

# STATE OF UTAH



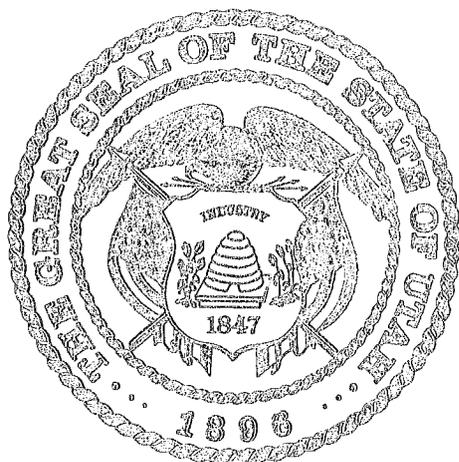
OFFICE OF THE LIEUTENANT GOVERNOR

## 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 the BRIGHTON ESTATES SPECIAL SERVICE DISTRICT, dated October 2<sup>nd</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 BRIGHTON ESTATES 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 16<sup>th</sup> day of June, 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**  
**BRIGHTON ESTATES SPECIAL SERVICE DISTRICT**

To the Lieutenant Governor of the State of Utah:

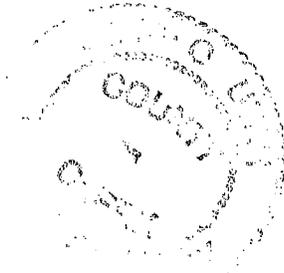
Pursuant to the provisions of UCA § 17D-1-209 the Wasatch County Council hereby gives notice that on October 2, 2013, the Wasatch County Council adopted a resolution creating the BRIGHTON ESTATES SPECIAL SERVICE DISTRICT.

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: May 13, 2014.



WASATCH COUNTY COUNCIL

*J. Price*  
Wasatch County Council Chair

ATTEST

*Brent R. Atwood*  
Clerk

## RESOLUTION NO. 13-16

### A RESOLUTION ESTABLISHING THE BRIGHTON ESTATES SPECIAL SERVICE DISTRICT

**WHEREAS**, the Utah Special Service District Act, §17D-1-101 et. seq., Utah Code Annotated (1953), as amended (the “Act,” and all statutory references herein shall be to the Act, unless otherwise indicated), authorizes the establishment of special service districts for the purposes enumerated in the Act; 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 “Brighton Estates Special Service District” (hereinafter referred to as “District”), having the boundaries set out in Section 2 hereof, to provide water, sanitary sewer, drainage and transportation services to persons and properties located within the District as authorized and enumerated in the Act; and

**WHEREAS**, pursuant to the Resolution of Intent, the Council ordered that a public hearing be held on July 10, 2013, at 6:00 p.m., at the Midway City Community Center, 160 West Main Street, Midway, Utah 84049, on the establishment of the District and the provision of the aforementioned services thereby; 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 June 12, June 19, and June 26, 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, said public hearing has been held pursuant to said notice at the aforesaid time and place, the Council has heard and considered all interested persons desiring to be heard at the public hearing, has considered all of the public comments and the protests which have been filed, and the time for filing protests, as provided in Section 17D-1 206 of the Act, has expired;

NOW, THEREFORE, be it hereby resolved by the County Council of Wasatch County, Utah, as follows:

**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 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 "Brighton Estates 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; ADJUSTMENT.**

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

**The following lots situated within Brighton Estates Subdivision ("Brighton Estates"), including Brighton Estates Plats 1, 2, 4, 4a, and 5, as amended, as the case may be:**

<u>Parcel Number</u>	<u>Plat #</u>	<u>Lot #</u>
OBE-1001-0-0	1	1
OBE-1002-0-0	1	2
OBE-1003-0-0	1	3
OBE-1004-0-0	1	4
OBE-1006-0-0	1	6
OBE-1008-0-0	1	8
OBE-1010-0-0	1	10
OBE-1011-0-0	1	11
OBE-1012-0-0	1	12
OBE-1013-0-0	1	13
OBE-1014-0-0	1	14
OBE-1015-0-0	1	15
OBE-1016-0-0	1	16
OBE-1017-0-0	1	17
OBE-1018-0-0	1	18
OBE-1019-0-0	1	19
OBE-1020-0-0	1	20
OBE-1021-0-0	1	21
OBE-1022-0-0	1	22
OBE-1023-0-0	1	23
OBE-1027-0-0	1	27
OBE-1028-0-0	1	28
OBE-1029-0-0	1	29
OBE-1030-0-0	1	30
OBE-1031-0-0	1	31
OBE-1036-0-0	1	36
OBE-1037-0-0	1	37

OBE-1038-0-0	1	38
OBE-1039-0-0	1	39
OBE-1040-0-0	1	40
OBE-1041-0-0	1	41
OBE-1042-0-0	1	42
OBE-1043-0-0	1	43
OBE-1044-0-0	1	44
OBE-1045-0-0	1	45
OBE-1046-0-0	1	46
OBE-1048-0-0	1	48
OBE-1049-0-0	1	49
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OBE-1052-0-0	1	52
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OBE-1074-0-0	1	74
OBE-1075-0-0	1	75
OBE-1076-0-0	1	76
OBE-1077-0-0	1	77
OBE-1078-0-0	1	78
OBE-2084-0-0	2	84
OBE-2088-0-0	2	88
OBE-2089-0-0	2	89
OBE-2091-0-0	2	91
OBE-2092-0-0	2	92
OBE-2093-0-0	2	93
OBE-2096-0-0	2	96
OBE-2097-0-0	2	97
OBE-2099-0-0	2	99
OBE-2100-0-0	2	100
OBE-2101-0-0	2	101
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OBE-5050-0-0	5	50
OBE-5051-0-0	5	51
OBE-5052-0-0	5	52

**The following described properties situated outside of Brighton Estates:**

**PARCEL - OWC-0036-0-0 and OWC-0036-2-0**

All those portions of the following described patented lode mining claims in the Snake Creek Mining District lying West of the Brighton-Midway road (Guardsman Pass Road):

The Hillside Patented Lode Mining Claim, M.S. 4951, as the same is more particularly described in that certain United States Patent filed March 2, 1908 as Patent No. 46644 of the official records in the office of the Bureau of Land Management, and recorded November 1, 1966 as Entry No. 88453 in Book 53 at Page 522 of the official records in the office of the Wasatch County Recorder, reference to which is hereby made for the particulars.

The Last Chance Patented Lode Mining Claim, M.S. 4558, as the same is more particularly described in that certain United States Patent recorded April 19, 1904 as Entry No. 12242 in Book 5 of mining deeds at Page 185 of the official records in the office of the Wasatch County Recorder, reference to which is hereby made for the particulars.

The Little Bull No.2 Patented Lode Mining Claim, M.S. 6121, as the same is more particularly described in that certain United States Patent recorded September 22, 1915 as Entry No. 31199 in Book 8 of mining deeds at Page 543 of the official records, in the office of the Wasatch County Recorder, reference to which is hereby made for the particulars.

The Medway Patented Lode Mining Claim, M.S. 4951, as the same is more particularly described in that certain United States Patent filed March .8, 1906 as Patent No. 43384 of the Bureau of Land

Management, and recorded January 11~ 1966 as Entry No. 88454 in Book 53 at Page 526 of the official records in the office of the Wasatch County Recorder, reference to which is hereby made for the particulars.

The Revelation No.3 Patented Lode Mining Claim, M.S. 6038, as the same is more particularly described in that certain United States Patent recorded May 20, 1916 as Entry No. 31907 in Book 9 of mining deeds at Page 6 of the official records in the office of the Wasatch County Recorder, reference to which is hereby made for the particulars,

EXCEPTING THEREFROM ANY PORTIONS LYING WITHIN BRIGHTON ESTATES NO. 1 SUBDIVISION, according to the official plat thereof, recorded October 5, 1964 as Entry No. 86512 in Book 49 at Page 552 of the official records, in the office of the Wasatch County Recorder.

#### **PARCEL ONE**

Parts of Golden Chest and Gilt Edge mining claims, in the Snake Creek mining district, Wasatch County, Utah.

Beginning at corner number 1 of the Gilt Edge mining claim, and corner number 1 of Golden Chest mining claim, said point of beginning bears North 11 degrees 39 minutes 47 seconds West 56.00 feet from the southwest corner of section 32, township 2 South, range 4 East, Salt Lake base and meridian, and running thence North 55 degrees 49 minutes West 61.91 feet along the Southwesterly line of said Golden Chest mining claim; thence North 41 degrees 19 minutes East 379.79 feet; thence South 61 degrees 59 minutes 58 seconds East 513.391 feet to the Northwesterly corner of lot 94, Brighton Estates No. 2 subdivision, thence South 38 degrees 55 minutes West 433.62 feet along the Northwesterly line of said Brighton Estates No. 2 subdivision to the Southwesterly line of Gilt Edge mining claim, and the Southwesterly corner of lot 92, of said Brighton Estates No. 2 subdivision; thence North 55 degrees 49 minutes West 459.87 feet along the Southwesterly line of said Gilt Edge mining claim to the point of beginning.

#### **PARCEL TWO**

Parts of the Golden Chest and Gilt Edge mining claims, in the Snake Creek mining district, Wasatch County, Utah.

Beginning at a point North 55 degrees 49 minutes West 61.91 and North 41 degrees 19 minutes East 379.79 feet from corner no. 1 of said Gilt Edge mining claim, said corner number 1 of said Gilt Edge mining claim bears North 11 degrees 39 minutes 47 seconds West 56.00 feet from the Southwest corner of section 32, township 2 South,

range 4 East, Salt Lake base and meridian, and running thence North 41 degrees 19 minutes East 424.14 feet to the Southwesterly boundary of said Brighton Estates No. 2 subdivision the following: South 63 degrees 30 minutes East 327.00 feet, South 48 degrees 41 minutes East 167.13 feet, and South 38 degrees 55 minutes West 389.86 feet; thence North 61 degrees 59 minutes 58 seconds West 513.39 feet to the point of beginning.

### **PARCEL THREE**

Part of Golden Mining Claim, in the Snake Creek Mining district, Wasatch County, Utah

Beginning at a point of the southwesterly line of Golden Chest Mining Claim, South 55 degrees 49 minutes East 330.14 feet from Corner Number 4 of said Golden Chest Mining Claim, said Corner Number 4 of Golden Chest Mining Claim bears North 52 degrees 19 minutes 48 seconds West 641.36 feet from the Southwest corner of Section 32, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence North 32 degrees 29 minutes 35 seconds East 753.51 feet to the Southeasterly corner of Lot 167, Brighton Estates No. 2 Subdivision, thence South 63 degrees 30 minutes East 333.00 feet to the Southerly corner of Lot 152, Brighton Estates No. 2 Subdivision, thence South 41 degrees 19 minutes West 803.93 feet to the Southwesterly line of said Golden Chest Mining Claims, thence North 55 degrees 49 minutes West 207.95 feet along the Southwesterly line of said Golden Chest Mining Claim to the point of beginning.

### **PARCEL FOUR**

Part of Golden Chest Mining Claim, In the Snake Creek Mining District, Wasatch County, Utah

Beginning at Corner Number 4 of Golden Chest Mining Claim, said Corner Number 4 bears North 52°19'48" West 641.35 feet from the Southwest corner of Section 32, Township 2 South, Range 4 East, Salt Lake Base and Meridian, running thence North 41°19' East 785.59 feet along the Northwesterly boundary of said Golden Chest Mining Claim to the Northwestern Corner of Lot 167, Brighton Estates No. 2 Subdivision; thence along the Southerly boundary line of said Lot 167, Brighton Estates Subdivision, South 48°41' East 212.00 feet to the Southeasterly corner of said Lot 167; thence South 32°29'35" West 753.61 feet to the Southwesterly line of said Golden Chest Mining Claim; thence North 55°49' West 330.14 feet along said Southwesterly line of said Golden Chest Mining Claim to the point of beginning.

### **PARCEL FIVE**

BEG S.22°47'E 544.2 FT & N.46°30'E 1500 FT & N.46°30'E 266.21 FT OF SW COR SEC 33, T2S, R4E, SLM; N.06°E 300.35 FT; N.88°17'E 292.75 FT; S.46°30'W 446.68 FT TOBEG. AREA 1 ACRE

(b) **Subsequent Adjustment of District Boundaries.** In order to accommodate the owners of Brighton Estates lots initially excluded from the boundaries of the District as defined herein, who, within a period of six (6) months from the date hereof, determine that they want their lots to be included in the District, the Council acknowledges: (i) that the Brighton Estates Property Owners Association plans and agrees, at its sole expense, to initiate and fund, one time, the cost of annexation proceedings to have said lots annexed into the District; (ii) that the annexation proceeding shall be commenced subsequent to the six month anniversary date of the creation of the District; and (iii) that the Council supports such a plan for adjustment of the boundaries of the District. Notwithstanding the foregoing, the boundaries of the District may be otherwise be changed from time to time, by annexation, as provided under authority of the Act.

**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, water, sanitary sewer, drainage and transportation (including road construction, operation and maintenance) services to persons and properties located within the boundaries of the proposed District, consistent with the terms and provisions hereof.

**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 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 Council 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.

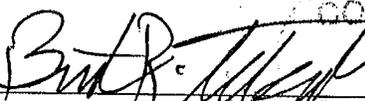
**SECTION 10. DATE OF CREATION AND INCORPORATION.** Upon the lieutenant governor's issuance of a certificate of creation as provided in the Act, the District shall be created and incorporated.

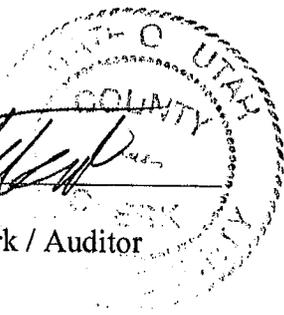
**SECTION 11. REPEALER.** All acts and resolutions in conflict with this Resolution or any part thereof are hereby repealed.

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

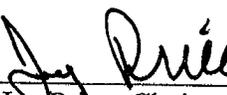
**APPROVED AND ADOPTED** this 2<sup>nd</sup> day of October, 2013.

Attest:

  
Brent R. Titcomb  
Wasatch County Clerk / Auditor



WASATCH COUNTY COUNCIL:

  
Jay Price, Chair  
Wasatch County Council

	<b>VOTE</b>
Jay Price, Chairman	<u>Y</u>
Greg McPhie, Vice-Chair	<u>Y</u>
Mike Kohler	<u>N</u>
Stephen Capson	<u>N</u>
Kendall Crittenden	<u>N</u>
Steve Farrell	<u>Y</u>
Kipp Bangerter	<u>Y</u>

## 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  
Brighton Estates 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 Brighton Estates 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 Brighton Estates 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 Brighton Estates Special Service District must comply with the participation requirements of the Retirement Act.

This does not mean that the Brighton Estates Special Service District must provide retirement benefits to its employees. However, at the present time and throughout the future, the Brighton Estates 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 Brighton Estates 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 Brighton Estates Special Service District. **By law, it is the Brighton Estates 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 Brighton Estates 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 Brighton Estates 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 Brighton Estates 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 Brighton Estates 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 Brighton Estates Special Service District must comply as a participating employer.

Additionally, please be aware that should the Brighton Estates Special Service District fail to participate or fail to cover all eligible employees with URS while offering another retirement benefit to its employees, the Brighton Estates 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

