

CREATION OF SPECIAL SERVICE DISTRICT

RESOLUTION 07-08

The Board of County Commissioners of Daggett County met in regular session on April 3, 2007, at its regular meeting place in Manila, Utah at 9:00 A.M. with the following members present:

Stewart Leith  
Henry Gutz

After the meeting had been duly called to order, and after other matters not pertinent to this resolution had been discussed, the board of commissioners were presented a certificate of compliance with the Open Meeting Law, in which a Public Hearing was held on December 28, 2006, a copy of which is attached hereto as Exhibit A.

On April 3, 2007, the following resolution was then introduced in written form, and after full discussion on the matter, pursuant to motion made by Commissioner Gutz and seconded by Commissioner Leith, was adopted by the following vote:

Aye: Stewart Leith  
Henry Gutz

Nay:

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.

WHEREAS, the Board of County Commissioners of Daggett County, State of Utah, believe that the public health, convenience and necessity require the construction, repair, and maintenance of roads within a specified area of the County and therefore 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, Title 17A, as amended.

WHEREAS, all property included within the boundaries of said proposed Special Service District will benefit by the creation thereof; 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 County to construct, repair, and maintain roads, nor is the area within any other district presently providing similar services;

WHEREAS, notice was given to the public that a hearing would be held on December 28, 2006, regarding the proposed creation of a Special Service District.

WHEREAS, a public hearing was held on December 28, 2006, at which time the County Commission allowed all interested persons for or against the creation of the District to be heard.

WHEREAS, a special Service District known as the Daggett County Road & Transportation Special Service District was created in 1988 for purpose of constructing, repairing and maintaining roads within boundaries through the construction, purchase, gift, condemnation or any combination thereof of the facilities or systems necessary to provide said services.

WHEREAS, the boundaries of the Daggett County Road & Transportation Special Service District excluded land within the boundaries of the Town of Manila.

WHEREAS, it is the desire of the board of county Commissioners of Daggett County to now include the land within the boundaries of the Town of Manila within the Special Service District.

THEREFORE, be it resolved by the Board of County Commissioners of Daggett County, State of Utah, as follows:

Section 1. Any and all resolutions establishing or creating the Daggett County Road and Transportation Special Service District are repealed.

Section 2. The public health, convenience and necessity require the creation within Daggett County, State of Utah, of a special Service District (the “District”) pursuant to the provisions of the Utah Special Service District Act, Utah Code Annotated, Title 17A, as amended.

Section 3. The District is to be created for the purpose of constructing, repairing, and maintaining roads within its boundaries through the construction, purchase, gift, condemnation or any combination thereof of the facilities or systems necessary to provide said services.

Section 4. Pursuant to the provisions of the Utah Special Service District Act, Utah Code Annotated 17A, as amended, the District may annually impose fees and charges to pay for all or a part 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 may issue bonds for the acquisition and/or construction of facilities or systems to provide said services or to repay said bonds, must be authorized and approved by a majority of the qualified electors of the District at an election for that purpose. In addition, pursuant to the provisions of Utah Code Annotated Title 65B, as amended, the District may receive all or any portion of the monies to be allocated and distributed by the Utah Department of Transportation under said provisions for the purposes set forth therein.

Section 5. The District so created shall be known as The Flaming Gorge Road and Transportation Special Service District.

Section 6. The District shall have the following boundaries: All of Daggett County.

Section 7. The officers of Daggett County, State of Utah, are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 8. 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 affect, 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 9. All resolutions, by-laws and regulations of Daggett County, State of 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.

s/s Stewart Leith  
Chairperson

(S E A L)

Attest:

s/s Vicky McKee  
County Clerk

(copy of newspaper ad)

**PROOF OF PUBLICATION**

**STATE OF UTAH,**

)SS.

County of Uintah

I, JESSICA MAESTAS,  
being duly sworn, depose and say, that I am the  
Legals Manager of The Vernal Express, a  
weekly newspaper of general circulation,  
published each week at Vernal, Utah, that the  
notice attached hereto was published in said  
newspaper for 1 publication(s),

the first publication having been made on

the 6<sup>th</sup> of December, 2006 and the last

on the 6<sup>th</sup> day of December, 2006, that

said notice was published in the regular and  
entire issue of every number of the paper during  
the period and times of publication, and the  
same was published in the newspaper proper  
and not in a supplement.

By s/s Jessica Maestas  
Manager

Subscribed and sworn to before me, this  
6<sup>th</sup> day of December A.D. 2006

s/s Steven R. Wallis  
Notary Public, Residence, Vernal, Utah

(S E A L)