

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 of the UPPER COMMUNITY RECREATION DISTRICT, dated January 14, 2019, complying with Section 17D-1-603, 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 UPPER COMMUNITY RECREATION DISTRICT located in Duchesne County, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 14th day of January, 2019 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

To: The Lieutenant Governor, State of Utah

NOTICE IS HEREBY GIVEN that the Duchesne County Commission, Utah (“Commission”), acting in its capacity as the governing body of the Upper Community Recreation District (“District”), at a regular meeting of the Commission, duly convened pursuant to notice, on December 31, 2018, and adopted *A Resolution Re-Approving the Withdrawal of an Area of Real Property from the Upper Community Recreation District*, a true and correct copy of which is attached as **Exhibit “A”** hereto and incorporated by this reference herein (the “Resolution”).

A copy of the Final Local Entity 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 Duchesne County Surveyor is attached as **Exhibit “B”** hereto and incorporated by this reference. The Commission hereby certifies that all requirements applicable to the withdrawal of the property out of the legal boundaries of the District, as more particularly described in the Resolution, have been met.

WHEREFORE, the Commission hereby respectfully requests the issuance of a Certificate of Withdrawal pursuant to and in conformance with the provisions of Utah Code Ann. § 17D-1-603.

DATED this 14th day of January, 2019.

DUCHESNE COUNTY, STATE OF UTAH
Acting in its capacity as the governing authority
of the Upper Community Recreation District

By: Greg Todd
Chair, Duchesne County Commission

VERIFICATION

STATE OF UTAH)
 :SS
COUNTY OF DUCHESNE)

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.

Greg Todd
Chair, Duchesne County Commission

SUBSCRIBED AND SWORN to before me this 14th day of January, 2019.



Connie Sweat
NOTARY PUBLIC

RESOLUTION NO. 18-15

A RESOLUTION RE-APPROVING THE WITHDRAWAL OF AN AREA OF REAL PROPERTY FROM THE UPPER COMMUNITY RECREATION DISTRICT

WHEREAS, on December 4, 2013, the Board of County Commissioners of Duchesne County (the "County Board") conducted a public hearing regarding whether to establish the Upper Community Recreation District (the "District") and thereafter the County Board approved Ordinance 15-343 creating the District pursuant to the provisions of the Utah Special Service District Act codified at Title 17D, Chapter 1 of the Utah Code and Article XI, Section 7 of the Constitution of Utah;

WHEREAS, the District was created for the purpose of providing recreation services within its boundaries;

WHEREAS, the District is a special service district which is subject to applicable provisions of Title 17D of the Utah Code;

WHEREAS, the property which is the subject of this withdrawal resolution (the "Subject Property") is located in Duchesne County, Utah, and is described more particularly in attached Exhibit "A";

WHEREAS, Utah Code Ann. § 17D-1-601(1) authorizes the County Board, as the legislative body that created the District, to approve the withdrawal of an area from the District if the County Board determines that the area should not or cannot be provided the service that the District provides;

WHEREAS, there are no outstanding and unpaid bonds, notes, or other obligations of the District and there are no existing contractual obligations of the District to provide service, and thus the limitations on the adoption of a withdrawal Resolution set forth in Utah Code Ann. § 17D-1-602 do not apply here;

WHEREAS, the County Board has determined that the District should not provide recreation services to the Subject Property as it is the intention of the County Board that this area be included with a new recreation district to be created in the southern part of the County, and, therefore, it is appropriate to approve the withdrawal of the Subject Property from the District in accordance with this Resolution; and

WHEREAS, the County Board has satisfied all legal requirements applicable to the withdrawal.

NOW, THEREFORE, BE IT RESOLVED and enacted by the Board of County Commissioners of Duchesne County as follows:

1. That this Resolution is adopted by the County Board for the purpose of fulfilling and complying with the requirements of Utah Code Ann. § 17D-0-601 *et seq.* relating to the withdrawal of the Subject Property from the District.
2. That the withdrawal of the Subject Property from the District is hereby approved. The Subject Property is located in Duchesne County, Utah and is described more particularly in attached Exhibit "A" which is incorporated by reference as part of this Resolution.
3. That the withdrawal of the Subject Property shall be effective upon the Lieutenant Governor's issuance of a Certificate of Withdrawal as provided in Utah Code Ann. § 17D-1-603(2).
4. That, from and after the issuance of a Certificate of Withdrawal by the Lieutenant Governor and the submittal to the Duchesne County Recorder of the original Notice of Impending Boundary Action, the Certificate of Withdrawal issued by the Utah Lieutenant Governor, the approved Final Local Entity Plat; and a certified copy of this Resolution approving the withdrawal, the Subject Property shall no longer be part of the District.

5. That the Chairman of the County Board and the County Clerk are hereby authorized to execute a written Notice of Impending Boundary Action, including a certification that all requirements for the withdrawal of the Subject Property from the District have been complied with, and are instructed to file with the Lieutenant Governor of the State of Utah the Notice, along with an approved Final Local Entity Plat as defined in Utah Code Ann. §§ 67-1a-6.5 and 17-23-20, and a copy of this Resolution.

6. That the Chairman of the County Board and the County Clerk are hereby authorized, empowered, and instructed, individually and together, to execute and deliver such additional documents and to take such additional steps as may be required to complete the withdrawal of the Subject Property from the District including, but not limited to, filing with the Duchesne County Recorder the original Notice of Impending Boundary Action, the Certificate of Withdrawal issued by the Utah Lieutenant Governor, the approved Final Local Entity Plat, and a certified copy of this Resolution in accordance with the requirements of Utah Code Ann. § 17D-1-603.

7. That this Resolution has been placed on the agenda of a meeting of the County Board and this action is taken in compliance with the Utah Open and Public Meetings Act.


8. That this Resolution shall take effect upon its approval and adoption by the County Board but, pursuant to Utah Code Ann. § 17D-1-603(2), the withdrawal shall not be effective until the date on which the Lieutenant Governor issues a certificate of boundary adjustment.

Approved and passed by the Board of County Commissioners of Duchesne County on the 31st day of December, 2018.

	In Favor	Against	Abstained	Absent
Greg Todd	X			
Ron Winterton	X			
Ken Burdick	X			
Total	3			

DUCHESNE COUNTY COMMISSION

ATTEST:


 JoAnn Evans
 Clerk/Auditor


 Greg Todd, Chair


 Ron Winterton


 Ken Burdick

APPROVED AS TO FORM:

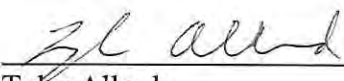
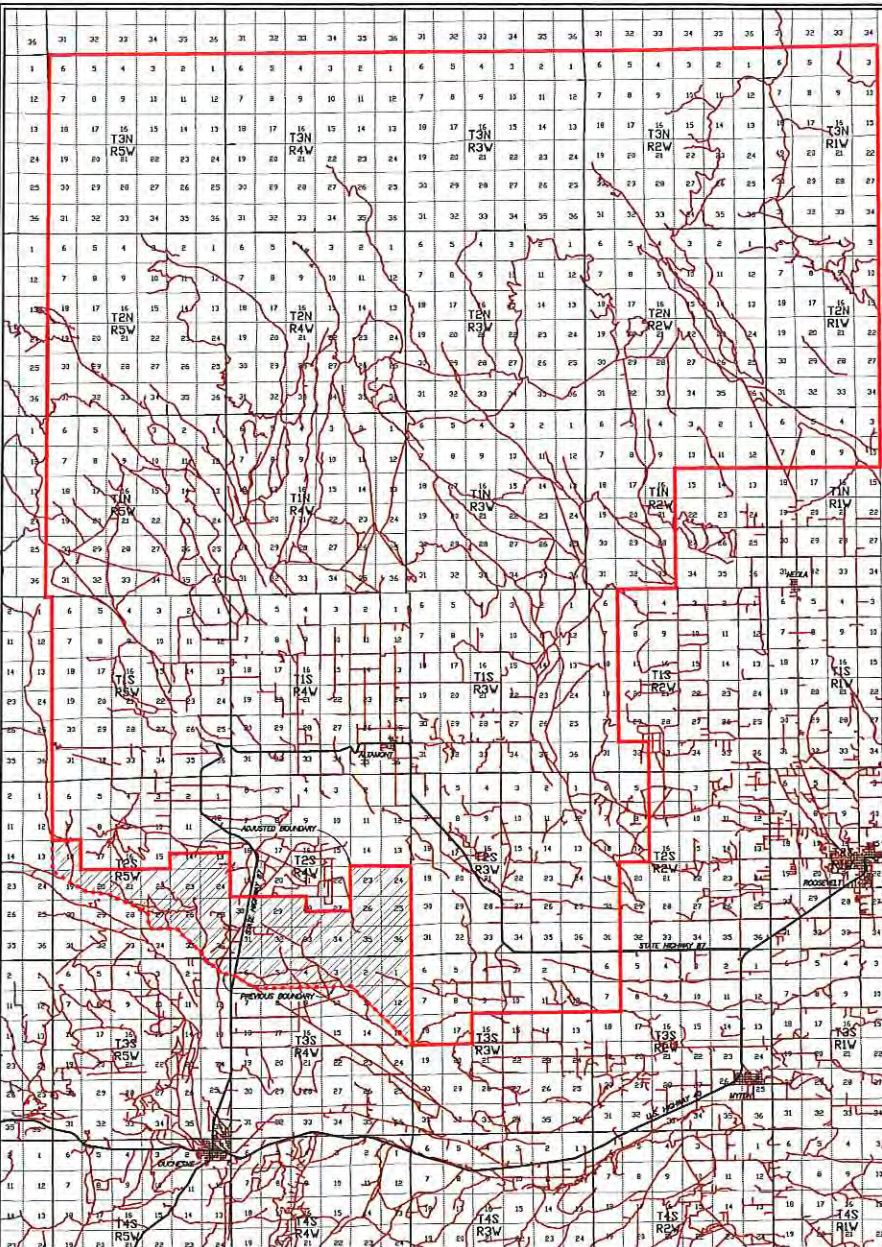

 Tyler Allred
 Deputy County Attorney

EXHIBIT "A"

(Legal Description of real property located in Duchesne County,
Utah to be withdrawn from the Upper Community Recreation District)

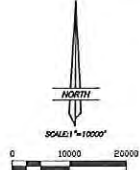
DESCRIPTION OF UPPER COMMUNITY GOING TO DUCHESNE COMMUNITY

Beginning at the Northwest Corner of Section 18, Township 2 South, Range 5 West of the Uintah Special Base and Meridian;
Thence East 1 mile to the Northeast Corner of said Section 18;
Thence South 1 mile to the Southeast Corner of said Section 18;
Thence Easterly 3 miles to the Southwest Corner of Section 14, Township 2 South, Range 5 West;
Thence North 1/2 mile to the West 1/4 Corner of said Section 14;
Thence Easterly 2 miles to the East 1/4 Corner of Section 13, Township 2 South, Range 5 West;
Thence Southerly 1.48 miles to the Northwest Corner of Section 30, Township 2 South, Range 4 West;
Thence Easterly 2 1/2 miles to the North 1/4 Corner of Section 28, Township 2 South, Range 4 West;
Thence South 1/2 mile to the Center 1/4 Corner of said Section 28;
Thence Easterly 1 1/2 miles to the East 1/4 Corner of Section 27, Township 2 South, Range 4 West;
Thence Northerly 1 1/2 miles to the Northwest Corner of Section 23, Township 2 South, Range 4 West;
Thence Easterly 2 miles to the Northeast Corner of Section 24, Township 2 South, Range 4 West;
Thence Southerly 6 miles to the Northeast Corner of Section 24, 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 Pipelines;
Thence Northwesterly 0.82 miles along said road to State Highway #87;
Thence Northwesterly 2.7 miles along 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 North 1 mile to the POINT OF BEGINNING. Containing 21026 acres, or 32.9 sq miles more or less.



AMENDMENT TO THE
BOUNDARY PLAT FOR
**UPPER COMMUNITY
RECREATION DISTRICT**

ALL LOCATED IN THE
UINTAH SPECIAL BASE AND MERIDIAN
DUCHESE COUNTY, UTAH



PREVIOUS BOUNDARY DESCRIPTION
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 North line of Section 10, Township 1 North, Range 1 West;
Thence Westerly 8 and four fifths miles, more or less to the Northwest Corner of Section 15, Township 1 North, Range 2 West;
Thence Southerly 2 miles to the Northwest Corner of Section 23, Township 1 North, Range 2 West;
Thence Southerly 3 miles to the Northwest Corner of Section 20, Township 1 South, Range 2 West;
Thence Easterly 1 mile to the Southwest Corner of said Section 20;
Thence Southerly 1 mile to the Southwest Corner of Section 12, Township 2 South, Range 2 West;
Thence West 1 mile to the Southwest Corner of said Section 12;
Thence Southerly 3 miles to the Southwest Corner of Section 23, Township 2 South, Range 2 West;
Thence Westerly 3 miles to the Northwest Corner of Section 16, Township 2 South, Range 3 West;
Thence Southerly 1 mile to the Southwest Corner of said Section 16;
Thence Westerly 2.8 miles to the Southwest Corner of Section 3, Township 2 South, Range 4 West;
Thence Westerly 3.2 miles along the section line to the centerline of an existing road which parallels the Oregon Pipeline;
Thence Westerly 0.82 miles along road used to State Highway #28;
Thence Northerly 2.7 miles along State Highway #28 to the South line of Section 26, Township 2 South, Range 5 West;
Thence Westerly 0.8 miles along the section line to beginning of County Road #28;
Thence Northerly 0.3 miles along said County Road #28 to the East line of Section 19, Township 2 South, Range 5 West;
Thence Northerly 1.1 miles to the Northwest Corner of said Section 19;
Thence Northerly 0.1 miles along the section line 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 1.8 miles to the Northwest Corner of Section 6, Township 2 North, Range 5 West;
Thence Easterly 2.2 and four fifths miles along the Section line to the Point of Beginning containing 429492 acres or 718 sq. miles.

ADJUSTED BOUNDARY DESCRIPTION
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 West 8 and four fifths miles, more or less to the Northwest Corner of Section 15, Township 1 North, Range 2 West;
Thence Southerly 2 miles to the Northwest Corner of Section 23, Township 1 North, Range 2 West;
Thence Southerly 3 miles to the Northwest Corner of Section 20, Township 1 South, Range 2 West;
Thence Easterly 1 mile to the Southwest Corner of said Section 20;
Thence Southerly 1 mile to the Southwest Corner of said Section 12, Township 2 South, Range 2 West;
Thence West 1 mile to the Southwest Corner of said Section 12;
Thence Southerly 3 miles to the Southwest Corner of Section 23, Township 2 South, Range 2 West;
Thence Westerly 3 miles to the Northwest Corner of Section 16, Township 2 South, Range 3 West;
Thence Southerly 1 mile to the Southwest Corner of Section 16, Township 2 South, Range 4 West;
Thence Northerly 0.2 miles to the Northwest Corner of Section 21, Township 2 South, Range 4 West;
Thence Southerly 1.2 miles to the East 1/4 Corner of Section 12, Township 2 South, Range 4 West;
Thence Westerly 1/2 mile to the Center 1/4 Corner of Section 26, Township 2 South, Range 4 West;
Thence Northerly 1/2 mile to the North 1/4 Corner of said Section 26;
Thence Westerly 1/2 mile to the Southwest Corner of Section 16, Township 2 South, Range 4 West;
Thence Northerly 1.48 miles to the East 1/4 Corner of Section 12, Township 2 South, Range 5 West;
Thence Northerly 1/2 mile to the East line of Section 12, Township 2 South, Range 5 West;
Thence Southerly 1/2 mile to the Southwest Corner of said Section 12;
Thence Northerly 1/2 mile to the Southwest Corner of Section 12, Township 2 South, Range 5 West;
Thence North 1 mile to the Northwest Corner of said Section 12;
Thence West 1 mile to the Southwest Corner of Section 7, Township 2 South, Range 5 West;
Thence Northerly 3 miles along the Range line to the Northwest Corner of Section 8, Township 1 South, Range 5 West;
Thence West 0.2 miles to the Southwest Corner of Section 31, Township 1 North, Range 5 West;
Thence Northerly 1.8 miles along the Range line to the Northwest Corner of Section 6, Township 1 North, Range 5 West;
Thence Easterly 2.2 and four fifths miles along the Section line to the Point of Beginning containing 429492 acres or 718 sq. miles.

NARRATIVE
THIS PLAT HAS BEEN PREPARED AT THE REQUEST OF THE DUCHESE COUNTY ATTORNEY'S OFFICE USING DATA SUPPLIED BY THE COUNTY GIS DEPARTMENT, THE ALMIGHTY/UPPER COUNTY RECREATION DISTRICT, AND THE LOCAL LAND OFFICE PLATS FOR REFERENCE.

SURVEYOR'S CERTIFICATE
This is to certify that this plat was prepared from data supplied by the Duchesne County Attorney's office and GIS Department and is based on the information returned on the original General Land Office plat of the original survey of the area here covered by Duchesne County.



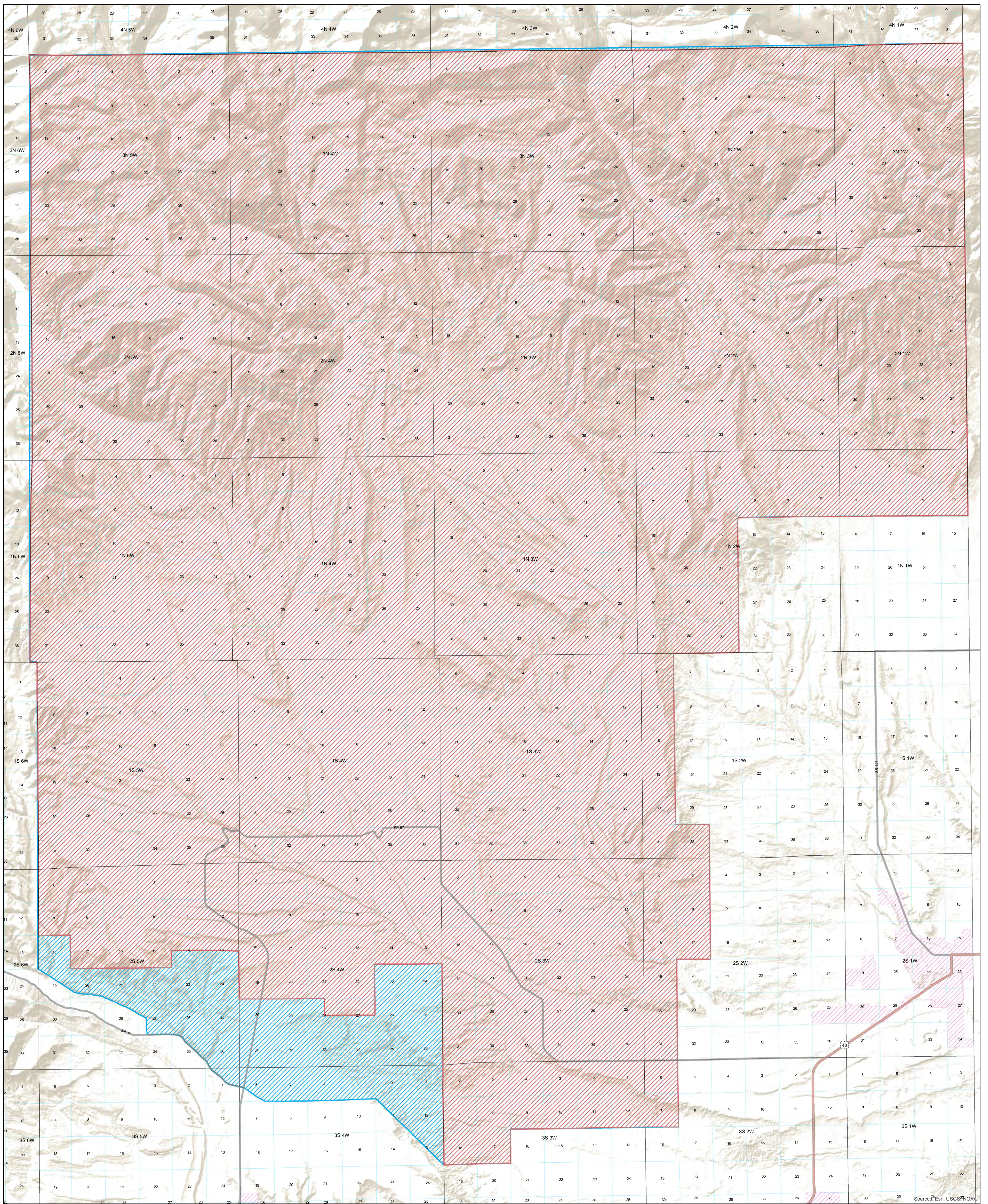
COUNTY SURVEYOR'S CERTIFICATE
This is to certify that I am the County Surveyor for Duchesne County, that I have reviewed this plat and approve same this 26th day of Aug. 2018.










Jerry D. Allred, Professional Land Surveyor,
Certificate No. 148991, (Utah)

COUNTY SURVEYOR'S FEE \$
JERRY D. ALLRED & ASSOCIATES, INC.
SURVEYING CONSULTANTS
1235 NORTH 200 EAST—P.O. BOX 975
DUCHESE, UTAH 84021
435.778.5172

Commissioner: Greg Todd



-  Highway
-  Other Principal Roads
-  Townships
-  Sections
-  City Boundary
-  Upper Country Recreation
-  Upper Country Recreation (Proposed Removal)

Upper Community Recreation District Deannexation

Map for reference use only.
Boundaries drawn from legal description provided by
Ryan Allred of Jerry D. Allred & Associates.

Duchesne County GIS
Daniel Burk
dburk@duchesne.utah.gov
435-738-1168

