

OFFICE OF THE LIEUTENANT GOVERNOR <u>CERTIFICATE OF ANNEXATION</u>

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 from the JORDAN VALLEY WATER CONSERVANCY DISTRICT, dated August 21, 2019, complying with Title 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 boundary correction and adjustment, referred to above, on file with the Office of the Lieutenant Governor pertaining to the JORDAN VALLEY WATER CONSERVANCY DISTRICT located in Utah County, State of Utah.



IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 30th day of August 2019 at Salt Lake City, Utah.

SPENCER J. COX Lieutenant Governor



8215 South 1300 West • West Jordan, UT 84088 • Ph: 801.565.4300 • www.jwwcd.org

Richard P. Bay, General Manager/CEO Barton A. Forsyth, Assistant General Manager Alan E. Packard, Assistant General Manager Board of Trustees
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August 21, 2019

Mr. Spencer J. Cox, Lieutenant Governor Utah State Capitol Complex, Suite 220 P.O. Box 142325 Salt Lake City, UT 84114

Subject:

Notice of Impending Boundary Action (DJ Investment Group, LLC)

Dear Lieutenant Governor Cox:

Jordan Valley Water Conservancy District (Jordan Valley) was established in 1951 to develop and deliver water supplies to those residing within its service area. Periodically, Jordan Valley verifies that property which has been annexed into any of Jordan Valley's Member Agencies is annexed into our boundaries, too. A development that was annexed before January 15, 2019, into Draper City, a Member Agency of the District, needs to be annexed into Jordan Valley. Accordingly, the following documents are enclosed:

- 1. Letter from Jordan Valley to the U.S. Bureau of Reclamation (BOR) requesting annexation of property
- 2. Letter from the BOR to Jordan Valley approving the annexation
- 3. Petition Certification
- 4. Notice of Proposed Annexation
- Resolution 19-19: "Approving Annexation of Lands into the Jordan Valley Water"
- Final Local Entity Plat signed by Jordan Valley and the Utah County Surveyor

I hereby verify, on behalf of Jordan Valley, that all requirements applicable to the annexation and to the boundary action have been met. Thank you for your assistance with this matter. Please call me at 801-565-4300 if you have any questions.

Best Regards,

Richard P. Bay

General Manager/CEO



RESOLUTION OF THE BOARD OF TRUSTEES

RESOLUTION NO. 19-19

APPROVING ANNEXATION OF LANDS INTO THE JORDAN VALLEY WATER CONSERVANCY DISTRICT

WHEREAS, a written "Petition for Inclusion of Lands Within the Boundaries of the Jordan Valley Water Conservancy District" (the "Petition") was filed with the Board of Trustees on June 25, 2019, by DJ Investment Group, LLC, a Utah limited liability company ("Landowner"), asking that certain real property it owns in Utah County (the "Lands") be annexed into the Jordan Valley Water Conservancy District;

WHEREAS, a copy of the Petition, including a description and map of the Lands, is attached as Exhibit A:

WHEREAS, the Petition was certified by the Board of Trustees on July 10, 2019, in the "Petition Certification" in accordance with Utah law, and written notice of the "Petition Certification" was given to the Contact Sponsor identified in the Petition in accordance with Utah law;

WHEREAS, written notice of the Petition and of the proposed annexation was properly and timely given in accordance with Utah law;

WHEREAS, a public hearing is not required by law and one has not been requested for the Petition or the proposed annexation;

WHEREAS, no objection or protest has been made either to the Petition or to the proposed annexation;

WHEREAS, all relevant statutory requirements under Utah law have been satisfied for approval of the Petition and for annexation of the Lands into the District:

WHEREAS, the City of Draper ("City") is a wholesale customer and member agency of the District; and,

WHEREAS, the City annexed the Lands into its geographical boundaries before January 15, 2019;

Resolution of the Board of Trustees (No. 19-19)
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NOW, THEREFORE BE IT RESOLVED by the Jordan Valley Water Conservancy District Board of Trustees:

- 1. The Board of Trustees of the Jordan Valley Water Conservancy District ("District") finds that the District is a water conservancy district organized in 1951 and existing under the Utah Water Conservancy District Act, Utah Code Ann. §§ 17B-2a-1001 et seq.;
- 2. The Board finds that the District provides both wholesale and retail culinary water service within its geographical service area situated in parts of Salt Lake and Utah Counties;
- 3. The Board finds that the District provides wholesale culinary water service to the City pursuant to a written agreement between the parties, and that the City acquires the wholesale water service from the District and, in turn, provides it as a retail service;
 - 4. The Board finds that the City is now located at least partly within the District;
- 5. The Board finds that the City intends to provide to the Lands the same retail water service that the District provides to the City as a wholesale service;
 - 6. The Board finds that the Lands are now outside the District's boundaries:
- 7. The Board finds that the Lands are within the boundaries of the North Utah County Water Conservancy District, which district provides watershed protection and flood control and does not provide wholesale or retail culinary water to the City of Draper. Inasmuch as Utah County, the City of Draper, and the North Utah County Water Conservancy District do not provide the services proposed to be provided by the District, notice of the proposed annexation need not be given by the District to Utah County, to the City of Draper, or to the North Utah County Water Conservancy District pursuant to Utah Code Ann. (1953) § 17B-1-406;
- 8. The Board finds that the Lands may be benefited by annexation into the District in that over time they will have access to the District's water supply, facilities, and services;
- 9. The Board finds that annexation of the Lands into the District will not impair or adversely affect: (a) the District's organization; (b) the District's rights in or to property; (c) any of the District's other rights or privileges; or, (d) any contract, obligation, lien, or charge for or upon which the District might be liable or chargeable had the proposed annexation not been made;
- 10. The Board finds that the proposed annexation does not jeopardize the prompt payment of principal and interest on the bonds of the District now outstanding or of

payment by the District of installments of indebtedness or obligations under any contract;

- 11. The District has entered into an agreement with the United States that requires the consent of the United States for annexation of the Lands into the District. Prior to the adoption of this Resolution, the Board received the formal, written approval of the Bureau of Reclamation to the annexation of the Lands into the District on the terms set forth in this Resolution;
- 12. The Board shall file a notice with the Lieutenant Governor of the State of Utah, accompanied by a copy of this Resolution and either an accurate map depicting the boundaries of the Lands or a legal description of the Lands, adequate for purposes of the Utah County Assessor and Recorder, and a certification by the Board that all requirements for annexation of the Lands have been complied with;
- 13. The Board determines that the proposed annexation shall be complete and effective upon the Lieutenant Governor's issuance to the Board of the certificate of annexation pursuant to Utah law, with copies sent as required by law, at which time:
 - (a) The Lands, as described in Exhibit A, shall be annexed into the District;
- (b) The Lands shall be subject to the District's lawful water rates, assessments, taxes, fees, rules, and regulations as adopted and/or amended from time to time; and,
 - (c) The Lands shall be assigned to the Sixth Division of the District.
- 14. This Resolution shall take effect immediately upon execution by an authorized member of the Board.

PASSED, ADOPTED, and APPROVED this 14th day of August, 2019.

Corey L. Rushton

Chair of the Board of Trustees

ATTEST:

Richard P. Bay, Clerk

EXHIBIT A

COPY OF PETITION FOR INCLUSION OF LANDS WITHIN THE BOUNDARIES OF THE JORDAN VALLEY WATER CONSERVANCY DISTRICT

PETITION FOR INCLUSION OF LANDS WITHIN THE BOUNDARIES OF THE JORDAN VALLEY WATER CONSERVANCY DISTRICT

TO THE BOARD OF TRUSTEES OF THE JORDAN VALLEY WATER CONSERVANCY DISTRICT:

- 1. The undersigned Invitation CROWA ("Landowner"), pursuant to the provisions of Utah Code Ann. § 17B1-401, hereby petitions the Jordan Valley Water Conservancy District, through its Board of Trustees, to change the boundaries of the Jordan Valley Water Conservancy District to include and annex into the District the Lands which are described on attached Exhibit 1 and whose boundaries are shown on the map attached as Exhibit 2.
- 2. Landowner certifies the Lands are private and that it is the owner of the Lands. The Lands constitute 100% of the total private land within the entire area proposed to be annexed, and the Lands are equal to 100% of the assessed value of all private real property within the area proposed to be annexed.
- 3. The Lands are within the municipal boundary of Draper City, Utah. The City is a member agency of the District and receives wholesale water from the District, and the City intends to provide retail water to the Lands.
- 4. Landowner hereby assents to the inclusion of the Lands in the District and it acknowledges the Lands will be benefitted by inclusion. Landowner further acknowledges that the Lands to be included in the District shall be subject to the District's lawful water rates, assessments, taxes, fees, rules, and regulations as they may be adopted and/or amended from time to time.

	5. The Contact Sponsor for Landowner is DT INVESTMENT GROWP CALL							
	_; Mailing Address: Po Box 1, b	NAPFE HTelephone Number: 801-89129126 84020						
Dated	1: 6/25/2019	"Landowner": [NAME] By: David K. Mask Its: Member Owner Typed Name: DAVID K. MAST Current Residence Address: 12457 So. 500 East DRAPER UT SHOOD Telephone: SOI 891-9126						

STATE O	F UTAH)									
COUNTY	OF Salt La	ike)									
The	e foregoing	instrum	ent was	acknowle	edged	before	me	this	29	day	of
Ine	2019	. bv	Davi	dK.	M	ast					

Commission expires: 03/24/2023



NOTARY PUBLIC Residing in Lehi, VT

EXHIBIT 1

LEGAL DESCRIPTION OF THE LANDS TO BE INCLUDED AND ANNEXED INTO THE JORDAN VALLEY WATER CONSERVANCY DISTRICT

The following real property is located in Utah County, Utah:

A TRACT OF LAND BEING SITUATE IN THE SOUTH HALF OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, HAVING A BASIS OF BEARINGS OF SOUTH 89°49'39" WEST BETWEEN THE SOUTH QUARTER AND THE SOUTHWEST CORNER OF SAID SECTION 10, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS NORTH 00°08'40" EAST 2619.87 FEET AND NORTH 89°44'33" WEST 189.18 FEET FROM THE SOUTH QUARTER OF SAID SECTION 10, SAID POINT ALSO BEING ON THE NORTHWEST CORNER OF UPPER CORNER CANYON ROAD SECOND AMENDED, ON FILE WITH THE OFFICE OF THE UTAH COUNTY RECORDER AS MAP NO. 15960, SAID POINT ALSO BEING THE BEGINNING OF A 306.00 FOOT RADIUS CURVE TO THE LEFT, AND RUNNING THENCE ALONG SAID UPPER CORNER CANYON ROAD SECOND AMENDED THE FOLLOWING FOUR (4) COURSES, 1) 86.15 FEET ALONG SAID ARC THROUGH A CENTRAL ANGLE OF 16°07'52" (CHORD BEARS SOUTH 25°00'08" EAST 85.87 FEET), 2) THENCE SOUTH 33°04'04" EAST 103.76 FEET TO THE POINT OF A 244.00 FEET RADIUS CURVE TO THE RIGHT, 3) ALONG SAID CURVE A DISTANCE OF 141.44 FEET THROUGH A CENTRAL ANGLE OF 33°12'44" (CHORD BEARS SOUTH 16°27'42" EAST 139.47 FEET), 4) SOUTH 00°08'40" WEST 232.01 FEET TO THE NORTHEAST CORNER OF LOT 229, HIDDEN CANYON ESTATES PHASE 2B, ON FILE WITH THE OFFICE OF THE UTAH COUNTY RECORDER AS MAP NO. 15968; THENCE ALONG SAID HIDDEN CANYON ESTATES PHASE 2B THE FOLLOWING NINETEEN (19) COURSES, 1) NORTH 89°51'20" WEST 111.56 FEET, 2) SOUTH 00°08'40" WEST 49.83 FEET, 3) SOUTH 89°55'29" WEST 117.08 FEET, 4) SOUTH 37°07'34" WEST 80.77 FEET, 5) SOUTH 84°05'07" WEST 90.00 FEET, 6) NORTH 04°13'34" WEST 41.68 FEET, 7) SOUTH 88°17'21" WEST 74.30 FEET, 8) SOUTH 76°58'51" WEST 105.00 FEET, 9) SOUTH 54°46'11" WEST 83.49 FEET, 10) SOUTH 39°33'15" WEST 201.39 FEET, 11) SOUTH 14°42'13" WEST 90.50 FEET, 12) SOUTH 09°03'47" WEST 97.34 FEET, 13) SOUTH 77°42'52" WEST 65.51 FEET, 14) SOUTH 35°06'17" WEST 68.62 FEET, 15) SOUTH 77°13'05" WEST 74.18 FEET, 16) WEST 53.03 FEET, 17) NORTH 89°50'22" WEST 112.50 FEET, 18) SOUTH 88°06'42" WEST 50.03 FEET, 19) NORTH 89°50'22" WEST 103.90 FEET; THENCE NORTH 00°12'09" EAST 1117.97 FEET; THENCE SOUTH 89°44'35" EAST 1140.87 FEET TO THE POINT OF BEGINNING.

ALSO BEGINNING AT A POINT WHICH IS NORTH 00°08'40" EAST ALONG THE QUARTER SECTION LINE A DISTANCE OF 1782.96 FEET AND WEST 12.18 FEET FROM THE SOUTH QUARTER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 11°58'56" EAST 4.62 FEET TO THE POINT OF A 528.00 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG SAID CURVE A DISTANCE OF 109.09 FEET THROUGH A CENTRAL ANGLE OF 11°50'16" (CHORD BEARS NORTH 06°03'48" EAST 108.90 FEET); THENCE NORTH 00°08'40" EAST ALONG THE QUARTER SECTION LINE A DISTANCE OF 426.29 FEET TO THE POINT OF A 300.00 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG SAID CURVE A DISTANCE OF 173.90 FEET THROUGH A CENTRAL ANGLE OF 33°12'44" (CHORD BEARS NORTH 16°27'42" WEST 171.47 FEET); THENCE NORTH 33°04'04" WEST 103.76 FEET TO THE POINT OF A 250.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG SAID CURVE A DISTANCE OF 145.12 FEET THROUGH A CENTRAL ANGLE OF 33°15'34" (CHORD BEARS NORTH 16°26'17" WEST 143.09 FEET); THENCE NORTH 59°45'46" EAST 1280.24 FEET; THENCE SOUTH 1914.37 FEET; THENCE NORTH 89°59'56" WEST 735.56 FEET; THENCE NORTH 341.92 FEET; THENCE WEST 238.33 FEET TO THE POINT OF BEGINNING.

CONTAINING 58.772 ACRES, MORE OR LESS.

EXHIBIT 2

MAP SHOWING THE BOUNDARIES OF THE LANDS TO BE INCLUDED AND ANNEXED INTO THE JORDAN VALLEY WATER CONSERVANCY DISTRICT



