requirements under the law for this annexation have been complied with.

SUBMITTED on this 8th day of October, 2009.

LAKE POINT IMPROVEMENT DISTRICT

ATTEST:

Mary Lynn Robbins
Clerk

Keith B. Feyer
By:

STATE OF UTAH)
)
) :SS.
)
COUNTY OF TOOELE)

On the 10 day of ^{October} August 2009, personally appeared before me Keith B. Fryer & Mary Lyn Robbins (clerk) who being by me duly sworn, did say that he is the Chairman of the Board of Trustees of **LAKE POINT IMPROVEMENT DISTRICT**, a political subdivision of the State of Utah, and that said instrument was signed in behalf of the District by authority of its Board of Trustees and said Chairman acknowledged to me that the District executed the same.

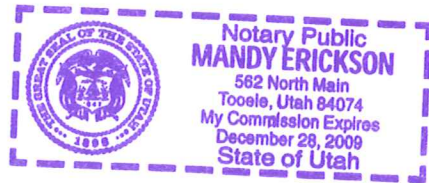
My Commission Expires:

12-28-09

Mandy Erickson

Notary Public
Residing at:

Tooele, UT



WHEN RECORDED MAIL TO:

Lake Point Improvement District
7856 North Mountain View Road
Lake Point, Utah 84074-9755

04-0-068-0001
04-0-069-0004
04-0-069-0005
04-0-070-0001
04-0-070-0036
04-0-070-0037

Parcel ID Nos: 05-0-021-0001
05-0-021-0002
05-0-022-0001
05-0-021-0015
04-0-070-0065

RESOLUTION NO: 2009-4

A RESOLUTION APPROVING THE ANNEXATION OF TERRITORY INTO THE LAKE POINT IMPROVEMENT DISTRICT

WHEREAS, the owners of certain private real property that is located in Tooele County have signed and presented a petition (the "Petition"), requesting to the Board of Trustees (the "Board") of the Lake Point Improvement District (the "District"), requesting that the area described in the Petition be annexed to the District, and,

WHEREAS, the Board has certified the Petition as meeting the requirements of law pertaining to such Petition, and,

WHEREAS, the Board had determined that the Petition contains the names of 100% of the owners of private real property described in the Petition as the area to be annexed to the District, and,

WHEREAS, THE Board as authority to approve the annexation of territory to the District as provided in Title 17B, part 4 of the *Utah Code Annotated*, 1953, as amended;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF LAKE POINT IMPROVEMENT DISTRICT AS FOLLOWS;

Section 1. The Board hereby finds and certifies that:

a. 100% of owners of private real property included within the area proposed to be annexed have signed the Petition requesting annexation.

b. In accordance with the provisions of 17B-1-413 of Utah Code Annotated, 1953, as amended 100 Percent of the real property owners signed the Petition hence a public hearing is not required. The Board has provided all required notices of the

proposed annexation and no person or entity has requested a public hearing and, accordingly, no public hearing is necessary and none will be held.

c. No changes were made by the Board nor are they considered to be necessary by the Board in the annexation petitioned, including but not limited to the boundaries thereof.

d. It is the best interest of the District and the property owners and taxpayers within the territory to be annexed that the property described in Section 2 hereof be annexed to the District as requested.

e. All requirements for the annexation of the territory described herein have been complied with.

f. Upon completion of the annexation as requested, the District will not contain any property which will not be benefited by being included within the District.

Section 2. The area described below is hereby approved for annexation to the Lake Point Improvement District. The real property annexed is located within Tooele County, State of Utah and is more particularly described as follows:

See Exhibit "A" attached hereto and by this reference made a part hereof.

Section 3. Upon receipt by the District of a certificate of annexation from the Utah State Lieutenant Governor, the territory described in Section 2 above shall be an integral part of the District. The taxable property located herein shall be subject to taxation for the purposes of the District, including payment of any bonds or other obligations thereof now outstanding or hereafter authorized and issued. All properties and users of services in the District, as enlarged by the annexation, shall be subject to all of the rules, regulations, powers and authority of the District and the Board as provided by law.

Section 4. This Resolution shall take effect immediately upon its approval and adoption. The Tooele County Recorder is hereby requested to file a copy of this Resolution, the Notice of Impending Boundary Actions, Certificate of Annexation and the approved final local entity plat on file in the Recorder's office for no fee.

Section 5. The Board shall cause a notice of impending boundary action and a copy of this Resolution to be filed with the Utah State Lieutenant Governor. The notice shall be accompanied by an approved final local entity plat illustrating and describing the boundary of the area to be annexed to the District, adequate for purposed of the Tooele County Assessor and Recorder and approved by the Tooele County Surveyor. This annexation shall be deemed complete upon the date the Lieutenant Governor issues a certificate of annexation to the District.

APPROVED AND ADOPTED BY THE BOARD OF TRUSTEES OF LAKE
POINT IMPROVEMENT DISTRICT ON THIS 8th DAY OF OCTOBER 2009.

LAKE POINT IMPROVEMENT DISTRICT

ATTEST:

Mary Lynn Robbins
Clerk

Keith B. Fayer
Chairman Board of Trustees

VOTING:

Keith B. Fayer
Tim A. Wells
[Signature]
[Signature]
[Signature]

yes
yes
YES
YES
yes

Resolution No. 2009-3

A RESOLUTION TO CERTIFY THE ANNEXATION PETITION FOR THE PROPOSED REAL PROPERTY INTO THE LAKE POINT IMPROVEMENT DISTRICT.

BE IT RESOLVED that the Lake Point Improvement District Board of Trustees (the "District) has determined that the *Petition for Annexation* submitted by the owners of the real property: (1) equaled at least 75% of the total private land area proposed to be annexed with assessed valuation equaled to at least 75% of the its value; and, (2) that the land area and assessed valuation represented by the signers of the petition was in excess of 75% and thus the District did not hold a public hearing; and, (3) lists the names and has the signatures of the sponsors of the Petition with mailing addresses; and (4) included is a certified description area proposed by a licensed surveyor to be annexed with a map of the boundaries to be annexed.

The Tooele County Attorney has determined that the *Petition for Annexation* meets the requirements of law (UCA 17B-1-404) and is of proper form.

Shall the Lake Point Improvement District Board of Trustees approve Resolution 2009-3 to approve the *Certification of the Petition for Annexation* for the propose area as submitted.

Motion: Jim; **Seconded:** Todd ; **In Favor:** 5; **Opposed:** 0

Discussion: NONE

Motion to approve the *Certification of the Petition for Annexation* carries and is approved.

October 8, 2009

TOOELE COUNTY ATTORNEY'S OFFICE



Gary K. Searle, Chief Deputy Attorney
John Mack Dow, Deputy Attorney
Scott A. Broadhead, Deputy Attorney

DOUG HOGAN, COUNTY ATTORNEY

Wayne D. Jones, Deputy Attorney
Robert L. Clegg, Deputy Attorney
Holly Johnson, Victim Advocate

September 30, 2009

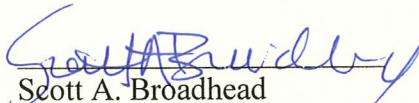
Keith B. Fryer
Lake Point Improvement District
7856 North Mountain View Road
Lake Point, UT 84074-9755

RE: Petition Certification

Mr. Fryer:

I have reviewed the Petition for Annexation sent to Mr. Hogan. It appears to meet all of the requirements of UCA 17B-1-404.

If you have any questions, please call me.


Scott A. Broadhead
Deputy County Attorney

Resolution No. 2009-2

A RESOLUTION TO CERTIFY THE PETITION FOR THE PROPOSED ANNEXATION OF REAL PROPERTY INTO THE LAKE POINT IMPROVEMENT DISTRICT.

BE IT RESOLVED that the Lake Point Improvement District Board of Trustees (the "District") shall cause to determine the *Petition for Annexation* submitted by the owners or real property: (1) equals at least a certain percentage of the total private land area proposed to be annexed with assessed valuation equal to at least a certain percentage; and, (2) that the land area and assessed valuation represented by the signers of the petition is in excess of 75% and thus the District may not hold a public hearing; and, (3) lists the names of the sponsors of the Petition with mailing addresses be attached; and (4) includes a description of the area proposed to be annexed and be accompanied by a map of the boundaries of the proposed area.

The District further resolves that the Tooele County Attorney review the Petition for Certification to determine if the Petition of Annexation meets the requirements of law and is of proper form.

Shall the Lake Point Improvement District Board of Trustees approve Resolution 2009-2 to proceed with the *Certification of the Petition for Annexation* for the propose area as submitted.

Motion: Keith; Seconded: Todd; In Favor: 5; Opposed: 0

Discussion: None

Motion to proceed with the Certification of the Petition for Annexation carries and approved.

August 13, 2009

PETITION FOR ANNEXATION
INTO
LAKE POINT IMPROVEMENT DISTRICT

To The Honorable Board of Trustees of the Lake Point Improvement District:

The undersigned, owners of private real property included within an area proposed to be annexed to the Lake Point Improvement District, do hereby petition for annexation and submit the following:

1. The property owned by the undersigned covers at least seventy-five percent (75%) of the total private land area within the entire area proposed to be annexed to the District and is equal in assessed value to at least seventy-five percent (75%) of the assessed value of all private real property within the entire area proposed to be annexed.

2. The area proposed to be annexed is located in Tooele County, State of Utah, and is more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof. The area to be annexed is shown on the boundary map attached hereto as Exhibit "A". The address or approximate address of the real property to be annexed is: 1428 East Hardy Road.

3. The name and current residence address of each person signing this petition are as follows:

<u>Name</u>	<u>Current Residence Address</u>
Lake Point Land Company, L.C. Christopher F. Robinson, Manager	925 West 100 North, Suite F North Salt Lake, Utah 84054
Salt Pointe Land Company, L.C. Christopher F. Robinson, Manager	925 West 100 North, Suite F North Salt Lake, Utah 84054
Beaver Creek Investments, L.C. Christopher F. Robinson, Manager	925 West 100 North, Suite F North Salt Lake, Utah 84054
Unitah Land Company, L.C. Christopher F. Robinson, Manager	925 West 100 North, Suite F North Salt Lake, Utah 84054
Kennecott Utah Copper, LLC c/o Rio Tinto Clayton Walker, Vice President Projects and Value Generation	4700 Daybreak Parkway Suite 3 South Jordan, Utah 84095

Browns Canyon Ranching Co., LLC
Edward B. Rogers, Manager

825 North 300 West, Suite C-160
Salt Lake City, Utah 84103

Cammy Gardner & Steven C. Miklovik, LLC
Cammy Gardner, Manager
Steven C. Miklovik, Manager

4432 South 4515 West
West Valley, Utah 84120

4. The sponsors, including the contact sponsor, are hereby designated as:

<u>Contact Sponsor Name</u>	<u>Mailing Address and Phone Number</u>
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Christopher F. Robinson

P.O. Box 540478
North Salt Lake, Utah 84054
(801) 599-4397

<u>Sponsor Names</u>	<u>Mailing Address and Phone Number</u>
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Edward B. Rogers

825 North 300 West
Suite C-160
Salt Lake City, Utah 84103
(801) 597-0671


J. Randolph Cassidy

P.O. Box 540478
North Salt Lake, Utah 84054
(801) 201-8272

5. The Board of Trustees is hereby requested to take such further action as may be required by law to accomplish the annexation of the proposed area into the District.

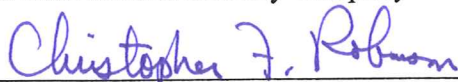
Petitioners' Signatures

Lake Point Land Company, L.C.,
a Utah limited liability company



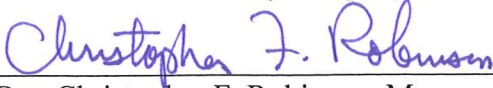
By: Christopher F. Robinson, Manager

Salt Pointe Land Company, L.C.,
a Utah limited liability company



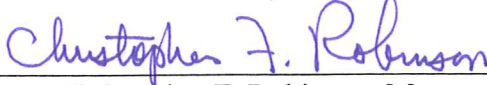
By: Christopher F. Robinson, Manager

Beaver Creek Investments, L.C.,
a Utah limited liability company



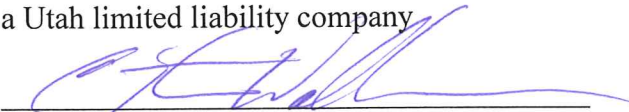
By: Christopher F. Robinson, Manager

Unitah Land Company, L.C.,
a Utah limited liability company



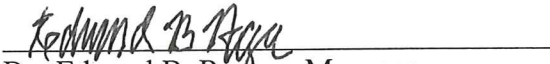
By: Christopher F. Robinson, Manager

Kennecott Utah Copper, LLC,
a Utah limited liability company



By: Clayton Walker, Vice President
Projects and Value Generation

Browns Canyon Ranching Co., LLC,
a Utah limited liability company



By: Edward B. Rogers, Manager

Cammy Gardner & Steven C. Miklovik, LLC,
a Utah limited liability company



By: Cammy Gardner, Manager



By: Steven C. Miklovik, Manager

