

STATE OF UTAH



OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF WITHDRAWAL

I, SPENCER J. COX, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT there has been filed in my office a notice of withdrawal pertaining to the ROY WATER CONSERVANCY DISTRICT, dated May 11<sup>th</sup>, 2016, complying with Section 17B-1-512, 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 withdrawal, referred to above, on file with the Office of the Lieutenant Governor pertaining to the ROY WATER CONSERVANCY 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 at Salt Lake City, this 20<sup>th</sup> day of June, 2016.



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

SPENCER J. COX  
Lieutenant Governor

**NOTICE OF IMPENDING BOUNDARY ACTION**

**TO: The Lieutenant Governor, State of Utah**

Dear Sir:

**NOTICE IS HEREBY GIVEN** that the Board of Trustees (the "Board"), of the ROY WATER CONSERVANCY DISTRICT (the "District"), has, at a regular meeting of the Board, duly convened, pursuant to notice, on Wednesday, May 11, 2016, approved a *Resolution Approving the Withdrawal of Certain Property Described Herein from the Boundaries of the Roy Water Conservancy District (Cambridge Estates Subdivision Withdrawal)*, a true and correct copy of which is attached as Exhibit "A" hereto and incorporated by this reference herein (the "Withdrawal Resolution").

A copy of the final District plat satisfying the applicable legal requirements as set forth in Utah Code Ann. §17-23-20, approved as a final local entity plat by the Surveyor of Weber County, Utah, is submitted herewith. The Board hereby certifies that all requirements applicable to the annexation of the property more particularly described in the Withdrawal Resolution have been met.

**WHEREFORE**, the Board hereby respectfully requests the issuance of a Certificate of Withdrawal pursuant to and in conformance with the provisions of Utah Code Ann. §17B-1-512.

**DATED** this 18th day of May, 2016.

**ROY WATER CONSERVANCY DISTRICT**

By: Tommy J. Smith  
Tommy J. Smith, Board Chair

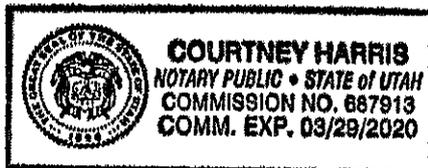
**VERIFICATION**

STATE OF UTAH     )  
                              :ss.  
County of Weber    )

The undersigned, being duly sworn upon oath, says that the facts set forth in the foregoing *Notice of Impending Boundary Action* are true, accurate, and complete to the best of the undersigned's knowledge and belief.

Tommy J. Smith  
Tommy J. Smith Board Chair

SUBSCRIBED AND SWORN to before me this 18th day of May, 2016.



Courtney Harris  
NOTARY PUBLIC

RESOLUTION NO. 2016 - 05

**A RESOLUTION APPROVING THE WITHDRAWAL  
OF CERTAIN PROPERTY DESCRIBED HEREIN FROM THE  
BOUNDARIES OF ROY WATER CONSERVANCY DISTRICT  
(Cambridge Estates Subdivision Withdrawal)**

**WHEREAS**, by Certificate of Annexation issued by the Office of the Lt. Governor of the State of Utah, recorded in Weber County under Entry No. 2269115, that certain property generally described as Cambridge Estates Phases 1, 2 and 3, as hereinafter more particularly described (the "*Cambridge Property*"), was annexed into the legal boundaries of the Roy Water Conservancy District ("*District*"); and

**WHEREAS**, Utah Code Ann. §17B-1-501, et seq., in effect as of the date hereof (the "*Act*"), applicable to the District pursuant to Utah Code Ann. §17B-2a-1003(1), provides for the withdrawal of an area from the boundaries of a water conservancy district and sets forth the requirements and procedures with respect thereto; and

**WHEREAS**, the Board of Trustees (the "*Board*"), of the District has found and determined that:

1. In the course of extending its secondary irrigation water system through West Haven City, Weber Basin Water Conservancy District ("*Weber Basin*"), erroneously constructed and installed secondary irrigation water pipelines and related facilities into and commenced to serve the Cambridge Property without realizing that said property had previously been annexed into the legal boundaries of the District;

2. From a planning and operations standpoint, the District and Weber Basin have deemed it appropriate that for the foreseeable future Weber Basin should continue to provide secondary irrigation water service to the Cambridge Property and not the District;

3. Weber Basin is currently providing secondary irrigation water service within the Cambridge Property and it is the intent of Weber Basin and the District that Weber Basin continue to provide said service; and

**WHEREAS**, the Board has been advised by its legal counsel that §17B-1-510(2) of the Act provides as follows:

(2) ... the board of trustees shall adopt a resolution approving the withdrawal of some or all of the area from the local district if the board of trustees determines that:

(a) the area to be withdrawn does not and will not require the service that the local district provides;

(b) the local district will not be able to provide service to the area to be withdrawn for the reasonably foreseeable future; or

(c) the area to be withdrawn has obtained the same service that is provided by the local district or a commitment to provide the same service that is provided by the local district from another source; and

**WHEREAS**, the District's legal counsel has advised the Board that under the above cited statute, it is the intent of the legislature that if any one of the three circumstances quoted above apply, the Board has an obligation to adopt a resolution withdrawing the property from the District, and that given the facts as set forth above, all three of the circumstances are satisfied, and as such, the law requires that the Cambridge Property be withdrawn from the District's legal boundaries; and

**WHEREAS**, in conformance with the applicable requirements of the Act, the Board adopted Resolution No. 2016-02 initiating proceedings for the withdrawal of said property from the District; and

**WHEREAS**, the Board having complied with all applicable procedural requirements of the Act, and having duly considered the matter and being fully advised with respect to the Board's legal obligation as set forth herein, the Board has determined it to be in the best interest of the District to approve the withdrawal of the Cambridge Property from the boundaries of the District, as provided herein;

**NOW, THEREFORE**, be it hereby resolved as follows:

Section 1. Approval of Withdrawal. Based upon the findings and legal obligation of the Board as set forth in the Recitals herein, and the Board finding it otherwise to be in the best interest of the District, the Board hereby approves the withdrawal of Cambridge Property, as more particularly described in Section 2 below, from the legal boundaries of the District.

Section 2. Area to be Withdrawn. The Cambridge Property to be withdrawn from the District is more particularly described as follows:

**Cambridge Estates Phase 1, 2 and 3**

A part of the Southeast Quarter of Section 3, Township 5 North, Range 2 West, Salt Lake Base & Meridian, U.S. Survey:

All of Cambridge Estates, Phase 1, as recorded in Book 73 at Page 062 and all of Cambridge Estates, Phase 2, as recorded in Book 74 at Page 087 and all of Cambridge Estates, Phase 3, as recorded in Book 75 at Page 058 in the office of the Weber County Recorder's and being more particularly described as follows:

Beginning at the Southeast Corner of said Cambridge Estates, Phase 3 which point is South 89°25'05" East 1323.13 feet along the South line of said Southeast Quarter of Section 3, and North 00°34'55" East 976.62 feet from the Southwest Corner of said Southeast Quarter of Section 3, said point also being a point of intersection on the Existing Roy Water Conservancy District Boundary (E.R.W.C.D.B.);

Running thence North 89°42'13" West 1206.76 feet along the South line of said Cambridge Estates, Phase 1, Phase 2, and Phase 3 which is the proposed withdrawal line from the Roy Water Conservancy District boundary; to a point on the said (E.R.W.C.D.B.); thence the following six (6) courses and distances along the

perimeter of said Cambridge Estates, Phase 1, Phase 2, and Phase 3 and also said (E.R.W.C.D.B.) and is to be withdrawn from the (E.R.W.C.D.B.); (1) North 38°43'48" East 86.94 feet to a point of curvature with a 200 foot radius curve to the left; (2) 106.81 feet along the arc of said curve through a central angle of 30°36'00" (chord bears North 23°24'48" East 105.55 feet) to a point of tangency; (3) North 08°07'48" East 192.87 feet; (4) South 89°20'45" East 1087.62 feet; (5) South 00°09'29" West 60.65 feet; (6) South 00°50'44" West 288.81 feet to the point of beginning.

Contains 9.10 Acres more or less.

Section 3. Directives. The District's staff is hereby directed as follows:

(a) Within 10 days from the date of adoption of this Resolution, file with the lieutenant governor, in behalf of the Board, (i) a copy of a notice of impending boundary action, as defined in U.C.A. §67-1a-6.5 that meets the requirements of U.C.A. §67-1a-6.5(3), and (ii) a copy of an approved final local entity plat, as defined in U.C.A. §67-1a-6.5.

(b) Upon the lieutenant governor's issuance of a certificate of withdrawal under U.C.A. 67-1a-6.5, file with the recorder of Weber County: (i) the original notice of an impending boundary action, the certificate of withdrawal and the approved final local entity plat; and (ii) a certified copy of this Resolution.

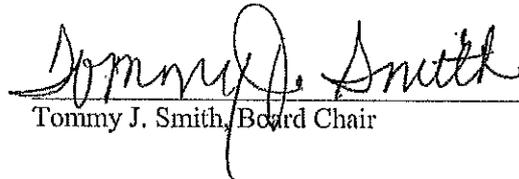
(c) Publish in a local newspaper of general circulation in Weber County and on the public legal notice website, a notice of withdrawal of the Cambridge Property, which sets forth the name of the District, the description of the area to be withdrawn, a brief explanation of the grounds upon which the Board determined to approve the withdrawal, and that a copy of this Resolution will be available for examination at the District office during normal business hours for a period of 30 days from the date of publication of said notice.

Section 4. Effective Date of Withdrawal. Pursuant to §17B-1-512(2)(a) of the Act, the withdrawal of the Cambridge Property shall be effective upon the lieutenant governor's issuance of a certificate of withdrawal, subject to the conditions of this Resolution.

Section 5. Effective Date of this Resolution. This Resolution shall take effect immediately upon its approval and adoption by the Board.

**APPROVED AND ADOPTED** this 11<sup>th</sup> day of May, 2016.

**ROY WATER CONSERVANCY DISTRICT**

  
Tommy J. Smith, Board Chair

Attest:

  
Linda Toupin, District Clerk

(seal)  
{00940203-1 }



