

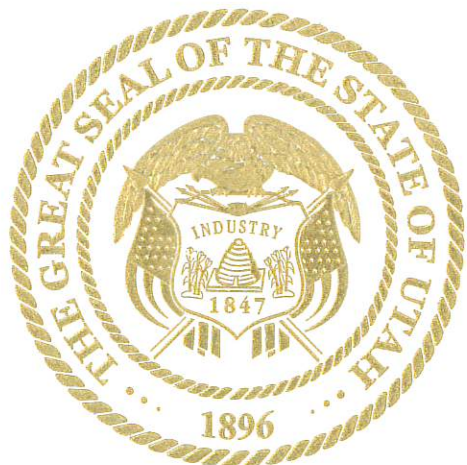
STATE OF UTAH



OFFICE OF THE LIEUTENANT GOVERNOR
CERTIFICATE OF WITHDRAWAL

I, DEIDRE M. HENDERSON, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT there has been filed in my office a notice of withdrawal for JEPSON CANYON PUBLIC INFRASTRUCTURE DISTRICT NO. 1, located in WASHINGTON COUNTY, dated December 3, 2021, complying with Section §17-23-20, 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 withdrawal, referred to above, on file with the Office of the Lieutenant Governor pertaining to the JEPSON CANYON PUBLIC INFRASTRUCTURE DISTRICT NO. 1, located in Washington County, State of Utah.



IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 3rd day of December, 2021 at Salt Lake City, Utah.

A handwritten signature in cursive script that reads "Deidre M. Henderson".

DEIDRE M. HENDERSON
Lieutenant Governor

NOTICE OF IMPENDING BOUNDARY ACTION

Withdrawal

by

Jepson Canyon Public Infrastructure District No. 1

TO: The Lieutenant Governor, State of Utah

NOTICE IS HEREBY GIVEN that the Board of Trustees of Jepson Canyon Public Infrastructure District No. 1 (the "Board"), at a special meeting of the Board, duly convened pursuant to notice, on October 12, 2021, adopted a *Resolution to Withdraw Approximately 9.38 Acres*, a true and correct copy of which is attached as EXHIBIT "A" hereto and incorporated by this reference herein (the "Withdrawal Resolution").

A copy of the Final Local Entity Plat satisfying the applicable legal requirements as set forth in Utah Code Ann. §17-23-20, approved as a final local entity plat by the Washington County Surveyor, is attached as EXHIBIT "B" hereto and incorporated by this reference. The Board hereby certifies that all requirements applicable to the withdrawal by the District, as more particularly described in the Withdrawal Resolution, have been met. The withdrawal is not anticipated to result in the employment of personnel.

WHEREFORE, the Board hereby respectfully requests the issuance of a Certificate of Withdrawal pursuant to and in conformance with the provisions of Utah Code Ann. § 67-1a-6.5.

DATED this 12 day of October, 2021.

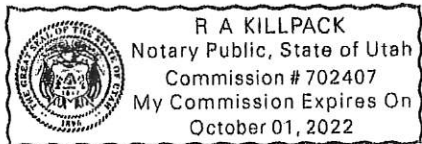
JEPSON CANYON PUBLIC INFRASTRUCTURE DISTRICT NO. 1,


Henry Isaksen, Chair

VERIFICATION

STATE OF UTAH)
 :SS.
WASHINGTON COUNTY)

On the 12th day of October, 2021, personally appeared before me Henry Isaksen, proved on the basis of satisfactory evidence to be the person whose name is subscribed to in this NOTICE OF IMPENDING BOUNDARY ACTION, and acknowledged that he executed the same voluntarily for its stated purpose on behalf of Jepson Canyon Public Infrastructure District No. 1 pursuant to his authority by law as its duly appointed member.




NOTARY PUBLIC

**EXHIBIT "A" TO NOTICE OF BOUNDARY ACTION
(Jepson Canyon Public Infrastructure District No. 1)**

Copy of the Withdrawal Resolution

NOTICE OF SPECIAL MEETING

TO THE MEMBERS OF THE BOARD OF TRUSTEES OF THE JEPSON CANYON PUBLIC INFRASTRUCTURE DISTRICT NO. 1:

NOTICE IS HEREBY GIVEN that a special meeting of the Board of Trustees of the Jepson Canyon Public Infrastructure District No. 1 will be held at 2:30 pm on October 12, 2021, for the purpose of considering the withdrawal of certain property within the district and for the transaction of such other business incidental to the foregoing as may come before said meeting.



Clerk

ACKNOWLEDGMENT OF NOTICE
AND CONSENT TO SPECIAL MEETING

We, the members of the Board of Trustees of the Jepson Canyon Public Infrastructure District No. 1, do hereby acknowledge receipt of the foregoing Notice of Special Meeting, and we hereby waive any and all irregularities, if any, in such notice and in the manner of service thereof upon us and consent and agree to the holding of such special meeting at the time and place specified in said notice, and to the transaction of any and all business which may come before said meeting.



Chair



Treasurer



Clerk

Jepson Canyon Public Infrastructure District No. 1

October 12, 2021

The Board of Trustees (the "Board") of Jepson Canyon Public Infrastructure District No. 1 (the "District"), met in special session (including by electronic means) on October 12, 2021, at 912 West 1600 South, Suite B-200, St. George, Utah, at 2:30 pm, with the following members of the Board being present:

Henry "Hank" Isaksen	Chair
Kent Ohlsen	Clerk
David Calder	Treasurer

Also present:

Matt Ence	General Counsel
-----------	-----------------

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this Resolution had been discussed, the Clerk presented to the Board a Certificate of Compliance with Open Meeting Law with respect to this October 12, 2021, 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 Board Member Hank Isaksen and seconded by Board Member David Calder, and adopted by the following vote:

AYE: Unanimous.

NAY: None.

The resolution was later signed by the Chair and recorded by the Clerk in the official records of the District. The resolution is as follows:

RESOLUTION NO. 2021-06

A RESOLUTION OF THE BOARD OF TRUSTEES (THE "BOARD") OF JEPSON CANYON PUBLIC INFRASTRUCTURE DISTRICT NO. 1 (THE "DISTRICT") TO WITHDRAW APPROXIMATELY 9.38 ACRES; AUTHORIZING OTHER DOCUMENTS IN CONNECTION THEREWITH; AUTHORIZING THE PUBLICATION OF NOTICE OF THIS RESOLUTION; AND RELATED MATTERS

WHEREAS, a petition (the "Petition") was filed with the District requesting and consenting to the withdrawal of approximately 9.38 acres 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 - Local Districts, Title 17B (together with the PID Act, the "Act"); and

WHEREAS, the Petition contains the consenting signatures of 100% of the surface property owners (hereafter the "Property Owners") within the area proposed to be withdrawn; and

WHEREAS, there are no registered voters within the area to be withdrawn;

WHEREAS, the area to be withdrawn under this resolution is particularly described in Exhibit A to this Resolution and is hereafter referred to as the "Property"; and

WHEREAS, with the filing of the Petition, the Act allows the District to withdraw the Property by adopting a resolution to withdraw the area, provided that the governing document of the District allows for the withdrawal; and

WHEREAS, the District's governing document (hereafter the "Governing Document") provides that the Town consents to the withdrawal of any area within the District Boundaries, with the consent of all property owners and registered voters, if any, within the area proposed to be withdrawn, and the passage of a resolution of the Board approving the same, and otherwise in accordance with the PID Act; and

WHEREAS, pursuant to the requirements of the Governing Document, the consent of the Property Owner has been given by petition;

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 a Notice of Boundary Action attached hereto as Exhibit B (the "Boundary Notice") and Final Local Entity Plat to be attached thereto upon finalization as Exhibit C (the "Withdrawal Plat").

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

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

2. The Property, which is particularly described in the Notice of District Withdrawal and shown on Exhibit B and excluded from the Withdrawal Plat, is hereby withdrawn from the District.

3. Notice of this Resolution may be published in substantially the following form:

NOTICE OF DISTRICT WITHDRAWAL

NOTICE IS HEREBY GIVEN pursuant to Section 313, Chapter 1, Title 17B, Utah Code Annotated 1953, that on October 12, 2021, the Board of Trustees (the "Board") of Jepson Canyon Public Infrastructure District No. 1 (the "District") adopted a resolution to withdraw the following particularly described property in Washington County, State of Utah:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 42 SOUTH, RANGE 11 WEST, SALT LAKE BASE & MERIDIAN, WASHINGTON COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 31; THENCE SOUTH A DISTANCE OF 1706.47 FEET; THENCE WEST A DISTANCE OF 1870.87 FEET TO THE TRUE POINT OF BEGINNING;

THENCE S.17°45'49"W. A DISTANCE OF 443.70 FEET TO A POINT OF CURVATURE OF A 2,176.64-FOOT RADIUS TANGENT CURVE TO THE RIGHT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 27.71 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 0°43'45" AND A CHORD THAT BEARS S.20°43'20"W. A DISTANCE OF 27.71 FEET TO A POINT OF CURVATURE OF A 114.38-FOOT RADIUS COMPOUND NON-TANGENT CURVE TO THE RIGHT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 118.46 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 59°20'27" AND A CHORD THAT BEARS S.78°53'59"W. A DISTANCE OF 113.23 FEET; THENCE S.18°49'21"W. A DISTANCE OF 50.07 FEET TO A POINT OF CURVATURE OF A 105.00-FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 176.00 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 96°02'22" AND A CHORD THAT BEARS S.21°01'49"E. A DISTANCE OF 156.11 FEET TO A POINT OF CURVATURE OF A 2,199.14-FOOT RADIUS COMPOUND TANGENT CURVE TO THE RIGHT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 176.20 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 4°35'26" AND A CHORD THAT BEARS S.29°17'05"W. A DISTANCE OF 176.15 FEET; THENCE N.61°48'27"W. A DISTANCE OF 491.11 FEET; THENCE N.13°52'22"E. A DISTANCE OF 117.43 FEET; THENCE N.19°26'57"E. A DISTANCE OF 140.90 FEET; THENCE N.10°23'15"E. A DISTANCE OF 107.88 FEET; THENCE N.23°32'16"E. A DISTANCE OF 46.77 FEET; THENCE N.30°01'30"E. A DISTANCE OF 207.22 FEET; THENCE N.37°32'00"E. A DISTANCE OF 78.62 FEET; THENCE N.37°30'45"E. A DISTANCE OF 57.17 FEET; THENCE N.26°37'56"E. A DISTANCE OF 28.67 FEET; THENCE S.73°42'35"E. A DISTANCE OF 440.67 FEET TO THE POINT OF BEGINNING.

CONTAINING 408,707 SQ.FT. OR 9.38 ACRES.

NOTICE IS FURTHER GIVEN that any person in interest may file an action in district court to contest the regularity, formality, or legality of the Resolution within 60 days after the date of this Resolution (hereafter the "60-Day Contest Period"). If the Resolution is not contested by filing an action in district court within the 60-Day Contest Period, no person may contest the regularity, formality, or legality of the Resolution after the expiration of the 60-Day-Contest Period.

4. The Board does hereby authorize the Chair to execute the Boundary Notice in substantially the form attached as Exhibit B, the Withdrawal Plat, and such other documents as shall be required to accomplish the actions contemplated herein on behalf of the Board for submission to the Office of the Lieutenant Governor of the State of Utah.

5. Prior to certification of the withdrawal of the Property by the Office of the Lieutenant Governor of the State of Utah, the Board does hereby authorize any Board Member or the District General Counsel to make any corrections, deletions, or additions to 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 the provisions of the laws of the State of Utah or the United States.

6. The Board chair is authorized to sign and record an amended notice of district creation against the Property.

7. 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.

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

9. This Resolution shall take effect immediately.

PASSED AND ADOPTED by the Board of Trustees of Jepson Canyon Public Infrastructure District No. 1 on October 12, 2021.

JEPSON CANYON PUBLIC INFRASTRUCTURE
DISTRICT NO. 1

By: 
Chair

ATTEST:

By: 
District Clerk

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Kent Ohlsen, the undersigned clerk of Jepson Canyon Public Infrastructure District No. 1 (the "the District"), do hereby certify that I gave written public notice of the agenda, date, time and place of the special meeting held by the Board of Trustees of the District (the "Board") on October 11, 2021, not less than 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) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the meeting location 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; and

(c) By 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.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this October 12, 2021.

By: 
Clerk

SCHEDULE 1

NOTICE OF MEETING AND AGENDA

PUBLIC NOTICE AND AGENDA
Jepson Canyon Public Infrastructure District No. 1
Special Meeting

NOTICE IS HEREBY GIVEN THAT THE BOARD OF JEPSON CANYON PUBLIC INFRASTRUCTURE DISTRICT NO. 1 WILL HOLD A MEETING ON OCTOBER 12, 2021 AT THE OFFICE OF SNOW JENSEN & REECE, P.C., 912 W. 1600 S., SUITE B-200, ST. GEORGE, UTAH 84770
AT 2:30 P.M.

A. Call to Order

B. Preliminary Action Items

1. None.

C. Action Items

1. Consider approval of Resolution 2021-06, approving a petition for withdrawal of certain property from Jepson Canyon PID #1; authorizing the plat and other documents in connection therewith; authorizing the publication of notice of this resolution; and related matters.
2. Consider approval of a Funding and Reimbursement Agreement between the District and developer Jepson Canyon Resort Development Co., Inc./Little Creek Land Company, LLC.
3. Consider approval of an Infrastructure Acquisition and Reimbursement Agreement between the District and developer Jepson Canyon Resort Development Co., Inc./Little Creek Land Company, LLC.
4. Consider approval of a Water Right Purchase and Sale Agreement between the District and Cedar Point Water Company, Inc.; Little Creek Land Company, LLC; and Big Plains Water & Sewer Special Service District, subject to final acceptance by the parties to the agreement and final legal review.
5. Consider authorizing the District Chair to obtain a General Liability policy proposal from Utah Local Governments Trust, in a minimum combined aggregate limit of \$2 million, at a maximum annual premium of \$3,000; and authorizing the Chair to (a) adjust the policy period as needed to coordinate with pending bond issuance; and (b) sign and accept on the District's behalf.
6. Consider authorizing the District Chair to obtain and accept a quote for the issuance of public officials' bonds for the Board from Utah Local Governments Trust, in the amount of \$250,000 for the Treasurer and \$100,000 for the other board members, provided the cost of said bonds is at market rates.
7. Review and approve a tentative budget for remaining calendar year 2021—provided by CLA.

8. Approve the minutes of the Board meetings held on July 2, 2021 and July 27, 2021.

D. Administrative Non-Action Items

1. None.

E. Adjourn

The District complies with the Americans with Disabilities Act by providing accommodations and auxiliary communicative aids and services for all those in need of assistance. Persons requesting these accommodations for public meetings should call Natasha Asmus at 435-628-3688 at least 24 hours before the meeting.

EXHIBIT B

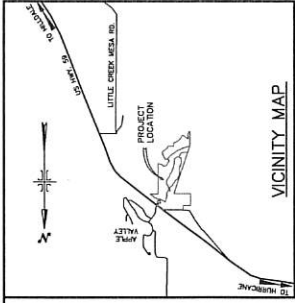
NOTICE OF BOUNDARY ACTION

**EXHIBIT "B" TO NOTICE OF BOUNDARY ACTION
(Withdrawal Plat)**

Final Local Entity Plat

**FINAL LOCAL ENTITY PLAT FOR
JEPSON CANYON PUBLIC
INFRASTRUCTURE DISTRICT NO. 1**

PROJECT LOCATED IN THE TOWN OF APPLE VALLEY, WASHINGTON COUNTY, UTAH
SECTION 30 AND 31, T 42 S, R 11 W, SLB&M



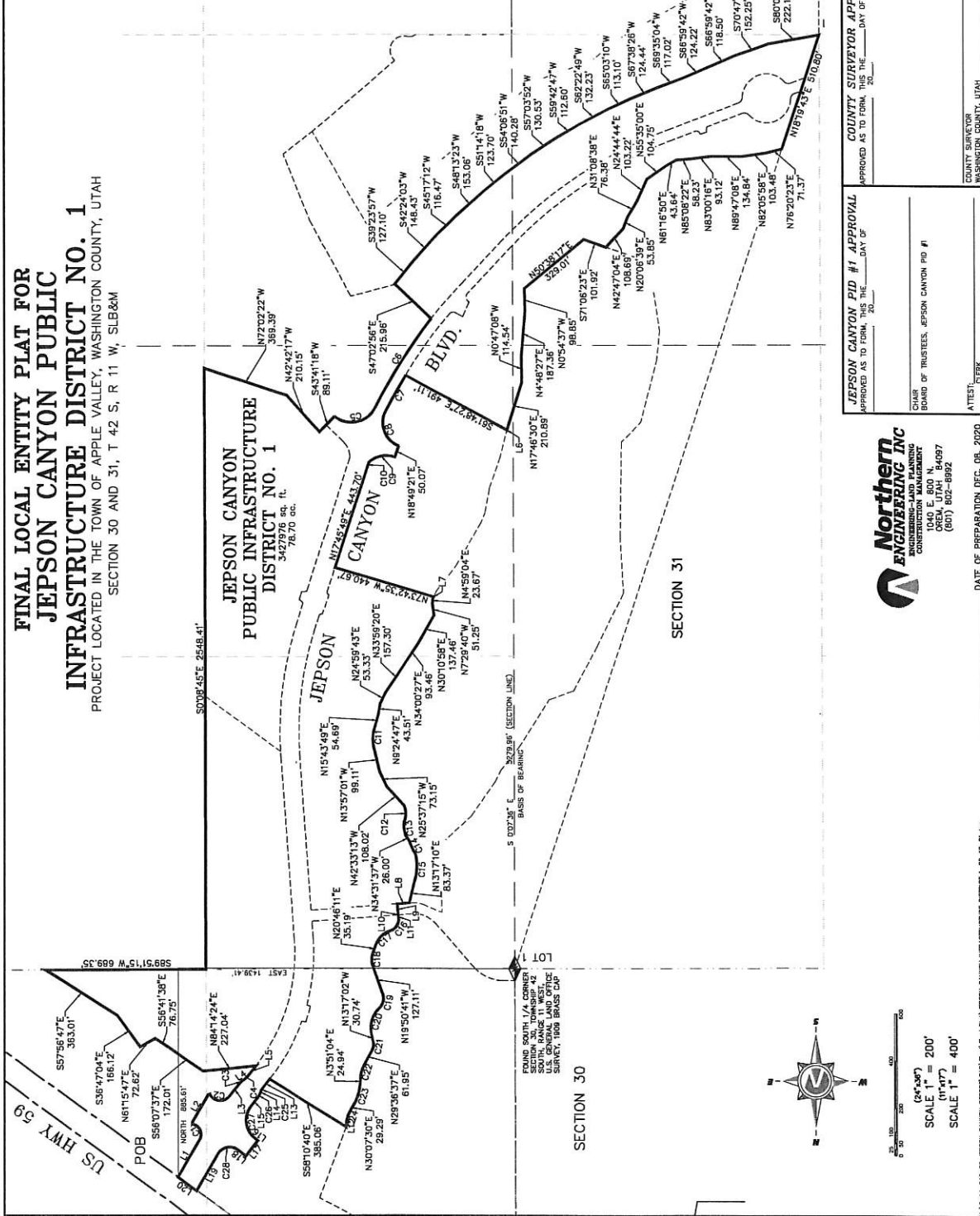
VICINITY MAP

SURVEYOR'S CERTIFICATE

I, KENNETH E. BARNEY, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH, LICENSE NO. 1172, AND I AM A MEMBER OF THE NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS (NSPE) IN ACCORDANCE WITH TITLE 17, CHAPTER 23, SECTION 17 OF THE UTAH CODE, AND I HAVE CONDUCTED THIS SURVEY IN ACCORDANCE WITH THE UTAH SURVEYING ACT AND THE UTAH PROFESSIONAL ENGINEERING AND LAND SURVEYING ACT. I AM AWARE OF THE CORRECTED PUBLIC RECORD ACT AND THE CORRECTED PUBLIC RECORD ACT THAT HAVE MADE A SURVEY OF THE LOCAL ENTITY TO BE HEREINAFTER KNOWN AS JEPSON CANYON PUBLIC INFRASTRUCTURE DISTRICT NO. 1 BE A PUBLIC RECORD. I HAVE BEEN CORRECTLY SAVANED IN ACCORDANCE WITH THE HERETON LEGAL DESCRIPTION.

KENNETH E. BARNEY, P.L.S.

BOUNDARY DESCRIPTION
SEE SHEET 2 OF 2



SEE SHEET 1 OF 2

RECORDED NUMBER

COUNTY SURVEYOR APPROVAL

JEPSON CANYON PID #1 APPROVAL

DATE OF PREPARATION DEC. 08, 2020



**Northern
ENGINEERING INC.**
CONSTRUCTION MANAGEMENT

1040 E. 800 N., SUITE 100
MOUNTAIN VIEW, UT 84057
(801) 862-8892

DATE OF PREPARATION DEC. 08, 2020

SCALE 1" = 200'
SCALE 1" = 400'

COUNTY CLERK

WASHINGTON COUNTY, UTAH

BOARD OF TRUSTEES, JEPSON CANYON PID #1

DATE OF PREPARATION DEC. 08, 2020

SCALE 1" = 200'
SCALE 1" = 400'

