



OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF ANNEXATION

I, Deidre M. Henderson, Lieutenant Governor of the State of Utah, hereby certify that there has been filed in my office a notice of annexation for BENCHLAND WATER DISTRICT, August, 16, 2021 complying with Section 17B-1-401, 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 annexation, referred to above, on file with the Office of the Lieutenant Governor pertaining to the BENCHLAND WATER DISTRICT, located in Davis County, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 16<sup>th</sup> day of August, 2021 at Salt Lake City, Utah.

A handwritten signature in black ink that reads "Deidre M. Henderson".

DEIDRE M. HENDERSON  
Lieutenant Governor







485 East Shepard Lane, Kaysville, Utah 84037

Phone: (801) 451-2105

Fax (801) 451-6232

June 3, 2021

Lt. Governor Deidre M. Henderson  
Utah State Capitol Complex  
P.O. Box 142325  
Salt Lake City, Utah 84114-2220

Dear Lieutenant Governor Deidre M Henderson:

I certify that all requirements for annexation have been satisfied from both the petitioners and the District. Therefore the Benchland Water District formally requests the annexing of property into the Benchland Water District Boundaries know as exhibits A.

We appreciate your help in this matter and feel free to call anytime if you have questions.

Sincerely,

Scott L. Parsell  
District Manager  
(801) 451-2105  
(801) 540-3788

Enc: Checklist of District Requirements for annexation  
Property Owner Correspondence Letter  
Petition for annexation w/signatures  
Public hearing Notice  
Resolution  
Exhibit "A"

## MEMORANDUM

**TO: BENCHLAND WATER DISTRICT**  
**FROM: SMITH HARTVIGSEN, PLLC**  
**RE: ANNEXATION PROCEDURES FOR BENCHLAND WATER DISTRICT**  
**(ABBREVIATED\*\*)**  
**(UTAH CODE §§ 17B-1-401 TO -418)**

**\*\*CAUTIONARY NOTES:**

*These abbreviated procedures apply only if:*

- *All of the property to be annexed is owned by one person/entity that is petitioning for annexation;*
- *All of the property to be annexed is located within the boundaries of one municipality;*  
*AND*
- *None of the property to be annexed is located in unincorporated county area.*

*If the proposed annexation falls outside of these parameters, Smith Hartvigsen has another memo on file that contains the additional procedures.*

**Initiation of Annexation Process (17B-1-403 and -404)**

- The landowner files a petition with district board containing:
  - Description the proposed area
  - Map of the boundaries of the proposed area
  - Typed or printed name and current residence address of owner
  - Address of the property to be annexed
  - Designation of owner as sponsor and contact sponsor
  - Mailing address and phone number for the sponsor
  - Signature of the landowner
- The area to be annexed may consist of one or more noncontiguous parcels
- The area to be annexed need not be adjacent to the boundaries of the district

**Certification of Petition (17B-1-405)**

- Within 30 days of the filing of the petition (or such other time period set forth in a written agreement between district and owner), the district board shall, with assistance of the county, as needed, determine if the petition meets statutory requirements

If petition complies, the district board:

- Certifies the petition
- Mails or delivers written notice of the certification to the contact sponsor

If petition fails to comply, the district board:

- Rejects the petition
- Mails or delivers written notice of the rejection and the reasons for the rejection to the contact sponsor

- A non-compliant petition may be amended to correct the deficiencies and re-filed
- An amended petition is processed by the district board in the same manner as the original petition

**Notice of Certification of Petition (17B-1-406)**

- Within 10 days after certifying a petition, the district board mails or delivers written notice of the proposed annexation, with a copy of the certification and a copy of the petition, to the legislative body of the municipality
- Notice is not required if the municipality does not provide water service or has waived the notice requirement as to the district or as to water service

**Notice of Intent to Consider Providing Service (17B-1-407 and -408)**

If the municipality intends to consider providing water service to the proposed area, the municipality mails or delivers notice of intent to the district board within 30 days of receiving the notice of certification of petition

- If notice of intent is not received within 30 days, the municipality is deemed to have declined to provide water service to the proposed area
- If notice of intent is received, the district's annexation proceeding is suspended until the municipality adopts a resolution declining to provide water service to the proposed area or is otherwise deemed to have declined to provide water service to the proposed area
- If the municipality provides notice of intent, the municipality must hold public hearing(s) to consider the issue of providing water service

**Notice of Proposed Annexation (78B-1-413)**

The district board provides notice of the proposed annexation within 30 days after certification of the petition

- Post written notice at the district's office
- Post written notice in one or more other locations within the proposed area<sup>1</sup>
- Provide written notice in at least one newspaper of general circulation in area
- Provide written notice on the Utah Public Notice Website

Notices must contain:

- Name of the district
- Service provided by the district
- Brief explanation of the proposed annexation
- Description or map of the proposed area
- District phone number where additional information may be obtained
- Explanation of the right of a property owner or registered voter to request a public hearing (within 20 days of the notice)
- Even though a public hearing is not required, the district board has the discretion to hold a public hearing, provided that proper notice is given (see 78B-1-413(2)(b) for notice requirements)

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<sup>1</sup> Number of locations should be "reasonable" based on size of proposed area, number of parcels in proposed area, population in the proposed area, etc.

#### **Approval of Annexation (17B-1-414)**

- District board adopts a resolution approving the annexation within 30 days after expiration of the time for submitting a request for public hearing
- Within 30 days of adopting the resolution approving the annexation, the District board files with the lieutenant governor:
  - A copy of a notice of impending boundary action (67-1a-6.5)
    - Directed to the lieutenant governor
    - Describe the type of boundary action (i.e., annexation)
    - Contain a statement, signed and verified by the district, that all requirements applicable to the annexation have been met
  - A copy of an approved final local entity plat
    - Plat must be prepared by a professional land surveyor and approved by the county surveyor (see 17-23-20(4) for plat requirements)
- Within 10 days, the lieutenant governor issues a certificate of annexation (67-1a-6.5)
- The annexation is effective upon the lieutenant governor's issuance of a certificate of annexation
- When the district receives the certificate of annexation, it must record with the county recorder:
  - The original notice of impending boundary action
  - The original certificate of annexation
  - The original approved final local entity plat
- Until the documents are recorded, the district may not levy or collect property taxes or assessments on property within the annexed area, or charge or collect a fee for service provided to property within the annexed area

#### **Denial of the Annexation (17B-1-409)**

The district board may deny the annexation by resolution if (i) it is not feasible for the district to provide service to the proposed area, or (ii) annexing the proposed area would be inequitable to the residents already within the district

- In a resolution denying annexation, the district board must set forth its reasons for denying the annexation
- Denial of the annexation may occur after the time period to request a hearing has passed



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485 East Shepard Lane, Kaysville, Utah 84037

Phone: (801) 451-2105

Fax (801) 451-6232

February 22, 2021

Joshua A. Griffin  
292 W Blooming Grove Circle  
Kaysville, Utah 84037

RE: Benchland Water District secondary water service to the Flowering Grove Subdivision.

The property as described above is approximately 50% within the boundaries of Benchland Water District with the other 50% needing to be annexed into the District. There are existing mainlines in Blooming Grove Circle to tie-into the District's system. The District will be pleased to serve this property with a pressurized irrigation system constructed by the developers in conformity with the specifications and requirements of the District. The District also certifies your petition to annex into the District

Sincerely,

Scott L Parsell  
Benchland Water District Manager

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Annexation to Benchland Water District

Address of Owner and Location of Proposed Annexation Area:  
292 West Blooming Grove Cir. Kaysville, Utah 84037

Owners:

Joshua A. and Dana Griffin Trustees  
Dana Griffin Living Trust

Contact Sponsor:

Joshua A. Griffin  
801-726-997--Josh



# Petition for Annexation into the Benchland Water District

The undersigned petitioners state and represent that:

1. Petitioners are:

JOSHUA GRIFFIN

DANA GRIFFIN

2. Petitioners petition the Board of Benchland Water District for annexation of the Proposed Annexation Area (described below) into Benchland Water District, pursuant to U. C. A. § 17B-1-403 and 404.

3. The area and boundaries proposed to be annexed (the "Proposed Annexation Area") into Benchland Water District are described in Exhibit A attached hereto and incorporated herein by reference.

4. Annexation of the Proposed Annexation Area into Benchland Water is required by the public health, convenience and necessity because: PROPERTY IS CURRENTLY BEING

SERVICED BY TWO SECONDARY WATER COMPANIES. ANNEXING THE PROPERTY INTO BENCHLAND WOULD ELIMINATE THE POSSIBILITY OF CROSS CONTAMINATION, AND THE ELIMINATION A BACKYARD CONNECTION.  
WHEREFORE, Petitioners request that:

1. The Board of Benchland Water District (the "BOARD") adopt a resolution declaring that the public health, convenience and necessity require annexation of the Proposed Annexation Area into Benchland Water District.


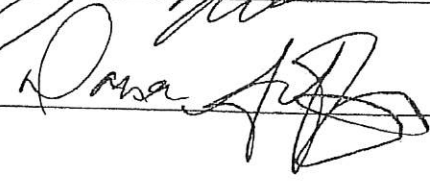
2. The Board give proper notice of its intentions to annex the proposed Annexation area in accordance with U. C. A. § 17B-1-413.

3. The Board otherwise comply with all requirements of U. C. A. 17B-1-405 and 17B-1-406.

4. The Board adopt a resolution annexing the Proposed Annexation Area into Benchland Water District.

Dated: 2-12-21

Petitioners:

  
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NOTICE OF PROPOSED ANNEXATION  
INTO THE BENCHLAND WATER DISTRICT  
(SECONDARY WATER PROVIDER)

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The Benchland Water District intends to annex real property into the District's boundaries. Petition and map identifying the real property owners also known as Exhibits A and B can be seen at the District's Office.  
9:00 am to 5:00 pm, Monday-Friday  
(801) 451-2105

A Public Hearing will be held at the District Office  
485 E Shepard Lane, Kaysville, Utah  
March 18, 2021 at 7:30 pm

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The purpose of the Public Hearing is to hear comments or information regarding the Annexation of real property into the District's Boundaries.  
The property's approximate location is  
292 West Blooming Grove Circle  
Kaysville, Utah 84037

In compliance with the ADA Act, persons needing auxiliary communicate aids and services for this meeting  
Should call Benchland Water District's Manager, Scott Parsell  
At (801) 451-2105, giving him at least three working days' notice.

Benchland Water District

Resolution No. 03182021

A Resolution adopting the annexation of property into a local Irrigation District

Whereas, Benchland Water District (the "District") is a governmental entity and will provide water to the property being annexed (See exhibit A, legal description of property to be annexed):

Whereas, the District feels the annexation of the property into Benchland Water boundaries is required by the public health, convenience and necessity.

Whereas, the District complied with all requirements of U.C.A. 17B-1-405 and 17-B-1-406.

Whereas, the District has a distribution system in close proximity to the property to be annexed.

Whereas, the effective date of the annexation is \_\_\_\_\_.

NOW Therefore, be it resolved by the Board of Benchland Water District as follows: That the District approves the annexation of property (Exhibit A, see attached) into the Benchland Water District Boundaries.

Approved and adopted by majority vote at a duly called meeting of the Board of Trustees this 18<sup>th</sup> day of March, 2021.

Benchland Water District

Signed: Chairman R.L. Puse

Board Members:

Phil Leonard

Walter Smith

[Signature]

James H. [Signature]

[Signature]

Judy Puse

\_\_\_\_\_

\_\_\_\_\_

EXHIBIT "A"

PARCEL 1:

ALL OF LOT 1, BLOOMING GROVE II, KAYSVILLE CITY, DAVIS COUNTY, UTAH, ACCORDING TO THE OFFICIAL PLAT THEREOF.

PARCEL 2:

A PART OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 3 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, KAYSVILLE CITY, UTAH, AND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF THE BLOOMING GROVE SUBDIVISION, SAID POINT BEING WEST 524.96 FEET AND NORTH 332.19 FEET AND NORTH 50D16'24" WEST 527.25 FEET FROM THE SOUTH QUARTER CORNER OF SAID SECTION 10; RUNNING THENCE SOUTH 36D08'03" WEST 30.63 FEET TO THE APPARENT CENTERLINE OF A CANAL; THENCE, NORTHERLY ALONG THE CENTERLINE OF SAID CANAL THROUGH NINE (9) COURSES, GENERALLY DESCRIBED AS FOLLOWS:

THENCE NORTH 51D03'44" WEST 98.02 FEET; THENCE NORTH 43D22'37" WEST 55.27 FEET; THENCE NORTH 46D41'15" WEST 75.76 FEET; THENCE NORTH 42S44'33" WEST 53.01 FEET; THENCE NORTH 22D31'40" WEST 33.64 FEET; THENCE NORTH 70D35'43" WEST 24.51 FEET; THENCE NORTH 13D47'55" WEST 27.43 FEET; NORTH 10D41'22" EAST 22.63 FEET; THENCE, NORTH 14D39'51" WEST 25.99 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF BLOOMING GROVE SUBDIVISION; THENCE, SOUTH 47D39'50" EAST 334.59 FEET ALONG THE SOUTHWESTERLY LINE OF BLOOMING GROVE SUBDIVISION TO A NON-TANGENT CURVE TO THE LEFT; THENCE SOUTHEAST 63.895 FEET ALONG SAID CURVE (R=50.00 FEET, CH=59.63 FEET, CHB=SOUTH 20D34'35" EAST) ALONG THE SOUTHEASTERLY LINE OF BLOOMING GROVE SUBDIVISION TO THE POINT OF BEGINNING.

PARCEL # 08-492-0002, 08-492-0003, 08-027-0105

