

STATE OF UTAH



OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF INCORPORATION

I, Deidre M. Henderson, Lieutenant Governor of the State of Utah, hereby certify that there has been filed in my office a notice of incorporation for the CREATION OF AVIAN SHORES PUBLIC INFRASTRUCTURE DISTRICT located in BRIGHAM CITY, dated JANUARY 2, 2026, complying with §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 incorporation, referred to above, on file with the Office of the Lieutenant Governor pertaining to the CREATION OF AVIAN SHORES PUBLIC INFRASTRUCTURE DISTRICT, located in BOX ELDER COUNTY, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 14th day of JANUARY, 2026 at Salt Lake City, Utah.



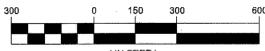
A handwritten signature in black ink, reading "Deidre M. Henderson".

DEIDRE M. HENDERSON
Lieutenant Governor



NORTH

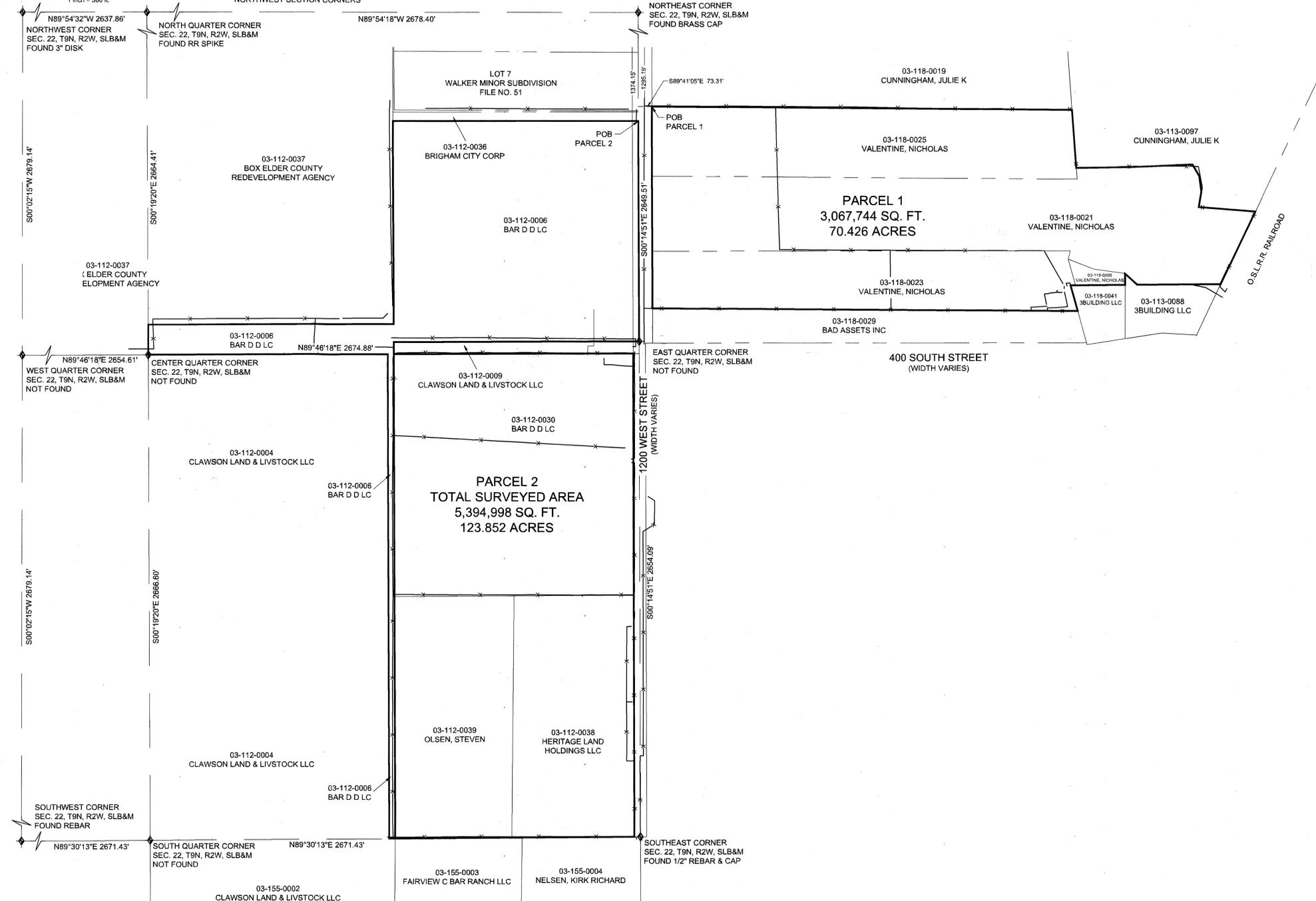
GRAPHIC SCALE



BASIS OF BEARINGS
N89°54'25"W 5316.26' (M)
BETWEEN THE NORTHEAST AND THE
NORTHWEST SECTION CORNERS

AVIAN SHORES PUBLIC INFRASTRUCTURE DISTRICT FINAL LOCAL ENTITY PLAT

LOCATED IN THE NORTHWEST QUARTER OF SECTION 23 AND
THE NORTHEAST AND SOUTHEAST QUARTERS OF SECTION 22,
TOWNSHIP 9 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN,
BRIGHAM CITY CITY, BOX ELDER COUNTY, UTAH
DECEMBER 2025



BOUNDARY DESCRIPTION

PARCEL 1:
A PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 2 WEST, THE SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT BEING ON THE EASTERLY RIGHT OF WAY LINE OF 1200 WEST STREET, SAID POINT BEING SOUTH 00°14'51" EAST 1295.19 FEET AND SOUTH 89°41'05" EAST 73.31 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 23, AND RUNNING THENCE SOUTH 89°31'36" EAST 2288.84 FEET; THENCE SOUTH 04°18'02" EAST 320.61 FEET; THENCE NORTH 89°05'27" EAST 248.48 FEET; THENCE NORTH 87°26'45" EAST 384.45 FEET; THENCE SOUTH 30°18'48" EAST 74.23 FEET; THENCE SOUTH 07°18'15" EAST 85.80 FEET; THENCE SOUTH 09°01'45" WEST 85.80 FEET; THENCE SOUTH 85°31'40" EAST 308.68 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE OREGON SHORTLINE RAILROAD, THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING THREE (3) COURSES: 1) SOUTH 25°09'40" WEST 322.94 FEET; 2) NORTH 89°50'20" WEST 2.21 FEET; 3) SOUTH 25°09'40" WEST 116.83 FEET; THENCE SOUTH 89°24'35" WEST 453.74 FEET; THENCE NORTH 47°26'11" WEST 89.76 FEET; THENCE SOUTH 00°10'59" EAST 61.40 FEET; THENCE SOUTH 89°24'35" WEST 297.38 FEET; THENCE SOUTH 15°35'25" EAST 146.02 FEET; THENCE NORTH 89°36'39" WEST 2316.05 FEET TO A POINT ON SAID EASTERLY RIGHT OF WAY LINE; THENCE NORTH 00°15'39" WEST 1106.92 FEET ALONG SAID EASTERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING.
CONTAINS 70.426 ACRES

PARCEL 2:
A PART OF THE NORTHEAST AND SOUTHEAST QUARTERS OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 2 WEST, THE SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT BEING SOUTH 00°14'51" EAST 1374.15 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 22, AND RUNNING THENCE SOUTH 00°14'51" EAST 1269.02 FEET ALONG THE SECTION LINE, THENCE SOUTH 89°45'58" WEST 1337.48 FEET; THENCE SOUTH 00°17'06" EAST 66.00 FEET; THENCE NORTH 89°46'18" EAST 1305.05 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF 1200 WEST STREET; THENCE SOUTH 00°15'39" EAST 2654.24 FEET ALONG SAID WESTERLY RIGHT OF WAY LINE TO A POINT ON THE SOUTH LINE OF SAID SECTION 22; THENCE SOUTH 89°30'13" WEST 1338.94 FEET ALONG SAID QUARTER SECTION LINE; THENCE NORTH 00°17'06" WEST 2650.50 FEET TO A POINT ON THE SECTION LINE; THENCE SOUTH 89°46'18" WEST 1304.44 FEET TO THE CENTER OF SAID SECTION 22; THENCE NORTH 00°13'42" WEST 185.00 FEET ALONG A SECTION LINE; THENCE NORTH 89°46'18" EAST 1337.28 FEET; THENCE NORTH 00°17'06" WEST 1113.93 FEET; THENCE NORTH 89°56'01" EAST 1338.28 FEET TO THE POINT OF BEGINNING.
CONTAINS 123.852 ACRES

ACCEPTANCE BY BRIGHAM CITY

THIS IS TO CERTIFY THAT BRIGHAM CITY HAS RECEIVED A PETITION BY THE OWNER OF THE TRACT SHOWN HEREON REQUESTING THAT SAID TRACT BE CREATED AS AVIAN SHORES PUBLIC INFRASTRUCTURE DISTRICT FINAL LOCAL ENTITY PLAT AND ANNEXED INTO THE SAME AND THAT A COPY OF THE ORDINANCES HAVE BEEN PREPARED FOR FILING HERewith ALL IN ACCORDANCE WITH THE UTAH ANNOTATED CODE, AND THAT WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT(S), AS SHOWN.

[Signature] 1/2/2026
MAYOR, BRIGHAM CITY

CITY RECORDER ATTEST: *[Signature]* 1/2/26

DONNA PETT
MAYOR PUBLIC OFFICER OF UTAH
COMMISSION NO. 734085
COMM. EXP. 11-16-2027

SURVEYOR'S CERTIFICATE

I, WILLIS D. LONG, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD LICENSE NO. 1070886 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT THIS SURVEY IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND THAT THIS PLAT OF ANNEXATION TO THE AVIAN SHORES PUBLIC INFRASTRUCTURE DISTRICT, HAS BEEN CORRECTLY DRAWN TO THE DESIGNATED SCALE AND IS A TRUE AND CORRECT REPRESENTATION OF THE FOLLOWING DESCRIPTION OF LANDS INCLUDED IN SAID SUBDIVISION, BASED ON DATA COMPILED FROM RECORDS IN THE BOX ELDER COUNTY RECORDER'S OFFICE AND A SURVEY MADE ON THE GROUND IN ACCORDANCE WITH SECTION 17-23-20(4)(G) HAS BEEN CERTIFIED AND SIGNED BY A PROFESSIONAL LAND SURVEY LICENSED UNDER TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT.
SIGNED THIS 30 DAY OF DECEMBER, 2025.

[Signature]
WILLIS D. LONG
1070886

Willis D. Long, PLS NO. 1070886

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO DETERMINE THE BOUNDARY OF THE PROPERTY AS SHOWN AND DESCRIBED HEREON. FOR THE PURPOSE OF THE DISTRICT WILL PROVIDE A PART OR ALL OF THE PUBLIC IMPROVEMENTS FOR THE USE AND BENEFIT OF ALL ANTICIPATED PROPERTY OWNERS, RESIDENTS, TENANTS, INVITEES, AND TAXPAYERS OF THE DISTRICT. THE SURVEY WAS ORDERED BY HUNT DAY, THE CONTROL USED TO ESTABLISH THE BOUNDARY WAS THE EXISTING WEBER COUNTY SURVEY MONUMENTATION AS SHOWN AND NOTED HEREON. THE BASIS OF BEARING IS THE BETWEEN THE NORTHEAST AND THE NORTHWEST CORNERS OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 2 WEST, OF THE SALT LAKE BASE AND MERIDIAN WHICH BEARS NORTH 89°54'25" WEST, BOX ELDER COUNTY, UTAH NORTH, NAD 83 STATE PLANE GRID BEARING.
THE EXISTING FENCE LINES ARE NOT COINCIDENT ALONG THE BOUNDARY OF THE DETERMINED BOUNDARY. IT IS RECOMMENDED THAT BOUNDARY LINE AGREEMENTS BE PREPARED BY THE ADJOINING PROPERTY OWNERS IN ORDER TO CLEAR TITLE OF THE OCCUPIED PROPERTY.

LEGEND

- ◆ COUNTY MONUMENT AS DESCRIBED
- PROPERTY CORNER AS DESCRIBED
- SUBDIVISION BOUNDARY
- - - ADJACENT PARCEL
- - - SECTION LINE
- × EXISTING FENCE LINE

LAYTON SURVEYS LLC
Professional Land Surveying 837 S 500 W, STE. 201
(801) 663-1641 | willis.layton@laytonsurveys.com WOODS CROSS, UT 84010

**AVIAN SHORES PUBLIC INFRASTRUCTURE DISTRICT
FINAL LOCAL ENTITY PLAT**
LOCATED IN THE NORTHWEST QUARTER OF SECTION 23, AND
THE NORTHEAST AND SOUTHEAST QUARTERS OF SECTION 22,
TOWNSHIP 9 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN,
BRIGHAM CITY CITY, BOX ELDER COUNTY, UTAH

BOX ELDER COUNTY SURVEYOR CERTIFICATE

I hereby certify that the Box Elder County surveyor's office has reviewed this plat for mathematical correctness, section corner data, and for harmony with lines and monuments on record in county offices. The approval of this plat by the Box Elder County Surveyor does not relieve the licensed land surveyor who executed this plat from the responsibilities and/or liabilities associated therewith.

[Signature] 12/31/2025
BOX ELDER COUNTY SURVEYOR DATE

COUNTY RECORDER

ENTRY NO. _____ FEE PAID _____
FILED FOR AND RECORDED _____
AT _____ IN BOOK _____ OF OFFICIAL
RECORDS, PAGE _____ RECORDED _____
FOR _____
COUNTY RECORDER _____
BY: _____

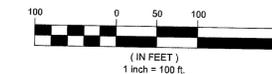
DEVELOPER: HERITAGE LAND DEVELOPMENT

S1
4



NORTH

GRAPHIC SCALE



NORTHEAST CORNER
SEC. 22, T9N, R2W, SLB&M
FOUND BRASS CAP

S88°41'05"E 73.31'

3.80'
POB
FOUND REBAR AND CAP
"RED CAP" NO NAME

41.52'

1200 WEST STREET *
(WIDTH VARIES)

N0°15'39"W 1106.92'

PROPERTY LINE IS
EAST RIGHT-OF-WAY LINE

45.24'

FOUND REBAR AND CAP
"RED CAP" - NO NAME
FOUND REBAR AND CAP
"HAI"

03-118-0019
CUNNINGHAM, JULIE K

S89°31'36"E 2288.84'

03-118-0025
VALENTINE, NICHOLAS

PARCEL 1
3,067,744 SQ. FT.
70.426 ACRES

03-118-0021
VALENTINE, NICHOLAS

03-118-0023
VALENTINE, NICHOLAS

03-118-0029
BAD ASSETS INC

N89°36'39"W 2316.05'

400 SOUTH STREET

3.20'
FOUND REBAR AND CAP
"HANSEN"

S4°18'02"E 320.63'

FOUND REBAR

N88°05'27"E 248.48'

FOUND REBAR AND CAP
"HAI"

N87°26'45"E 384.45'

9.10'

S30°18'48"E 74.23'

S7°18'15"E 85.80'

8.75'

1.74'

S9°01'45"W 85.80'

FOUND REBAR AND CAP
"HAI"

S85°31'40"E 308.68'

FOUND REBAR AND CAP
"HAI" NOT ACCEPTED

2.60'

1.42'

S25°09'40"W 323.89'

03-118-0008
VALENTINE, NICHOLAS

S89°24'35"W 297.38'

S15°35'25"E 146.02'

FOUND REBAR AND CAP
"HAI"

03-118-0041
3BUILDING LLC

N47°26'11"W 89.76'

S0°10'59"E 61.40'

03-113-0088
3BUILDING LLC

S89°24'35"W 453.74'

0.72'
2.72'

N89°50'20"W 2.21'

S25°09'40"W 116.83'

2.43'

O.S.L.R.R. RAILROAD



LAYTON SURVEYS LLC

Professional Land Surveying 837 S 500 W, STE. 201
(801) 863-1841 Wills.layton@layton-surveys.com WOODS CROSS, UT 84010

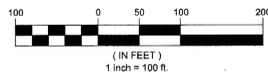
S2
4

C:\USERS\WILLAYTON SURVEYS\PROJECTS\LAYTON SURVEYS\2025\HUNT DAY\UTAH\AVAN SHORES\AVAN SHORES.DWG



NORTH

GRAPHIC SCALE



03-112-0037
BOX ELDER COUNTY
REDEVELOPMENT AGENCY

03-112-0036
BRIGHAM CITY CORP

03-112-0006
BAR D D LC

03-112-0006
BAR D D LC

03-112-0009
CLAWSON LAND & LIVSTOCK LLC

NORTHEAST CORNER
SEC. 22, T9N, R2W, SLB&M
FOUND BRASS CAP

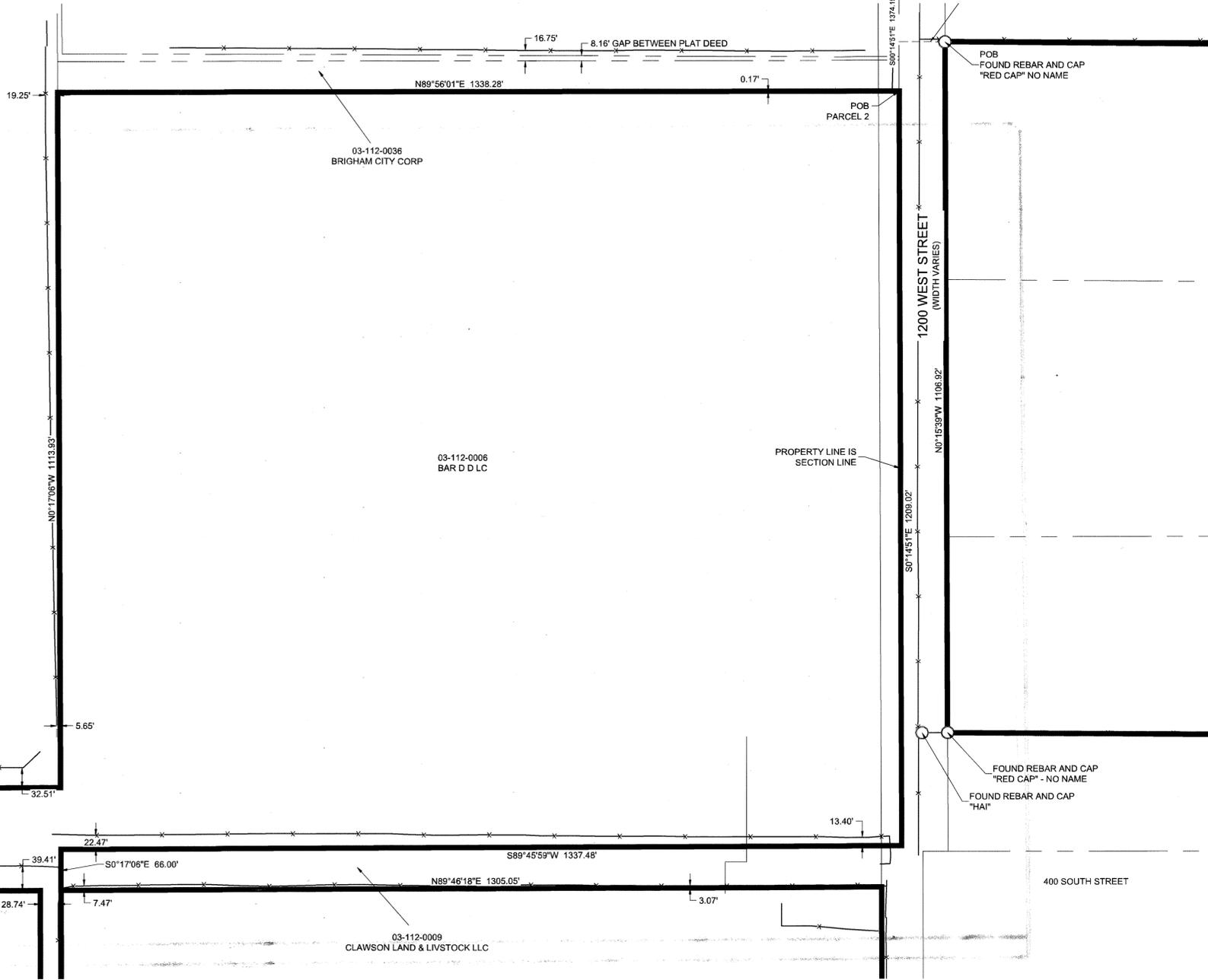
POB
FOUND REBAR AND CAP
"RED CAP" NO NAME

FOUND REBAR AND CAP
"RED CAP" - NO NAME

FOUND REBAR AND CAP
"HAI"

1200 WEST STREET
(WIDTH VARIES)

400 SOUTH STREET



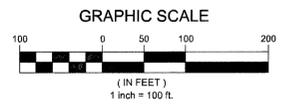
C:\USERS\MILLAYTON\SURVEYS\PROJECTS\LAYTON SURVEYS\2025\HUNT DAY\TAMMANN SURVEYS\AVIAN SURVEYS.DWG



LAYTON SURVEYS LLC

Professional Land Surveying 837 S 500 W, STE. 201
(801) 953-1541 www.laytonsurveys.com MOORE CROSS, UT 84010

S3
4



FOUND REBAR AND CAP
"RED CAP" - NO NAME
FOUND REBAR AND CAP
"HAI"

FOUND REBAR AND CAP

1200 WEST STREET
(WIDTH VARIES)

S0°15'39"E 2854.24'

FOUND REBAR AND CAP

03-112-0038
HERITAGE LAND
HOLDINGS LLC

03-155-0004
NELSEN, KIRK RICHARD

03-112-0030
BAR D D LC

PARCEL 2
TOTAL SURVEYED AREA
5,394,998 SQ. FT.
123.852 ACRES

03-112-0009
CLAWSON LAND & LIVESTOCK LLC

03-112-0039
OLSEN, STEVEN

03-155-0003
FAIRVIEW C BAR RANCH LLC

S0°17'06"E 66.00'

S88°45'55"W 1337.46'

N89°46'18"E 1305.05'

N0°17'06"W 2660.35'

N0°17'06"W 2660.50'

03-112-0006
BAR D D LC

03-112-0006
BAR D D LC



LAYTON SURVEYS LLC

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(801) 863-1541 www.laytonsurveys.com WOODS CROSS, UT 84010

S4
4

Support

PUBLIC NOTICE WEBSITE
DIVISION OF ARCHIVES AND RECORDS SERVICE

Public Hearing - Public Infrastructure District - Avian Shores

General Information

Government Type:

Municipality

Entity:

Brigham City

Public Body:

City Council

Notice Information

[Add Notice to Calendar](#)

Give Feedback

Notice Title:

Public Hearing - Public Infrastructure District - Avian Shores

Notice Type(s):

Notice

Event Start Date & Time:

December 4, 2025 06:00 PM

Description/Agenda:

NOTICE OF PUBLIC HEARING REGARDING THE CREATION OF A PUBLIC INFRASTRUCTURE DISTRICT BY BRIGHAM CITY, UTAH

Notice is hereby given that the City Council (the 'Council') of Brigham City, Utah (the 'City') will hold a public hearing on Thursday, December 4, 2025, at or after 6:00 p.m. The public hearing is regarding the proposed creation of Avian Shores Public Infrastructure District (the 'Proposed District') and to allow for public input on (i) whether the requested service (described below) is needed in the area of the Proposed District, (ii) whether the service should be provided by

the City or the Proposed District, and (iii) all other matters relating to the Proposed District. For complete documents for this public hearing contact Kristina Rasmussen @ krasmussen@bcutah.gov or visit <https://www.bcutah.gov/page/public-notices-and-hearings>.

Notice of Special Accommodations (ADA):

Brigham City does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services. If you are planning to attend this public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City eight or more hours in advance of the meeting and we will try to provide whatever assistance may be required. The person to contact for assistance is Kristina Rasmussen, City Recorder, at 435-734-6621.

Notice of Electronic or Telephone Participation:

N/A

Meeting Information

Meeting Location:

20 N Main
Brigham City, UT 84302

[Show in Apple Maps](#)

[Show in Google Maps](#)

Contact Name:

Kristina Rasmussen

Contact Email:

krasmussen@bcutah.gov

Contact Phone:

435-734-6621

Give Feedback

Notice Posting Details

Notice Posted On:

November 18, 2025 02:22 PM

Notice Last Edited On:

November 18, 2025 02:22 PM

Subscribe

Subscribe by Email

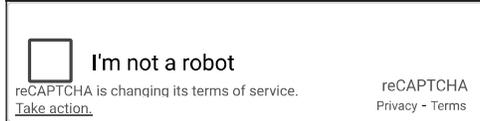
Subscription options will send you alerts regarding future notices posted by this Body.

Your Name:

John Smith

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username@example.com



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[UTAH.GOV PRIVACY POLICY](#)

[TRANSLATE UTAH.GOV](#)

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Give Feedback

Brigham, Utah

December 4, 2025

The City Council (the "Council") of Brigham City, Utah (the "City"), met in regular session (including by electronic means) on December 4, 2025, at its regular meeting place in Brigham, Utah at 6:00 p.m., with the following members of the Council being present:

DJ Bott	Mayor
Robin Troxell	Councilmember
Mathew Jensen	Councilmember
Ryan Smith	Councilmember
Dave Hipp	Councilmember
Dave Jefferies	Councilmember

Also present:

Kristina Rasmussen	City Recorder
--------------------	---------------

Absent:

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 December 4, 2025, 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 Councilmember Smith and seconded by Councilmember Jeffries adopted by the following vote:

AYE: Councilmember Hipp, Councilmember Jensen
Councilmember Smith, Councilmember Troxell
Councilmember Jeffries
NAY:

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

RESOLUTION -25-25

A RESOLUTION OF THE CITY COUNCIL (THE "COUNCIL") OF BRIGHAM CITY, UTAH (THE "CITY"), PROVIDING FOR THE CREATION OF AVIAN SHORES PUBLIC INFRASTRUCTURE DISTRICT (THE "DISTRICT") AS AN INDEPENDENT DISTRICT; AUTHORIZING AND APPROVING A GOVERNING DOCUMENT; APPOINTING A BOARD OF TRUSTEES; AUTHORIZING OTHER DOCUMENTS IN CONNECTION THEREWITH; AND RELATED MATTERS.

WHEREAS, a petition (the "Petition") was filed with the City requesting adoption by resolution of the creation of a Public Infrastructure District pursuant to the Public Infrastructure District Act, Title 17D, Chapter 4, Utah Code Annotated 1953, as amended (the "PID Act") and relevant portions of the Limited Purpose Local Government Entities - Special Districts, Title 17B (together with the PID Act, the "Act") within the City and the annexation or withdrawal of any portion of the boundaries of the District therefrom without further approval or hearings of the City or the Council, as further described in the Governing Document (as hereinafter defined) for the purpose of financing public infrastructure costs; and

WHEREAS, pursuant to the terms of the Act, the City may create one or more public infrastructure district by adoption of a resolution of the Council and with consent of 100% of all surface property owners proposed to be included in the District (the "Property Owners"); and

WHEREAS, the Petition, containing the consent of such Property Owners has been certified by the Recorder of the City pursuant to the Act and it is in the best interests of the Property Owners that the creation of the District be authorized in the manner and for the purposes hereinafter set forth; and

WHEREAS, the Council, prior to consideration of this Resolution, held a public hearing on December 4, 2025 to receive input from the public regarding the creation of the District and the Property Owners have waived the 60-day protest period pursuant to Section 17D-4-201 of the PID Act; and

WHEREAS, the hearing on the Petition was held at the Brigham City Council Chambers located at 20 N. Main Street Brigham City, UT 84032 because there is no reasonable place to hold a public hearing within the District's boundaries, and the hearing at the Brigham City Council Chambers was held as close to the proposed District's boundaries as reasonably possible and as allowed for by the Act; and

WHEREAS, the City properly published notice of the public hearing in compliance with Section 17B-1-211(1) of the Act; and

WHEREAS, none of the Property Owners submitted a withdrawal of consent to the creation of the District before the public hearing on the Petition; and

WHEREAS, according to attestations filed with the City, each board member appointed under this Resolution is registered to vote at their primary residence and is further eligible to serve

as a board member of the District under Section 17D-4-202(3)(c) of the PID Act because they are agents of property owners within the District's boundaries (as further set forth in the Petition); and

WHEREAS, it is necessary to authorize the creation of the District under and in compliance with the laws of the State of Utah and to authorize other actions in connection therewith; and

WHEREAS, the governance of the District shall be in accordance with the PID Act and the terms of a governing document (the "Governing Document") attached hereto as Exhibit B; and

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 the District a Notice of Boundary Action attached hereto as Exhibit C (the "Boundary Notice") and Final Entity Plat attached to each as Boundary Notice 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 actions heretofore taken (not inconsistent with the provisions of this Resolution) by the Council and by officers of the Council directed towards the creation and establishment of the District, are hereby ratified, approved and confirmed.

2. The District is hereby created as a separate entity from the City in accordance with the Governing Document and the Act. The boundaries of the District 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 District, 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 District to provide services relating to the financing and construction of public infrastructure within and without the Annexation Area upon annexation thereof into the District without further request of the District to the City to provide such service under Section 17B-1-407, Utah Code Annotated 1953 or resolutions of the City under Section 17B-1-408, Utah Code Annotated 1953.

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

6. The Governing Document in the form presented to this meeting and attached hereto as Exhibit B is hereby authorized and approved and the District shall be governed by the terms thereof and applicable law.

7. The Board of Trustee of the District (the "District Board") shall be initially composed of the same members. The initial Board of the District is hereby appointed as follows:

- (a) Trustee 1 – Boyd Cook, for an initial 6-year term;
- (b) Trustee 2 – Garth Day, for an initial 4-year term; and
- (c) Trustee 3 – Clay Jensen, for an initial 6-year term.

Such terms shall commence on the date of issuance of a Certificate of Incorporation by the Office of the Lieutenant Governor of the State of Utah.

8. The Council does hereby authorize its Chair to execute the Boundary Notice in substantially the form attached as Exhibit C, the Plats, and such other documents as shall be required to accomplish the actions contemplated herein on behalf of the Council for submission to the Office of the Lieutenant Governor of the State of Utah.

9. Prior to recordation of the certificate of incorporation for the District, the Council does hereby authorize its Chair or the City Attorney to make any corrections, deletions, or additions to the Governing Document and the Boundary Notice or any other document herein authorized and approved (including, but not limited to, corrections to the property descriptions therein contained) which may be necessary to conform the same to the intent hereof, to correct errors or omissions therein, to complete the same, to remove ambiguities therefrom, or to conform the same to other provisions of said instruments, to the provisions of this Resolution or any resolution adopted by the Council or the provisions of the laws of the State of Utah or the United States.

11. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

12. All acts, orders and resolutions, and parts thereof in conflict with this Resolution be, and the same are hereby, rescinded.

13. This Resolution shall take effect immediately.

APPROVED AND ADOPTED by the City Council of Brigham City, Utah, this 4th day of December, 2025.

BRIGHAM CITY, UTAH

By:  _____
Mayor

ATTEST:

By:  _____
City Recorder

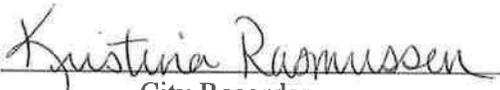


(Here follows other business not pertinent to the above.)

Pursuant to motion duly made and seconded, the meeting of the Council of the City adjourned.

By:  _____
Mayor

ATTEST:

By: 
City Recorder



STATE OF UTAH)
) : ss,
COUNTY OF BOX ELDER)

I, Kristina Rasmussen, the undersigned duly qualified and acting City Recorder of Brigham City, Utah (the "City"), do hereby certify as follows:

The foregoing pages are a true, correct, and complete copy of the record of proceedings of the City Council (the "Council"), had and taken at a lawful meeting of the Council on December 4, 2025, commencing at the hour of 6:00 p.m., as recorded in the regular official book of the proceedings of the Council kept in my office, and said proceedings were duly had and taken as therein shown, and the meeting therein shown was duly held, and the persons therein were present at said meeting as therein shown.

All members of the Council were duly notified of said meeting, pursuant to law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this December 4, 2025.



By: Kristina Rasmussen
City Recorder

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Kristina Rasmussen, the undersigned City Recorder of Brigham City, Utah (the "City"), do hereby certify that I gave written public notice of the agenda, date, time and place of the regular meeting held by the Council (the "Council") on December 4, 2025, not less than twenty-four (24) hours in advance of the meeting. The public notice was given in compliance with the requirements of the Utah Open and Public Meetings Act, Section 52-4-202, Utah Code Annotated 1953, as amended, by:

(a) causing a Notice, in the form attached hereto as Schedule 1, to be posted at the City's principal offices at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting;

(b) causing a copy of such Notice, in the form attached hereto as Schedule 1, to be published on the Utah Public Notice Website (<http://pmn.utah.gov>) at least twenty-four (24) hours prior to the convening of the meeting; and

(c) causing a copy of such notice, in the form attached hereto as Schedule 1 to be posted on the City's official website at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2025 Annual Meeting Schedule for the Council (attached hereto as Schedule 2) was given specifying the date, time and place of the regular meetings of the Council of the City to be held during the year, by causing said Notice to be posted at least annually (a) on the Utah Public Notice Website created under Section 63A-16-601, Utah Code Annotated 1953, as amended, (b) on the City's official website and (c) in a public location within the City that is reasonably likely to be seen by residents of the City.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this December 4, 2025.

By: Kristina Rasmussen
City Recorder



SCHEDULE 1

NOTICE OF MEETING AND AGENDA



NOTICE AND AGENDA
BRIGHAM CITY COUNCIL MEETING
Thursday, December 4, 2025 5:00 PM
City Council Chambers, 20 North Main
To View Live Meeting Visit:
<https://www.bc.utah.gov/mayor-and-city-council.htm> or
www.youtube.com/brighamcitycorp

5:00 WORK SESSION ON CODE UPDATES

6:00 REGULAR COUNCIL MEETING

Thought, Reading, or Invocation: Bishop Thomas Rust, Brigham City Mountain View Ward
Pledge of Allegiance

6:03 CONSENT

1. Approval of November 18, 2025 Election Canvass and November 20, 2025 City Council Meeting Minutes
2. Approval For Updates To Employee Policy & Procedures Chapter 9 – Full Time Employee Benefits, Regarding Leave Payout Calculations

6:05 EMPLOYEE RECOGNITION

1. New Hire in Public Works

6:07 PUBLIC HEARING (*Items may be brought to a vote following the public hearing as deemed necessary*)

1. Consideration Of Resolution For The Creation Of Avian Shores Public Infrastructure District As An Independent District, Authorizing and Approving A Governing Document, Appointing A Board Of Trustees, and Authorizing Other Documents In Connection Therewith; and Related Matters – Aaron Wade, Gilmore Bell

6:20 PUBLIC COMMENTS ¹ (*Per Utah Code, Council will receive input only, no decision can be made*)

6:25 COUNCILMEMBER COMMENTS

6:30 ACTION ITEMS

1. Consideration of Updating Recreation Fee Resolution To Include Soccer Programming Fees – Chris Horsley and Sammy Oberg

6:45 CONSIDERATION TO ENTER A CLOSED SESSION TO DISCUSS THE PURCHASE, EXCHANGE OR LEASE OF REAL PROPERTY, PENDING OR REASONABLY IMMINENT LITIGATION, OR THE CHARACTER, PROFESSIONAL COMPETENCE, CYBER SECURITY, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL

Assigned times may vary depending on length of discussion or agenda alteration. In compliance with the Americans with Disabilities Act, individuals needing special accommodations should notify the City Recorder (435-734-6621) at least 48 hours in advance of the meeting. City Council members may participate in council meetings electronically. Public is welcome to join the meeting in person at City Hall or to view the meeting electronically at the link above.

CERTIFICATE OF POSTING

The undersigned duly appointed City Recorder does hereby certify that the above notice and agenda was posted in three public places within the Brigham City limits. A copy was also provided to the Box Elder News Journal and posted on the City website and the State Public Meeting Notice website on November 26, 2025.

Kristina Rasmussen, City Recorder

¹ Each individual is limited to three minutes. Total input period is limited to 15 minutes.

SCHEDULE 2

NOTICE OF ANNUAL MEETING SCHEDULE



NOTICE OF THE
BRIGHAM CITY 2025 ANNUAL
MEETING SCHEDULE
FOR BOARDS AND COMMISSIONS

Board/Commission	Date Held	Time	Place of Meeting
Airport Advisory Board	As needed	2:00 p.m.	Council Chambers
Appeal Authority	2 nd Wed, as needed	5:30 p.m.	Council Chambers
Council Meetings	1 st and 3 rd Thurs	6:00 p.m.	Council Chambers
Joint Advisory Board	2 nd Tues, as needed	7:00 p.m.	Council Chambers
Library Board of Trustees	3 rd Tuesday	7:00 p.m.	Library, Room 3
Planning Commission	1 st and 3 rd Tues	6:00 p.m.	Council Chambers
Redevelopment Agency	As needed	Immediately following Council meetings	Council Chambers

EXHIBIT B
GOVERNING DOCUMENT

GOVERNING DOCUMENT
FOR
AVIAN SHORES PUBLIC INFRASTRUCTURE DISTRICT
BRIGHAM CITY, UTAH

December 4, 2025

Prepared By:
Gilmore & Bell, P.C.
Salt Lake City, Utah

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EXHIBIT A	Legal Descriptions
EXHIBIT B	Brigham City Vicinity Map
EXHIBIT C	Initial District and Annexation Boundaries Map

I. INTRODUCTION

A. Purpose and Intent.

The District is an independent unit of local government, separate and distinct from the City, and, except as may otherwise be provided for by State or local law or this Governing Document, its activity is subject to review by the City only insofar as they may deviate in a material matter from the requirements of the Governing Document. It is intended that the District will provide a part or all of the Public Improvements for the use and benefit of all anticipated property owners, residents, tenants, invitees, and taxpayers of the District. The primary purpose of the District will be to finance the construction of these Public Improvements. It is anticipated that the District will own certain improvements not otherwise required to be dedicated to the City or other applicable entity in accordance with the Approved Development Plan.

B. Need for the District.

There are currently no other governmental entities, including the City, located in the immediate vicinity of the District that consider it desirable, feasible or practical to undertake the planning, design, acquisition, construction installation, relocation, redevelopment, and financing of the Public Improvements needed for the Project. Formation of the District is therefore necessary in order for the Public Improvements required for the Project to be provided in the most economic manner possible.

C. Objective of the City Regarding District's Governing Document.

The City's objective in approving the Governing Document for the District is to authorize the District to provide for the planning, design, acquisition, construction, installation, relocation and redevelopment of the Public Improvements from the proceeds of Debt to be issued by the District. All Debt is expected to be repaid by taxes imposed and collected for no longer than the Maximum Debt Mill Levy Imposition Term and at a tax mill levy no higher than the Maximum Debt Mill Levy and/or repaid by Assessments, Fees, or other legally available revenues. Debt which is issued within these parameters and, as further described in the Financial Plan, will insulate property owners from excessive tax burdens to support the servicing of the Debt and will result in a timely and reasonable discharge of the Debt.

This Governing Document is intended to establish a limited purpose for the District and explicit financial constraints that are not to be violated under any circumstances. The primary purpose for creating the District is to provide for the Public Improvements associated with development and regional needs.

It is the intent that the District dissolve upon payment or defeasance of all Debt incurred or upon a determination that adequate provision has been made for the payment of all Debt.

The District shall be authorized to finance the Public Improvements that can be funded from Debt to be repaid from Assessments, Fees, or from tax revenues collected from a mill levy which shall not exceed the Maximum Debt Mill Levy on taxable properties and which shall not exceed the Maximum Debt Mill Levy Imposition Term on taxable properties. The District is also

permitted to utilize other legally available revenues for the repayment of Debt. It is the intent of this Governing Document to assure to the extent possible that no taxable property bear an economic burden that is greater than that associated with the Maximum Debt Mill Levy in amount and that no taxable property bear an economic burden that is greater than that associated with the Maximum Debt Mill Levy Imposition Term in duration even under bankruptcy or other unusual situations. Generally, the cost of Public Improvements that cannot be funded within these parameters are not costs to be paid by the District.

II. DEFINITIONS

In this Governing Document, the following terms shall have the meanings indicated below, unless the context hereof clearly requires otherwise:

Annexation Area Boundaries: means the boundaries of the area described in the Annexation Area Boundary Map and as particularly described in **Exhibit A** which have been approved by the City for annexation into or withdrawal from the District upon the meeting of certain requirements.

Annexation Area Boundary Map: means the map attached hereto as **Exhibit C**, describing the property proposed for annexation into the District.

Approved Development Agreement: means a preliminary development plan or other process established by the City or other appropriate entity for identifying, among other things, Public Improvements necessary for facilitating development for property within the District Area as approved by the City or other appropriate entity. For purposes of this Governing Document, the previous approval of the Avian Shores Planned District by the City constitutes an Approved Development Plan.

Assessment: means (1) the levy of an assessment secured by a lien on property within the District to pay for the costs of Public Improvements benefitting such property or (2) an assessment by the District levied on private property within such District to cover the costs of an energy efficient upgrade, a renewable energy system, or an electric vehicle charging infrastructure, each as may be levied pursuant to the Assessment Act.

Assessment Act: means collectively, (i) Title 11, Chapter 42, Utah Code as may be amended from time to time and (ii) the C-PACE Act.

Assessment Debt: means Bonds, for the payment of which the District has promised to collect Assessments.

Board: means the board of trustees of the District.

Bond, Bonds or Debt: means bonds or other obligations, including loans of any property owner, for the payment of which the District has promised to impose an ad valorem property tax mill levy, collect Assessments, and/or pledge any legally available revenues.

City: means Brigham City, Utah.

City Code: means the City Code of Brigham City, Utah.

City Council: means the City Council of Brigham City, Utah.

C-PACE Act: means Title 11, Chapter 42a of the Utah Code, as amended from time to time and any successor statute thereto.

C-PACE Bonds: means bonds, loans, notes, or other structures and obligations of the District issued pursuant to the C-PACE Act, including refunding C-PACE Bonds.

C-PACE Assessments: means assessments levied under the C-PACE Act.

District: means the Avian Shores Public Infrastructure District.

District Act: means the Special District Act and the PID Act.

District Area: means the property within the Initial District Boundary Map and the Annexation Area Boundary Map.

End User: means any owner, or tenant of any owner, of any taxable improvement within the District, who is intended to become burdened by the imposition of ad valorem property taxes subject to the Maximum Debt Mill Levy. By way of illustration, a resident homeowner, renter, commercial property owner, or commercial tenant is an End User. The business entity that constructs homes or commercial structures is not an End User.

Fees: means one or more fees imposed by the District for the payment of costs of administering the District, acquiring, improving, constructing, enlarging, or extending improvements, facilities, or property or issuing bonds and paying debt service on district bonds pursuant to Section 17D-4-302 of the PID Act or Section 17B-1-103(2)(j) of the Special District Act.

Financial Plan: means the Financial Plan described in Section IV which describes (i) the potential means whereby the Public Improvements may be financed; (ii) how the Debt is expected to be incurred; and (iii) the estimated operating revenue derived from property taxes for the first budget year.

General Obligation Debt: means a Debt that is directly payable from and secured by ad valorem property taxes that are levied by the District and does not include Limited Tax Debt.

Governing Document: means this Governing Document for the District approved by the City Council.

Governing Document Amendment: means an amendment to the Governing Document approved by the City Council in accordance with the City's ordinance and the applicable state law and approved by the Board in accordance with applicable state law.

Initial District Boundaries: means the boundaries of the area described in the Initial District Boundary Map and as particularly described in **Exhibit A**.

Initial District Boundary Map: means the map attached hereto as **Exhibit C**, describing the initial boundaries of the District.

Limited Tax Debt: means a debt that is directly payable from and secured by ad valorem property taxes that are levied by the District which may not exceed the Maximum Debt Mill Levy.

Maximum Debt Mill Levy: means the maximum mill levy the District is permitted to impose for payment of Debt as set forth in Section VII.C below.

Maximum Debt Mill Levy Imposition Term: means the maximum term for imposition of a mill levy for any given series of bonds as set forth in Section VII.D below.

Project: means, collectively, the development or properties commonly referred to as the Avian Shores master planned community.

PID Act: means Title 17D, Chapter 4 of the Utah Code, as amended from time to time and any successor statute thereto.

Public Improvements: means a part or all of the improvements authorized to be planned, designed, acquired, constructed, installed, relocated, redeveloped and financed as generally described in the District Act, except as specifically limited in Section V below to serve the future taxpayers and inhabitants of the District Area as determined by the Board, and includes Public Infrastructure and Improvements as defined in the PID Act.

Regional Improvements: means Public Improvements and facilities that benefit the District Area and which are to be financed pursuant to Section IV below.

Residential Homeowner: means the owner of residential property intended for owner occupation.

Special District Act: means Title 17B of the Utah Code, as amended from time to time and any successor statute thereto.

State: means the State of Utah.

Taxable Property: means real or personal property within the District Area subject to ad valorem taxes imposed by the District.

Trustee: means a member of the Board.

Utah Code: means the Utah Code Annotated 1953, as amended.

III. BOUNDARIES

The area of the Initial District Boundaries includes approximately 191.69 acres. The Annexation Area Boundaries includes approximately 253.63 acres, and includes the Initial District Boundaries. A legal description of the Initial District Boundaries and the Annexation Area Boundaries is attached hereto as **Exhibit A**. A vicinity map is attached hereto as **Exhibit B**. A map of the Initial District Boundaries and Annexation Area Boundaries is attached hereto as **Exhibit C**. It is anticipated that the District's boundaries may change from time to time as it undergoes annexations and withdrawals pursuant to Section 17B-4-201, Utah Code, subject to Article V below.

IV. PROPOSED LAND USE/POPULATION PROJECTIONS/ASSESSED VALUATION

The District Area consists of approximately 191.69 acres of undeveloped land. The assessed valuation as of 2025 of the District Area is \$23,396 for purposes of this Governing Document and, at build out, is expected to be sufficient to reasonably discharge the Debt under the Financial Plan.

This Governing Document shall not be construed to imply approval of the development of a specific area within the District or to supersede any applicable regulation relating to development within the District, subject to the Development Agreement.

V. DESCRIPTION OF PROPOSED POWERS, IMPROVEMENTS AND SERVICES

A. Powers of the District and Governing Document Amendment.

The District shall have the power and authority to provide the Public Improvements within and without the boundaries of the District as such power and authority is described in the District Act, and other applicable statutes, common law and the Constitution, subject to the limitations set forth herein.

1. Operations and Maintenance Limitation. The purpose of the District is to plan for, design, acquire, construct, install, relocate, redevelop and finance the Public Improvements. The District shall dedicate the Public Improvements to the City in a manner consistent with the Approved Development Plan and other rules and regulations of the City and applicable provisions of the City Code. **Notwithstanding Section 17D-4-102(14) of the PID Act, the District may not own any improvements (other than during the construction period prior to dedication to the City) or finance any improvements which are not dedicated to the City.**

2. Construction Standards Limitation. The District will ensure that the Public Improvements are designed and constructed in accordance with the standards and specifications of the City and of other governmental entities having proper jurisdiction. The District will obtain any necessary permits and will abide by all applicable local, state, and federal laws.

3. Procurement. The District shall be subject to the Utah Procurement Code, Title 63G, Chapter 6a. Notwithstanding this requirement, the District may acquire or pay for completed or partially completed improvements constructed by the Petitioner and/or other third

parties for fair market value as reasonably determined by any one of a surveyor or engineer that such District employs or engages to perform the necessary engineering services for and to supervise the construction or installation of the Public Improvements.

4. Annexation and Withdrawal.

(a) The District shall not include within any of their boundaries any property outside the District Area without the prior written consent of the City. The City, by approval of this Governing Document, has consented to the annexation of any area within the Annexation Area Boundaries into the District. Such area may only be annexed upon such District obtaining any consents required under the PID Act and the passage of a resolution of such District's Board approving such annexation.

(b) The City, by approval of this Governing Document, has consented to the withdrawal of any area within the District Boundaries from the District. Such area may only be withdrawn upon such District obtaining any consents required under the PID Act and the passage of a resolution of such District's Board approving such withdrawal.

(c) Any annexation or withdrawal shall be in accordance with the applicable requirements of the District Act.

(d) Upon any annexation or withdrawal, such District shall provide the City a description of the revised District Boundaries.

(e) Annexation or withdrawal of any area in accordance with V.A.6(a) and (b) shall not constitute an amendment of this Governing Document.

5. Overlap Limitation. The boundaries of the District shall not overlap the boundaries of any other District or other financing district which is not a traditional service provider unless the aggregate mill levy for payment of Debt of the District and such financing districts will not at any time exceed the Maximum Debt Mill Levy of the District.

6. Initial Debt Limitation. On or before the effective date of approval by the City of an Approved Development Plan, a District shall not: (i) issue any Debt; nor (ii) impose a mill levy for the payment of Debt by direct imposition or by transfer of funds from the operating fund to the Debt service funds; nor (iii) impose and collect any Assessments used for the purpose of repayment of Debt.

7. Total Limited Tax Debt Issuance Limitation. The District shall not issue Limited Tax Debt in excess of an aggregate amount of Twenty Million Dollars (\$20,000,000). This amount excludes any portion of Bonds issued to refund a prior issuance of Debt by the District. Any Debt which is not Limited Tax Debt does not count against the foregoing limitation and there is no limit to the amount of such the District may issue so long as such issuances are in accordance with the applicable provisions of the Utah Code.

Notwithstanding the foregoing, the District shall not be permitted to issue Debt, other than refunding prior issuances of Debt, after December 31, 2040.

8. Bankruptcy Limitation. All of the limitations contained in this Governing Document, including, but not limited to, those pertaining to the Maximum Debt Mill Levy,

Maximum Debt Mill Levy Imposition Term and the Fees have been established under the authority of the City to approve a Governing Document with conditions pursuant to Section 17D-4-201(5), Utah Code. It is expressly intended that such limitations:

(a) Shall not be subject to set-aside for any reason or by any court of competent jurisdiction, absent a Governing Document Amendment; and

(b) Are, together with all other requirements of Utah law, included in the “political or governmental powers” reserved to the State under the U.S. Bankruptcy Code (11 U.S.C.) Section 903, and are also included in the “regulatory or electoral approval necessary under applicable non-bankruptcy law” as required for confirmation of a Chapter 9 Bankruptcy Plan under Bankruptcy Code Section 943(b)(6).

Any Debt, issued with a pledge or which results in a pledge, that exceeds the Maximum Debt Mill Levy and the Maximum Debt Mill Levy Imposition Term, shall be deemed a material modification of this Governing Document and shall not be an authorized issuance of Debt unless and until such material modification has been approved by the City as part of a Governing Document Amendment.

9. Governing Document Amendment Requirement.

(a) This Governing Document has been designed with sufficient flexibility to enable the District to provide required facilities under evolving circumstances without the need for numerous amendments. Actions of the District which violate the limitations set forth in V.A.1-8 above or in VIII.B-G. shall be deemed to be material modifications to this Governing Document and the City shall be entitled to all remedies available under State and local law to enjoin such actions of the District.

(b) Subject to the limitations and exceptions contained herein, this Governing Document may be amended by passage of a resolution of the City and the District approving such amendment.

B. Preliminary Engineering Survey.

The District shall have authority to provide for the planning, design, acquisition, construction, installation, relocation, redevelopment, maintenance, and financing of the Public Improvements within and without the boundaries of the District. An estimate of the costs of the Public Improvements which may be planned for, designed, acquired, constructed, installed, relocated, redeveloped, maintained or financed shall be prepared based upon a preliminary engineering survey and estimates derived from the zoning on the property in the District Area and is approximately Fifteen Million Seven Hundred Thousand Dollars (\$15,700,000).

All of the Public Improvements will be designed in such a way as to assure that the Public Improvements standards will be compatible with all applicable public entities and shall be in accordance with the requirements of the Development Agreement. All construction cost estimates are based on the assumption that construction conforms to applicable local, State or Federal requirements.

VI. THE BOARD OF TRUSTEES

A. Board Composition. Each Board shall be composed of three Trustees. The initial Board of the District shall be appointed by the City Council by resolution concurrent with the approval of this Governing Document. All Trustees shall hold at large seats. Trustee terms for each District shall be staggered with initial terms as follows: Trustee 2 shall serve an initial term of 4 years and Trustees 1 and 3 shall serve an initial term of 6 years. All terms shall commence on the date of issuance of a certificate of creation by the Office of the Lieutenant Governor of the State of Utah. In accordance with the PID Act, appointed Trustees shall not be required to be residents of such District.

B. Transition to Elected Board.

(a) Prior to the issuance of Bonds by the District, the District shall estimate the total number of residential units within the District at full buildout of the property within the District (the “Anticipated Units”). Upon any annexation or withdrawal in accordance with this Governing Document, any affected District may adjust its Anticipated Units to reflect such boundary change. The respective board seats for the District Boards with residential property shall transition from appointed to elected seats according to the following milestones:

Trustee 1. Trustee 1 shall transition to an elected seat after the end of a full term during which 50% of the Anticipated Units have received certificates of occupancy.

Trustee 2. Trustee 2 shall transition to an elected seat after the end of a full term during which 70% of the Anticipated Units have received certificates of occupancy.

Trustee 3. Trustee 3 shall transition to an elected seat after the end of a full term during which 90% of the Anticipated Units have received certificates of occupancy.

B. Transition Timeline. No transition pursuant to this Section shall become effective until the next scheduled regular election of the District after the expiration of such Board members then current term (provided that any seat transitioning on January 1 of a year shall be elected at the regular election preceding such date).

C. Reelection and Reappointment. Upon the expiration of a Trustee’s respective term, any seat which has not transitioned to an elected seat shall be appointed by the Board pursuant to the PID Act and any seat which has transitioned to an elected seat shall be elected pursuant to an election held for such purpose. In the event that no qualified candidate files to be considered for appointment or files a declaration of candidacy for a seat, such seat may be filled in accordance with the Special District Act.

D. Vacancy. Any vacancy on the Board shall be filled by the Board pursuant to the District Act.

E. Compensation. Unless otherwise permitted by the PID Act, only Trustees who are residents of the District may be compensated for services as Trustee. Such compensation shall be in accordance with State Law.

F. Conflicts of Interest. Trustees shall disclose all conflicts of interest. Any Trustee who discloses such conflicts in accordance with 17D-4-202 and 67-16-9, Utah Code, shall be entitled to vote on such matters.

VI. REGIONAL IMPROVEMENTS

The District shall be authorized to provide for the planning, design, acquisition, construction, installation, relocation and/or redevelopment and a contribution to the funding of the Regional Improvements and fund the administration and overhead costs related to the provisions of the Regional Improvements.

VII. FINANCIAL PLAN

A. General.

The District shall be authorized to provide for the planning, design, acquisition, construction, installation, relocation and/or redevelopment of the Public Improvements from their revenues and by and through the proceeds of Debt to be issued by the District. The “Financial Plan” for the District shall be to issue such Debt as the District can reasonably pay within the Maximum Debt Mill Levy Imposition Term from revenues derived from the Maximum Debt Mill Levy, Assessments, Fees, and other legally available revenues. Debt of the District shall be permitted to be issued on a schedule and in such year or years as the District determines shall meet the needs of the Financial Plan referenced above and phased to serve development as it occurs. All bonds and other Debt issued by the District may be payable from any and all legally available revenues of the District, including general ad valorem taxes to be imposed upon all Taxable Property within the District and Assessments. The District may also rely upon various other revenue sources authorized by law. These will include the power to assess Fees, penalties, or charges, including as provided in Section 17D-4-304, Utah Code, as amended from time to time.

B. Maximum Interest Rate and Maximum Underwriting Discount.

The interest rate on any Debt is expected to be the market rate at the time the Debt is issued. In the event of a default, the proposed maximum interest rate on any Debt is not expected to exceed fifteen percent (15%). The proposed maximum underwriting discount will be five percent (5%). Debt, when issued, will comply with all relevant requirements of this Governing Document, State law and Federal law as then applicable to the issuance of public securities.

C. Maximum Debt Mill Levy.

(a) The “Maximum Debt Mill Levy,” which is the maximum mill levy a District is permitted to impose upon the taxable property within such District for payment of Limited Tax Debt and administrative expenses, shall be .005 per dollar of taxable value of taxable property in such District; provided that such levy shall be subject to adjustment as provided in Section 17D-4-301(13), Utah Code.

(b) Such Maximum Debt Mill Levy may only be amended pursuant to a Governing Document Amendment and as provided in Section 17D-4-202, Utah Code.

D. Maximum Debt Mill Levy Imposition Term.

Each bond issued by the District shall mature within Thirty-One (31) years from the date of issuance of such bond. In addition, no mill levy may be imposed for the repayment of a series of bonds (including, unless otherwise agreed to in writing by the City, any refunding bonds relating to such bond) after a period exceeding Forty (40) years from the first date of imposition of the mill levy for such bond (the “Maximum Debt Mill Levy Imposition Term”).

E. Debt Repayment Sources.

The District may impose a mill levy on Taxable Property within its boundaries, up to the Maximum Mill Levy, as a primary source of revenue for repayment of debt service. The District may also rely upon various other revenue sources authorized by law. At the District’s discretion, these may include the levy of ad valorem property taxes, the power to assess Assessments, and the power to impose Fees, penalties, and charges, including as provided in Section 17D-4-304, Utah Code, as amended from time to time. Except as described in Section VII.C(a), the debt service mill levy in the District shall not exceed the Maximum Debt Mill Levy or, the Maximum Debt Mill Levy Imposition Term, except for repayment of General Obligation Debt.

All Assessments (other than Assessments under the C-PACE Act) imposed by any District on a residential parcel shall be payable at or before the time of transfer of such parcel to a Residential Homeowner. Any Assessments issued under the C-PACE Act may be repayable in accordance with the provisions of such act.

The District shall not be permitted to charge an End User the costs of any portion of a Public Improvement for which such End User has already paid or is presently obligated to pay through any combination of mill levy or Assessment. This provision shall not prohibit the division of costs between mill levies and Assessments, but is intended to prevent double taxation of End Users for the costs of Public Improvements.

F. Debt Instrument Disclosure Requirement.

In the text of each Bond and any other instrument representing and constituting Debt, the District shall set forth a statement in substantially the following form:

By acceptance of this instrument, the owner of this Bond agrees and consents to all of the limitations in respect of the payment of the principal of and interest on this Bond contained herein, in the resolution of the District authorizing the issuance of this Bond and in the Governing Document for creation of the District.

Similar language describing the limitations in respect of the payment of the principal of and interest on Debt set forth in this Governing Document shall be included in any document used for the offering of the Debt for sale to persons, including, but not limited to, a developer of property within the boundaries of the District.

G. Security for Debt.

The District shall not pledge any revenue or property of the City as security for the indebtedness set forth in this Governing Document. Approval of this Governing Document shall not be construed as a guarantee by the City of payment of any of the District's obligations; nor shall anything in the Governing Document be construed so as to create any responsibility or liability on the part of the City in the event of default by the District in the payment of any such obligation.

H. District's Operating Costs.

The estimated cost of acquiring land, engineering services, legal services and administrative services, together with the estimated costs of the District's organization and initial operations, are anticipated to be Fifty Thousand Dollars (\$50,000), which will be eligible for reimbursement from Debt proceeds.

In addition to the capital costs of the Public Improvements, the District will require operating funds for administration and to plan and cause the Public Improvements to be constructed. The first year's operating budget is estimated to be approximately Fifty Thousand Dollars (\$50,000) which is anticipated to be derived from property taxes and other revenues.

VIII. DISSOLUTION

Upon an independent determination of the Board that the purposes for which the District was created have been accomplished, the District agrees to file petitions for dissolution, pursuant to the applicable State statutes. In no event shall a dissolution occur until the District has provided for the payment or discharge of all of their outstanding indebtedness and other financial obligations as required pursuant to State statutes.

IX. DISCLOSURE TO PURCHASERS

Within thirty (30) days of the Office of the Lieutenant Governor of the State of Utah issuing a certificate of creation of each District, each Board shall record a notice with the recorder of Box Elder County. Such notice shall (a) contain a description of the boundaries of the District, (b) state that a copy of this Governing Document is on file at the office of the City, (c) state that the District may finance and repay infrastructure and other improvements through the levy of a property tax; (d) state the Maximum Debt Mill Levy of the District; and (d) if applicable, stating that the Debt may be converted to General Obligation Debt and outlining the provisions relating to such conversion. Such notice shall further be filled with the City.

In addition, the Applicant and the Board shall ensure that the Applicant, homebuilders, commercial developers, and commercial lessors, as applicable, disclose the following information to initial resident homeowners, renters, commercial property owners, and/or commercial tenants:

- (1) All of the information in the first paragraph of this XI;
- (2) A disclosure outlining the impact of any applicable property tax, in substantially the following form:

“Under the maximum property tax rate of the District, **for every \$100,000 of taxable value**, there would be an **additional annual property tax of \$500** for the duration of the District’s Bonds.”

- (3) Such disclosures shall be contained on a separate colored page of the applicable closing or lease documents and shall require a signature of such end user acknowledging the foregoing.

X. ENFORCEMENT

In accordance with Section 17D-4-201(5) of the Utah Code, the City has imposed certain limitations on the powers of the District through this Governing Document. The City shall have the right to enforce any of the provisions, limitations or restrictions in this Governing Document against the District, through any and all legal or equitable means available to the City, including, but not limited to, injunctive relief, specific performance, and/or monetary damages.

EXHIBIT A

Legal Descriptions

INITIAL DISTRICT BOUNDARIES

PARCEL 03-118-0008

Beginning at a point 388 feet more or less North from the Southeast corner of the Northwest Quarter of Section 23, Township 9 North, Range 2 West of the Salt Lake Base and Meridian to the North bank of a ditch Westerly along the North bank of a ditch 270 feet to a lane; thence North 15° West 150 feet; thence South 67 ¾° East 150 feet; thence Southeasterly 170 feet, more or less, to the Quarter Section line; thence South 63 feet more or less to the point of beginning.

PARCEL 03-118-0021

Beginning at a point 25.39 chains South and 53 links East of the Northwest corner of Section 23 Township 9 North, Range 2 West, the Salt Lake Base and Meridian; thence South 89°47'; East 35.26 chains; thence North 3.5° West 91 links; thence North 88 ¼° East 35.26 chains; thence North 3.5° West 91 links; thence North 88 ¼° East 9.61 chains; thence South 44 ¾° East 1 chain; thence South 4° West 2.68 chains; thence South 87° East 7.24 chains; thence South 25° West 3.14 chains; thence East 14.92 chains; thence South 8.80 chains; thence West 19.60 chains to O.S.L.R.R.; thence North 24.5° East 6.42 chains; thence West 8.81 chains; thence North 47 ¼° West 1.36 chains; thence North 67 ¾° West 2.25 chains; thence North 5.93 chains to the point of beginning.

LESS: that portion lying easterly of the Railroad right of way

ALSO LESS: A part of the Northwest Quarter of Section 23, Township 9 North, Range 2 West of the Salt Lake Base and Meridian. Beginning at Grantors Northwest property corner beginning a point on the existing East right-of-way line of 1200 West Street located 1680.43 feet South 00°14'42" East along the West line of said Section and 34.98 feet North 89°43'55" East from the Northwest corner of said Section 23, said point described of record as being located 25.39 chains South and 53 links East of the Northwest corner of said Northwest Quarter; running thence South 89°31'35" East (South 89°47' East by record) 38.41 feet along Grantors North boundary line to the new East right-of-way line of 1200 West Street; thence South 00°15'29" East 391.23 feet along said new East right-of-way line to Grantors South boundary; thence North 89°44'27" West (North 89°47' West by Record) 38.50 feet along said North right-of-way line to Grantors Southwest Property corner being on said existing East right-of-way line; thence North 00°14'42" West (North by Record) 391.38 feet along said existing East right-of-way line; thence North 00°14'42" West (North by Record) 391.38 feet along said existing East right-of-way line to the point of beginning.

PARCEL 03-118-0023

Beginning at a point 3.79 chains North and 50 links East of the Southwest corner of the Northwest Quarter of Section 23, Township 9 North, Range 2 West of the Salt Lake Base and Meridian; thence North 1.43 chains; thence South 89°47' East 35.24 chains; thence South 15.5° East 1.43 chains; thence North 89°47' West 35.93 chains to the beginning.

ALSO: Beginning at a point 5.22 chains North and 50 links East of the Southwest corner of the Northwest Quarter of Section 23, Township 9 North, Range 2 West of the Salt Lake Base and Meridian; thence North 1.43 chains; thence South 89°47' East 35.24 chains; thence South 15.5° East 1.43 chains; thence North 89°47' West 35.93 chains to the beginning.

ALSO: Beginning at a point 6.45 chains North and 50 links East of the Southwest corner of the Northwest Quarter of Section 23, Township 9 North, Range 2 West of the Salt Lake Base and Meridian; thence North 2.23 chains, thence South 89°47' East 34.90 chains; thence South 13 ¾° West 70 links; thence South 15.5° East 1.53 chains; thence North 89°47' West 35.24 chains to the point of beginning.

LESS: A part of the Northwest Quarter of Section 23, Township 9 North, Range 2 West of the Salt Lake Base and Meridian. Beginning at Grantors Southwest property corner being a point on the existing East right-of-way line of 1200 West Street located 2401.86 feet South 00°14'42" East along the West line of said Section and 33.00 feet North 89°45'18" East from the Northwest corner of said Section 23, said point described of Record as being located 3.79 chains North and 50 links East of the Southwest corner of said Northwest Quarter; running thence North 00°14'42" West 330.06 feet (North 322.74 feet by record) along said existing East right-of-way line to Grantor's Northwest property corner; thence South 89°47'07" East (East by Record) 40.58 feet along said new East right-of-way line of 1200 West Street; thence South 00°15'29" East 330.19 feet along said new East right-of-way line to Grantor's South boundary; thence North 89°36'00" West (West by Record) 40.55 feet along said North right-of-way line to the point of beginning.

PARCEL 03-118-0025

Beginning at a point 19.62 chains South of the Northwest corner of Section 23, Township 9 North, Range 2 West of the Salt Lake Base and Meridian; thence South 89°47' East 35.26 chains; thence South 3.5° East 5.78 chains; thence North 89°47' West 35.57 chains North 5.77 chains to the point of beginning.

LESS: A part of the Northwest Quarter of Section 23, Township 9 North, Range 2 West of the Salt Lake Base and Meridian. Beginning at a point on the West line of said Section 23 located 1295.00 feet South 00°14'42" East (19.62 chains South by Record) along said West line of said Section from the Northwest corner of said Section 23; running thence South 89°32'54" East (South 89°47' East by Record) 73.30 feet along Grantor's North boundary line to the new East right-of-way line of 1200 West Street; thence South 00°15'29" East 385.02 feet along said new East right-of-way line to Grantor's South boundary line; thence North 89°52'48" West (North 89°47' West by Record) 73.39 feet along said North boundary line to the West line of said Section; thence North 00°14'42" West 385.45 feet (North 380.82 feet by Record) along said East line to the point of beginning.

Parcel 03-112-0006

The Southeast Quarter of the Northeast Quarter of Section 22, Township 9 North, Range 2 West of the Salt Lake Base and Meridian.

Also: The East 2 rods of the West Half of the Southeast Quarter of Section 22, Township 9 North, Range 2 West of the Salt Lake Base and Meridian.

Also: The South 10 rods of the West half of the Northeast Quarter of Section 22, Township 9 North, Range 2 West of the Salt Lake Base and Meridian.

Less: The South 4 rods and North 3 rods of the Southeast Quarter of the Northeast Quarter of Section 22, Township 9 North, Range 2 West of the Salt Lake Base and Meridian.

Parcel 03-112-0030

THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN.

LESS THAT TRACT DEEDED TO BRIGHAM CITY CORPORATION DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER BEING A POINT LOCATED 2649.30 FEET SOUTH 00°14'42" EAST ALONG THE EAST LINE OF SAID SECTION FROM THE NORTHEAST CORNER OF SAID SECTION 22; RUNNING THENCE SOUTH 00°14'42" EAST 1328.23 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 90°00'00" WEST 32.09 FEET ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER TO THE NEW WEST RIGHT-OF-WAY LINE OF 1200 WEST STREET; THENCE NORTH 00°15'29" WEST 1328.23 FEET ALONG SAID NEW WEST RIGHT-OF-WAY LINE TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE NORTH 90°00'00" EAST 32.39 FEET TO THE POINT OF BEGINNING.

Parcel 03-112-0039

The West half of the following described parcel:

The Southeast Quarter of the Southeast Quarter of Section 22, Township 9 North, Range 2 West of the Salt Lake Base and Meridian.

Less: Beginning at the Southeast corner of said Section 22 and running thence North 90°00'00" West 31.78 feet along the South line of said Southeast Quarter to new West right of way line of 1200 West Street; thence North 00°15'29" West 1325.84 feet along said new West right of way line to the North line of the Southeast Quarter of said Southeast Quarter; thence North 90°00'00" East 32.09 feet along said North line to the East line of said Section 22; thence South 00°14'42" East 1325.84 feet along said East line to the point of beginning.

Parcel 1A: Together with an easement shown in that certain Temporary Easement recorded as Entry No. 485629 in the office of the Recorder of Box Elder County Utah, over and across the South 60 feet of the following described property:

The East half of the following described parcel: The Southeast Quarter of the Southeast Quarter of Section 22, Township 9 North, Range 2 West of the Salt Lake Base and Meridian.

Less: Beginning at the Southeast corner of said Section 22 and running thence North 90°00'00" West 31.78 feet along the South line of said Southeast Quarter to new West right of way line of 1200 West Street; thence North 00°15'29" West 1325.84 feet along said new West right of way line to the North line of the Southeast Quarter of said Southeast Quarter; thence North 90°00'00" East 32.09 feet along said North line to the East line of said Section 22; thence South 00°14'42" East 1325.84 feet along said East line to the point of beginning.

Parcel 03-112-0038

The East half of the following described parcel:

The Southeast Quarter of the Southeast Quarter of Section 22, Township 9 North, Range 2 West of the Salt Lake Base and Meridian.

Less: Beginning at the Southeast corner of said Section 22 and running thence North 90°00'00" West 31.78 feet along the South line of said Southeast Quarter to new West right of way line of 1200 West Street; thence North 00°15'29" West 1325.84 feet along said new West right of way line to the North line of the Southeast Quarter of said Southeast Quarter; thence North 90°00'00" East 32.09 feet along said North line

to the East line of said Section 22; thence South 00°14'42" East 1325.84 feet along said East line to the point of beginning.

Parcel 1A: Together with an easement shown in that certain Temporary Easement recorded as Entry No. 485629 in the office of the Recorder of Box Elder County Utah, over and across the South 60 feet of the following described property:

The East half of the following described parcel: The Southeast Quarter of the Southeast Quarter of Section 22, Township 9 North, Range 2 West of the Salt Lake Base and Meridian.

Less: Beginning at the Southeast corner of said Section 22 and running thence North 90°00'00" West 31.78 feet along the South line of said Southeast Quarter to new West right of way line of 1200 West Street; thence North 00°15'29" West 1325.84 feet along said new West right of way line to the North line of the Southeast Quarter of said Southeast Quarter; thence North 90°00'00" East 32.09 feet along said North line to the East line of said Section 22; thence South 00°14'42" East 1325.84 feet along said East line to the point of beginning.

ANNEXATION AREA BOUNDARIES

The Annexation Area includes the entirety of the Initial District Boundaries as well as the following property:

Parcel 03-114-0021 (WITHIN ANNEXATION AREA, BUT NOT IN THE INITIAL DISTRICT BOUNDARY)

BEGINNING AT POINT LOCATED SOUTH 3391.2 FT FROM NW CORNER SEC 23, T 09N, R 02W, SLM. THENCE SOUTH 1466.5 FT ALONG WEST LINE SAID SEC; SOUTH 89°42'46" EAST 1425.9 FT; NORTH 01°03'14" WEST 763.8 FT; NORTH 85°58'19" EAST 897.6 FT TO WESTERLY LINE OF OSLRR R/W; NORTH 27°03'38" EAST 772.6 FT ALONG SAID R/W; NORTH 89°32'16" WEST 2664.1 FT TO POB. ALL COURSES BEING ALONG EXIST FENCE LINES. LESS [03-108-0116]: A PART OF THE NORTHEAST QUARTER AND SOUTHEAST QUARTER OF SECTION 10 AND A PART OF THE NORTHWEST QUARTER AND SOUTHWEST QUARTER OF SECTION 14 AND A PART OF THE NORTHEAST QUARTER AND SOUTHEAST QUARTER OF SECTION 15 AND A PART OF THE NORTHEAST QUARTER AND SOUTHEAST QUARTER OF SECTION 22 AND A PART OF THE NORTHWEST QUARTER AND SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN. BEGINNING AT THE INTERSECTION OF THE NEW WEST RIGHT-OF-WAY LINE OF 1200 WEST STREET AND THE SOUTH RIGHT-OF-WAY OF THE OREGON SHORT LINE RAIL ROAD LOCATED 2435.02 FEET SOUTH 00°23'59" WEST ALONG THE WEST LINE OF SAID SECTION 10 AND 3093.22 FEET NORTH 90°00'00" EAST FROM THE NORTHWEST CORNER OF SAID SECTION 10, SAID POINT BEING LOCATED NORTH 74°31'13" WEST FEET FROM THE NORTHEAST CORNER OF LOT 1, AMEND AND EXTENDED JACK FRANCIS TRUCKING SUBDIVISION - ADDITION NO 1; RUNNING THENCE ALONG SAID NEW WEST RIGHT-OF-WAY LINE SOUTH 15°29'43" WEST 163.10 FEET; THENCE SOUTHERLY TO THE LEFT ALONG THE ARC OF A 876.21 FOOT RADIUS CURVE, A DISTANCE OF 748.00 FEET, CHORD BEARS SOUTH 08°57'37" EAST 725.49 FEET, HAVING A CENTRAL ANGLE OF 48°54'47"; THENCE SOUTH 33°25'00" EAST 467.00 FEET; THENCE SOUTH 33°31'33" EAST 1235.15 FEET; THENCE SOUTH 33°21'38" EAST 553.43 FEET; THENCE SOUTHEASTERLY TO THE RIGHT ALONG THE ARC OF A 19619.00 FOOT RADIUS CURVE, A DISTANCE OF 284.02 FEET, CHORD BEARS SOUTH 32°56'45" EAST 284.01 FEET, HAVING A CENTRAL ANGLE OF 00°49'46"; THENCE SOUTH 32°31'52" EAST 25.04 FEET, THENCE SOUTHEASTERLY TO THE LEFT ALONG THE ARC OF A 13189.33 RADIUS CURVE, A DISTANCE OF 273.10 FEET, CHORD BEARS SOUTH 33°07'28" EAST 273.10 FEET, HAVING A CENTRAL ANGLE OF 01°11'11"; THENCE SOUTH 33°43'03" EAST 163.36 FEET, THENCE IN A SOUTHEASTERLY DIRECTION WITH A REVERSE TANGENT CURVE TO THE RIGHT OF A 864.44 FOOT RADIUS CURVE, A DISTANCE OF 310.81 FEET, CHORD BEARS SOUTH 24°22'16" EAST 309.14 FEET, HAVING A CENTRAL ANGLE OF 20°36'03"; THENCE SOUTH 14°04'14" EAST 519.26 FEET; THENCE SOUTHERLY TO THE RIGHT ALONG THE ARC OF A 2000.00 FOOT RADIUS CURVE, A DISTANCE OF 501.02 FEET, CHORD BEARS SOUTH 06°53'38" EAST 499.71 FEET, HAVING A CENTRAL ANGLE OF 14°21'12"; THENCE SOUTH 00°16'58" WEST 2966.35 FEET TO THE NORTH RIGHT-OF-WAY LINE OF THE FOREST STREET; THENCE SOUTH 00°34'57" WEST 103.97 FEET TO THE SOUTH RIGHT-OF-WAY LINE TO FOREST STREET; THENCE SOUTH 00°15'29" EAST 2853.03 FEET TO THE NORTH BOUNDARY LINE OF THE PETER MORRIS CLAWSON PROPERTY, TAX ID. NO. 03-112-0009; THENCE NORTH 90°00'00" EAST 14.50 FEET ALONG SAID NORTH BOUNDARY LINE TO AN EXISTING FENCE LINE LONG ESTABLISHED AS BEING THE ACCEPTED WEST RIGHT-OF-

WAY LINE OF 1200 WEST STREET; THENCE ALONG SAID FENCE LINE SOUTH 00°07'18" WEST 66.00 FEET TO THE SOUTH BOUNDARY LINE OF SAID CLAWSON PROPERTY; THENCE NORTH 90°00'00" WEST 14.07 FEET ALONG SOUTH BOUNDARY LINE TO THE NEW EAST RIGHT-OF-WAY LINE OF 1200 WEST STREET; THENCE ALONG SAID NEW WEST RIGHT-OF-WAY LINE SOUTH 00°15'29" EAST 2654.07 FEET TO THE SOUTH LINE OF SAID SECTION 22; THENCE SOUTH 90°00'00" EAST 31.77 FEET ALONG SAID SOUTH LINE TO THE SOUTHEAST CORNER OF SAID SECTION 22; THENCE SOUTH 89°54'43" EAST 19.86 FEET ALONG THE SOUTH LINE OF SAID SECTION 23 TO AND EXISTING FENCE LINE; THENCE NORTH 75°22'58" EAST 56.11 FEET ALONG SAID FENCE LINE TO THE NEW EAST RIGHT-OF-WAY LINE OF 1200 WEST STREET; THENCE ALONG SAID NEW EAST RIGHT-OF-WAY LINE NORTH 00°15'29" WEST 5517.35 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF FOREST STREET; THENCE NORTH 00°20'43" EAST 136.21 FEET TO THE NORTH RIGHT-OF-WAY LINE OF FOREST STREET; THENCE NORTH 00°16'58" EAST 2975.21 FEET; THENCE NORTHERLY TO THE LEFT ALONG THE ARC OF A 2106.00 FOOT RADIUS CURVE, A DISTANCE OF 527.58 FEET; CHORD BEARS NORTH 06°53'38" WEST 526.20 FEET, HAVING A CENTRAL ANGLE OF 14°21'12"; THENCE NORTHWESTERLY TO THE LEFT ALONG THE ARC OF A 19725.00 FOOT RADIUS CURVE, A DISTANCE OF 285.55 FEET, CHORD BEARS NORTH 32°56'45" WEST 285.55 FEET, HAVING A CENTRAL ANGLE OF 0°49'46"; THENCE NORTH 33°21'38" WEST 448.06 FEET (448.63' BY RECORD) TO THE NORTH BOUNDARY LINE OF THE BRIGHAM CITY CORPORATION PROPERTY TAX ID. NO. 03-075-0041, SAID POINT BEING THE SOUTHWEST CORNER OF THE NUCOR SUBDIVISION; THENCE NORTH 90°00'00" EAST 3.59 FEET ALONG THE SOUTH BOUNDARY LINE OF SAID NUCOR SUBDIVISION TO THE SOUTHWEST CORNER OF LOT 1 OF SAID NUCOR SUBDIVISION; THENCE ALONG THE WEST BOUNDARY LINE OF SAID LOT 1 AND THEN LOT 2 OF SAID NUCOR SUBDIVISION THE FOLLOWING THREE (3) COURSES; (1) NORTH 33°21'38" WEST 106.93 FEET; (2) NORTH 33°31'33" WEST 1235.20 FEET; AND (3) NORTH 33°25'00" 357.49 FEET TO THE NORTH BOUNDARY LINE OF SAID NUCOR SUBDIVISION, SAID POINT BEING ON THE SOUTH BOUNDARY LINE OF THE JACK FRANCIS TRUCKING SUBDIVISION; THENCE NORTH 87°54'17" WEST 3.69 FEET ALONG THE SAID SOUTH BOUNDARY LINE TO THE SOUTHWEST CORNER OF SAID JACK FRANCIS TRUCKING SUBDIVISION; THENCE ALONG THE WEST BOUNDARY LINE OF SAID JACK FRANCIS TRUCKING SUBDIVISION THE FOLLOWING THREE (3) COURSES; (1) NORTH 33°25'00" WEST 107.84 FEET; (2) NORTHERLY TO THE RIGHT ALONG THE ARC OF A 770.21 FOOT RADIUS CURVE, A DISTANCE OF 657.51 FEET, CHORD BEARS NORTH 08°57'37" WEST 637.73 FEET, HAVING A CENTRAL ANGLE OF 48°54'43"; AND (3) NORTH 15°29'43" EAST 163.14 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF THE OREGON SHORT LINE RAIL ROAD; THENCE NORTH 74°31'13" WEST 106.00 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

EXHIBIT B

Brigham City Vicinity Map

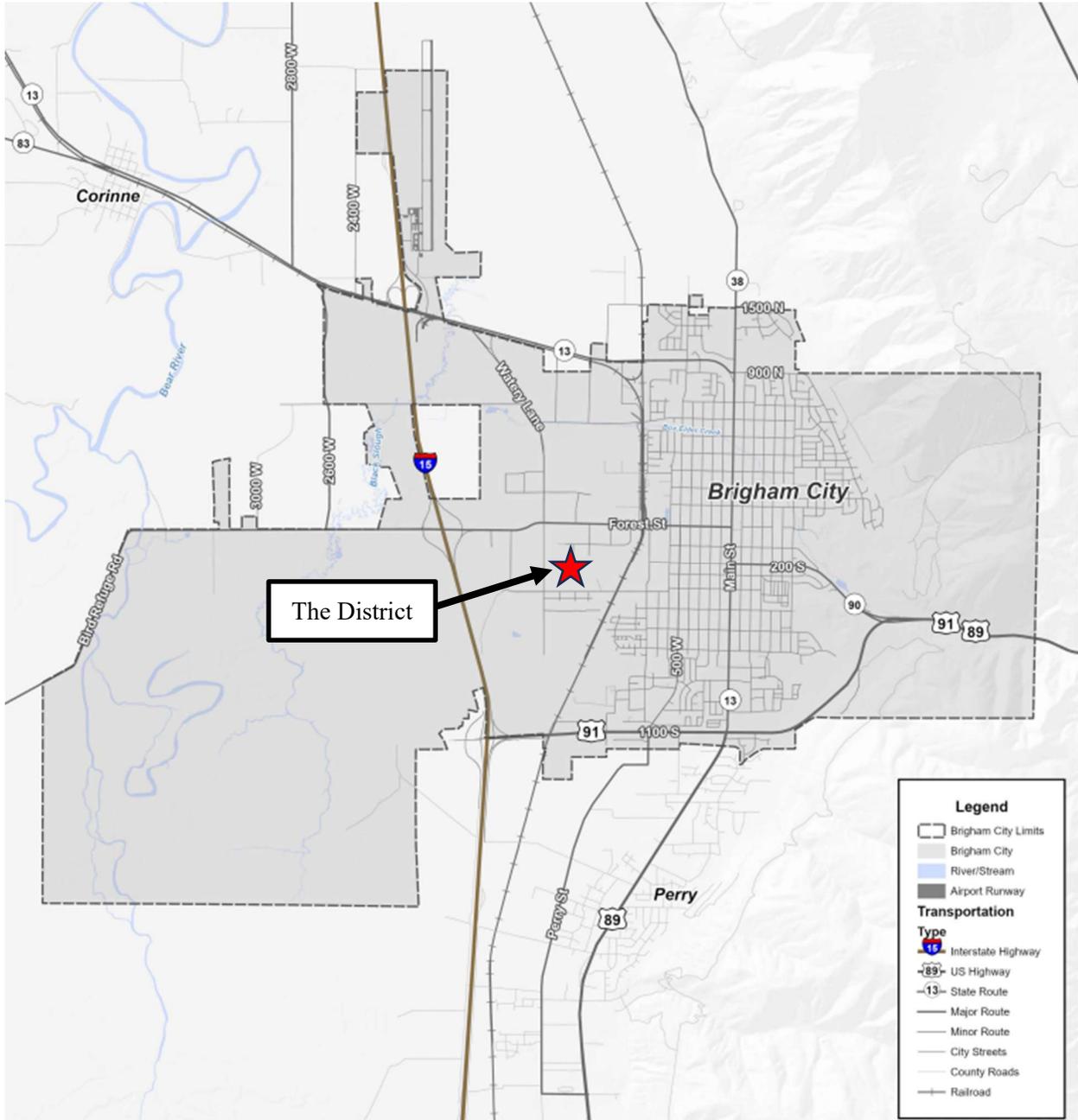
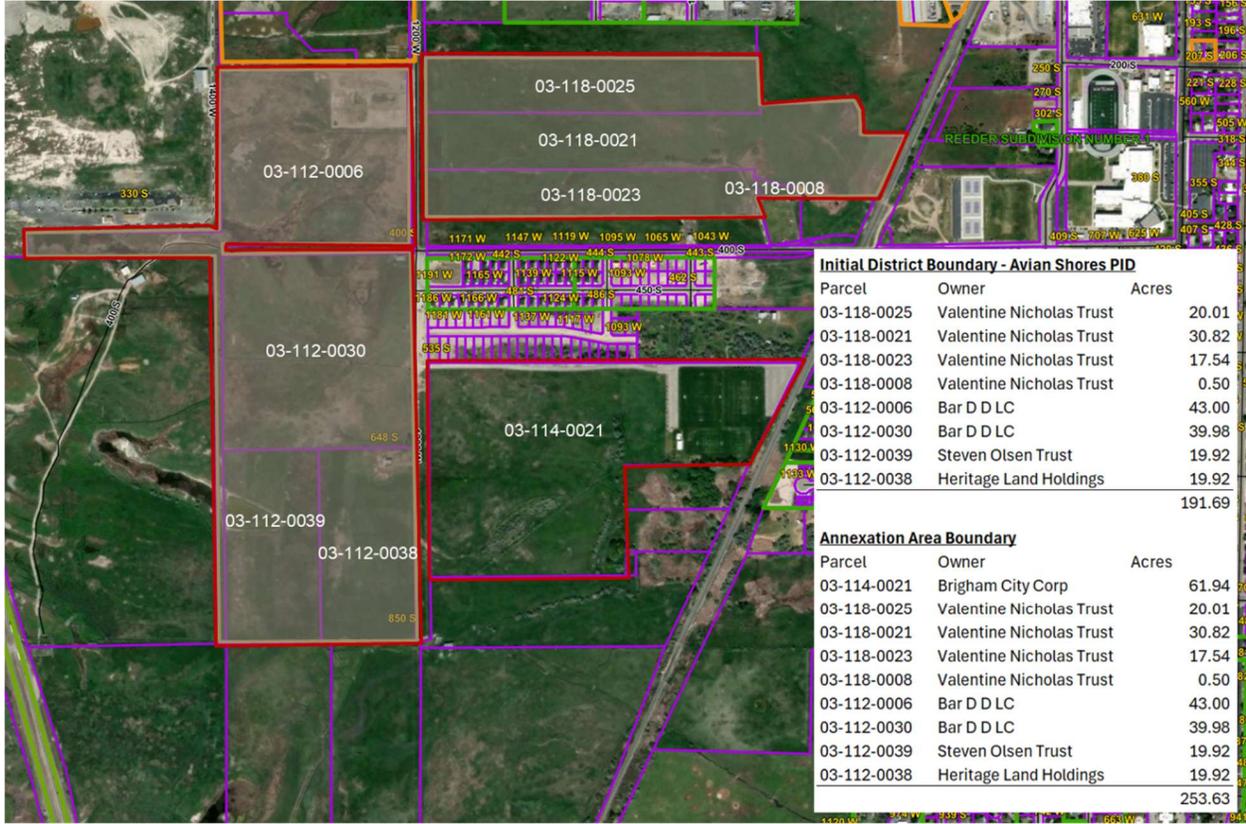


EXHIBIT C

Initial District and Annexation Area Boundaries Map



Initial District Boundary - Avian Shores PID		
Parcel	Owner	Acres
03-118-0025	Valentine Nicholas Trust	20.01
03-118-0021	Valentine Nicholas Trust	30.82
03-118-0023	Valentine Nicholas Trust	17.54
03-118-0008	Valentine Nicholas Trust	0.50
03-112-0006	Bar D D LC	43.00
03-112-0030	Bar D D LC	39.98
03-112-0039	Steven Olsen Trust	19.92
03-112-0038	Heritage Land Holdings	19.92
		191.69

Annexation Area Boundary		
Parcel	Owner	Acres
03-114-0021	Brigham City Corp	61.94
03-118-0025	Valentine Nicholas Trust	20.01
03-118-0021	Valentine Nicholas Trust	30.82
03-118-0023	Valentine Nicholas Trust	17.54
03-118-0008	Valentine Nicholas Trust	0.50
03-112-0006	Bar D D LC	43.00
03-112-0030	Bar D D LC	39.98
03-112-0039	Steven Olsen Trust	19.92
03-112-0038	Heritage Land Holdings	19.92
		253.63

- = Initial District Boundary - Avian Shores PID
- = Annexation Area Boundary

EXHIBIT C

NOTICE OF BOUNDARY ACTION

NOTICE OF IMPENDING BOUNDARY ACTION

(Avian Shores Public Infrastructure District)

TO: The Lieutenant Governor, State of Utah

NOTICE IS HEREBY GIVEN that the City Council of Brigham City, Utah (the "Council"), acting in its capacity as the creating entity for Avian Shores Public Infrastructure District (the "District"), at a regular meeting of the Council, duly convened pursuant to notice, on December 4, 2025 adopted a *Resolution Providing for the Creation of a Public Infrastructure District*, 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. §17-73-507, approved as a final local entity plat by the Surveyor of Box Elder 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.

DATED this 4th day of December, 2025.

**CITY COUNCIL OF BRIGHAM CITY UTAH,
acting in its capacity as the creating authority for
AVIAN SHORES PUBLIC
INFRASTRUCTURE DISTRICT**

By:  _____
AUTHORIZED REPRESENTATIVE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City this 4 day of December, 2025.




CITY RECORDER

**NOTICE OF PUBLIC HEARING REGARDING THE CREATION OF A PUBLIC
INFRASTRUCTURE DISTRICT BY BRIGHAM CITY, UTAH**

December 4, 2025

Notice is hereby given that the City Council (the “Council”) of Brigham City, Utah (the “City”) will hold a public hearing on **Thursday, December 4, 2025, at or after 6:30 P.M.** The public hearing is regarding the proposed creation of Avian Shores Public Infrastructure District (the “Proposed District”) and to allow for public input on (i) whether the requested service (described below) is needed in the area of the Proposed District, (ii) whether the service should be provided by the City or the Proposed District, and (iii) all other matters relating to the Proposed District.

Because consent to the creation of the Proposed District and waiver of the protest period has been obtained from all property owners and registered voters within the boundaries of the Proposed District, pursuant to Utah Code, Section 17D-4-201, the City may adopt a resolution creating the Proposed District immediately after holding the public hearing described herein or on any date thereafter. **Any withdrawal of consent to creation or protest of the creation of the Proposed District by an affected property owner must be submitted to the City prior to the public hearing described herein.**

Meeting Information:

Held By: The City Council of Brigham City, Utah
Date and Time: Thursday, December 4, 2025 at or after 6:30 P.M.
Location: Brigham City Council Chambers
20 N. Main Street
Brigham City, UT 84032

Proposed District Boundaries:

Legal descriptions for the Proposed District are attached as **Appendix A**. In addition, it is anticipated that the Proposed District would be authorized to adjust its boundaries through annexation and withdrawal of properties, so long as such properties are within the proposed inclusion area, as shown on the map attached as **Appendix B** and certain requirements as established in a governing document have been met.

Summary of Proposed Resolution:

The proposed resolution regarding the creation of the Proposed District contains consideration of approval of the following items:

- Creation of the Proposed District with the initial boundaries as described herein
- Approval of the annexation of or withdrawal from the boundaries of the Proposed District of any area within the annexation area without additional approvals or hearings of the City, subject to the conditions of the Governing Document
- Establishment of a Board of Trustees for the Proposed District, comprised as follows:
 - Trustee 1 – Boyd Cook, for an initial 6-year term;
 - Trustee 2 – Garth Day, for an initial 4-year term; and
 - Trustee 3 – Clay Jensen, for an initial 6-year term.
- Authorization for execution by the City of a Notice of Boundary Action and Final Entity Plat
- Approval of a Governing Document for the Proposed District:
 - Permitting a mill levy of 0.005 per dollar of taxable value of property in the Proposed District
 - Permitting the Proposed District to issue debt repayable from property taxes, special assessments, tax increment and other revenues of the Proposed District

Proposed Service:

Avian Shores Public Infrastructure District is proposed to be created for the purpose of financing the construction of public infrastructure relating to the Avian Shores development (the “Project”), as permitted under the Special District Act, Title 17B, Chapter 1, Utah Code Annotated 1953 and the Public Infrastructure District Act, Title 17D, Chapter 4, Utah Code Annotated 1953.

Sincerely,

The City Council of Brigham City, Utah

APPENDIX A

PROPOSED DISTRICT BOUNDARIES

Legal Description (Initial District Boundaries)

Initial District Boundary - Avian Shores PID

Parcel	Owner	Acres
03-118-0025	Valentine Nicholas Trust	20.01
03-118-0021	Valentine Nicholas Trust	30.82
03-118-0023	Valentine Nicholas Trust	17.54
03-118-0008	Valentine Nicholas Trust	0.50
03-112-0006	Bar D D LC	43.00
03-112-0030	Bar D D LC	39.98
03-112-0039	Steven Olsen Trust	19.92
03-112-0038	Heritage Land Holdings	19.92
		191.69

Annexation Area Boundary

Parcel	Owner	Acres
03-114-0021	Brigham City Corp	61.94
03-118-0025	Valentine Nicholas Trust	20.01
03-118-0021	Valentine Nicholas Trust	30.82
03-118-0023	Valentine Nicholas Trust	17.54
03-118-0008	Valentine Nicholas Trust	0.50
03-112-0006	Bar D D LC	43.00
03-112-0030	Bar D D LC	39.98
03-112-0039	Steven Olsen Trust	19.92
03-112-0038	Heritage Land Holdings	19.92
		253.63

PARCEL 03-118-0008

BEGINNING AT A POINT 388 FEET MORE OR LESS NORTH FROM THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN TO THE NORTH BANK OF A DITCH WESTERLY ALONG THE NORTH BANK OF A DITCH 270 FEET TO A LANE; THENCE NORTH 15° WEST 150 FEET; THENCE SOUTH 67 ¼° EAST 150 FEET; THENCE SOUTHEASTERLY 170 FEET, MORE OR LESS, TO THE QUARTER SECTION LINE; THENCE SOUTH 63 FEET MORE OR LESS TO THE POINT OF BEGINNING.

PARCEL 03-118-0021

BEGINNING AT A POINT 25.39 CHAINS SOUTH AND 53 LINKS EAST OF THE NORTHWEST CORNER OF SECTION 23 TOWNSHIP 9 NORTH, RANGE 2 WEST, THE SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 89°47'; EAST 35.26 CHAINS; THENCE NORTH 3.5° WEST 91 LINKS; THENCE NORTH 88 ¼° EAST 35.26 CHAINS; THENCE NORTH 3.5° WEST 91 LINKS; THENCE

NORTH 88 ¼° EAST 9.61 CHAINS; THENCE SOUTH 44 ¾° EAST 1 CHAIN; THENCE SOUTH 4° WEST 2.68 CHAINS; THENCE SOUTH 87° EAST 7.24 CHAINS; THENCE SOUTH 25° WEST 3.14 CHAINS; THENCE EAST 14.92 CHAINS; THENCE SOUTH 8.80 CHAINS; THENCE WEST 19.60 CHAINS TO O.S.L.R.R.; THENCE NORTH 24.5° EAST 6.42 CHAINS; THENCE WEST 8.81 CHAINS; THENCE NORTH 47 ¼° WEST 1.36 CHAINS; THENCE NORTH 67 ¾° WEST 2.25 CHAINS; THENCE NORTH 5.93 CHAINS TO THE POINT OF BEGINNING.

LESS: THAT PORTION LYING EASTERLY OF THE RAILROAD RIGHT OF WAY

ALSO LESS: A PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN. BEGINNING AT GRANTORS NORTHWEST PROPERTY CORNER BEGINNING A POINT ON THE EXISTING EAST RIGHT-OF-WAY LINE OF 1200 WEST STREET LOCATED 1680.43 FEET SOUTH 00°14'42" EAST ALONG THE WEST LINE OF SAID SECTION AND 34.98 FEET NORTH 89°43'55" EAST FROM THE NORTHWEST CORNER OF SAID SECTION 23, SAID POINT DESCRIBED OF RECORD AS BEING LOCATED 25.39 CHAINS SOUTH AND 53 LINKS EAST OF THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; RUNNING THENCE SOUTH 89°31'35" EAST (SOUTH 89°47' EAST BY RECORD) 38.41 FEET ALONG GRANTORS NORTH BOUNDARY LINE TO THE NEW EAST RIGHT-OF-WAY LINE OF 1200 WEST STREET; THENCE SOUTH 00°15'29" EAST 391.23 FEET ALONG SAID NEW EAST RIGHT-OF-WAY LINE TO GRANTORS SOUTH BOUNDARY; THENCE NORTH 89°44'27" WEST (NORTH 89°47' WEST BY RECORD) 38.50 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE TO GRANTORS SOUTHWEST PROPERTY CORNER BEING ON SAID EXISTING EAST RIGHT-OF-WAY LINE; THENCE NORTH 00°14'42" WEST (NORTH BY RECORD) 391.38 FEET ALONG SAID EXISTING EAST RIGHT-OF-WAY LINE; THENCE NORTH 00°14'42" WEST (NORTH BY RECORD) 391.38 FEET ALONG SAID EXISTING EAST RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

PARCEL 03-118-0023

BEGINNING AT A POINT 3.79 CHAINS NORTH AND 50 LINKS EAST OF THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN; THENCE NORTH 1.43 CHAINS; THENCE SOUTH 89°47' EAST 35.24 CHAINS; THENCE SOUTH 15.5° EAST 1.43 CHAINS; THENCE NORTH 89°47' WEST 35.93 CHAINS TO THE BEGINNING.

ALSO: BEGINNING AT A POINT 5.22 CHAINS NORTH AND 50 LINKS EAST OF THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN; THENCE NORTH 1.43 CHAINS; THENCE SOUTH 89°47' EAST 35.24 CHAINS; THENCE SOUTH 15.5° EAST 1.43 CHAINS; THENCE NORTH 89°47' WEST 35.93 CHAINS TO THE BEGINNING.

ALSO: BEGINNING AT A POINT 6.45 CHAINS NORTH AND 50 LINKS EAST OF THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN; THENCE NORTH 2.23 CHAINS, THENCE SOUTH 89°47' EAST 34.90 CHAINS; THENCE SOUTH 13 ¾° WEST 70 LINKS; THENCE

SOUTH 15.5° EAST 1.53 CHAINS; THENCE NORTH 89°47' WEST 35.24 CHAINS TO THE POINT OF BEGINNING.

LESS: A PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN. BEGINNING AT GRANTORS SOUTHWEST PROPERTY CORNER BEING A POINT ON THE EXISTING EAST RIGHT-OF-WAY LINE OF 1200 WEST STREET LOCATED 2401.86 FEET SOUTH 00°14'42" EAST ALONG THE WEST LINE OF SAID SECTION AND 33.00 FEET NORTH 89°45'18" EAST FROM THE NORTHWEST CORNER OF SAID SECTION 23, SAID POINT DESCRIBED OF RECORD AS BEING LOCATED 3.79 CHAINS NORTH AND 50 LINKS EAST OF THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER; RUNNING THENCE NORTH 00°14'42" WEST 330.06 FEET (NORTH 322.74 FEET BY RECORD) ALONG SAID EXISTING EAST RIGHT-OF-WAY LINE TO GRANTOR'S NORTHWEST PROPERTY CORNER; THENCE SOUTH 89°47'07" EAST (EAST BY RECORD) 40.58 FEET ALONG SAID NEW EAST RIGHT-OF-WAY LINE OF 1200 WEST STREET; THENCE SOUTH 00°15'29" EAST 330.19 FEET ALONG SAID NEW EAST RIGHT-OF-WAY LINE TO GRANTOR'S SOUTH BOUNDARY; THENCE NORTH 89°36'00" WEST (WEST BY RECORD) 40.55 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

PARCEL 03-118-0025

BEGINNING AT A POINT 19.62 CHAINS SOUTH OF THE NORTHWEST CORNER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 89°47' EAST 35.26 CHAINS; THENCE SOUTH 3.5° EAST 5.78 CHAINS; THENCE NORTH 89°47' WEST 35.57 CHAINS NORTH 5.77 CHAINS TO THE POINT OF BEGINNING.

LESS: A PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN. BEGINNING AT A POINT ON THE WEST LINE OF SAID SECTION 23 LOCATED 1295.00 FEET SOUTH 00°14'42" EAST (19.62 CHAINS SOUTH BY RECORD) ALONG SAID WEST LINE OF SAID SECTION FROM THE NORTHWEST CORNER OF SAID SECTION 23; RUNNING THENCE SOUTH 89°32'54" EAST (SOUTH 89°47' EAST BY RECORD) 73.30 FEET ALONG GRANTOR'S NORTH BOUNDARY LINE TO THE NEW EAST RIGHT-OF-WAY LINE OF 1200 WEST STREET; THENCE SOUTH 00°15'29" EAST 385.02 FEET ALONG SAID NEW EAST RIGHT-OF-WAY LINE TO GRANTOR'S SOUTH BOUNDARY LINE; THENCE NORTH 89°52'48" WEST (NORTH 89°47' WEST BY RECORD) 73.39 FEET ALONG SAID NORTH BOUNDARY LINE TO THE WEST LINE OF SAID SECTION; THENCE NORTH 00°14'42" WEST 385.45 FEET (NORTH 380.82 FEET BY RECORD) ALONG SAID EAST LINE TO THE POINT OF BEGINNING.

PARCEL 03-112-0006

THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN.

ALSO: THE EAST 2 RODS OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN.

ALSO: THE SOUTH 10 RODS OF THE WEST HALF OF THE NORTHEAST QUARTER OF

SECTION 22, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN.

LESS: THE SOUTH 4 RODS AND NORTH 3 RODS OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN.

Parcel 03-112-0030

THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN.

LESS THAT TRACT DEEDED TO BRIGHAM CITY CORPORATION DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER BEING A POINT LOCATED 2649.30 FEET SOUTH 00°14'42" EAST ALONG THE EAST LINE OF SAID SECTION FROM THE NORTHEAST CORNER OF SAID SECTION 22; RUNNING THENCE SOUTH 00°14'42" EAST 1328.23 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 90°00'00" WEST 32.09 FEET ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER TO THE NEW WEST RIGHT-OF-WAY LINE OF 1200 WEST STREET; THENCE NORTH 00°15'29" WEST 1328.23 FEET ALONG SAID NEW WEST RIGHT-OF-WAY LINE TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE NORTH 90°00'00" EAST 32.39 FEET TO THE POINT OF BEGINNING.

Parcel 03-112-0039

THE WEST HALF OF THE FOLLOWING DESCRIBED PARCEL:

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN.

LESS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 22 AND RUNNING THENCE NORTH 90°00'00" WEST 31.78 FEET ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER TO NEW WEST RIGHT OF WAY LINE OF 1200 WEST STREET; THENCE NORTH 00°15'29" WEST 1325.84 FEET ALONG SAID NEW WEST RIGHT OF WAY LINE TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE NORTH 90°00'00" EAST 32.09 FEET ALONG SAID NORTH LINE TO THE EAST LINE OF SAID SECTION 22; THENCE SOUTH 00°14'42" EAST 1325.84 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING.

PARCEL 1A: TOGETHER WITH AN EASEMENT SHOWN IN THAT CERTAIN TEMPORARY EASEMENT RECORDED AS ENTRY NO. 485629 IN THE OFFICE OF THE RECORDER OF BOX ELDER COUNTY UTAH, OVER AND ACROSS THE SOUTH 60 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

THE EAST HALF OF THE FOLLOWING DESCRIBED PARCEL: THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN.

LESS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 22 AND RUNNING THENCE NORTH 90°00'00" WEST 31.78 FEET ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER TO NEW WEST RIGHT OF WAY LINE OF 1200 WEST STREET; THENCE NORTH 00°15'29" WEST 1325.84 FEET ALONG SAID NEW WEST RIGHT OF WAY LINE TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE NORTH 90°00'00" EAST 32.09 FEET ALONG SAID NORTH LINE TO THE EAST LINE OF SAID SECTION 22; THENCE SOUTH 00°14'42" EAST 1325.84 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING.

Parcel 03-112-0038

THE EAST HALF OF THE FOLLOWING DESCRIBED PARCEL:

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN.

LESS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 22 AND RUNNING THENCE NORTH 90°00'00" WEST 31.78 FEET ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER TO NEW WEST RIGHT OF WAY LINE OF 1200 WEST STREET; THENCE NORTH 00°15'29" WEST 1325.84 FEET ALONG SAID NEW WEST RIGHT OF WAY LINE TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE NORTH 90°00'00" EAST 32.09 FEET ALONG SAID NORTH LINE TO THE EAST LINE OF SAID SECTION 22; THENCE SOUTH 00°14'42" EAST 1325.84 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING.

PARCEL 1A: TOGETHER WITH AN EASEMENT SHOWN IN THAT CERTAIN TEMPORARY EASEMENT RECORDED AS ENTRY NO. 485629 IN THE OFFICE OF THE RECORDER OF BOX ELDER COUNTY UTAH, OVER AND ACROSS THE SOUTH 60 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

THE EAST HALF OF THE FOLLOWING DESCRIBED PARCEL: THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN.

LESS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 22 AND RUNNING THENCE NORTH 90°00'00" WEST 31.78 FEET ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER TO NEW WEST RIGHT OF WAY LINE OF 1200 WEST STREET; THENCE NORTH 00°15'29" WEST 1325.84 FEET ALONG SAID NEW WEST RIGHT OF WAY LINE TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE NORTH 90°00'00" EAST 32.09 FEET ALONG SAID NORTH LINE TO THE EAST LINE OF SAID SECTION 22; THENCE SOUTH 00°14'42" EAST 1325.84 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING.

Parcel 03-114-0021 (WITHIN ANNEXATION AREA, BUT NOT IN THE INITIAL DISTRICT BOUNDARY)

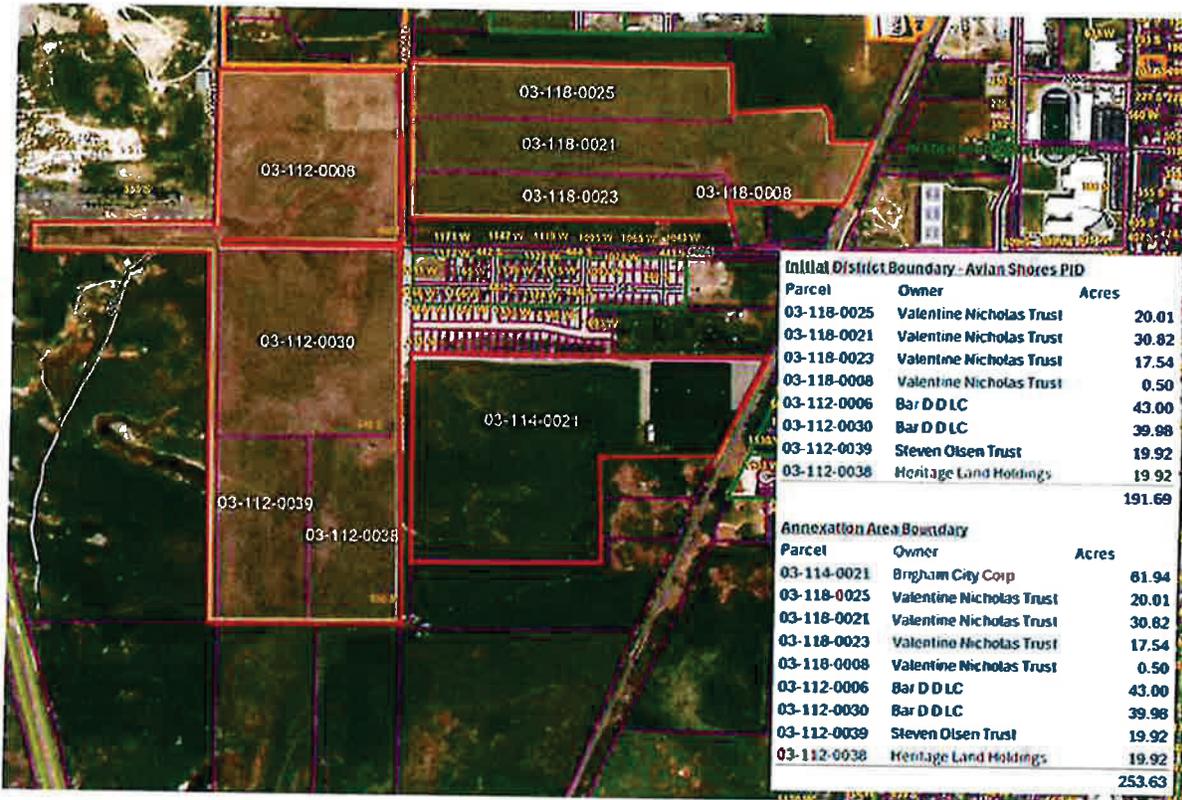
BEGINNING AT POINT LOCATED SOUTH 3391.2 FT FROM NW CORNER SEC 23, T 09N, R 02W, SLM. THENCE SOUTH 1466.5 FT ALONG WEST LINE SAID SEC; SOUTH 89°42'46" EAST 1425.9 FT; NORTH 01°03'14" WEST 763.8 FT; NORTH 85°58'19" EAST 897.6 FT TO WESTERLY LINE OF

OSLRR R/W; NORTH 27°03'38" EAST 772.6 FT ALONG SAID R/W; NORTH 89°32'16" WEST 2664.1 FT TO POB. ALL COURSES BEING ALONG EXIST FENCE LINES. LESS [03-108-0116]: A PART OF THE NORTHEAST QUARTER AND SOUTHEAST QUARTER OF SECTION 10 AND A PART OF THE NORTHWEST QUARTER AND SOUTHWEST QUARTER OF SECTION 14 AND A PART OF THE NORTHEAST QUARTER AND SOUTHEAST QUARTER OF SECTION 15 AND A PART OF THE NORTHEAST QUARTER AND SOUTHEAST QUARTER OF SECTION 22 AND A PART OF THE NORTHWEST QUARTER AND SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN. BEGINNING AT THE INTERSECTION OF THE NEW WEST RIGHT-OF-WAY LINE OF 1200 WEST STREET AND THE SOUTH RIGHT-OF-WAY OF THE OREGON SHORT LINE RAIL ROAD LOCATED 2435.02 FEET SOUTH 00°23'59" WEST ALONG THE WEST LINE OF SAID SECTION 10 AND 3093.22 FEET NORTH 90°00'00" EAST FROM THE NORTHWEST CORNER OF SAID SECTION 10, SAID POINT BEING LOCATED NORTH 74°31'13" WEST FEET FROM THE NORTHEAST CORNER OF LOT 1, AMEND AND EXTENDED JACK FRANCIS TRUCKING SUBDIVISION - ADDITION NO 1; RUNNING THENCE ALONG SAID NEW WEST RIGHT-OF-WAY LINE SOUTH 15°29'43" WEST 163.10 FEET; THENCE SOUTHERLY TO THE LEFT ALONG THE ARC OF A 876.21 FOOT RADIUS CURVE, A DISTANCE OF 748.00 FEET, CHORD BEARS SOUTH 08°57'37" EAST 725.49 FEET, HAVING A CENTRAL ANGLE OF 48°54'47"; THENCE SOUTH 33°25'00" EAST 467.00 FEET; THENCE SOUTH 33°31'33" EAST 1235.15 FEET; THENCE SOUTH 33°21'38" EAST 553.43 FEET; THENCE SOUTHEASTERLY TO THE RIGHT ALONG THE ARC OF A 19619.00 FOOT RADIUS CURVE, A DISTANCE OF 284.02 FEET, CHORD BEARS SOUTH 32°56'45" EAST 284.01 FEET, HAVING A CENTRAL ANGLE OF 00°49'46"; THENCE SOUTH 32°31'52" EAST 25.04 FEET, THENCE SOUTHEASTERLY TO THE LEFT ALONG THE ARC OF A 13189.33 RADIUS CURVE, A DISTANCE OF 273.10 FEET, CHORD BEARS SOUTH 33°07'28" EAST 273.10 FEET, HAVING A CENTRAL ANGLE OF 01°11'11"; THENCE SOUTH 33°43'03" EAST 163.36 FEET, THENCE IN A SOUTHEASTERLY DIRECTION WITH A REVERSE TANGENT CURVE TO THE RIGHT OF A 864.44 FOOT RADIUS CURVE, A DISTANCE OF 310.81 FEET, CHORD BEARS SOUTH 24°22'16" EAST 309.14 FEET, HAVING A CENTRAL ANGLE OF 20°36'03"; THENCE SOUTH 14°04'14" EAST 519.26 FEET; THENCE SOUTHERLY TO THE RIGHT ALONG THE ARC OF A 2000.00 FOOT RADIUS CURVE, A DISTANCE OF 501.02 FEET, CHORD BEARS SOUTH 06°53'38" EAST 499.71 FEET, HAVING A CENTRAL ANGLE OF 14°21'12"; THENCE SOUTH 00°16'58" WEST 2966.35 FEET TO THE NORTH RIGHT-OF-WAY LINE OF THE FOREST STREET; THENCE SOUTH 00°34'57" WEST 103.97 FEET TO THE SOUTH RIGHT-OF-WAY LINE TO FOREST STREET; THENCE SOUTH 00°15'29" EAST 2853.03 FEET TO THE NORTH BOUNDARY LINE OF THE PETER MORRIS CLAWSON PROPERTY, TAX ID. NO. 03-112-0009; THENCE NORTH 90°00'00" EAST 14.50 FEET ALONG SAID NORTH BOUNDARY LINE TO AN EXISTING FENCE LINE LONG ESTABLISHED AS BEING THE ACCEPTED WEST RIGHT-OF-WAY LINE OF 1200 WEST STREET; THENCE ALONG SAID FENCE LINE SOUTH 00°07'18" WEST 66.00 FEET TO THE SOUTH BOUNDARY LINE OF SAID CLAWSON PROPERTY; THENCE NORTH 90°00'00" WEST 14.07 FEET ALONG SOUTH BOUNDARY LINE TO THE NEW EAST RIGHT-OF-WAY LINE OF 1200 WEST STREET; THENCE ALONG SAID NEW WEST RIGHT-OF-WAY LINE SOUTH 00°15'29" EAST 2654.07 FEET TO THE SOUTH LINE OF SAID SECTION 22; THENCE SOUTH 90°00'00" EAST 31.77 FEET ALONG SAID SOUTH LINE TO THE SOUTHEAST CORNER OF SAID SECTION 22; THENCE SOUTH 89°54'43" EAST 19.86 FEET ALONG THE

SOUTH LINE OF SAID SECTION 23 TO AND EXISTING FENCE LINE; THENCE NORTH 75°22'58" EAST 56.11 FEET ALONG SAID FENCE LINE TO THE NEW EAST RIGHT-OF-WAY LINE OF 1200 WEST STREET; THENCE ALONG SAID NEW EAST RIGHT-OF-WAY LINE NORTH 00°15'29" WEST 5517.35 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF FOREST STREET; THENCE NORTH 00°20'43" EAST 136.21 FEET TO THE NORTH RIGHT-OF-WAY LINE OF FOREST STREET; THENCE NORTH 00°16'58" EAST 2975.21 FEET; THENCE NORTHERLY TO THE LEFT ALONG THE ARC OF A 2106.00 FOOT RADIUS CURVE, A DISTANCE OF 527.58 FEET; CHORD BEARS NORTH 06°53'38" WEST 526.20 FEET, HAVING A CENTRAL ANGLE OF 14°21'12"; THENCE NORTHWESTERLY TO THE LEFT ALONG THE ARC OF A 19725.00 FOOT RADIUS CURVE, A DISTANCE OF 285.55 FEET, CHORD BEARS NORTH 32°56'45" WEST 285.55 FEET, HAVING A CENTRAL ANGLE OF 0°49'46"; THENCE NORTH 33°21'38" WEST 448.06 FEET (448.63' BY RECORD) TO THE NORTH BOUNDARY LINE OF THE BRIGHAM CITY CORPORATION PROPERTY TAX ID. NO. 03-075-0041, SAID POINT BEING THE SOUTHWEST CORNER OF THE NUCOR SUBDIVISION; THENCE NORTH 90°00'00" EAST 3.59 FEET ALONG THE SOUTH BOUNDARY LINE OF SAID NUCOR SUBDIVISION TO THE SOUTHWEST CORNER OF LOT 1 OF SAID NUCOR SUBDIVISION; THENCE ALONG THE WEST BOUNDARY LINE OF SAID LOT 1 AND THEN LOT 2 OF SAID NUCOR SUBDIVISION THE FOLLOWING THREE (3) COURSES; (1) NORTH 33°21'38" WEST 106.93 FEET; (2) NORTH 33°31'33" WEST 1235.20 FEET; AND (3) NORTH 33°25'00" 357.49 FEET TO THE NORTH BOUNDARY LINE OF SAID NUCOR SUBDIVISION, SAID POINT BEING ON THE SOUTH BOUNDARY LINE OF THE JACK FRANCIS TRUCKING SUBDIVISION; THENCE NORTH 87°54'17" WEST 3.69 FEET ALONG THE SAID SOUTH BOUNDARY LINE TO THE SOUTHWEST CORNER OF SAID JACK FRANCIS TRUCKING SUBDIVISION; THENCE ALONG THE WEST BOUNDARY LINE OF SAID JACK FRANCIS TRUCKING SUBDIVISION THE FOLLOWING THREE (3) COURSES; (1) NORTH 33°25'00" WEST 107.84 FEET; (2) NORTHERLY TO THE RIGHT ALONG THE ARC OF A 770.21 FOOT RADIUS CURVE, A DISTANCE OF 657.51 FEET, CHORD BEARS NORTH 08°57'37" WEST 637.73 FEET, HAVING A CENTRAL ANGLE OF 48°54'43"; AND (3) NORTH 15°29'43" EAST 163.14 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF THE OREGON SHORT LINE RAIL ROAD; THENCE NORTH 74°31'13" WEST 106.00 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

APPENDIX B

MAP OF PROPOSED DISTRICT BOUNDARIES AND ANNEXATION AREA



 = Initial District Boundary - Avian Shores PID

 = Annexation Area Boundary



**CITY ATTORNEY
LEGAL DOCUMENT REVIEW**

Document Name: Resolution for the creation of Avian Shores Public
Infrastructure District

Name of Person Requesting Legal Review: Kristina Rasmussen

Date Sent: 11.18.2025 Review Date Deadline: 11.20.2025

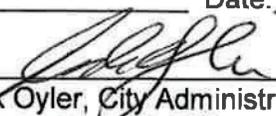
Reviewed by Attorney:  Date: 11/25/25

- Reviewed and acceptable as submitted
- See suggested changes:

Returned to: Kristina Rasmussen Date: 11/25/25

Accepted as Received

Submitted to Mayor's Office By: _____ Date: _____

Reviewed by Mayor's Office: 
Derek Oyler, City Administrator