

STATE OF UTAH



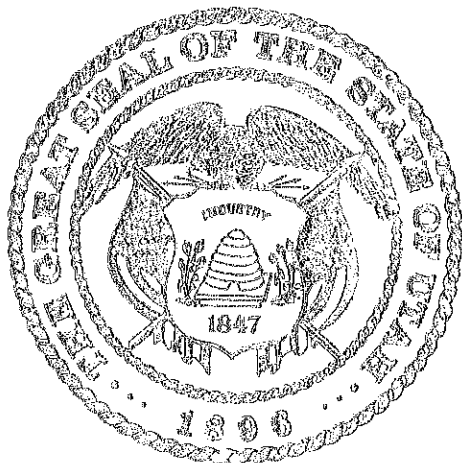
OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF ANNEXATION

I, SPENCER J. COX, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT there has been filed in my office a notice of annexation of the BENCHLAND WATER DISTRICT, dated September 17<sup>th</sup>, 2015, 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 BENCHLAND 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 this 9<sup>th</sup> day of October, 2015 at Salt Lake City, Utah.



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

SPENCER J. COX  
Lieutenant Governor

# Benchland Water District

Since 1976

485 East Shepard Lane, Kaysville, Utah 84037

Phone: (801) 451-2105

Fax (801) 451-6232

September 21, 2015

OCT 01 2015

Lt. Governor Spencer J Cox  
Utah State Capitol Complex  
P.O. Box 142325  
Salt Lake City, Utah 84114-2220

Dear Lieutenant Governor Spencer J Cox:

I certify that all requirements for annexation have been satisfied from both the petitioners and the District. Therefore the Benchland Water District formally requests the annexing of property into the Benchland Water District Boundaries know as exhibits A.

We appreciate your help in this matter and feel free to call anytime if you have questions.

Sincerely,



Scott L. Parsell  
District Manager  
(801) 451-2105  
(801) 540-3788

Enc: Checklist of District Requirements for annexation  
Property Owner Correspondence Letter  
Petition for annexation w/ signatures  
Public hearing Notice  
Resolution  
Exhibit "A"

# MEMORANDUM

**TO: BENCHLAND WATER DISTRICT**  
**FROM: SMITH HARTVIGSEN, PLLC**  
**RE: ANNEXATION PROCEDURES FOR BENCHLAND WATER DISTRICT**  
**(ABBREVIATED\*\*)**  
**(UTAH CODE §§ 17B-1-401 TO -418)**

**\*\*CAUTIONARY NOTES:**

*These abbreviated procedures apply only if:*

- *All of the property to be annexed is owned by one person/entity that is petitioning for annexation;*
- *All of the property to be annexed is located within the boundaries of one municipality;*  
*AND*
- *None of the property to be annexed is located in unincorporated county area.*

*If the proposed annexation falls outside of these parameters, Smith Hartvigsen has another memo on file that contains the additional procedures.*

**Initiation of Annexation Process (17B-1-403 and -404)**

- The landowner files a petition with district board containing:
  - Description the proposed area
  - Map of the boundaries of the proposed area
  - Typed or printed name and current residence address of owner
  - Address of the property to be annexed
  - Designation of owner as sponsor and contact sponsor
  - Mailing address and phone number for the sponsor
  - Signature of the landowner
- The area to be annexed may consist of one or more noncontiguous parcels
- The area to be annexed need not be adjacent to the boundaries of the district

**Certification of Petition (17B-1-405)**

- Within 30 days of the filing of the petition (or such other time period set forth in a written agreement between district and owner), the district board shall, with assistance of the county, as needed, determine if the petition meets statutory requirements
- If petition complies, the district board:
- Certifies the petition
  - Mails or delivers written notice of the certification to the contact sponsor
- If petition fails to comply, the district board:
- Rejects the petition
  - Mails or delivers written notice of the rejection and the reasons for the rejection to the contact sponsor
- A non-compliant petition may be amended to correct the deficiencies and re-filed
  - An amended petition is processed by the district board in the same manner as the original petition

**Notice of Certification of Petition (17B-1-406)**

Within 10 days after certifying a petition, the district board mails or delivers written notice of the proposed annexation, with a copy of the certification and a copy of the petition, to the legislative body of the municipality

- Notice is not required if the municipality does not provide water service or has waived the notice requirement as to the district or as to water service

**Notice of Intent to Consider Providing Service (17B-1-407 and -408)**

If the municipality intends to consider providing water service to the proposed area, the municipality mails or delivers notice of intent to the district board within 30 days of receiving the notice of certification of petition

- If notice of intent is not received within 30 days, the municipality is deemed to have declined to provide water service to the proposed area
- If notice of intent is received, the district's annexation proceeding is suspended until the municipality adopts a resolution declining to provide water service to the proposed area or is otherwise deemed to have declined to provide water service to the proposed area
- If the municipality provides notice of intent, the municipality must hold public hearing(s) to consider the issue of providing water service

**Notice of Proposed Annexation (78B-1-413)**

The district board provides notice of the proposed annexation within 30 days after certification of the petition

- Post written notice at the district's office
- Post written notice in one or more other locations within the proposed area<sup>1</sup>
- Provide written notice in at least one newspaper of general circulation in area
- Provide written notice on the Utah Public Notice Website

Notices must contain:

- Name of the district
- Service provided by the district
- Brief explanation of the proposed annexation
- Description or map of the proposed area
- District phone number where additional information may be obtained
- Explanation of the right of a property owner or registered voter to request a public hearing (within 20 days of the notice)
- Even though a public hearing is not required, the district board has the discretion to hold a public hearing, provided that proper notice is given (see 78B-1-413(2)(b) for notice requirements)

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<sup>1</sup> Number of locations should be "reasonable" based on size of proposed area, number of parcels in proposed area, population in the proposed area, etc.

### **Approval of Annexation (17B-1-414)**

- District board adopts a resolution approving the annexation within 30 days after expiration of the time for submitting a request for public hearing
- Within 30 days of adopting the resolution approving the annexation, the District board files with the lieutenant governor:
  - A copy of a notice of impending boundary action (67-1a-6.5)
    - Directed to the lieutenant governor
    - Describe the type of boundary action (i.e., annexation)
    - Contain a statement, signed and verified by the district, that all requirements applicable to the annexation have been met
  - A copy of an approved final local entity plat
    - Plat must be prepared by a professional land surveyor and approved by the county surveyor (see 17-23-20(4) for plat requirements)
- Within 10 days, the lieutenant governor issues a certificate of annexation (67-1a-6.5)
- The annexation is effective upon the lieutenant governor's issuance of a certificate of annexation
- When the district receives the certificate of annexation, it must record with the county recorder:
  - The original notice of impending boundary action
  - The original certificate of annexation
  - The original approved final local entity plat
- Until the documents are recorded, the district may not levy or collect property taxes or assessments on property within the annexed area, or charge or collect a fee for service provided to property within the annexed area

### **Denial of the Annexation (17B-1-409)**

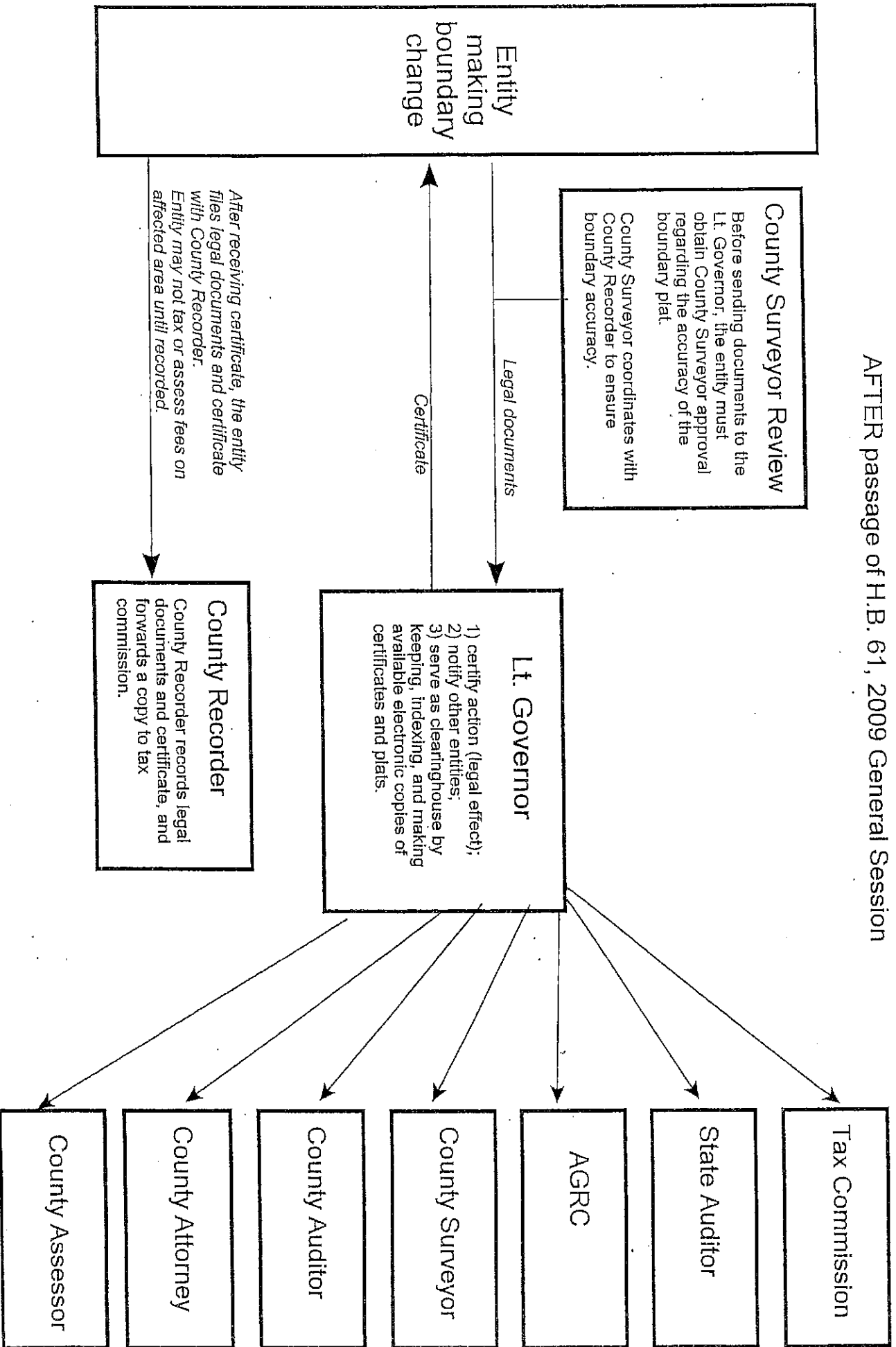
The district board may deny the annexation by resolution if (i) it is not feasible for the district to provide service to the proposed area, or (ii) annexing the proposed area would be inequitable to the residents already within the district

- In a resolution denying annexation, the district board must set forth its reasons for denying the annexation
- Denial of the annexation may occur after the time period to request a hearing has passed

# Flow of Information for Reporting Government Boundary Changes

AFTER passage of H.B. 61, 2009 General Session

Revised: 01/28/2009



# **Benchland Water District**

Since 1976

485 East Shepard Lane, Kaysville, Utah 84037

Phone: (801) 451-2105

Fax (801) 451-6232

January 23, 2015

Wayne Reaves  
J F Capital  
1148 W. Legacy Crossing Blvd  
Suite # 400  
Centerville, Utah 84014

RE: Benchland Water District secondary water service to the (King property) AKA Shepard Landing Subdivision.

The property as described above is approximately 95% within the boundaries of Benchland Water District with the other 5% needing to be annexed into the District. There are existing mainlines in Shepard Lane and 50 East Street to tie-into the District's system. The District will be pleased to serve this property with a pressurized irrigation system constructed by the developers in conformity with the specifications and requirements of the District

Sincerely,



Scott L Parsell  
Benchland Water District Manager

# Petition for Annexation into the Benchland Water District

The undersigned petitioners state and represent that:

1. Petitioners are:

Fisher Farms, LLC  
Manager, Owen Fisher  
Janette King  
Butler

2. Petitioners petition the Board of Benchland Water District for annexation of the Proposed Annexation Area (described below) into Benchland Water District, pursuant to U. C. A. § 17B-1-403 and 404.

3. The area and boundaries proposed to be annexed (the "Proposed Annexation Area") into Benchland Water District are described in Exhibit A attached hereto and incorporated herein by reference.

4. Annexation of the Proposed Annexation Area into Benchland Water is required by the public health, convenience and necessity because: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

WHEREFORE, Petitioners request that:

1. The Board of Benchland Water District (the "BOARD") adopt a resolution declaring that the public health, convenience and necessity require annexation of the Proposed Annexation Area into Benchland Water District.

2. The Board give proper notice of its intentions to annex the proposed Annexation area in accordance with U. C. A. § 17B-1-413.

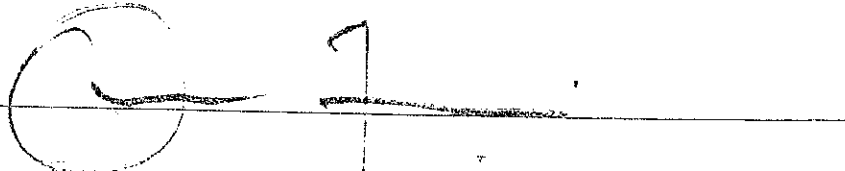
3. The Board otherwise comply with all requirements of U. C. A. 17B-1-403 and 17B-1-405



4. The Board adopt a resolution annexing the Proposed Annexation Area into Sanborn and Water District.

Dated: JAN 23, 2015

Petitioners:

  
\_\_\_\_\_  
Janiell Kene  
Beth

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**NOTICE OF PUBLIC HEARING  
FOR THE BENCHLAND WATER DISTRICT  
(SECONDARY WATER PROVIDER)**

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The Benchland Water District intends to annex real property into the District's boundaries. Petition and map identifying the real property owners also known as Exhibits A and B can be seen at the District's Office.

9:00 am to 5:00 pm, Monday-Friday

**A Public Hearing will be held at the District Office  
485 E Shepard Lane, Kaysville, Utah  
August 20, 2015 at 7:30 pm**

The purpose of the Public Hearing is to hear comments or information regarding the Annexation of real property into the District's Boundaries.

The property's approximate location is

100 West Shepard Lane in Kaysville, Utah 84037

Also identified as the Fisher Farms, LLC and Jannette & Brett King properties.

In compliance with the ADA Act, persons needing auxiliary communicate aids and services for this meeting  
Should call Benchland Water District's Manager, Scott Parsell  
At (801) 451-2105, giving him at least three working days' notice.

Benchland Water District  
Resolution No. 09172015

A Resolution adopting the annexation of property into a local Irrigation District

Whereas, Benchland Water District (the "District") is a governmental entity and will provide water to the property being annexed (See exhibit A, legal description of property to be annexed):

Whereas, the District feels the annexation of the property into Benchland Water boundaries is required by the public health, convenience and necessity.

Whereas, the District complied with all requirements of U.C.A. 17B-1-405 and 17-B-1-406.

Whereas, the District has a distribution system in close proximity to the property to be annexed.

Whereas, the effective date of the annexation is \_\_\_\_\_.

NOW Therefore, be it resolved by the Board of Benchland Water District as follows: That the District approves the annexation of property (Exhibit A, see attached) into the Benchland Water District Boundaries.

Approved and adopted by majority vote at a duly called meeting of the Board of Trustees this 17<sup>th</sup> day of September, 2015

Benchland Water District

Signed: Chairman

James H. Taylor

Board Members:

Paul H. [Signature]

Paul E. [Signature]

Judy Rice

Phil Leonard

\_\_\_\_\_  
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