

STATE OF UTAH



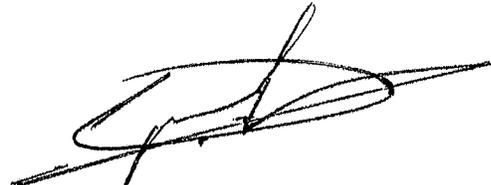
OFFICE OF THE LIEUTENANT GOVERNOR  
CERTIFICATE OF CREATION

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 of the UPPER COMMUNITY RECREATION DISTRICT, dated July 20<sup>th</sup>, 2015, 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 the UPPER COMMUNITY RECREATIO DISTRICT,, located in Weber County, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 17<sup>th</sup> day of July, 2015 at Salt Lake City, Utah.



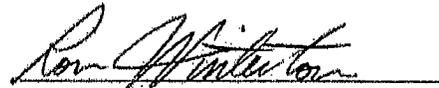
  
SPENCER J. COX  
Lieutenant Governor

CERTIFICATION OF COMPLAINE WITH THE REQUIREMENT OF UTAH CODE  
TITLE 17D CHAPTER 1 PART 2 IN THE CREATION OF THE  
UPPER COMMUNITY RECREATION DISTRICT

I, Ron Winterton, Chairman of the Board of Commissioners of Duchesne County do hereby certify that I have reviewed the requirements of the aforementioned Utah Statute regarding the creation of a Special Service District. With the assistance of legal counsel Duchesne County has proceeded to follow the directives of the aforementioned statutory framework in the creation of the Upper Community Recreation District. Specifically, the following steps were taken to insure that all required actions were taken to properly form this District:

1. This district is an authorized recreation district under Utah Code § 17D-1-101, et seq.;
2. A Resolution was passed in an open meeting declaring the need for this district and describing the boundaries of the district to be area locally known as the Upper Country of Duchesne County. The Resolution further stated the services which would be provided and designated a name for the District.
3. A notice of intention to establish the district was published in accordance with Utah Code § 17D-1-205.
4. All resolutions and ordinances referenced herein were made in open meetings where public comment was solicited. A special public hearing was held on December 4, 2013; after proper notice was made of that public hearing, where all interested persons could appear and be heard whether in support of or in opposition to the creation of the District.
5. No written or oral protests were made at the public hearing or thereafter.
6. The Board of Duchesne County Commissioners, having fully considered all input, and having determined that the opinion of the electorate was supportive of the creation of the Upper Community Recreation District thereafter passed an Ordinance creating the District.

I hereby certify the formation of the above-reference Special Service District was made in compliance with the requirements of Utah law.



Ron Winterton  
Chairman, Duchesne Co. Commission

ATTEST:



JoAnn Evans, Clerk/Auditor

## ORDINANCE 15 - 343

AN ORDINANCE TO CORRECT ORDINANCE 14-330 AND ESTABLISH A SPECIAL SERVICE DISTRICT TO BE KNOWN AS THE UPPER COMMUNITY RECREATION DISTRICT; DEFINING THE BOUNDARIES OF SAID SPECIAL SERVICE DISTRICT AND THE SERVICES TO BE PROVIDED THEREIN;

WHEREAS the Board of County Commissioners of Duchesne County, Utah, on October 28, 2013, passed a Resolution declaring that the public health, convenience, and necessity require the establishment of a special service district pursuant to the provisions of the Special Service District Act, Title 17D, Chapter 1, Utah Code Annotated, as amended, and Article XI, Section 7 of the Constitution of Utah, for the specific purposes of providing recreational services; and

WHEREAS all property included within the boundary of this proposed special service district will be benefitted by the creation thereof; and

WHEREAS none of the area to be contained within the boundaries of this proposed special service district is also within the boundaries of any other recreation district established by Duchesne County; and

WHEREAS Duchesne County previously passed Ordinance 14-330, which was sent to the Lieutenant Governor's Office, containing an incorrect boundary description; and

WHEREAS this ordinance is created to amend and correct Ordinance 14-330 to the correct boundary description.

NOW THEREFORE, the County Legislative Body of Duchesne County ordains as follows:

Section 1: It is the intent of said Board that a special service district, to be known as the Upper Community Recreation District, be created within Duchesne County, Utah, pursuant to the provisions of the Special Service District Act, Title 17D, Chapter 1, Utah Code Annotated, as amended, and Article XI, Section 7 of the Constitution of Utah.

Section 2: The boundaries of this local district are indicated on the attached plat, and described herein as follows:

Beginning at the point of intersection of the East line of Duchesne County with the North line of Section 3 Township 3 North, Range 1 West of the Uintah Special Base and Meridian;

Thence Southerly 14 miles along the County line to the South line of Section 10, Township 1 North, Range 1 West;

Thence Westerly 6 and four fifths miles, more or less to the Northwest Corner of Section 15, Township 1 North, Range 2 West;

Thence Southerly 4 miles to the Southeast Corner of Section 33, Township 1 North, Range 2 West;

Thence Westerly 2 miles to the Northwest Corner of Section 5, Township 1 South, Range 2 West;  
Thence Southerly 5 miles to the Southwest Corner of Section 29, Township 1 South, Range 2 West;  
Thence Easterly 1 mile to the Southeast Corner of said Section 29;  
Thence Southerly 4 miles to the Southeast Corner of Section 17, Township 2 South, Range 2 West;  
Thence West 1 mile to the Southwest Corner of said Section 17;  
Thence Southerly 5 miles to the Southeast Corner of Section 7, Township 3 South, Range 2 West;  
Thence Westerly 5 miles to the Northwest Corner of Section 16, Township 3 South, Range 3 West;  
Thence Southerly 1 mile to the Southwest Corner of Section 16;  
Thence Westerly 2 miles to the Southeast Corner of Section 13, Township 3 South, Range 4 West;  
Thence Northwesterly 2.8 miles to the Southeast Corner of Section 3, Township 3 South, Range 4 West;  
Thence Westerly 3.2 miles along the section lines to the centerline of an existing road which parallels the Chevron Pipeline;  
Thence Northwesterly 0.82 miles along said road to State Highway #87;  
Thence Northwesterly 2.7 miles along said State Highway #35 to the South line of Section 26, Township 2 South, Range 5 West;  
Thence Westerly 0.8 miles along the section lines to beginning of County Road #93;  
Thence Northwesterly 3.0 miles along said County Road #93 to the East line of Section 19, Township 2 South, Range 5 West;  
Thence Northwesterly 1.1 miles to the Northwest Corner of said Section 19;  
Thence Northerly 9.1 miles along the section lines to the Northwest Corner of Section 6, Township 1 South, Range 5 West;  
Thence Westerly 0.2 miles to the Southwest Corner of Section 31, Township 1 North, Range 5 West;  
Thence Northerly 18 miles to the Northwest Corner of Section 6, Township 3 North, Range 5 West;  
Thence Easterly 27 and four fifths miles along the Section lines to the Point of Beginning containing 460518 acres or 719 sq miles.

Section 3: The district is to be created for the purpose of providing recreation services within the area of the special service district, together with all powers and duties ancillary thereto, as set forth in Utah Code Annotated Section 17D-1-103, and such other powers, duties and services as are, or in the future may be, allowed by law.

Section 4: The district so created shall be known as the "Upper Community Recreation District".

Section 5: A public hearing on the question of the creation of the district was held by the Board of Duchesne County Commissioners at the Altamont High School auditorium, Altamont, Utah, at 7 p.m., on Wednesday, December 4, 2013, at which time and place all interested persons or parties could appear and be heard whether in support of or in opposition to the creation of the district, as more fully

described in the Notice of Intention set forth in Section 7 hereof. There were no persons or parties that protested or objected to the creation of the Upper Community Recreation District either at the meeting or thereafter.

Section 6: The Notice Intention to Establish Upper Community Recreation District, as set forth in Section 7, was published at least once a week during four consecutive weeks, the final publication was published not less than five (5) days nor more than twenty (20) days before the hearing, in the Uintah Basin Standard, a newspaper having general circulation in Duchesne County, and was published for thirty-five (35) days before the date of the public hearing on the public legal notice website.

Section 7: The Notice of Intention was published as follows:

NOTICE IS HEREBY GIVEN that, on October 28, 2013, the Board of County Commissioners of Duchesne County, Utah, adopted a resolution declaring that the public health, convenience and necessity require the establishment of a special service district to be called the Upper Community Recreation District, for the purpose of providing recreation services and performing such duties as are ancillary to the primary purpose of recreation services within the boundaries of the district. The Resolution also provides for a public hearing on the establishment of the district in the county to be held at the Altamont High School auditorium, Altamont, Utah, at 7:00 p.m. on Wednesday, December 4, 2013.

**DESCRIPTION OF THE PROPOSED DISTRICT**

The district shall have the following boundaries:

**TOWNSHIP 5 NORTH, RANGE 1 WEST**

Parts of Sections 19-22

Sections 27-34

**TOWNSHIP 5 NORTH, RANGE 2 WEST**

Parts of Sections 19-24

Sections 25-36

**TOWNSHIP 5 NORTH, RANGE 3 WEST**

Parts of Sections 14-18

Sections 19-22

Part of Sections 23-24

Sections 25-36

**TOWNSHIP 5 NORTH, RANGE 4 WEST**

Parts of Sections 13-14

Part of Sections 21-24

Sections 25-27

Part of Section 28

Part of Sections 30-31

Section 32-36

**TOWNSHIP 5 NORTH, RANGE 5 WEST**

Parts of Sections 33, 35, 36

**TOWNSHIP 4 NORTH, RANGE 1 WEST**

Sections 3-10

Sections 15-22

Sections 27-34

**TOWNSHIP 4 NORTH, RANGE 2 WEST**

Sections 1-36

**TOWNSHIP 4 NORTH, RANGE 3 WEST**

Sections 1-36

**TOWNSHIP 4 NORTH, RANGE 4 WEST**

Sections 1-36

**TOWNSHIP 4 NORTH, RANGE 5 WEST**

Sections 1-2

Parts of Sections 3-6

Section 7-36

**TOWNSHIP 4 NORTH, RANGE 6 WEST**

Parts of Sections 1-3

Parts of Sections 8-12

Section 13-17

Section 20-29

Section 32-36  
TOWNSHIP 3 NORTH RANGE 1 WEST  
Sections 3-10  
Sections 15-22  
Sections 27-34  
TOWNSHIP 3 NORTH RANGE 2 WEST  
Sections 1-36  
TOWNSHIP 3 NORTH RANGE 3 WEST  
Sections 1-36  
TOWNSHIP 3 NORTH RANGE 4 WEST  
Sections 1-36  
TOWNSHIP 3 NORTH RANGE 5 WEST  
Sections 1-36  
TOWNSHIP 3 NORTH RANGE 6 WEST  
Sections 1-5  
Sections 8-17  
Sections 20-29  
Sections 32-36  
TOWNSHIP 2 NORTH RANGE 1 WEST  
Sections 3-10  
Sections 15-22  
Sections 27-34  
TOWNSHIP 2 NORTH RANGE 2 WEST  
Sections 1-20  
Parts of Sections 21-22  
Sections 23-25  
Parts of Sections 26-29  
Section 30-31  
Parts of Sections 32-36  
TOWNSHIP 2 NORTH RANGE 3 WEST  
Sections 1-36  
TOWNSHIP 2 NORTH RANGE 4 WEST  
Sections 1-36  
TOWNSHIP 2 NORTH RANGE 5 WEST  
Sections 1-36  
TOWNSHIP 2 NORTH RANGE 6 WEST  
Sections 1-5  
Sections 8-17  
Sections 20-29  
Sections 32-36  
TOWNSHIP 1 NORTH RANGE 1 WEST  
Sections 1  
Parts of Sections 2-3, 12  
TOWNSHIP 1 NORTH RANGE 2 WEST  
Parts of Section 5  
Sections 6-7  
Parts of Sections 8-17  
Sections 18-19  
Parts of Section 20-21  
Parts of Section 28  
Section 29-32  
Partial Section of 33  
TOWNSHIP 1 NORTH RANGE 3 WEST  
Sections 1-36  
TOWNSHIP 1 NORTH RANGE 4 WEST  
Sections 1-36  
TOWNSHIP 1 NORTH RANGE 5 WEST  
Sections 1-36  
TOWNSHIP 1 NORTH RANGE 6 WEST  
Sections 1-5  
Sections 8-17  
Sections 20-29  
Sections 32-36  
TOWNSHIP 1 SOUTH RANGE 2 WEST  
Sections 6-7, 18-19, 30-31

TOWNSHIP 1 SOUTH RANGE 3 WEST

Sections 1-36

TOWNSHIP 1 SOUTH RANGE 4 WEST

Sections 1-36

TOWNSHIP 1 SOUTH RANGE 5 WEST

Sections 1-36

TOWNSHIP 1 SOUTH RANGE 6 WEST

Sections 1-5

Sections 8-17

Sections 20-29

Sections 32-36

TOWNSHIP 2 SOUTH RANGE 2 WEST

Parts of Sections 6-6

TOWNSHIP 2 SOUTH RANGE 3 WEST

Parts of Sections 1

Sections 2-10

Parts of Sections 11-12-15

Sections 16-21

Part of Sections 22

Section 28-33

Parts of Section 34

TOWNSHIP 2 SOUTH RANGE 4 WEST

Sections 1-36

TOWNSHIP 2 SOUTH RANGE 5 WEST

Sections 1-18

Parts of Sections 19-21

Sections 22-26

Parts of Sections 27-35-36

TOWNSHIP 2 SOUTH RANGE 6 WEST

Sections 1-12

Part of Section 13

Sections 14-17

Parts of Sections 20-24

TOWNSHIP 3 SOUTH RANGE 3 WEST

Parts of Sections 4

Sections 5-8

Parts of Sections 17-18

TOWNSHIP 3 SOUTH RANGE 4 WEST

Sections 1-5

Parts of Sections 6-11-14

TOWNSHIP 3 SOUTH RANGE 6 WEST

Parts of Section 1

Including Altamont City

\*To view a map of the proposed areas, please visit the Duchesne County Website

#### PROPOSED SERVICES

The district will be authorized to provide recreation services within the boundaries of the district, together with acquisition of all properties, facilities, equipment and appurtenances therefor.

#### METHODS OF FINANCING AND GENERAL POWERS

Pursuant to the provisions of the Special Service District Act (Title 17D, Chapter 1, Utah Code Annotated (1953) as amended, and Article XI, Section 7, of the Constitution of Utah, the district may annually impose fees and charges to pay for some or all of the services to be provided by the district. It may also annually levy taxes upon all taxable property within the district to provide the proposed services, and exercise any and all other powers set forth in Utah Code Annotated Section 17D-1-103.

#### PROTESTING AGAINST THE CREATION OF THE SPECIAL SERVICE DISTRICT OR AGAINST A SERVICE THE SPECIAL SERVICE DISTRICT IS PROPOSED TO PROVIDE

An interested person may protest the creation of the special service district or a service that the special service district is proposed to provide. Each protest shall be in writing, shall be submitted to the Board of County Commissioners of Duchesne County no later than 60 days after the public hearing described herein and shall explain why the person is protesting. A person submitting a written protest may withdraw the protest, or having withdrawn a protest, cancel the withdrawal, no later than 60 days after the public hearing described herein. The Board may not adopt a resolution or ordinance creating the special service district or authorizing the district to provide a service, if adequate protests, as defined by Utah Code Annotated Section 17D-1-102(1), are filed with respect to the creation of the district or provision of that service. A parcel of real property may not be included for purposes of calculating adequate protests unless the protest is signed by owners representing a majority ownership in that parcel, or if the property

is owned by joint tenants or tenants by the entirety, by 50% of the number of owners of that parcel. The signature of a person signing a protest in a representative capacity on behalf of an owner is invalid unless the person's representative capacity and the name of the owner the person represents are indicated on the protest with the person's signature, and the person provides documentation accompanying the protest that reasonably substantiates the person's representative capacity. Subject to the aforesaid requirements set forth for persons signing in a representative capacity, a duly appointed personal representative may sign a protest on behalf of a deceased owner.

Subject to the provisions of Title 17D, Chapter 1, Part 2, Utah Code Annotated (1953) as amended prohibiting or restricting the same, the Board may adopt a resolution or ordinance establishing the Upper Community Recreation District as proposed. The Board may, in its discretion, change the boundaries of the district and/or change the services to be provided by the district.

A person may file an action in district court challenging the creation of the district or a service the district is proposed to provide, if the person filed a written protest in conformity with the requirements set forth above, and either is a registered voter within the district and alleges in the action that the procedures used to create the district violated applicable law, or 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 benefited by the service that the district is proposed to provide or the procedures used to create the district violated applicable law.

Any court action must be filed within 30 days after the date of the adoption of a resolution or ordinance creating the district. If a court action is not filed within said 30 days, a registered voter or property owner within the district may not contest the creation of the district or a service that it is proposed to provide.

#### **PUBLIC HEARING ON PROPOSED ESTABLISHMENT OF SPECIAL SERVICE DISTRICT**

The Board of County Commissioners of Duchesne County will hold a public hearing on the establishment of the district and the providing of recreational services within the district at the Altamont High School Auditorium, Altamont, Utah, at 7:00 p.m. on Wednesday, December 4, 2013. At said public hearing, the Board of County Commissioners will give full consideration to each written protest that has been filed and hear and consider all interested persons desiring to be heard. The Board may continue the hearing to another date and time.

Published in the Uintah Basin Standard November 5, 12, 19 and 26, 2013.

#### **NOTICE OF THE ORDINANCE WAS PUBLISHED IN THE UINTAH BASIN STANDARD**

ON November 5, November 12, November 19 and November 26, 2013, as well as the public legal notice website before October 30, 2013.

Section 8: The officers of Duchesne County, Utah are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance.

Section 9: If any one or more sections, sentences, clauses or parts of this ordinance shall for any reason be questioned or held invalid, such judgments shall not affect, impair or invalidate the remaining provisions of this resolution, but shall be confined in their operation to the special sections, sentences, clauses or parts of this resolution so held unconstitutional and invalid, and the inapplicability and invalidity of any section, sentence, clause or part of this resolution in any one or more instances shall not affect or prejudice in any way the applicability and validity of this resolution in any other instance.

Section 10: All resolutions, bylaws and regulations of Duchesne County, Utah in conflict with this resolution are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution, bylaw or regulation, or part thereof, heretofore repealed.

Section 11: The district shall be governed by an administrative control board consisting of five members, four to be elected as provided by law, and one to be appointed by Altamont City in concurrence with Utah Code § 17D-1-303(2). All board members shall serve for terms of four years. The initial administrative control board shall be appointed, two of which will serve until the 2017 Altamont general

election, and three will serve until the 2019 municipal general election, as to avoid all directors being elected every four years. The initial Administrative Control Board shall be as follows:

Dawna Brotherson (until December 31, 2017)  
Sherrie Holgate (until December 31, 2017)  
Annissa Maxfield (until December 31, 2019)  
Jack Wood (until December 31, 2019)  
Todd Anfinson (until December 31, 2019)

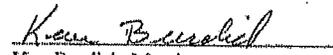
Dated this 20<sup>th</sup> day of July, 2015

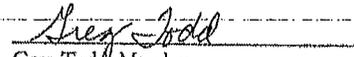
ATTEST:

  
JoAnn Evans  
County Clerk/Auditor

THE BOARD OF DUCHESNE COUNTY  
COMMISSIONERS:

  
Ron Winterton, Chairman

  
Ken Burdick, Member

  
Greg Todd, Member

