

STATE OF UTAH



OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF CREATION

I, Deidre M. Henderson, Lieutenant Governor of the State of Utah, hereby certify that there has been filed in my office a notice of creation for the OQUIRRH POINT PUBLIC INFRASTRUCTURE DISTRICT NO. 1 located in ERDA CITY, dated JULY 13, 2023, complying with Section §17B-1-215, 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 creation, referred to above, on file with the Office of the Lieutenant Governor pertaining to the OQUIRRH POINT PUBLIC INFRASTRUCTURE DISTRICT NO. 1, located in TOOELE COUNTY, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 26<sup>th</sup> day of July, 2023 at Salt Lake City, Utah.



A handwritten signature in black ink, reading "Deidre M. Henderson".

DEIDRE M. HENDERSON  
Lieutenant Governor

**NOTICE OF IMPENDING BOUNDARY ACTION**

**TO: The Lieutenant Governor, State of Utah**

**NOTICE IS HEREBY GIVEN** that the City Council of Erda City, Utah (the "Council"), acting in its capacity as the creating entity for the Oquirrh Point Public Infrastructure District No. 1 (the "District"), at a special meeting of the Council, duly convened pursuant to notice, on July 13, 2023 adopted a Resolution Providing for the Creation of Public Infrastructure Districts, a true and correct copy of which is attached as APPENDIX "A" hereto and incorporated by this reference herein (the "Creation 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 Surveyor of Tooele County, Utah, is attached as APPENDIX "B" hereto and incorporated by this reference. The Council hereby certifies that all requirements applicable to the creation of the District, as more particularly described in the Creation Resolution, have been met. The District is not anticipated to result in the employment of personnel.

**WHEREFORE**, the Council hereby respectfully requests the issuance of a Certificate of Incorporation pursuant to and in conformance with the provisions of Utah Code Ann. §17B-1-215 upon annexation of the subject property into the boundaries of the City.

**DATED** this 13<sup>th</sup> day of July, 2023.

**CITY COUNCIL OF ERDA CITY, UTAH, acting in its capacity as the creating authority for the OQUIRRH POINT PUBLIC INFRASTRUCTURE DISTRICT NO. 1**

By: Jean Bail  
AUTHORIZED REPRESENTATIVE

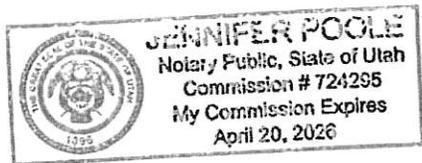
**VERIFICATION**

STATE OF UTAH )

:ss.

CITY OF ERDA )

SUBSCRIBED AND SWORN to before me this 13<sup>th</sup> day of July, 2023.



Jennifer Poole  
NOTARY PUBLIC

Erda, Utah

July 13, 2023

The City Council (the "Council") of Erda City, Utah (the "City"), met in special session (including by electronic means) on July 13, 2023, at its regular meeting place at the Tooele County Auditorium in Tooele, Utah at 7:00 p.m., with the following members of the Council being present:

Jess Bird	Chairman
Craig Smith	Vice Chair
Scott Droubay	Council Member
Joshua Kael Martin	Council Member

Also present:

Jennifer Poole	City Recorder
John Brems	City Attorney

Absent:

Terry Miner	Treasurer
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After the meeting had been duly called to order and after other matters not pertinent to this Resolution had been discussed, the City Recorder presented to the Council a Certificate of Compliance with Open Meeting Law with respect to this July 13, 2023, meeting, a copy of which is attached hereto as Exhibit A.

Thereupon, the following Resolution was introduced in writing, read in full and pursuant to motion duly made by Council Member Jess Bird and seconded by Council Member Craig Smith adopted by the following vote:

AYE: Joshua Kael Martin, Craig Smith, Scott Droubay

NAY: Jess Bird

The resolution was later signed by the Chairman and recorded by the City Recorder in the official records of the City. The resolution is as follows:

WHEREAS, pursuant to the requirements of the Act, there shall be signed, authenticated, and submitted to the Office of the Lieutenant Governor of the State of Utah for each of the Districts a Notices of Boundary Action attached hereto as Exhibit C (the "Boundary Notices") and Final Entity Plat attached to each as Boundary Notices Appendix B (or as shall be finalized in accordance with the boundaries approved hereunder) (the "Plat").

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL, AS FOLLOWS:

1. Terms defined in the foregoing recitals shall have the same meaning when used herein. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the Council and by officers of the Council directed toward the creation and establishment of the Districts, are hereby ratified, approved and confirmed.

2. The Districts are hereby created as separate entities from the City in accordance with the Governing Document and the Act. The boundaries of the Districts shall be as set forth in the Governing Document and the Plat.

3. Pursuant to the terms of the PID Act, the Council does hereby approve the annexation or withdrawal of any area within the Annexation Area (as defined in the Governing Document) into or from the Districts, as applicable, without any further action, hearings, or resolutions of the Council or the City, upon compliance with the terms of the PID Act and the Governing Document.

4. The Council does hereby authorize the Districts to provide services relating to the financing and construction of public infrastructure within the Annexation Area upon annexation thereof into the Districts without further request of the Districts to the City to provide such service under 17B-1-407, Utah Code Annotated 1953 or resolutions of the City under 17B-1-408, Utah Code Annotated 1953.

5. It is hereby found and determined by the Council that the creation of the Districts is appropriate to the general welfare, order and security of the City, and the organization of the Districts pursuant to the PID Act is hereby approved.

6. The Governing Document in the form presented to this meeting and attached hereto as Exhibits B is hereby authorized and approved, and the Districts shall be governed by the terms thereof and applicable law, with the following amendments to the governing document: A cap of a 4 MIL levee on residential (districts). Also, signs are to be required in the sales office and model homes in a conspicuous area; are to be same size or larger; are to be same color, which is orange; are to be as exhibit D in the governing document, which is a handout included in purchasers disclosures; are to include the MIL rate, a statement that the property is located in the PID district, and the tax impact. Also, all money owed or contemplated to be owed in the development agreement to the city will be paid on the first round of funding of the PID, which is 1.2 million dollars. Also, a pioneering agreement be put in place and remain in place to pay off MIL levee debt so long as this debt exists. Also, that the Erda City Recorder be changed to Tooele County recorder in the governing documents.

7. The Trustees of each Board of the Districts shall be initially composed of the same members. The initial Boards of the Districts are hereby appointed as follows:

PASSED AND ADOPTED by the City Council of Erda City, Utah, this July 13, 2023.

ERDA, UTAH

By: Jan Bail  
Chairman

ATTEST:

By: Jennifer Poole  
City Recorder



SCHEDULE 1

NOTICE OF MEETING AND AGENDA

SCHEDULE 2

NOTICE OF ANNUAL MEETING SCHEDULE

All meetings will be held at the Tooele County Building located at

**47 S. Main St. Tooele** in the Auditorium on the 1<sup>st</sup> floor. (Basement)

If you need to contact the city or come into the office, call the office number

**435-243-5577**, office hours are by appointment

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EXHIBIT C

NOTICES OF BOUNDARY ACTION

