

STATE OF UTAH



OFFICE OF THE LIEUTENANT GOVERNOR  
CERTIFICATE OF ANNEXATION

I, SPENCER J. COX, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT there has been filed in my office a notice of annexation from HOOPER WATER IMPROVEMENT DISTRICT, dated April 14, 2020, complying with Title 17B-1-414, 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 boundary correction and adjustment, referred to above, on file with the Office of the Lieutenant Governor pertaining to HOOPER WATER IMPROVEMENT DISTRICT located in Weber County, State of Utah.



IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 2<sup>nd</sup> day of June, 2020 at Salt Lake City, Utah.

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

SPENCER J. COX  
Lieutenant Governor

**HOOPER WATER IMPROVEMENT DISTRICT  
NOTICE OF IMPENDING BOUNDARY ACTION  
(Annexation)**

TO: SPENCER J. COX, LIEUTENANT GOVERNOR OF THE STATE OF UTAH

**Notice** is hereby given that on April 14, 2020, the Board of Trustees of the Hooper Water Improvement District (the "District") adopted Resolution 20-04-1, which Resolution accompanies this Notice. The real property to be annexed into the District is described and depicted in the final local entity plat which accompanies this Notice. It is requested that the Lieutenant Governor issue his certificate of annexation in accordance with the requirements of Utah Code Ann. §§ 17B-1-414(2) and 67-1a-6.5.

**In satisfaction of the requirements of Utah Code Ann. § 67-1a-6.5(3)(e)(i), the Board of Trustees of the Hooper Water Improvement District hereby certifies that all requirements applicable to the annexation have been met.**

This notice is accompanied by: (a) a copy of Resolution 20-04-01 and (b) an approved final local entity plat as defined in Utah Code Ann. § 67-1a-6.5 and meeting the requirements of Utah Code Ann. § 17-23-20.

The address of the District is as follows:

Hooper Water Improvement District  
5555 West 5500 South  
Hooper, UT 84315

DATED this 15<sup>th</sup> day of April, 2020.

**HOOPER WATER IMPROVEMENT DISTRICT  
BOARD OF TRUSTEES**

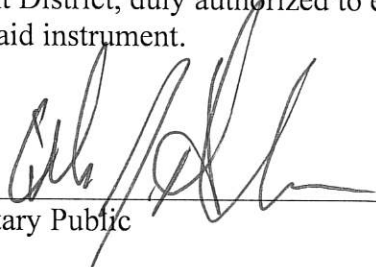
By: Marvin L Zang  
Chair

ATTEST:

Wendy J. [Signature]  
Board Clerk

STATE OF UTAH            )  
                                      : ss.  
COUNTY OF WEBER        )

On this 15<sup>th</sup> day of April, 2020, personally appeared before me Darvin Zugg, the signer of the foregoing instrument, who duly acknowledged to me that he/she is the Chair of the Board of Trustees of the Hooper Water Improvement District, duly authorized to execute the same, and who verified under oath the accuracy of the said instrument.

  
\_\_\_\_\_  
Notary Public

4813-0560-8495, v. 1



**HOOPER WATER IMPROVEMENT DISTRICT**

**RESOLUTION 20-04-01**

**Annexation Approval Resolution  
Sunview Estates Subdivision  
(100% landowner petition)**

WHEREAS, the Hooper Water Improvement District (the “District”) is a duly organized improvement district primarily located in Weber County, Utah, but also including a relatively small part of Davis County, Utah, established and operating as prescribed in Title 17B, Chapter 2a, Part 4 of the Utah Code and other relevant portions of Title 17B of the Utah Code;

WHEREAS, the District owns and operates a culinary water distribution system which serves a portion of western Weber County and a small portion of Davis County, Utah;

WHEREAS, a Landowner Annexation Petition (the “Petition”) has been filed with the District requesting that the real property identified on Exhibit “A” attached to this Resolution (the, Sunview Estates Subdivision, hereafter referred to as: “Subject Property”) be annexed into the District in order to receive culinary water service from the District (the Landowner, who is Sunview Estates, LLC, is referred to herein as “Applicant”);

WHEREAS, the District requires that Applicant’s property be annexed into the District as a condition to receiving, and continuing to receive, culinary water service;

WHEREAS, on July 16, 2019, the District Board of Trustees adopted an Annexation Policy which requires, as a condition to annexing any area into the District, that the owner or developer of the area to be annexed provide to the District water rights and/or water sources as deemed necessary to serve the area being annexed;

WHEREAS, the Annexation Policy is based upon a Board finding that the District’s water rights and water sources are not sufficient to serve areas that were not included in the District as of the effective date of the Policy and it would be inequitable to the owners of real property or residents already within the District for new areas to be annexed “unless the owners of those areas deliver to the District sufficient water rights and water sources for the District to serve the area being annexed”;

WHEREAS, the District Board of Trustees (the “Board”) has the statutory authority to annex areas into the District pursuant to the requirements of Title 17B, Chapter 1, Part 4 of the Utah Code, which outlines the procedure to be followed to accomplish such annexations;

WHEREAS, Applicant owns 100% of the Subject Property;

WHEREAS, the Petition satisfies the applicable requirements of Utah Code Ann. §§ 17B-1-403 and -404;

WHEREAS, within thirty days after the Petition was filed, at a duly called meeting of the Board of Trustees of the District for which certification of the Petition was listed on the agenda, the Board voted to certify the Petition in accordance with Utah Code Ann. § 17B-1-405;

WHEREAS, the identified contact sponsor was notified, in writing, of the certification of the Petition as required by Utah Code Ann. § 17B-1-405;

WHEREAS, since the Petition has been signed by the sole owners of the Subject Property, pursuant to Utah Code Ann. § 17B-1-413(1), the District Board is not required to hold a public hearing pursuant to Utah Code Ann. §§ 17B-1-409 and -410 and the protest provisions of Utah Code Ann. § 17B-1-412 are not applicable to this annexation proceeding;

WHEREAS, a notice of the proposed annexation was given pursuant to the requirements of Utah Code Ann. § 17B-1-413;

WHEREAS, the written Notice referenced in the immediately preceding paragraph contained a brief explanation of the proposed annexation and included the name of the Hooper Water Improvement District, the services provided by the District, a description and/or map of the area proposed to be annexed, a local district telephone number where additional information about the proposed annexation could be obtained and an explanation of the right of an owner of property located within or a registered voter residing within the area proposed to be annexed who did not sign the annexation petition to request a public hearing on the proposed annexation in accordance with Utah Code Ann. § 17B-1-413(2)(b)(ii), provided that such request was submitted to the District Board of Trustees within 20 days after the date the Notice was given;

WHEREAS, more than 20 days have passed since the notice was given, no property owner or registered voter having a right to do so has requested a hearing, and the time for submitting a request for a public hearing has passed;

WHEREAS, not more than 30 days have passed since the expiration of the time for submitting a request for a public hearing;

WHEREAS, no part of the area proposed to be annexed is located within the boundaries of any local district or special service district which is authorized to perform the same functions or provide the same services as the District, nor is it located within the boundaries of any municipality or any county that provides the same service that the District provides;

WHEREAS, it is not necessary to provide a notice of the proposed annexation to any county or municipality pursuant to Utah Code Ann. § 17B-1-406 and the provisions of Utah Code Ann. §§ 17B-1-407 through -408 are not applicable; and

WHEREAS, the Board has determined that all applicable statutory requirements have been satisfied and, having considered the proposed annexation, has determined it to be in the best general interest of the District and of the property owners, residents and taxpayers within both the District as presently constituted and the area proposed to be annexed for the requested

annexation to be completed provided that the Applicant first satisfies the requirements of the Annexation Policy by entering into a Development Agreement that is in form and content acceptable to the District within five business days after the adoption of this Resolution or such extended period as may be granted by the District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Hooper Water Improvement District, as follows:

1. That all of the legal requirements stated in Title 17B, Chapter 1, Part 4 of the Utah Code that must be satisfied before the adoption of this Resolution have been satisfied.

2. That, in accordance with Utah Code Ann. § 17B-1-414, the real property described and/or otherwise identified in attached Exhibit "A," which is incorporated by reference as part of this Resolution, shall be and hereby is annexed into and, from the effective date of the annexation, shall be part of the Hooper Water Improvement District.

3. That, from and after the issuance by the Lieutenant Governor of a certificate of annexation pursuant to Utah Code Ann. §§ 67-1a-6.5 and § 17B-1-414(3)(b)(ii), the Subject Property shall be an integral part of the District and, upon the submittal of the original notice of annexation, the original certificate of annexation issued by the Lieutenant Governor, the approved final local entity plat, and a certified copy of this Resolution to the Weber County Recorder for recordation, the taxable property located within the Subject Property shall be subject to taxation for the purposes of the District, including the payment of any bonds and other obligations now outstanding or hereafter authorized and issued. All properties within and users of services provided by the District, as enlarged by this annexation, shall be subject to the payment of service and user fees and such other applicable fees and charges as may be assessed from time to time by the District and shall be subject to all rules, regulations, powers and authority of the District and of the Board as provided by law or otherwise.

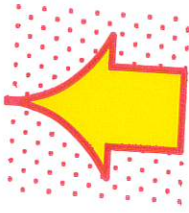
4. That the Chairman and/or General Manager of the District be and are instructed, within 30 days after adoption of this Annexation Resolution, to file a written notice of annexation with the Lieutenant Governor of the State of Utah, accompanied by a copy of this Resolution and an approved final local entity plat. The Chairman and/or General Manager are further instructed, upon receipt of the certificate of annexation from the Lieutenant Governor, to submit the documents identified in paragraph 3 above to the Weber County Recorder for recordation.

5. That this Resolution shall take effect immediately upon the Applicant satisfying the requirements of the District's Annexation Policy by entering into a written Development Agreement covering the Annexation Area which is in form and content acceptable to the District, but not otherwise, and the annexation shall not be complete and effective until the date specified in the certificate of annexation issued by the Lt. Governor.

Approved and adopted by the Board of Trustees of the Hooper Water Improvement District this 14th day of April, 2020.

Marvin L Zaugg  
Chair

STATE OF UTAH            )  
                                      :SS.  
COUNTY OF WEBER        )



The foregoing Resolution was subscribed before me, a notary public, this 14th day of April, 2020, by Marvin L Zaugg, Chairman of the Board of Trustees of the Hooper Water Improvement District.



Dorella L Hanford  
Notary Public

## **Exhibit A**

### **HOOPER WATER IMPROVEMENT DISTRICT ANNEXATION AREA**

THE WEST HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 3 WEST, SALT LAKE BASE & MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON AN EXISTING FENCE LINE AND BOUNDARY LINE AGREEMENT DESCRIBED IN ENTRY 638849, BOOK 940, PAGE 312 OF DAVIS COUNTY RECORDS, SAID POINT BEING LOCATED SOUTH 00°04'17" WEST ALONG SECTION LINE 757.88 FEET AND NORTH 89°48'00" WEST 660.00 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 36, AND RUNNING THENCE SOUTH 00°04'17" WEST 649.18 FEET TO AN EXISTING FENCE LINE AND SECOND BOUNDARY LINE AGREEMENT DESCRIBED IN SAID ENTRY; THENCE NORTH 89°40'30" WEST ALONG SAID FENCE AND AGREEMENT LINE 347.49 FEET; THENCE SOUTH 87°08'00" WEST ALONG SAID FENCE AND AGREEMENT LINE 280.43 FEET TO AN EXISTING FENCE LINE; THENCE NORTH 00°09'00" WEST ALONG SAID FENCE 663.44 FEET TO AN EXISTING FENCE AND A POINT ON SAID BOUNDARY LINE AGREEMENT; AND THENCE SOUTH 89°48'00" EAST ALONG SAID FENCE AND BOUNDARY LINE AGREEMENT 630.12 FEET TO THE POINT OF BEGINNING.

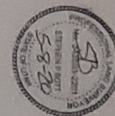
CONTAINING: 410,003 SQ.FT. (9.41 ACRES)

4826-3064-1850, v. 1



**SURVEYOR'S CERTIFICATE**

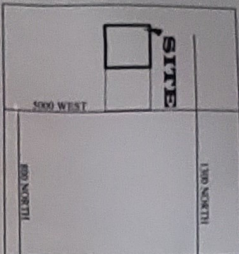
I, STEPHEN P. BOETT, LICENSE NO. 345693-2201, IN ACCORDANCE WITH TITLE 56, CHAPTER 22 OF THE UTAH CODE ANNOUUNCE THAT I HAVE PERSONALLY EXAMINED THE SURVEY, AND I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH. I HEREBY CERTIFY THAT THE SURVEY WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A MEMBER IN GOOD STANDING WITH THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT. I FURTHER CERTIFY THAT BY AUTHORITY OF THE BOEARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN ACCORDANCE WITH SECTION 17-23-20 OF THE UTAH STATE CODE.



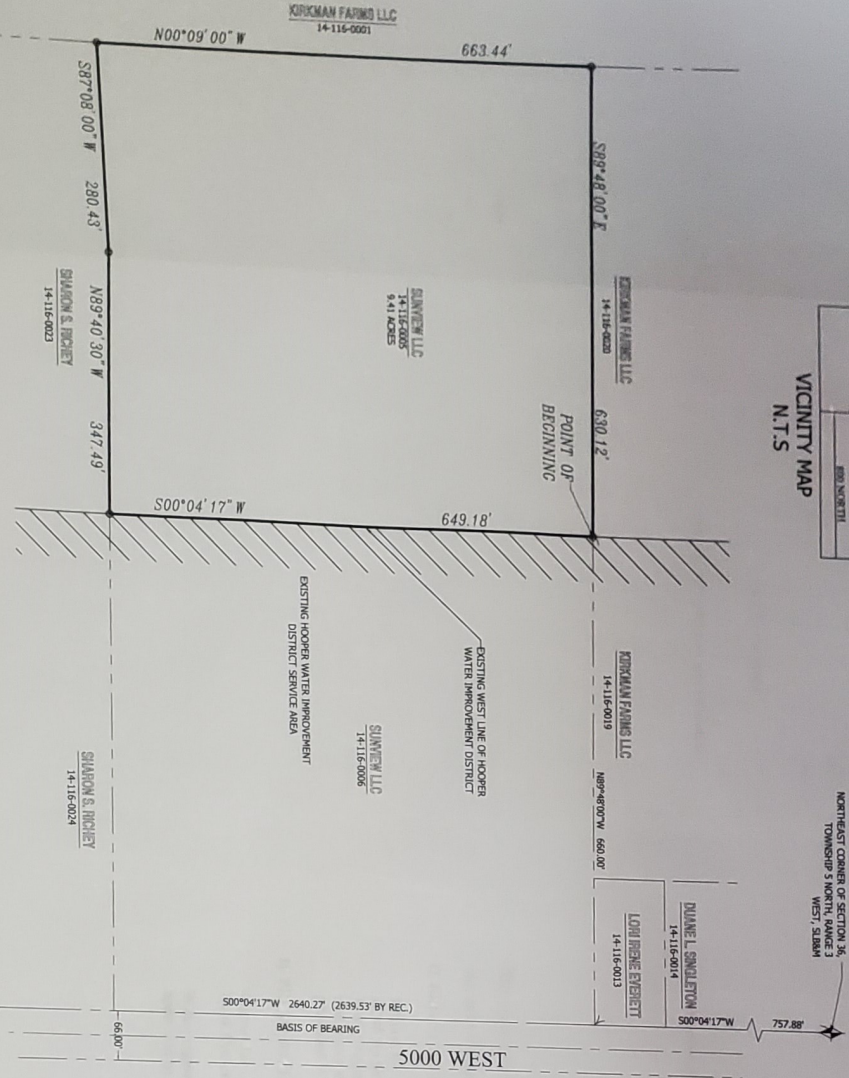
STEPHEN P. BOETT  
LICENSE NO. 345693-2201  
5/8/2020  
DATE

**SUNVIEW ESTATES ANNEXATION TO THE HOOPER WATER IMPROVEMENT DISTRICT RESOLUTION NO. 20-04-01**

LOCATED IN NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 3 WEST, SALT LAKE BASE AND MERIDIAN WEST POINT CITY, DAVIS COUNTY, UTAH



VICINITY MAP N.T.S.



NORTHEAST CORNER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 3 WEST, SALT LAKE BASE

2640.27' (2639.53' BY REC.)  
BASIS OF BEARING  
500°04'17"W

5000 WEST



**BOUNDARY DESCRIPTION**

PART OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 3 WEST, SALT LAKE BASE & MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT ON AN EXISTING FENCE LINE AND BOUNDARY LINE AGREEMENT DESCRIBED IN ENTRY 638899, BOOK 940, PAGE 312 OF DAVIS COUNTY RECORDS, SAID POINT BEING LOCATED SOUTH 00°04'17" WEST ALONG SECTION LINE 757.88 FEET AND NORTH 89°49'07" WEST 663.00 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 36, AND RUNNING THENCE SOUTH 89°49'07" WEST ALONG SAID FENCE AND AGREEMENT LINE 347.49 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°49'07" WEST ALONG SAID BOUNDARY LINE 757.88 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°04'17" WEST ALONG SAID FENCE AND AGREEMENT LINE 268.43 FEET TO AN EXISTING FENCE LINE; THENCE NORTH 00°04'17" WEST ALONG SAID FENCE AND AGREEMENT LINE 347.49 FEET; THENCE SOUTH 87°00'00" WEST ALONG SAID FENCE AND AGREEMENT LINE 288.43 FEET TO AN EXISTING FENCE LINE; THENCE NORTH 00°04'17" WEST ALONG SAID FENCE AND AGREEMENT LINE 650.12 FEET TO THE POINT OF BEGINNING. (CONTAINING: 410,000 SQ. FT. (9.41 ACRES))  
**\* TO THE WEST LINE OF THE HOOPER WATER IMPROVEMENT DISTRICT**

**NARRATIVE**

THE PURPOSE OF THE SURVEY WAS TO DESCRIBE A PARCEL TO BE ANNEXED INTO THE HOOPER WATER IMPROVEMENT DISTRICT. THIS PARCEL IS THE NORTHEAST QUARTER CORNER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 3 WEST, SALT LAKE BASE & MERIDIAN.

**HOOPER WATER IMPROVEMENT DISTRICT**

APPROVED AS TO FORM: \_\_\_\_\_  
SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_  
\_\_\_\_\_

FINAL LOCAL ENTRY PLAT  
DAVIS COUNTY SURVEYOR

I HEREBY CERTIFY THAT THE DAVIS COUNTY SURVEYOR'S OFFICE HAS REVIEWED THIS SURVEY AND THAT THE SURVEYOR IS A LICENSED PROFESSIONAL LAND SURVEYOR IN ACCORDANCE WITH THE UTAH STATE CODE AND THE DAVIS COUNTY SURVEYOR DOES NOT RELIEVE THE LICENSEE LAND SURVEYOR WHO EXECUTED THIS PLAT FROM THE RESPONSIBILITIES AND/OR LIABILITY ASSOCIATED THEREWITH.  
SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_  
DAVIS COUNTY SURVEYOR  
*Matthew W. Seaton*  
MATTHEW W. SEATON



**LEGEND**

PROPERTY LINE
LOT LINE
CENTER / SECTION LINE
STREET RIGHT-OF-WAY LINE
EASEMENT LINE
ADJACENT PROPERTY LINE

**DAVIS COUNTY RECORDER**

ENTRY NO. \_\_\_\_\_ FILED FOR RECORD  
PAID \_\_\_\_\_ AND RECORDED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ AT \_\_\_\_\_ IN BOOK \_\_\_\_\_ OF OFFICIAL RECORDS PAGE \_\_\_\_\_

DAVIS COUNTY RECORDER  
BY \_\_\_\_\_ DEPUTY RECORDER