

STATE OF UTAH



OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF CREATION

I, SPENCER J. COX, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT there has been filed in my office a notice of creation of the ZION MOUNTAIN LOCAL SERVICE DISTRICT, dated April 8, 2019, complying with Section 17B-1-215, Utah Code Annotated, 1953, as amended.

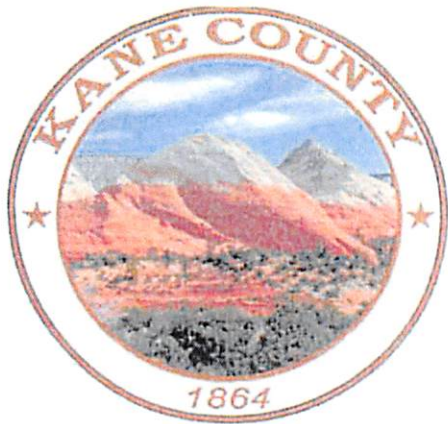
NOW, THEREFORE, notice is hereby given to all whom it may concern that the attached is a true and correct copy of the notice of creation, referred to above, on file with the Office of the Lieutenant Governor pertaining to the ZION MOUNTAIN LOCAL SERVICE DISTRICT, located in Kane County, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 29th day of April, 2019 at Salt Lake City, Utah.



A handwritten signature in black ink, appearing to read "Spencer J. Cox".

SPENCER J. COX
Lieutenant Governor



Kane County Commission
Lamont Smith
Andy Gant
Brent Chamberlain
435-644-2458

Lt. Governor Spencer Cox
Utah State Capitol Complex
Suite 220
P.O. Box 142325
Salt Lake City, UT 84114-2220

Re: Creation of the Zion Mountain Local Service District

Dear Lt. Governor Cox:

Pursuant to Utah Code Section 17B-1-215, a certificate is being sought for the creation of a new local district (Zion Mountain Local Service District). Enclosed you will find an approved final local entity plat showing the boundaries of the new local district (Zion Mountain Local Service District), a letter from the Utah State Retirement Office pursuant to Utah Code Section 67-1a-6.5, and a Resolution which approved the creation of the Zion Mountain Local Service District.

The Kane County Commission hereby verifies and certifies that all requirements for the creation of a new local district (Zion Mountain Local Service District) have been met.

Sincerely,

 6-8-2019

Lamont Smith
Kane County Commission Chair

Enclosures

Kane County Commission
76 N. Main St., Kanab, Utah 84741
Come to Kane County, Where anything is Possible!

Utah Retirement Systems

Retirement Office

560 East 200 South
Salt Lake City, UT 84102-2021

(801) 366-7700
(800) 365-8772 Toll Free
(801) 366-7734 Fax
www.urs.org

DANIEL D. ANDERSEN
Executive Director

Public Employees Health Program

560 East 200 South
Salt Lake City, UT 84102-2004

(801) 366-7500
(800) 365-8772 Toll Free
(801) 366-7596 Fax
www.pehp.org

R. CHET LOFTIS
Director

August 23, 2018

Zion Mountain Local Service District
ATTN: Bruce C. Jenkins
285 West Tabernacle
St. George, UT 48770

Re: Eligibility for Participation of a Newly Created Entity in the Utah State Retirement Systems

Dear Mr. Jenkins:

When a governmental entity is being incorporated or created, Utah law requires the Utah State Retirement Office ("Office") to provide a letter to that entity identifying the potential provisions under Utah Code Title 49, Utah State Retirement and Insurance Benefit Act ("Retirement Act"), with which it shall comply. See Utah Code Ann. § 67-1a-6.5(3)(d). This letter serves as the official notice for the Zion Mountain Local Service District ("ZMLSD"), a newly created local service district.

Based upon the information provided, the Office has determined that the ZMLSD is an "employer" under the Retirement Act as a political subdivision of the state by virtue of its status as a local service district. Accordingly, the ZMLSD must comply with the participation requirements of the Retirement Act.

This does not mean that the ZMLSD must provide retirement benefits to its employees. However, at the present time and throughout the future, the ZMLSD is required by law to participate with URS if and when it offers any type of retirement benefit to its employees.

The ZMLSD may not currently have employees or may have not yet elected to provide a retirement benefit to its employees. Please be aware, it is not the obligation of the Office to monitor the activities of the ZMLSD. By law, it is the ZMLSD's obligation to apply for membership with URS if and when it chooses to provide a retirement benefit to its employees.

Once the ZMLSD begins participation with URS, its public employees will be covered under either the Tier I or Tier II public employee retirement systems, as described in the Retirement Act. If the ZMLSD employs public safety or firefighter service employees, those employees will be covered under the separate Tier I or Tier II systems for public safety and/or firefighter service employees described in the Retirement Act.

In addition, Participating Employers of URS are required by section 49-11-606 to "cover all employees eligible for service credit under this title." As such, once admitted as a participating employer, the ZMLSD will be required to cover all eligible employees, pursuant to the eligibility rules found in the Retirement Act.

Please note that the above-referenced laws are those used to determine eligibility for participation and are not the only laws with which a participating employer must comply. Participating employers are required to "inform themselves of their rights and obligations" under Title 49 and should become familiar with all provisions of the Retirement Act. Once the ZMLSD is admitted into the system, URS provides education about the requirements with which the ZMLSD must comply as a participating employer.

Additionally, please be aware that should the ZMLSD fail to participate with URS while offering another retirement benefit to its employees, the ZMLSD's employees may have a claim against it for service credit under the Retirement Act, which the Office is required to enforce. Under the Retirement Act, such a claim would include all past employer contributions, interest, and in some cases, penalties. See Utah Code Ann. § 49-11-601(3).

Please do not hesitate to contact me if you have any questions.

Sincerely,



Matthew K. Judd
Employer Services Director
Utah State Retirement Office

KANE COUNTY RESOLUTION NO. R 2019 - 7

**A RESOLUTION APPROVING THE CREATION OF THE
ZION MOUNTAIN LOCAL SERVICE DISTRICT**

WHEREAS, a quorum of the Kane County Board of Commissioners (“Board”) was present at a meeting of the Kane County Board of Commissioners to discuss the approval of the creation of the Zion Mountain Local Service District (“District”) a Local District created under the authority of Utah Code 17B-1-101 et.al.; and

WHEREAS, a petition was filed requesting the creation of the District for the purpose of providing water, sewer, and fire services; and

WHEREAS, the District will be comprised of the area identified in the legal description attached as Exhibit 1, and as depicted generally in the map attached as Exhibit 2; and

WHEREAS, the District has within its boundaries fewer than one residential dwelling unit per 10 acres; and

WHEREAS, the Board, being fully advised and aware of the petition, facts, and circumstances surrounding the request and proposed formation of the District;

NOW THEREFORE, BE IT RESOLVED BY THE KANE COUNTY BOARD OF COMMISSIONERS, IN AND FOR KANE COUNTY, STATE OF UTAH, AS FOLLOWS:

1. The “Zion Mountain Local Service District” is hereby authorized and created.
2. The boundaries of the District are as set forth in Exhibit 1 and Exhibit 2.
3. The District is authorized to provide services for water, sewer, and fire.
4. A Board of Trustees of three members is established and delegated all the authority to control and administer the District as set forth in Utah Code title 17B.
5. The initial Board of Trustees shall be the members of the Board of Commissioners.
6. By January 1, 2020 the Commission shall appoint qualifying Trustees to serve beginning January 1, 2020. One Trustee shall be appointed for a two year term and the other two Trustees shall be appointed for four year terms.
7. Beginning January 1, 2022, by way of an election taking place in 2021, for the Trustee with a two year term, and beginning January 1, 2024, by way of an election taking place in 2023, for the Trustees with four year terms, the applicable Trustees shall transition to elected offices under Utah Code §17B-1-306. Trustees shall be elected by owners of real

property within the local district based on the amount of acreage owned by the property owners as set forth in Utah Code §17B-1-1402(1)(b)(i).

- 8. The Board of Trustees shall work with the County Clerk to create appropriate policies and procedures to comply with election by acreage and with Utah Code Title 20A prior to transitioning to an elected board.

ADOPTED this 8 day of April, 2019.

ATTEST:


KARLA JOHNSON
Kane County Clerk


Lamont Smith, Chair
Board of Commissioners
Kane County




Commissioner Gant voted 
Commissioner Chamberlain voted 
Commissioner Smith voted 



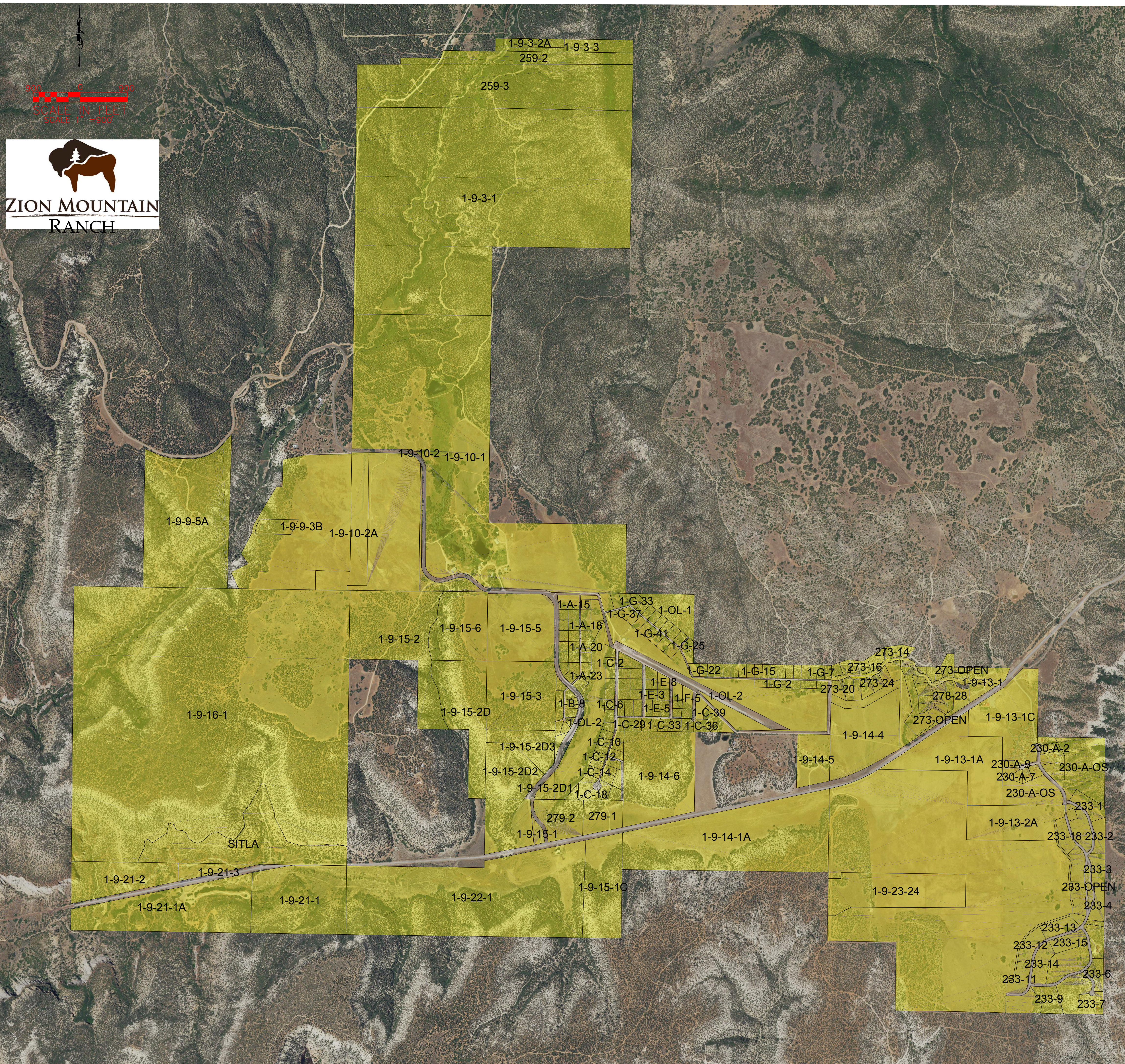
EXHIBIT 1

Legal Description:

Portions of sections 3, 9, 10, 13, 14, 15, 16, 21, 22, 23, and 24 of Township 41 South, Range 9 West, Salt Lake Base and Meridian more particularly describes as follows:

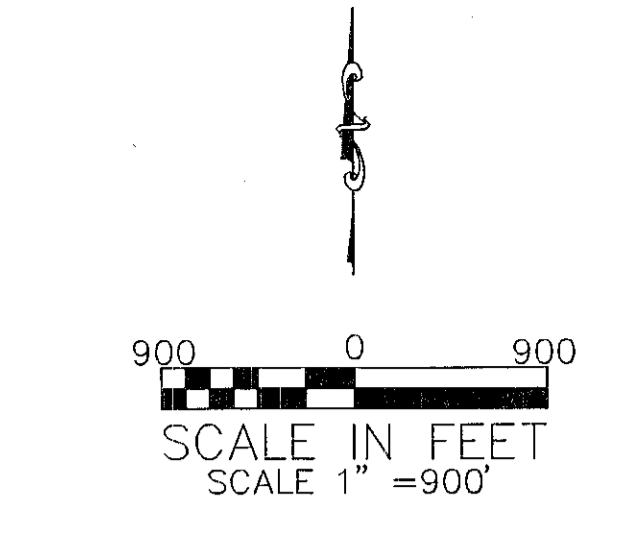
BEGINNING at the Northwest corner of Section 16, and running; thence, along the section line, South 89° 09' 05" East 1290.94 feet, to the West 1/16th Corner of Sections 9 and 16; thence, along the West 1/16th line, North 00° 50' 35" East 2675.63 feet, to the southernly right-of-way of North Fork Road; thence, along said right-of-way, South 62° 40' 28" East 186.17 feet, to the beginning of a curve; thence, along the curve to the left, 470.28 feet, having a radius of 1013.90 feet, a central angle of 26° 34' 32" and whose long chord bears South 75° 57' 44" East 466.07 feet; thence South 89° 15' 00" East 284.00 feet, to the beginning of a curve; thence, along the curve to the left, 435.72 feet, having a radius of 761.45 feet, a central angle of 32° 47' 11" and whose long chord bears North 74° 21' 25" East 429.80 feet; thence South 00° 42' 30" West 11.86 feet, to the beginning of a non-tangential curve; thence, along the curve to the left, 218.01 feet, having a radius of 771.45 feet, a central angle of 16° 11' 29" and whose long chord bears North 50° 20' 39" East 217.28 feet; thence North 42° 14' 55" East 276.02 feet, to the beginning of a curve; thence, along the curve to the left, 0.99 feet, having a radius of 354.64 feet, a central angle of 00° 09' 38" and whose long chord bears North 42° 10' 06" East 0.99 feet; thence, leaving said right-of-way, South 00° 50' 35" West 2945.57 feet, to the south line of Section 9; thence, along said line, South 89° 11' 38" East 171.56 feet; thence North 10° 48' 55" West 131.30 feet; thence North 20° 56' 05" West 202.49 feet; thence North 63° 20' 04" East 364.60 feet; thence North 34° 39' 51" West 225.63 feet; thence North 28° 18' 24" East 429.33 feet; thence North 10° 17' 40" East 176.35 feet; thence North 27° 21' 41" East 846.08 feet; thence South 88° 58' 04" East 121.90 feet; thence North 00° 49' 11" East 522.89 feet; thence North 81° 12' 20" East 384.73 feet; thence North 87° 51' 02" East 939.78 feet, to the east line of Section 9; thence, along said line, North 00° 47' 41" East 22.69 feet, to the ¼ Corner of Sections 9 and 10; thence, along the section line, North 00° 48' 16" East 2638.54 feet, to the Section Corner of Sections 3, 4, 9, and 10; thence, along the section line, North 00° 46' 29" East 2646.09 feet, to the ¼ corner of Sections 4 and 3; thence, along the section line, North 00° 42' 27" East 2188.39 feet; thence, leaving said section line, South 89° 06' 11" East 880.00 feet; thence North 00° 45' 41" East 103.35 feet; thence South 89° 06' 11" East 726.11 feet, to the beginning of a non-tangential curve; thence, along the curve to the left, 130.99 feet, having a radius 615.00 feet, a central angle of 12° 12' 12" and whose long chord bears North 21° 17' 50" East 130.74 feet, to a non-tangent curve; thence, along the curve to the right, 22.64 feet, having a radius of 610.00 feet, a central angle of 02° 07' 36" and whose long chord bears North 16° 15' 32" East 22.64 feet; thence South 89° 03' 26" East 986.17 feet, to the North-south ¼ line of Section 3; thence, along said line, North 00° 41' 07" East 253.04 feet, to the North ¼ Corner of Section 3; thence, along the section line, South 89° 09' 44" East 2643.36 feet, to the section corner of Sections 2 and 3; thence, along the section line between Sections 2 and 3, South 00° 43' 52" West 2678.51 feet, to the ¼ Corner of Sections 2 and 3; thence, continuing along said section line, South 00° 47' 27" West 1318.64 feet, to the South 1/16th Corner of Sections 2 and 3; thence, along the South 1/16th line of Section 3, North 89° 21' 39" West 2638.79 feet, to the South 1/16th Corner of Section 3; thence, along the North-south ¼ line of said section, South 00° 41' 07" West 1324.35 feet, to the ¼ Corner of Sections 3 and 10; thence, along the North-south ¼ line of Section 10, South 00° 52' 16" West 3951.20 feet, to the South 1/16th Corner of said section; thence, along the South 1/16th line of said section, South 89° 19' 22" East 2641.26 feet, to the South 1/16th Corner of Sections 10 and 11; thence, along the section line of Sections 10 and 11, South 00° 47' 13" West 1316.97 feet, to the Section Corner of Sections 10, 11, 15, and 14; thence, along the section line of Sections 11 and 14, South 88° 55' 22" East 1320.00 feet, to the West 1/16th Corner of Sections 11 and 14; thence, along the West 1/16th line of Section 14, South 00° 48' 41" West 1318.54 feet, to the Northwest 1/16th Corner of said section; thence, along the North 1/16th line, South 89° 07' 09" East 2639.67 feet, to the Northeast 1/16th Corner of said section; thence North 69° 32' 01" East 318.67 feet; thence South 84° 59' 18" East 308.95 feet; thence North 56° 46' 20" East 491.13 feet; thence North 82° 03' 55" East 340.02 feet; thence South 77° 41' 48" East 274.15 feet; thence South 46° 42' 50" West 285.23 feet, to the beginning of a non-tangential curve; thence, along the curve to the right, 100.94 feet, having a radius 68.00 feet, a central angle of 85° 02' 53.1169" and whose long chord bears South 66° 58' 43" East 91.92 feet, to a non-tangent curve; thence, along the curve to the left, 22.44 feet, having a radius of 21.92 feet, a central angle of 58° 38' 53" and whose long chord bears South 53° 46' 43" East 21.47 feet; thence South 83° 12' 13" East 16.31 feet, to the beginning of a curve; thence, along the curve to the right, 105.42 feet, having a radius of 80.00 feet, a central angle of 75° 30' 02" and whose long chord bears South 45° 27' 12" East

EXHIBIT 2

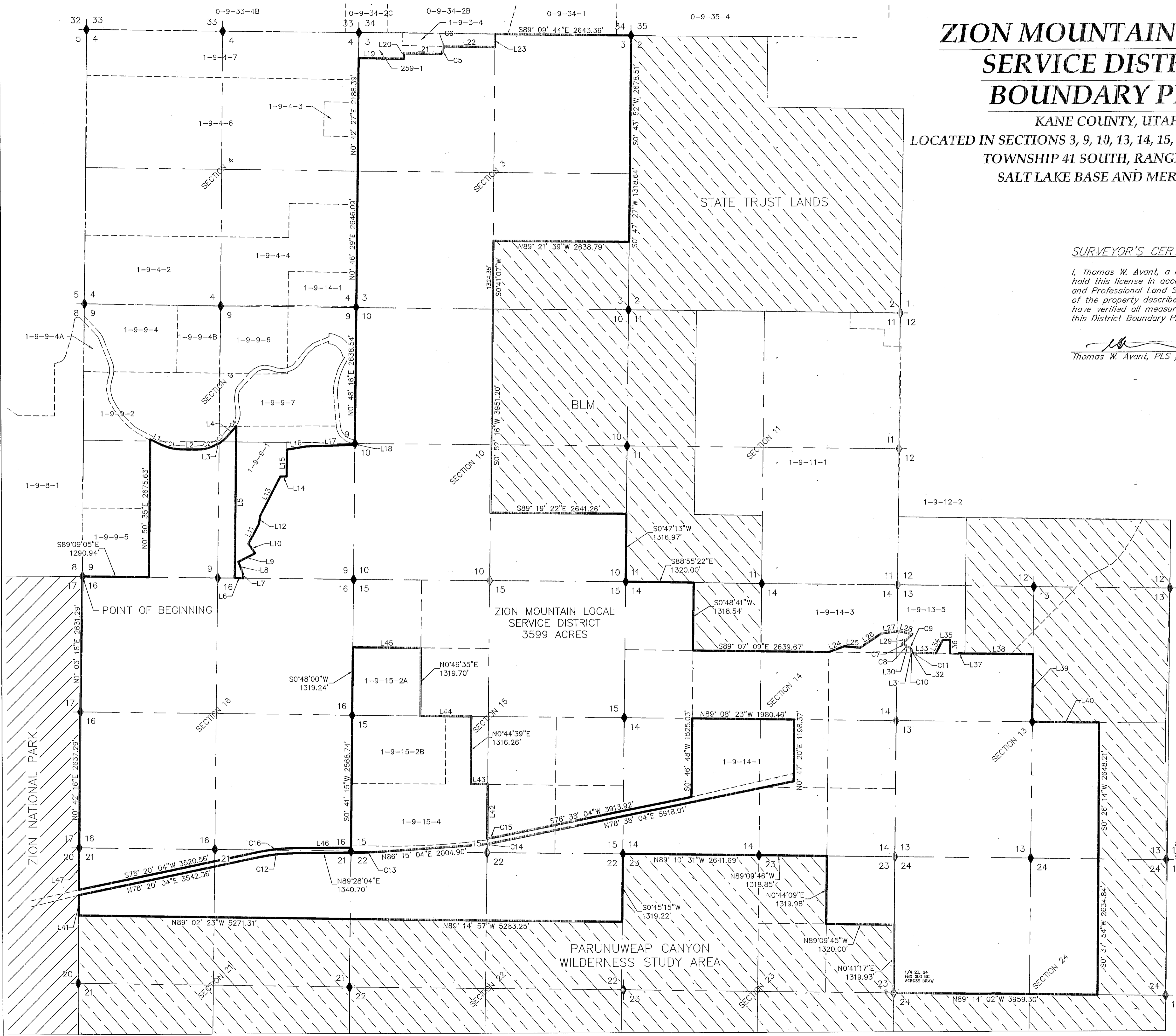


ZION MOUNTAIN LOCAL SERVICE DISTRICT BOUNDARY PLAT

KANE COUNTY, UTAH
 LOCATED IN SECTIONS 3, 9, 10, 13, 14, 15, 16, 21, 22, 23, AND 24
 TOWNSHIP 41 SOUTH, RANGE 9 WEST,
 SALT LAKE BASE AND MERIDIAN



IRON ROCK ENGINEERING
 SURVEYING & DESIGN
 Building on Solid Foundations
 460 E. 300 SOUTH
 KANAB, UTAH 84741
 435-644-2031
 www.ironrockeng.com

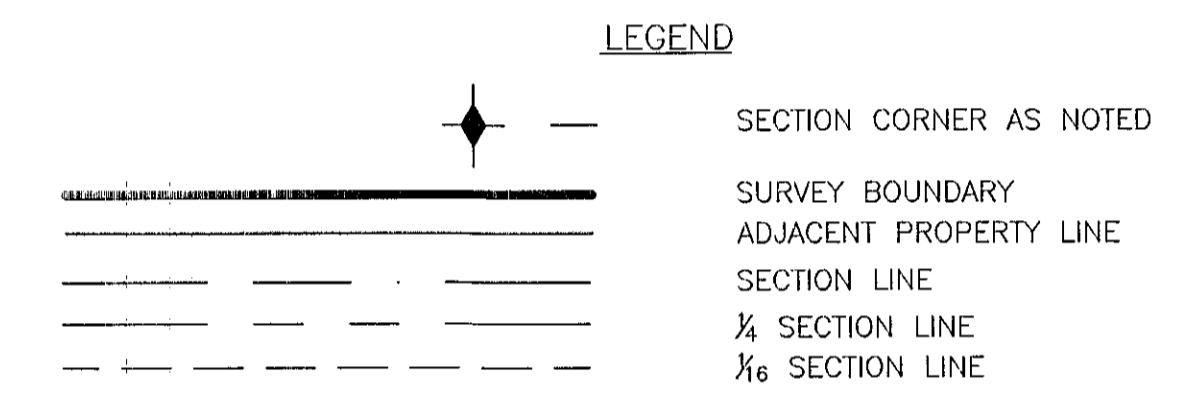


SURVEYOR'S CERTIFICATE

I, Thomas W. Avant, a Professional Land Surveyor, License Number 5561917, hold this license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act and have completed this survey of the property described herein in accordance with Section 17-23-17 and have verified all measurements and have placed monuments as represented on this District Boundary Plat.

Thomas W. Avant
 Thomas W. Avant, PLS # 5561917

3/25/19
 Date:



COUNTY SURVEYOR CERTIFICATE
 I, TRAVIS SAUDETZ, Kane County Surveyor, do hereby certify that this office has examined the above Boundary Plat and have determined that it is correct and in accordance with information on file in this office and recommend it for approval this 25th day of MARCH, 2019.

Travis Sautetz
 KANE COUNTY SURVEYOR
 Kane County, Utah

by the Kane County Commission

We the Kane County Commission have reviewed the hereon Boundary Plat and by authorization of said Kane County Commission recorded in the minutes of its meeting of the 25th day of March, 2019, hereby accept the said Boundary Plat with all commitments and all obligations pertaining thereto and is hereby ordered filed for record in the Office of the Kane County Recorder.

Attest: *Karlo Johnson* *David Smith*
 Chairman Kane County Commission
 Kane County, Utah

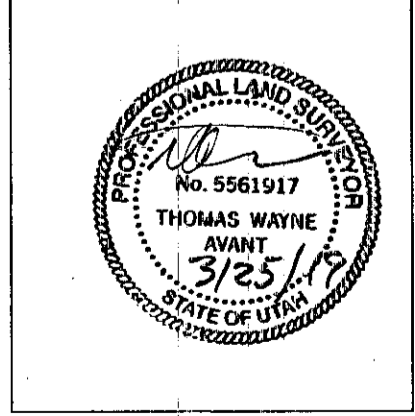


CERTIFICATE OF RECORDING
 I, _____, Recorder of Kane County, do hereby certify that above Boundary Plat was filed for recording in my office this _____ day of _____, 20____.

KANE COUNTY RECORDER ENTRY NO. _____
 RECORDED AND FILED AT THE REQUEST OF: _____
 DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____

ZION MOUNTAIN LOCAL SERVICE DISTRICT BOUNDARY PLAT
 EAST ZION, KANE COUNTY, UTAH

INITIAL SUBMITTAL	DATE	DESCRIPTION
	3/20/2019	



DRAWN BY: MJS
 SCALE: 1" = 900'
 SHEET: 1 OF 2

