

Moab, Utah

June 20, 1977

The Board of County Commissioners of Grand County, Utah, met in regular session on the 20th day of June, 1977, at its regular meeting place in Moab, Utah, at 10:00 A.M. with the following members present:

- Leo Burr Chairman
- Harvey W. Merrill Commissioner
- A. Daniel Holyoak Commissioner

Also present:

- Bobbie Domenick Clerk-Auditor

Absent:

After the minutes of the last meeting had been read and approved, the following Resolution was introduced in written form by Ken Mc Dougall, Chairman, and after full discussion of the matter, pursuant to motion made by

A. Dan Holyoak and seconded by Harvey Merrill, was adopted by the following vote:

AYE:	Leo Burr
	Harvey W. Merrill
	A. Daniel Holyoak

NAY: None

A RESOLUTION declaring that the public health, convenience and necessity require the creation of a Special Service District, defining the boundaries of said Special Service District and the services to be provided therein, providing for a hearing on the creation of said Special Service District and providing for notice of said hearing.

WHEREAS, the Board of County Commissioners of Grand County, Utah, believe that the public health, convenience and necessity require a water works collection, retention and wholesale delivery system to serve the area hereinafter described, and that in order to provide for the acquisition and financing of said water system, it is desirable to incorporate said area into a Special Service District pursuant to the provisions of the Utah Special Service District Act, Utah Code Annotated, Sections 11-23-1 to -29 (1953), as amended, and Article XIV, Section 8 of the Utah Constitution; and

WHEREAS all property included within the boundaries of said proposed Special Service District will be benefited by the creation thereof and the acquisition of said water system; and

WHEREAS, none of the area to be contained within the boundaries of said proposed Special Service District is also within the boundaries of any other special service district established by said Commission to provide water services, nor is the area within any other district presently providing similar water services; and

WHEREAS said proposed Special Service District would include the municipality of Moab, the City Council of which will be requested to consent by resolution to the inclusion of said municipality within said District;

NOW, THEREFORE, Be It Resolved by the Board of County Commissioners of Grand County, Utah, as follows:

Section 1. The public health, convenience and necessity require the creation within Grand County, Utah of a Special Service District pursuant to the provisions of the Utah Special Service District Act, Utah Code Annotated, Sections 11-23-1 to -29 (1953) as amended, and Article XIV, Section 8 of the Utah Constitution.

Section 2. The boundaries of said Special Service District to be so established shall be as set forth in the Notice of Hearing in Section 7 hereof.

Section 3. Said Special Service District is to be created for the purpose of providing water works collection, retention and wholesale delivery within said District through the construction, purchase, gift, condemnation or any combination thereof of the facilities or systems necessary to provide said services.

Section 4. The Special Service District so created shall be known as "Grand County Special Service Water District".

Section 5. A public hearing on the question of the creation of the proposed Grand County Special Service Water District shall be held by the Board of County Commissioners at the County Building, Moab, Utah, at 10:00 A.M. on the 18th day of July, 1977, at which time and place all interested parties may appear and be heard either in support of or in opposition to the creation of the proposed Grand County Special Service Water District as more fully described in the Notice of Intention set forth in Section 7 hereof.

Section 6. A Notice of the Intention to create the proposed Grand County Special Service Water District shall be published at least once a week during three consecutive weeks, the first publication to be not less than twenty-one (21) days nor more than thirty-five (35) days before the

hearing, in the Times Independent, a newspaper having general circulation in Grand County.

Section 7. The Notice of Intention to be published shall be in substantially the following form:

NOTICE OF INTENTION TO ESTABLISH
GRAND COUNTY SPECIAL SERVICE WATER DISTRICT

NOTICE IS HEREBY GIVEN THAT ON June 20, 1977, the Board of County Commissioners of Grand County, Utah, adopted a Resolution declaring that the public health, convenience and necessity require the establishment of a Special Service District in said County, to be called "Grand County Special Service Water District" for the purpose of providing a water works collection, retention and wholesale delivery system within the boundaries of said Service District. Said Resolution also provides for a public hearing on the establishment of said Special Service District in the County Building in Moab, Utah at 10:00 A.M. on July 18, 1977.

DESCRIPTION OF PROPOSED DISTRICT

The boundaries proposed for said Special Service District would be the same as those of Grand County and would include all area within Grand County both incorporated and unincorporated, except for lands lying within the existing boundaries as of the date hereof of the Thompson Improvement District and the Elgin Water and Sewer Improvement District, which areas are expressly excepted from inclusion therein. The District would be located entirely within Grand County.

PROPOSED SERVICES

The Grand County Special Service Water District shall provide water collection, retention and wholesale delivery through the construction of a water collection, retention and delivery system with necessary appurtenances and equipment therefor.

METHOD OF FINANCING

Pursuant to the provisions of the Utah Special Service District Act, Utah Code Annotated, Sections 11-23-1 to -29, as amended, and Article XIV, Section 8 of the Utah Constitution, the Grand County Special Service Water District may annually impose fees and charges to pay for all or a part of the water services to be provided by said District. It may also annually levy taxes upon all taxable property within said District, to provide the proposed services, and may issue bonds for the acquisition and construction of said services, provided, however, that said tax levy to provide said services or to repay said bonds, must be authorized and approved by a majority of the qualified electors of the Special Service District at an election for that purpose.

PUBLIC HEARING ON PROPOSED ESTABLISHMENT
OF SPECIAL SERVICE DISTRICT

The Board of County Commissioners will hold a public hearing on the establishment of the proposed Special Service District and the furnishing of the water services therein at 10:00 A.M. on Monday, the 18th day of July, 1977. Any interested person may protest the establishment of the proposed Grand County Special Service Water District or the furnishing of water services therein either orally at the hearing or in writing, at or at any time prior to the hearing. Written protests must be filed with the County Clerk, and may be withdrawn by the protestant at any time before the Board of County Commissioners establishes or abandons the Special Service District.

Any protest signed on behalf of a corporation owning property in the proposed Special Service District shall be sufficient if it is signed by the president, vice president, or any duly authorized agent of the corporation. Where title to any property is held in the name of more than one person, all of the persons holding title to the property must join in the signing of the protest.

At said public hearing, the County Commissioners will give full consideration to all protests which shall have been filed and will hear and consider all interested persons

desiring to be heard. The Commission may continue the hearing from time to time. After conclusion of the hearing, the Commission shall adopt a resolution either establishing the Grand County Special Service Water District or determining that the establishment of said District should be abandoned, or may, in its discretion, reduce the boundaries of the proposed District and establish said District by resolution, as modified.

If, within fifteen (15) days after the conclusion of the hearing, over fifty percent (50%) of the qualified voters of the territory proposed to be included within the Special Service District file written protests against the establishment of the proposed District with the County Clerk, the County Commission is required by law to abandon the proposed establishment of said District.

Any person who shall, at or any time prior to the date and time above-specified for the hearing, file a written protest with the County Clerk against the establishment of the Grand County Special Service Water District and whose property has been included within the boundaries of the proposed District notwithstanding such protest, may, within thirty (30) days after the adoption of the Resolution establishing the District, apply to the District Court of the Seventh Judicial District for a writ of review of the actions of the

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Board of County Commissioners in establishing the Grand County Special Service Water District, only upon the grounds, however, that his property will not be benefited by the water services authorized to be furnished by said District or that the proceedings taken in the establishment of the District have not been in compliance with law.

A FAILURE TO APPLY FOR SUCH WRIT OF REVIEW WITHIN THE PRESCRIBED TIME SHALL FORECLOSE ALL OWNERS OF PROPERTY WITHIN THE PROPOSED SPECIAL SERVICE DISTRICT SO ESTABLISHED FROM THE RIGHT FURTHER TO OBJECT THERETO.

GIVEN by order of the Board of County Commissioners of Grand County, Utah, this 20th day of June, 1977.

(Do not sign)
Commission Chairman

ATTEST:

(Do not sign)
County Clerk

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

Section 9. If any one or more sections, sentences, clauses or parts of this resolution shall, for any reason, be questioned or held invalid, such judgment shall not effect, impair or invalidate the remaining provisions of this resolution, but shall be confined in its operation to the specific 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 instances.

Section 10. All resolutions, by-laws and regulations of Grand 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, by-law, or regulation, or part thereof, heretofore repealed.


(Other business not pertinent to the above appears in the minutes of the meeting.)

Pursuant to motion duly made and carried, the meeting was adjourned.

Leo F. Bunt
Commission Chairman

ATTEST:

Barbara Dornick
County Clerk



STATE OF UTAH)
COUNTY OF GRAND) : ss.

I, Bobbie Domenick, the duly qualified and Acting County Clerk of Grand County, Utah, do hereby certify that the foregoing constitutes a true and correct copy of excerpts from the minutes of a meeting of the duly qualified and acting members of the Board of County Commissioners of Grand County, Utah, held on the 20th day of June, 1977, including a Resolution adopted at said meeting, as said minutes and Resolution are of record in my official possession.

IN WITNESS WHEREOF, I have this 20th day of June, 1977, subscribed my official signature and impressed hereon the official seal of said County.


Bobbie Domenick
County Clerk

STATE OF UTAH)
)
COUNTY OF GRAND) ss.

I, Bobbie Domenick, the duly qualified and acting Clerk of the Board of County Commissioners of Grand County, Utah, do hereby certify that on the 13 day of June, 1977, pursuant to Utah Code Annotated Section 52-4-6 (1953), as amended, I personally posted at the City-County Building written notice of the regular meeting of the Board of County Commissioners held on June 20, 1977 at said City-County Building, Moab, Utah. A correct copy of the Notice is attached hereto.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Commission this 20 day of June, 1977.

Bobbie Domenick
Clerk

