

**GRAND COUNTY, UTAH
RESOLUTION NO. ____ (2022)**

**CERTIFYING THE PETITION TO CREATE AN IMPROVEMENT DISTRICT,
CREATING THE KANE SPRINGS IMPROVEMENT DISTRICT, AND
ESTABLISHING THE BOARD OF TRUSTEES**

WHEREAS, Utah law, at Title 17B, Chapter 1 (Provisions Applicable to All Local Districts) and the Utah Improvement District Act, codified at Utah Code §§ 17B-2a-401 *et seq.*, allows property owners to create a local district to finance the construction, maintenance and operation of improvements, including sewer, water, and stormwater drainage systems and rights-of-way, required to serve development where the county refuses or otherwise fails to provide such services;

WHEREAS, Utah Code § 17B-2a-404(3)(a)(ii) provides that the legislative body of a county whose unincorporated area is partly or completely within a county district¹ may adopt at any time a resolution providing for the appointment of board of trustees members, as provided in Section 17B-1-304;

WHEREAS, Utah Code §§ 17B-2a-404(3)(a)(iii) and (3)(b) provide that the Grand County Commission may appoint up to three members of the County Commission to the board of trustees if more than 35% of the residences within the Kane Springs Improvement District are seasonally occupied homes, as defined in Subsection 17B-1-302(2)(a)(ii); the board of trustees are appointed by the legislative body of the county; and there are at least two appointed board members who meet the requirements of Subsections 17B-1-302(1), (2), and (3), except that a member of the County Commission need not satisfy these requirements;

WHEREAS, Utah Code § 17B-1-304 establishes the procedures by which the County Commission shall appoint, by resolution, persons to serve as members of a local district board and defers broad authority to the County Commission to determine the number of positions and qualifications for appointment;

WHEREAS, Utah Code § 17B-2a-905(1)(a)(i)(B) provides that the board of trustees of a service area located entirely within the unincorporated area of a single county may, as stated in the resolution that initiated the process of creating the service area, be appointed as provided in Section 17B-1-304;

WHEREAS, Utah Code § 17B-1-209(2)(a), requires the Grand County Clerk certify whether the petition complies with the requirements of Subsection 17B-1-203 no later than 35 days after the day on which a petition is filed;

¹ Utah Code § 17B-2a-404(1)(a) defines “county district” as “an improvement district that does not include within its boundaries any territory of a municipality.”

WHEREAS, on May 6, 2022, Kane Creek Preservation and Development, LLC submitted its Request to Grand County for Sanitary Sewer Service;

WHEREAS, on June 21, 2022, after public hearing, the Grand County Commission (“County Commission”) declined to provide service proposed to be provided by Kane Springs Improvement District (“Proposed District”);

WHEREAS, on June 23, 2022, Kane Creek Preservation and Development, LLC and Kane Springs, LLC (together, the “Applicants”) submitted their Petition to Create Kane Springs Improvement District (“Petition”), including signatures from owners of 100% of the land area and value within the proposed boundaries of the Proposed District, which Petition was supplemented upon request by Grand County with proof of signatory authority pursuant to Utah Code § 17B-1-203(1)(a) and 209(3)(a)(ii)(B) on August 9, 2022;

WHEREAS, no election is required for creation of the Kane Springs Improvement District pursuant to Utah Code § 17B-1-214;

WHEREAS, once created, the Kane Springs Improvement District will be a separate legal entity that Grand County is not financial obligated to support; and

WHEREAS, the County Commission has considered the petition and supporting documents in a public meeting on September 6, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Grand County Commission, as follows:

1. The Grand County Clerk hereby certifies that the Petition to Create Kane Springs Improvement District, dated June 23, 2022, as supplemented on August 9, 2022, complies with the requirements of Utah Code § 17B-1-203(1)(a);
2. The “Kane Springs Improvement District” is hereby created and so named;
3. The Kane Springs Improvement District’s initial service area is depicted and described in **Exhibit A**;
4. In compliance with local and state law, the Kane Springs Improvement District shall provide sanitary sewer collection and treatment service and may provide culinary water service and construction and maintenance of rights of way within its service area;
5. The Kane Springs Improvement District (hereinafter the “District”) shall be governed by a five-person Board of Trustees appointed by the Grand County Commission, as follows:
 - a. For a term of four years, a resident within the boundaries of the District who is also a registered voter at the location of the member’s residence;
 - b. For a term of four years, a resident within the boundaries of the District who is also a registered voter at the location of the member’s residence;
 - c. For a term of two years, a resident within the boundaries of the District who is

also a registered voter at the location of the member's residence;

- d. For a term of four years, one member of the Grand County Commission; and
- e. For a term of two years, one member of the Grand County Commission;

provided, however, that if over 50% of the residences within the Kane Springs Improvement District are seasonally occupied homes, as defined under Utah Code § 17B-1-302(2)(a)(ii), the three resident Board member positions may be filled by owners of land, or their agent, within the District.

- 6. The District's status, powers, and duties are as follows:
 - a. The District is a political subdivision of the state, separate and distinct from Grand County.
 - b. The District shall have all power and authority allowed by Title 17B, Chapter 1 (Provisions Applicable to All Local Districts) and the Utah Improvement District Act.
 - c. The District alone shall be responsible for all of the services undertaken by the District, without any recourse to Grand County or other local government entities.
 - d. Notwithstanding the foregoing, the District, acting in its sole discretion, may at times cooperate with other local government entities and enter into contracts to carry out district functions as allowed by Utah Code § 17B-1-103(2) and to perform projects through Interlocal Agreements pursuant to Utah Code § 11-13-101 *et seq.*
 - e. If the District uses an officer, employee, property, equipment, office, or facility of Grand County, the District shall reimburse Grand County a reasonable amount for such use subject to Utah Code § 17B-1-103(2) and (3).
 - f. The District shall avoid any action that could jeopardize the perceived independence of the District from the County or other local government entities.
- 7. The Grand County Surveyor is hereby directed to review the final local entity plat included in **Exhibit A**, pursuant to Utah Code § 17-23-20 and determine whether it complies with final local entity plat requirements set forth therein; and
- 8. The Grand County Clerk is hereby directed to submit a notice of impending boundary action, as defined in Utah Code § 67-1a-6.5, to the Lt. Governor no later than ten days following adoption of this Resolution, including the approved final local entity plat.

ADOPTED by the Grand County Commission in open session of a public meeting this 6th day of September 2022 by the following vote:

Those voting aye:

Those voting nay:

Those absent:

Grand County Commission

ATTEST:

Jacques Hadler, Chair

Gabriel Woytek, Clerk/Auditor

Exhibit A

*Proposed Local Entity Plat including:
Legal Description and Depiction of Proposed Service Area*