

STATE OF UTAH



OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF CREATION

I, Deidre M. Henderson, Lieutenant Governor of the State of Utah, hereby certify that there has been filed in my office a notice of creation for the WHEELER BASIN LOCAL DISTRICT, located in WEBER COUNTY, dated APRIL 29, 2022, complying with Section §67-1a-6.5, 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 creation of WHEELER BASIN LOCAL 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 29th day of April, 2022 at Salt Lake City, Utah.



A handwritten signature in black ink that reads "Deidre M. Henderson". The signature is written in a cursive style with a large, sweeping flourish at the end.

DEIDRE M. HENDERSON
Lieutenant Governor

NOTICE OF AN IMPENDING BOUNDARY ACTION

To the Lieutenant Governor, State of Utah

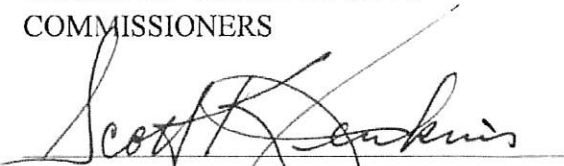
Pursuant to the provisions of Utah Code Ann. §17B-1-215 and § 67-1a-6.5, Weber County ("County"), a body politic and political subdivision of the State of Utah, hereby gives notice to the Utah Lieutenant Governor that a petition—for which an election is not required pursuant to Utah Code Ann. § 17B-1-214(3)—has been submitted to the County to create a service district which would be named the Wheeler Basin Service District. The Service District is proposed to provide (1) the operation of parks and recreation facilities or services; (2) the construction and maintenance of rights-of-way, including curb, gutter, sidewalk, streets, roads, water lines, sewer lines, storm drain lines, electricity lines, communications lines, natural gas lines, and street lighting; (3) transportation, including public transit and providing streets and roads; and (4) an energy efficiency upgrade, a renewable energy system, or electric vehicle charging infrastructure. The petition has been certified by the County clerk pursuant to the requirements of Subsections 17B-1-209, 17B-1-203(b), 17B-1-205(1), and 17B-1-208.

The County hereby certifies that all of the legal requirements necessary for the creation of the Wheeler Basin Services District have been completed and respectfully requests the issuance of a Certificate of Creation pursuant to Utah Code Ann. § 67-1a-6.5.

Accompanying this Notice is a copy of the certified petition, a letter from the Utah State Retirement Office pursuant to Section 67-1a-6.5(3)(d), and a copy of an approved final local entity plat prepared and certified by a licensed surveyor and approved by the Weber County Surveyor consistent with Utah Code Ann. §17-23-20.


Dated this 14th day of February 2022.

BOARD OF WEBER COUNTY
COMMISSIONERS



Scott K. Jenkins, Chair

ATTEST



Ricky Hatch, County Clerk

February 8, 2022



WEBER COUNTY

Ricky D. Hatch, CPA
Clerk/Auditor

To: Jim Hill, Vice President
Grand America Hotels and Resorts
555 South Main Street
Salt Lake City, UT 84111

David Hirasawa
1335 E. Perry Ave.
Salt Lake City, UT 84103

Dear Jim Hill and David Hirasawa,

The Weber County Clerk/Auditor's Office has received a petition for the creation of a local improvement district, pursuant to Utah Code Ann. § 17B-1-203, for the provision of parks and recreation, rights-of-way, transportation, and energy efficiency and infrastructure services in the Snowbasin Resort area of unincorporated Weber County, which area is more particularly described in the petition. The petition was signed by 100% of the owners of property located within the proposed district boundary. I hereby certify that the petition complies with the requirements of Utah Code Ann. §§ 17B-1-203(1)(a), -205(1), and -208. A copy of this certification will be delivered to the Weber County Commission and the contact sponsor.

Sincerely,

A handwritten signature in blue ink that reads "Ricky Hatch". The signature is written in a cursive, flowing style.

Ricky Hatch, CPA
Weber County Clerk Auditor

**TO: Board of County Commissioners
Weber County, Utah
c/o Weber County Clerk
Weber Center
2380 Washington Blvd.
Ogden, Utah 84401**

RECEIVED

DEC 23 2021

Weber County Clerk/Auditor

**REQUEST FOR SERVICE
AND
PETITION FOR THE CREATION OF A
LOCAL DISTRICT TO BE KNOWN AS THE
WHEELER BASIN DISTRICT**

THE UNDERSIGNED OWNER (“*Owner*”), of that certain real property in Weber County, Utah, known as the Snowbasin Resort (the “*Resort*”), pursuant to and in conformance with the applicable provisions of the Limited Purpose Local Government Entities - Local Districts Act, Title 17B, Chapter 1, Utah Code Annotated, 1953 (the “*Act*”), specifically Section 17B-1-201 through 216 thereof, hereby submits to the Board of County Commissioners (the “*Commission*”), of Weber County, State of Utah (the “*County*”), the following:

**I.
REQUEST FOR SERVICE**

THIS FORMAL REQUEST for Service (“*Request*”), is submitted to the Commission for the purpose of requesting that the Commission provide the services defined herein to the Resort. This Request is submitted in connection with and, as required by law, prior to the submittal of a Petition by the Owner for the creation of a local district (the “*District*”), to serve the existing Resort and phased expansions thereof, as provided for in the Act.

A. Ownership; Description of the Property Requested to be Served.

The Owner hereby represents and affirms that it is the Owner of 100% of the private real property, representing 100% of the value, of the real property (the “*Property*”), which the Owner hereby requests to be served by the County, or alternatively to be included within the boundaries of and be served by the District which is proposed to be created as provided below in the event the Commission declines to provide service. The Property, all of which is located in Weber County, Utah, is as follows:

Affects Weber County Parcel No. 20-043-0005 (the “*Overall Parcel*”)
Owned by Snowbasin Resort Company
3925 East Snowbasin Road
Huntsville, Utah 84317

The land contained within the Overall Parcel as to which the request for service applies and which is to be included within the boundaries of the proposed District in the event the County declines to provide service as requested herein (the “*District Property*”), is more particularly described in EXHIBIT “A” attached hereto and incorporated by reference herein.

A map showing the boundaries of the District Property requested to be served by the County and proposed to be included within the boundaries of the District, is attached as EXHIBIT "B" hereto and incorporated by reference herein.

B. Services proposed to be provided by the County or alternatively, the District.

The four (4) services which the Owner requests be provided by the County to the Resort, which would alternatively be authorized to be provided by the District, are the operation of systems as those terms are defined in Section 202(2) of the Act, to include the following services as listed under Section 202(1)(a) of the Act: (viii) the operation of parks or recreation facilities or services; (x) the construction and maintenance of rights-of-way, including curb, gutter sidewalk, streets, roads, water lines, sewer lines, storm drain lines, electricity lines, communications lines, natural gas lines and street lighting; (xi) transportation, including public transit and providing streets and roads; and (xviii) an energy efficiency upgrade, a renewable energy system, or electric vehicle charging infrastructure.

**II.
PETITION FOR THE CREATION OF A LOCAL DISTRICT
TO BE KNOWN AS THE
WHEELER BASIN DISTRICT**

IN THE EVENT the Commission formally determines to decline the Owner's request to provide the services as set forth above, thereupon, in conformance with the requirements of the Act, this instrument shall, upon such determination by the Commission, be effective and be deemed to constitute a Petition for the creation of a local district to be known as the "Wheeler Basin District" (the "*Petition*"), filed by the undersigned who is the Owner of 100% of the District Property more particularly described above, acting as Petitioner herein, who hereby petitions the Commission for the establishment of a local district as defined and provided for in the Act.

A. Incorporation by Reference.

Sections I A. and IB. above are hereby incorporated into and made a part of this Petition by this reference.

B. Membership on the Governing Board of Trustees of the District.

It is proposed that the District's governing board of trustees, as initially constituted, shall consist of three (3) members, each of whom shall be qualified in conformance with the requirements of Section 17B-1-302, and appointed in conformance with the requirements of Section 17B-1-304 of the Act.

C. Petition Sponsor.

Jim Hill is hereby designated, for and in behalf of the Petitioner, as the contact sponsor ("*Contact Sponsor*"), whose mailing address and phone number are as follows:

Address: Jim Hill, Vice President of Development
Grand America Hotels and Resorts
555 South Main Street
Salt Lake City, Utah 84111
Email: jim.hill@grandamerica.com

Phone: (435) 640-8481

**III.
APPROVAL**

It is respectfully requested that, in conformance with the requirements of the Act, the County Clerk, with the assistance of other County officers, determine in good faith whether this Request and Petition comply with the requirements of Subsections 17B-1-204 through 17B-2-209 of the Act, and upon determination that the Request and Petition are in compliance: (i) that this Request and Petition be certified and delivered to the Commission; (ii) that written notification thereof be mailed or delivered to the Contact Sponsor named above; (iii) that a public hearing be scheduled pursuant to notice; and (iv) that the Commission adopt a resolution indicating whether or not the Commission will provide the services requested herein, in conformance with the requirements of the Act.

It is further requested that in the event the Commission determines that it shall not provide the requested services, that thereupon this instrument be deemed filed and effective as the Petition required to initiate proceedings to create the District in conformance with the Act.

DATED this 22nd day of December, 2021.

**SNOWBASIN RESORT COMPANY,
a Wyoming Corporation**

By: 

David Hirasawa, CFO

Home Address:
1335 E. Perry Ave.
Salt Lake City, Utah 84103

ACKNOWLEDGEMENT OF RECEIPT OF REQUEST AND PETITION

The foregoing REQUEST AND PETITION FOR THE CREATION OF A LOCAL DISTRICT TO BE KNOWN AS THE WHEELER BASIN DISTRICT was duly received by this office on behalf of the Board of County Commissioners of Weber County, Utah, this ____ day of _____, 2021.

WEBER COUNTY CLERK/AUDITOR

EXHIBIT "A"
Legal Description of the Property to be Included within the Boundaries of the District

SNOWBASIN
WHEELER BASIN DISTRICT
12-21-2021

THE BASIS OF BEARING FOR THIS DESCRIPTION IS NORTH $0^{\circ}02'33''$ EAST, MEASURED BETWEEN THE FOUND MONUMENTS AT THE WEST QUARTER CORNER, AND THE NORTHWEST CORNER OF SECTION 33, TOWNSHIP 6 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN. THIS BEARING WAS MEASURED IN UTAH STATE PLANE CENTRAL ZONE, NAD83 ZONE, U.S. SURVEY FEET.

BEGINNING AT A POINT BEING NORTH $00^{\circ}02'33''$ EAST 227.30 FEET ALONG SAID SECTION LINE, AND NORTH $89^{\circ}57'27''$ WEST 843.87 FEET, FROM THE SAID FOUND MONUMENT AT THE WEST QUARTER CORNER OF SECTION 33, TOWNSHIP 6 NORTH, RANGE 1 EAST, SLB&M, AND RUNNING THENCE SOUTH $00^{\circ}40'10''$ EAST, 1067.86 FEET, TO A STANDARD USFS SURVEY MONUMENT; THENCE SOUTH $89^{\circ}45'53''$ EAST, 1506.67 FEET, TO A STANDARD USFS SURVEY MONUMENT; THENCE NORTH $45^{\circ}00'00''$ EAST, 571.21 FEET; THENCE NORTH $00^{\circ}00'00''$ E, 5167.35 FEET TO A NON-TANGENT CURVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 330.06 FEET AND A CENTRAL ANGLE OF $46^{\circ}08'52''$ (CHORD BEARS: SOUTH $89^{\circ}55'41''$ WEST, 258.71 FEET) 265.84 FEET, TO THE POINT OF A REVERSE CURVE; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 105.78 FEET AND A CENTRAL ANGLE OF $40^{\circ}46'12''$ (CHORD BEARS SOUTH $87^{\circ}22'59''$ WEST 73.69 FEET) 75.27 FEET, TO THE POINT OF A COMPOUND CURVE; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 280.88 FEET AND HAVING A CENTRAL ANGLE OF $16^{\circ}44'28''$ (CHORD BEARS: NORTH $63^{\circ}51'40''$ WEST, 81.78 FEET) 82.07 FEET, TO THE POINT OF A REVERSE CURVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 436.50 FEET AND A CENTRAL ANGLE OF $46^{\circ}44'51''$ (CHORD BEARS: NORTH $78^{\circ}51'52''$ WEST, 346.34 FEET) 356.14 FEET; THENCE SOUTH $77^{\circ}45'54''$ WEST, 29.09 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 277.35 FEET AND A CENTRAL ANGLE OF $35^{\circ}52'31''$ (CHORD BEARS: NORTH $84^{\circ}17'51''$ WEST, 170.84 FEET) 173.66 FEET; THENCE NORTH $66^{\circ}21'37''$ WEST, 257.54 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 593.75 FEET AND A CENTRAL ANGLE OF $13^{\circ}06'26''$ (CHORD BEARS: NORTH $72^{\circ}54'50''$ WEST, 135.53 FEET) 135.83 FEET TO THE POINT OF A COMPOUND CURVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 689.65 FEET AND A CENTRAL ANGLE OF $24^{\circ}28'55''$ (CHORD BEARS SOUTH $88^{\circ}17'29''$ WEST 292.44 FEET) 294.68 FEET, AND TO THE POINT OF A COMPOUND CURVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2547.36 FEET AND A CENTRAL ANGLE OF $03^{\circ}44'31''$ (CHORD BEARS: SOUTH $74^{\circ}10'47''$ WEST, 166.33 FEET) 166.36 FEET; THENCE SOUTH $72^{\circ}18'31''$ WEST, 202.73 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 628.54 FEET AND A CENTRAL ANGLE OF $23^{\circ}19'57''$ (CHORD BEARS: SOUTH $60^{\circ}38'32''$ WEST, 254.20 FEET) 255.96 FEET, TO THE POINT OF A COMPOUND CURVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1748.83 FEET AND A CENTRAL ANGLE OF $09^{\circ}55'11''$ (CHORD BEARS: SOUTH $44^{\circ}00'58''$ WEST, 302.40 FEET) 302.78 FEET, TO THE POINT OF A COMPOUND CURVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 352.33 FEET AND A CENTRAL ANGLE OF $40^{\circ}31'40''$ (CHORD BEARS SOUTH $18^{\circ}47'32''$ WEST, 244.06 FEET) 249.22 FEET, TO THE POINT OF A COMPOUND CURVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 787.21 FEET AND A CENTRAL ANGLE OF $14^{\circ}44'14''$ (CHORD BEARS SOUTH $08^{\circ}50'25''$ EAST 201.93 FEET) 202.48 FEET; THENCE SOUTH $16^{\circ}03'27''$ EAST, 168.06 FEET, TO A STANDARD USFS SURVEY MONUMENT; THENCE LEAVING SAID 100 FOOT, RIGHT OF WAY LINE, SOUTH $61^{\circ}00'58''$ WEST, 39.82 FEET, TO A STANDARD USFS SURVEY MONUMENT; THENCE SOUTH $10^{\circ}27'16''$ WEST, 137.56 FEET, TO A STANDARD

USFS SURVEY MONUMENT; THENCE SOUTH 03°01'48" EAST, 351.16 FEET, TO A STANDARD USFS SURVEY MONUMENT; THENCE SOUTH 24°12'58" WEST, 302.00 FEET, TO A STANDARD USFS SURVEY MONUMENT; THENCE NORTH 89°43'52" WEST, 856.83 FEET, TO A RAILROAD SPIKE SET IN THE CENTERLINE OF THE EXISTING MAPLES CAMPGROUND ROAD; THENCE ALONG SAID CENTERLINE OF ROAD THRU THE FOLLOWING COURSES: THENCE SOUTH 14°36'38" WEST, 14.61 FEET; THENCE SOUTH 06°25'35" EAST, 55.54 FEET; THENCE SOUTH 00°01'14" EAST, 74.91 FEET; THENCE SOUTH 05°46'45" WEST, 64.17 FEET; THENCE SOUTH 12°40'46" WEST, 77.78 FEET; THENCE SOUTH 05°40'31" WEST, 87.81 FEET; THENCE SOUTH 01°49'57" WEST, 74.17 FEET; THENCE SOUTH 06°46'19" EAST, 244.59 FEET; THENCE SOUTH 02°02'02" EAST, 80.63 FEET; THENCE SOUTH 06°38'09" WEST, 55.26 FEET; THENCE SOUTH 13°15'45" WEST, 89.45 FEET; THENCE SOUTH 15°47'55" WEST, 214.44 FEET; THENCE SOUTH 09°32'26" WEST, 156.88 FEET; THENCE SOUTH 12°45'32" WEST, 111.76 FEET; THENCE SOUTH 17°33'56" WEST, 65.90 FEET; THENCE SOUTH 14°59'32" WEST, 71.55 FEET; THENCE SOUTH 10°25'50" WEST, 79.99 FEET; THENCE SOUTH 07°17'09" WEST, 86.76 FEET; THENCE SOUTH 06°34'44" WEST, 56.48 FEET, TO A RAILROAD SPIKE SET IN THE CENTERLINE OF SAID ROAD; THENCE LEAVING SAID CENTERLINE, NORTH 89°45'53" WEST, 344.04 FEET, TO A STANDARD USFS SURVEY MONUMENT; THENCE SOUTH 00°14'07" WEST, 1183.89 FEET, TO A STANDARD USFS SURVEY MONUMENT; THENCE SOUTH 89°45'53" EAST, 2042.19 FEET, TO A STANDARD USFS SURVEY MONUMENT AND TO THE POINT OF BEGINNING.

CONTAINS 16812556 S.F. OR 358.963 ACERS

EXHIBIT "B"
Map of the Property to be Included within the Boundaries of the District



Utah Retirement Systems

Retirement Office

560 East 200 South | Salt Lake City, UT 84102-2021
801-366-7700 | 800-365-8772 | Fax: 801-366-7734
www.urs.org

Daniel D. Andersen
Executive Director

PEHP Health & Benefits

560 East 200 South | Salt Lake City, UT 84102-2004
801-366-7500 | 800-365-8772 | Fax: 801-366-7596
www.pehp.org

R. Chet Loftis
Managing Director

February 9, 2022

Sent Via Email to: bquinney@co.weber.ut.us

Wheeler Basin Service District
c/o Brandan Quinney
Deputy Weber County Attorney
2380 Washington Blvd., Suite 230
Ogden, UT 84401

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

Dear Mr. Quinney:

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 Wheeler Basin Service District, a newly created local district created pursuant to Utah Code Ann. §17B-1-201 et seq.

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

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

Wheeler Basin Service District 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 Wheeler Basin Service District. By law, it is Wheeler Basin Service District's obligation to apply for membership with URS if and when it chooses to provide a retirement benefit to its employees.

Once Wheeler Basin Service District begins participation with URS, its public employees will be covered under either the Tier 1 or Tier 2 public employee retirement systems, as described in the Retirement Act. If Wheeler Basin Service District employs public safety or firefighter service employees, those employees will be covered under the separate Tier 1 or Tier 2 systems for public safety and/or firefighter service employees described in the Retirement Act.

In addition, Participating Employers of URS are required by Utah Code Ann. § 49-11-606 to “cover all employees eligible for service credit under this title.” As such, once admitted as a participating employer, Wheeler Basin Service District 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 Wheeler Basin Service District is admitted into the system, URS provides education about the requirements with which Wheeler Basin Service District must comply as a participating employer.

Additionally, please be aware that should Wheeler Basin Service District fail to participate with URS while offering another retirement benefit to its employees, Wheeler Basin Service District'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,

/s/ Daniel D. Andersen

Daniel D. Andersen
Executive Director
Utah State Retirement Office

cc: Dee Larsen, URS General Counsel
James D. Hammer, URS Employer Services Director

