

RESOLUTION NO. 87-21

A RESOLUTION establishing the North Tooele County Fire Protection Service District, Tooele County, Utah; and providing for other related matters.

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WHEREAS pursuant to a resolution (the “Resolution”), adopted on August 11, 1987, the Board of County Commissioners of Tooele County, Utah (the “Board”) gave notice of its intention to create a special service district to be known as “North Tooele County Fire Protection Service District” (hereinafter referred to as the “District”), having the boundaries set out in the Resolution, to provide fire protection services; and

WHEREAS pursuant to the Resolution, the Board ordered that a public hearing be held on September 15, 1987, at 8:30 o’clock p.m., at the regular meeting place of the Board in the Tooele County Courthouse, in Tooele, Utah, on the establishment of the District and the furnishing of fire protection services thereby; and

WHEREAS public notice of said intention and of the time and place of said public hearing was given by the county Clerk through the publication of an appropriate notice in the Tooele Transcript Bulletin, a newspaper published and of general circulation in Tooele County, Utah, once a week during three consecutive weeks on August 20, 1987, August 27, 1987, and September 3, 1987, the first of such publications having been not less than twenty-one (21) days nor more than thirty-five (35) days prior to the date of the public hearing; and

WHEREAS said public hearing was held pursuant to said notice at the aforesaid time and place, the Board considered all protests filed and heard and considered all interested persons

desiring to be heard, and the time for filing protests as provided in Section 11-23-9, Utah Code Annotated 1953, as amended, has expired; and

NOW, THEREFORE, Be It and It Is Hereby Resolved by the Board of County Commissioners of Tooele County, Utah, as follows:

Section 1, That the Board does hereby find and determine:

(A) That public notice of the hearing upon the establishment of the district and the furnishing of fire protection services thereby was given by the Clerk of this Board by publication of an appropriate notice in the Tooele Transcript Bulletin, a newspaper published and of general circulation in Tooele County, Utah, once a week for three consecutive weeks prior to September 15, 1987, to-wit, August 20, 1987, August 27, 1987, and September 3, 1987, the first of said publications having been made not less than twenty-one (21) days no more than thirty-five (35) days prior to the date of such hearing.

(B) That no written protests against the establishment of the District, at or prior to the public hearing, were filed with the Board or the County Clerk.

(C) That the public hearing on the establishment of the District and the furnishing of fire protection services thereby was held and conducted by the Board as required by law and the Resolution giving notice thereof, on September 15, 1987, at 8:30 o'clock p.m. at the regular meeting place of the Board in the Tooele County Courthouse, in Tooele, Utah, at which public hearing the Board considered all interested persons desiring to be heard.

(D) That after careful consideration of all factors involved and of all objections and protests, it has been and is hereby found, determined and declared that all property include

within the boundaries of the district, as such boundaries are set out in the Resolution will be benefitted by the fire protection services to be furnished by the proposed district, and that all proceedings taken in establishing the District, and that all proceedings taken in establishing the District have been in compliance with law.

Section 2. That there is hereby established a special service district within Tooele County, Utah, to be known as “North Tooele County Fire Protection Service District.”

The boundaries of the District shall be as follows:

Beginning at a point marked by the intersection of the north west corner of Section 15, Township 4 South, Range 3 West, and the Tooele County line then following the Tooele County line to the point that it intersects with the south line of Section 16, Township 4 South, Range 3 West, thence westbound to the northeast corner of Section 24, Township 4 south, Range 6 west, thence southbound to the southeast corner of Section 36, Township 4 South, Range 6 west, thence westbound to the southwest corner of Section 34, Township 4 south, Range 6 west, thence northbound to the northwest corner of Section 22, Township 4 south, Range 6 west, thence westbound to the southeast corner of Section 13, Township 4 south, Range 8 west, thence north to the southeast corner of Section 36, Township 1 south, Range 8 west, thence westbound to the northeast corner of section 4, Township 2 south, Range 14 west, thence northbound to the County line, thence following the County line east to its intersection with the Davis County line thence southbound to the point of beginning. All townships and ranges being on the Salt Lake Meridian, and excepting any and all land located within the corporate limits of Grantsville City and the City of Tooele.

Section 3. That the District is created for the purpose of furnishing fire protection services within the area included within its boundaries, through facilities or systems acquired or constructed for that purpose through construction, purchase, lease, contract, gift, condemnation or any combination thereof.

Section 4. That the Board hereby finds and determines that neither more than fifty percent (50%) of the qualified voters of the territory proposed to be included within the District, nor the owners of more than fifty percent (50%) of the assessed value of the taxable property included within the District, have filed written protests with the County Clerk against (1) the establishment of the District, or (2) a specified type or types of services within the District.

Section 5. That any person who, within fifteen (15) days after the conclusion of the public hearing held on September 15, 1987, filed a written protest with the County Clerk against the establishment of the district or against the furnishing of specified type or types of services within the district or to the effect that his land will not be directly benefitted by the fire protection services to be furnished by the District and who is a qualified voter residing within the District or whose property has been included within the boundaries of the District notwithstanding such protest, may, within thirty (30) days after the adoption of this resolution, apply to the district Court of the Third Judicial District for a writ of review of the actions of the Board in establishing the District. Under Section 11-23-11, Utah Code Annotated 1953, as amended, the only ground upon which a person may apply for a writ of review is that the protesters property will not be benefitted by one or more of the types of services authorized to be furnished by the district or upon the ground that the proceedings taken in establishing the district have not been in compliance with law. Persons who fail to file a written protest as provided in this section will be deemed to have consented to the inclusion of their land within the District.

A failure to timely apply for a writ of review forecloses the right of all owners of property or qualified voters within the District herein established to further object.

Section 6. That the District shall be a separate body politic and corporate and a quasi-municipal public corporation distinct from Tooele County, Utah.

The Board in which the District is located shall control and have supervisory authority over all activities of the District, except that this board may by resolution delegate to an administrative control board established under Section 11-23-24, Utah Code Annotated 1953, as amended, or to designated officers and employees (who may, but need not, be officers or employees of Tooele County, Utah) the performance of any such activities and the exercise of any rights, powers and authority of the District, to the extent permitted by law, and to designated officers and employees all rights, powers and authority that may be delegated to such an administrative control board. The district shall have all rights, powers and authority granted to such districts under the Utah Special Service District Act, Chapter 23 of Title 11, Utah Code Annotated 1953, as amended.

Section 7. That pursuant to the requirements of Section 11-12-1, Utah Code Annotated 1953, as amended, the Board will file notification of establishment of the District with the state tax commission within ten days after the adoption of the resolution.

Section 8. That all acts and resolutions in conflict with this resolution or any part thereof are hereby repealed.

Section 9. That this resolution shall take immediate effect upon its adoption and approval.

ADOPTED AND APPROVED this 6th day of October, 1987.

[SEAL]