

STATE OF UTAH

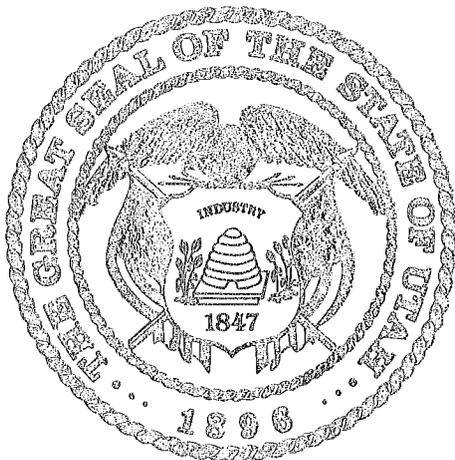


OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF CREATION

I, SPENCER J. COX, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT there has been filed in my office a notice of creation from STRAWBERRY RANCH SPECIAL SERVICE DISTRICT, dated September 18<sup>th</sup>, 2013, 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 STRAWBERRY RANCH SPECIAL SERVICE DISTRICT, located in Wasatch County, State of Utah.



IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 31<sup>st</sup> day of January, 2014 at Salt Lake City, Utah.

A handwritten signature in black ink, appearing to read "Spencer J. Cox".

SPENCER J. COX  
Lieutenant Governor

**NOTICE OF IMPENDING BOUNDARY ACTION**  
**CREATION OF THE**  
**STRAWBERRY RANCH SPECIAL SERVICE DISTRICT**

To the Lieutenant Governor of the State of Utah:

Pursuant to the provisions of UCA § 17D-1-209, the Wasatch County Council hereby gives notice that on September 18, 2013, the Wasatch County Council adopted a resolution creating the STRAWBERRY RANCH SPECIAL SERVICE DISTRICT.

Accompanying this Notice is the following:

1. An approved final local entity plat as defined in UCA § 67-1a-6 showing the boundaries of the district.
2. A copy of the resolution creating the District.
3. A letter from Utah State Retirement Office pursuant to 67-1a-6.5 (3)(d).

The Council hereby certifies that it has completed all of the legal requirements necessary for the creation of this district.

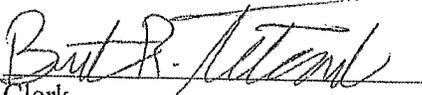
Dated: 1/29, 2014.



WASATCH COUNTY COUNCIL

  
\_\_\_\_\_  
Wasatch County Council Chair

ATTEST

  
\_\_\_\_\_  
Clerk

**RESOLUTION NO 13-18**

**A RESOLUTION ESTABLISHING THE  
STRAWBERRY RANCH SPECIAL SERVICE DISTRICT**

**WHEREAS**, §17D-1-101 et. seq., of the Utah State Code both allows for the creation of special service districts and sets forth the procedures required to create a special service district and:

**WHEREAS**, pursuant to that certain resolution (the "Resolution of Intent"), adopted on May 15, 2013, the County Council ("Council"), of Wasatch County, Utah (the "County"), gave notice of its intention to initiate proceedings relating to the establishment of a special service district to be known as the "Strawberry Ranch Special Service District" (hereinafter referred to as "District"), having the boundaries set out in Section 3 hereof, to provide culinary water, sewer and roadway construction, operation and maintenance services to persons and properties located within the boundaries of the proposed District to persons and properties located within the District as authorized and enumerated in the Act and state law; and

**WHEREAS**, public notice of said intention and of the time and place of said public hearing was given by the County Clerk/ Auditor through the publication of an appropriate notice in the *Wasatch Wave*, a newspaper of general circulation in Wasatch County, Utah, once a week during three consecutive weeks on May 29, 2013, June 5, 2013, and June 12, 2013, the first of such publications having been not less than twenty-one (21) days nor more than thirty-five (35) days prior to the date of the public hearing; and

**WHEREAS**, pursuant to the Resolution of Intent, the Council ordered that a public hearing be held on 19<sup>th</sup> day of June, 2013, at 6:00 p.m., at the County Administration Building, 25 North Main Street, Heber City, Utah 84032, on the establishment of the District and the provision of the aforementioned services thereby; and

WHEREAS, pursuant to the Act, the Council received comments and protests for 60 days following the public hearing.

**SECTION 1. FINDINGS AND DETERMINATION.** The Council hereby finds and determines that:

(a) The public notice, public hearing and protest period required in the Act have all occurred in accordance with the requirements of the Act.

(b) Adequate Protests, as defined in Section 17D-1-102(1) of the Act, have not been timely filed by: (i) the owners of private real property that is located within the area included within the proposed special service district (the "Applicable Area"), covering at least 25% of the total private land area within the Applicable Area, and equal in value to at least 15% of the value of all private real property within the Applicable Area; or (ii) registered voters residing within the Applicable Area equal in number to at least 25% of the number of votes cast in the Applicable Area for the office of president of the United States at the most recent election prior to the adoption of the Resolution of Intent; and as such the Council has authority to adopt this Resolution creating the District pursuant to the provisions of Section 17-D-206(4) of the Act; and

(c) After careful consideration of all factors involved and of all comments, objections stated and protests filed, the property to be included within the boundaries of the District, as such boundaries are set out in this Resolution, will be benefitted by the services to be provided by the District; and

(d) All proceedings taken in establishing the District have been in compliance with the Act.

**SECTION 2. CREATION OF THE DISTRICT; POWERS.** There is hereby established a special service district within the County to be known as the "Strawberry Ranch Special Service District." The District is established pursuant to the Act under authority of the Utah Constitution, Article XI, Section 7, as a limited purpose local government entity, and a body corporate and politic, separate and distinct from the County, in conformance with the terms and provisions hereof.

**SECTION 3. BOUNDARIES OF THE DISTRICT.**

(a) **Boundaries.** The boundaries of the District shall include the following real property situated within the County:

**Legal Description  
Strawberry Ranch Special Service District**

Beginning a found Bureau of Reclamation monument. Said point is North 87°08'57" East 317.85 feet along the north section line from the found aluminum Forest Service monument for the Northwest Corner of Section 20, Township 4 South, Range 10 West, Special Uintah Base and Meridian. Said point lies on the boundary of the Strawberry Ranch development, the Strawberry Pines Subdivision and the Forest Service.

Thence North 88°56'51" East 990.51 feet along said north section line of Section 20 and the boundary with the Forest Service to a found Bureau of Reclamation monument.

Thence North 00°12'34" West 648.73 feet along the boundary with the Forest Service to a found Bureau of Reclamation monument;

Thence North 89°03'54" East 329.84 feet along the boundary with the Forest Service to a found Bureau of Reclamation monument;

Thence North 00°13'38" West 324.03 feet along the boundary with the Forest Service to a found Bureau of Reclamation monument;

Thence North 89°07'01" East 329.65 feet along the boundary with the Forest Service to a found Bureau of Reclamation monument;

Thence North 00°16'20" West 323.71 feet along the boundary with the Forest Service to a found Bureau of Reclamation monument;

Thence North 89°10'24" East 329.58 feet along the boundary with the Forest Service to a found Bureau of Reclamation monument;

Thence South 00°17'24" East 970.11 feet along the boundary with the Forest Service to a found Bureau of Reclamation monument;

Thence North 89°00'45" East 330.17 feet along the boundary with the Forest Service to a found Bureau of Reclamation monument;

Thence South 00°20'39" East 323.02 feet along the boundary with the Forest Service to the found Bureau of Reclamation Brass Cap for the North Quarter Corner of Section 20;  
Thence South 00°24'57" East 1313.06 feet along the boundary with the Forest Service following the center of section line for Section 20 to a set rebar and cap marked 145796;  
Thence South 00°27'35" East 654.05 feet more or less along the boundary with the Forest Service;  
Thence South 00°22'34" East 327.78 feet more or less along the boundary with the Forest Service;  
Thence North 89°00'53" East 2.74 feet more or less along the boundary with the Forest Service to the 40 Dam Acres Subdivision;  
Thence South 15°51'39" West 1851.77 feet more or less along the boundary with the 40 Dam Acres Subdivision;  
Thence South 83°30'58" East 642.29 feet more or less along the boundary with the 40 Dam Acres Subdivision to the Hundley Properties LC west boundary;  
Thence South 12°27'14" West 1120.41 feet more or less along the west Hundley Properties LC boundary to the north line of Section 29;  
Thence North 89°33'20" East 127.74 feet more or less along the south Hundley Properties LC boundary which is the north line of Section 29 to the found BLM monument for the North Quarter Corner of Section 29, Township 4 South, Range 10 West;  
Thence North 89°47'06" East 2631.33 feet along the north line of Section 29 to a found BLM monument for the Northeast Corner of Section 29. Said line is along the south Hundley Properties LC, Essrex Co. LC and Kubo property boundaries.  
Thence North 00°19'17" West 330.00 feet along the west line of Section 21. Said line is the east Kubo boundary to a found hub for the Day property;  
Thence North 00°19'17" West 330.00 feet along the west line of Section 21. Said line is the east Day boundary to a found hub for the Essrex property;  
Thence North 00°19'17" West 1319.95 feet along the west line of Section 21. Said line is the east Essrex boundary to a found hub for the Essrex property;  
Thence North 00°19'17" West 351.99 feet along the west line of Section 21. Said line is the east Essrex boundary to a found hub for the Maynes property;  
Thence North 00°19'17" West 307.76 feet along the west line of Section 21. Said line is the east Maynes boundary to a found rebar and cap for the West Quarter Corner of Section 21;  
Thence Easterly 3547.50 feet more or less along the boundary with the Division of Wildlife Resources;  
Thence Southerly 2640.00 feet more or less along the boundary with the Division of Wildlife Resources to the north line of Section 28;  
Thence Easterly 1732.50 feet more or less along the north line of Section 28. Said line is the boundary with the Division of Wildlife Resources to a found stone for the Northeast Corner of Section 28;  
Thence North 89°44'05" East 5266.35 feet along the north line of Section 27 to a found stone for the Northeast Corner of Section 27. Said line is the boundary with the Division of Wildlife Resources;  
Thence Easterly 5280 feet more or less along the north line of Section 26. Said line is the boundary with the Division of Wildlife Resources to the Northeast Corner of Section 26;  
Thence Easterly 5340 feet more or less along the north line of Section 25. Said line is the boundary with the Division of Wildlife Resources to the Northeast Corner of Section 25.

Thence Southerly 5435 feet more or less along the east line of Section 25 to a found stone for the Southeast Corner of Section 25. Said line is the boundary with the Forest Service;

Thence South 00°06'07" East 2417.19 feet along the east line of Section 36 to a found stone for the East Quarter Corner of Section 36. Said line is boundary with the Forest Service;

Thence Southerly 2730 feet more or less along the east line of Section 36. Said line is the boundary with the Forest Service to the Southeast Corner of Section 36;

Thence Westerly 5305 feet more or less along the south line of Section 36. Said line is the boundary with the Forest Service to the Southeast Corner of Section 35;

Thence Westerly 2680 feet along the south line of Section 35. Said line is the boundary with the Forest Service to a found stone for the South Quarter Corner of Section 35;

Thence Westerly 2610 feet more or less along the south line of Section 35. Said line is the boundary with the Forest Service to the Southeast Corner of Section 34;

Thence Westerly 2640 feet more or less along the south line of Section 34. Said line is the boundary with the Forest Service to a found stone for the South Quarter Corner of Section 34;

Thence South 89°19'13" West 2642.87 feet along the south line of Section 34. Said line is the boundary with the Forest Service to a found stone for the Southeast Corner of Section 33;

Thence North 89°57'56" West 2661.33 feet along the south line of Section 33. Said line is the boundary with the Forest Service to a found stone for the South Quarter Corner of Section 33;

Thence Westerly 2635 feet more or less along the south line of Section 33. Said line is the boundary with the Forest Service to the Southeast Corner of Section 32;

Thence Westerly 2635 feet more or less along the south line of Section 32. Said line is the boundary with the Forest Service to a found stone for the South Quarter Corner of Section 32;

Thence South 89°54'45" West 2647.90 feet along the south line of Section 32. Said line is the boundary with the Forest Service to a found stone for the Southwest Corner of Section 32;

Thence Northerly 5270 feet more or less along the west line of Section 32. Said line is the boundary with the Forest Service to the Northwest Corner of Section 32;

Thence Northerly 5270 feet more or less along the west line of Section 29. Said line is the boundary with the Forest Service to a found BLM monument for the Northwest Corner of Section 29;

Thence South 88°56'08" West 1713.33 feet along the south line of Section 19. Said line is the boundary with the Forest Service to the Strawberry Pines Subdivision;

Thence North 00°05'55" East 1146.35 feet along the Strawberry Pines Subdivision boundary;

Thence North 58°31'47" West 448.36 feet along the Strawberry Pines Subdivision boundary;

Thence North 39°22'51" East 835.32 feet along the Strawberry Pines Subdivision boundary;

Thence South 60°11'26" East 695.18 feet along the Strawberry Pines Subdivision boundary;

Thence North 24°57'53" East 663.24 feet along the Strawberry Pines Subdivision boundary;

Thence North 23°54'39" East 783.50 feet along the Strawberry Pines Subdivision boundary;

Thence North 19°16'12" East 232.76 feet along the Strawberry Pines Subdivision boundary;

Thence East 448.51 feet along the Strawberry Pines Subdivision boundary;

Thence North 54°26'50" East 731.65 feet along the Strawberry Pines Subdivision boundary;

Thence North 35°33'10" West 136.22 feet along the Strawberry Pines Subdivision boundary to the west right-of-way line for a county road known as Forest Road 090;

Thence along west right-of-way line for said county road the following eight (8) courses.  
Said west right-of-way line is also the boundary of the Strawberry Pines Subdivision;

- (1) Thence 151.43 feet along a 65.58 foot radius curve to the left (said curve has a central angle of 132°18'04" and a chord bearing North 47°43'59" West 119.96 feet);
- (2) Thence 59.80 feet along a 128.03 foot radius curve to the right (said curve has a central angle of 26°45'46" and a chord bearing North 31°47'56" East 59.26 feet);
- (3) Thence 85.88 feet along a 328.98 foot radius curve to the left (said curve has a central angle of 14°57'22" and a chord bearing North 37°42'08" East 85.63 feet);
- (4) Thence 26.91 feet along a 949.76 foot radius curve to the left (said curve has a central angle of 01°37'23" and a chord bearing North 31°02'09" East 26.90 feet);
- (5) Thence 46.93 feet along a 949.76 foot radius curve to the right (said curve has a central angle of 02°49'51" and a chord bearing North 33°15'46" East 46.92 feet);
- (6) Thence 274.37 feet along a 1902.74 foot radius curve to the right (said curve has a central angle of 08°15'42" and a chord bearing North 38°48'33" East 274.13 feet);
- (7) Thence 268.78 feet along a 1902.74 foot radius curve to the right (said curve has a central angle of 08°05'37" and a chord bearing North 46°59'12" East 268.56 feet);
- (8) Thence 52.84 feet along a 1160.86 foot radius curve to the right (said curve has a central angle of 02°36'28" and a chord bearing North 49°43'47" East 52.83 feet);

Thence leaving the county right-of-way and following the boundary of the Strawberry Pines Subdivision North 47°48'05" West 312.09 feet;

Thence South 75°12'42" West 601.60 feet along the Strawberry Pines Subdivision boundary;

Thence South 54°26'50" West 557.87 feet along the Strawberry Pines Subdivision boundary;

Thence West 121.00 feet along the Strawberry Pines Subdivision boundary;

Thence North 27°06'59" East 1205.83 feet along the Strawberry Pines Subdivision boundary to the point of beginning.

#### **Other Properties included in the Strawberry Ranch Special Service District**

The Strawberry Ranch Special Service District shall also include of the following parcels and the county road right-of-way for Forest Road 90, also known as Soldier Creek Dam Road.

#### Parcel ID #

00-0010-9590

00-0010-9830

00-0010-9855

00-0010-9921

00-0010-9939

00-0012-3138

00-0012-3146

00-0012-3153  
00-0012-3161  
00-0012-3179  
00-0012-3187  
00-0012-3195  
00-0012-3203  
00-0012-1413  
00-0012-0340  
00-0020-4143  
00-0020-9630  
00-0020-9631  
00-0020-9632

**SECTION 4. SERVICES TO BE PROVIDED.** The District is hereby created with all rights, powers and authority granted by law and the Act as amended, to provide culinary water, sewer and roadway construction, operation and maintenance services to persons and properties located within the boundaries of the proposed District, consistent with the terms and provisions hereof and state law.

**SECTION 5. GOVERNING AUTHORITY OF THE DISTRICT.** In conformance with Section 17D-1-301 of the Act, the Council shall be the governing authority of the District, subject to the right of the Council, at any time in the future, to delegate by resolution certain rights, powers, and authority the Council possesses with respect to governance of the District to an administrative control board; in accordance with and as limited by the Special Service District Act as amended.

**SECTION 6. ACTION TO CHALLENGE THE DISTRICT.** A person may file an action in district court challenging the creation of the District or a service that the District is empowered herein to provide if: (i) the person filed a written protest under Section 17D-1-206 of the Act, (ii) (A) the person is a registered voter within the District and alleges in the action that the procedures used to create the District violated applicable law; or (B) the

person is an owner of property included within the boundary of the District and alleges in the action that the person's property will not be benefitted by a service that the District is empowered to provide, or the procedures used to create the District violated applicable law; and (iii) the action is filed within 30 days after the date of adoption of this Resolution. If an action is not filed within the time specified in this Section, a registered voter or an owner of property located within the District may not contest the creation of the District or a service that the District is hereby empowered to provide.

**SECTION 7. DISTRICT REVENUES.**

(a) **Levy of Taxes.** The Council may, pursuant to Section 17D-1-105 of the Act, as amended, levy a tax on the taxable property in the District.

(b) **Rates and Charges.** The District is obligated under the Act, as amended, to fix the rate or rates for services or commodities provided by the District that will, in conjunction with the proceeds of any maintenance and operation tax and other special service district revenues, pay the District's operating expenses, provide for repairs and depreciation of works owned or operated by the District, pay the interest on any bonds issued by the District; and provide, as much as practicable, a sinking or other fund to pay the principal of District bonds as they become due.

**SECTION 8. DISTRICT OBLIGATIONS EXCLUSIVE.** Any District bond, note, or other obligation or indebtedness, whether or not payable from taxes, shall not be considered to be a bond, note, or other obligation or indebtedness of or to be enforceable against the County, the state, any other county, municipality, school district, or other political subdivision of the state, or be taken into account in calculating a debt limit applicable to the

County, the state or any other county, municipality, school district, or other political subdivision of the state.

**SECTION 9. DIRECTION.**

(a) **Filing with Lt. Governor.** In conformance with the requirements of Section 17D-1-209 of the Act, within thirty (30) days from the date of adoption hereof, there shall be filed with the lieutenant governor a copy of a notice of an impending boundary action and a copy of an approved final local entity plat.

(b) **Recording with County Recorder.** Upon the lieutenant governor's issuance of a certificate of incorporation as required under the Act, there shall be submitted to the County Recorder for recording: (i) the original notice of an impending boundary action, (ii) the original certificate of incorporation, (iii) the original approved final local entity plat, and (iv) a certified copy of this Resolution. Until the documents listed in this Subsection (b) are recorded in the office of the County Recorder, the County may not levy or collect a property tax for district purposes on property within the District, levy or collect an assessment on property within the District; or charge or collect a fee for service provided to property within the District.

(c) **Other.** In addition to the foregoing, all officers and employees of the County are hereby directed to take such other actions as shall be necessary and appropriate to effectuate the provisions of this Resolution and the intent expressed herein.

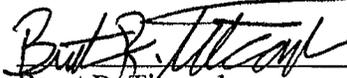
**SECTION 10. DATE OF CREATION AND INCORPORATION.** Upon the lieutenant governor's issuance of a certificate of creation as provided in the Act, the District shall be created and incorporated.

**SECTION 11. REPEALER.** All acts and resolutions in conflict with this Resolution or any part thereof are hereby repealed.

**SECTION 12. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its approval and adoption by the Council.

**APPROVED AND ADOPTED** this 18<sup>th</sup> day of September, 2013.

Attest:

  
  
Brent R. Titcomb  
Wasatch County Clerk / Auditor

WASATCH COUNTY COUNCIL:

  
Jay Price, Chair  
Wasatch County Council

Jay Price, Chairman  
Greg McPhie, Vice-Chair  
Mike Kohler  
Stephen Capson  
Kendall Crittenden  
Steve Farrell  
Kipp Bangerter

**VOTE**

Y  
Y  
Y  
Y  
Y  
Y  
Y

## Utah Retirement Systems

### Retirement Office

560 East 200 South  
Salt Lake City, UT 84102-2021

(801) 366-7700  
(800) 365-8772 Toll Free  
(801) 366-7734 Fax  
www.urs.org

DANIEL D. ANDERSEN  
Executive Director

### Public Employees Health Program

560 East 200 South  
Salt Lake City, UT 84102-2004

(801) 366-7500  
(800) 365-8772 Toll Free  
(801) 366-7596 Fax  
www.pehp.org

R. CHET LOFTIS  
Director

January 21, 2014

Mr. Dan Matthews, Manager  
Strawberry Ranch Special Service District  
6135 East Lake Creek Road  
P.O. Box 519  
Heber, UT 84032

### **Re: Eligibility for Participation of a Newly Created Entity in the Utah State Retirement Systems**

Dear Mr. Matthews:

When a governmental entity is being incorporated or created, Utah law requires the Utah State Retirement Office ("Office") to provide a letter to that entity identifying the potential provisions under Utah Code Title 49, Utah State Retirement and Insurance Benefit Act ("Retirement Act"), with which it shall comply. *See* Utah Code Ann. § 67-1a-6.5(3)(d). This letter serves as the official notice for the Strawberry Ranch Special Service District, a newly created special service district created by the Wasatch County Council.

Based upon the information provided in your application, the Office has determined that the Strawberry Ranch Special Service District is an "employer" under the Retirement Act as a political subdivision of the state by virtue of its status as a special service district. Accordingly, the Strawberry Ranch Special Service District must comply with the participation requirements of the Retirement Act.

This does not mean that the Strawberry Ranch Special Service District must provide retirement benefits to its employees. However, at the present time and throughout the future, the Strawberry Ranch Special Service District **is required by law to participate with URS if and when it offers any type of retirement benefit to its employees.**

The Strawberry Ranch Special Service District may not currently have employees or may have not yet elected to provide a retirement benefit to its employees. Please be aware, it is not the obligation of the Office to monitor the activities of the Strawberry Ranch Special Service District. **By law, it is the Strawberry Ranch Special Service District's obligation to apply for membership with URS if and when it chooses to provide a retirement benefit to its employees.**

Once the Strawberry Ranch Special Service District begins participation with URS, its public employees will be covered under either the Tier I or Tier II public employee retirement systems, as described in the Retirement Act. *See* Utah Code, Title 49, Chapters 12, 13 and 22. If the Strawberry Ranch Special Service District employs public safety or firefighter service employees, those employees will be covered under the separate Tier I or Tier II systems for public safety and/or firefighter service employees described in the Retirement Act. *See* Utah Code; Title 49, Chapters 14, 15, 16 and 23.

In addition, Participating Employers of URS are required by section 49-11-606 to "cover all employees eligible for service credit under this title." As such, if the Strawberry Ranch Special Service District provides retirement benefits, it will be required to cover all eligible employees, pursuant to the eligibility rules found in the Retirement Act.

Please note that the above-referenced laws are those used to determine eligibility for participation, and are not the only laws with which a participating employer must comply. Participating employers are required to "inform themselves of their rights and obligations" under Title 49 and should become familiar with all provisions of the Retirement Act. Once the Strawberry Ranch Special Service District is admitted into the system, and/or at any time upon request, URS will provide additional education about the requirements with which the Strawberry Ranch Special Service District must comply as a participating employer.

Additionally, please be aware that should the Strawberry Ranch Special Service District fail to participate or fail to cover all eligible employees with URS while offering another retirement benefit to its employees, the Strawberry Ranch Special Service District's employees may have a claim against it for service credit under the Retirement Act, which the Office is required to enforce. Under the Retirement Act, such a claim would include all past employer contributions, interest, and in some cases, penalties. *See Utah Code Ann. § 49-11-601(3).*

Please do not hesitate to contact me if you have any questions.

Sincerely,



Matthew K. Judd  
Records Management Director  
Utah State Retirement Office

Cc: Scott H. Sweat, Wasatch County Attorney's Office

