

STATE OF UTAH



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 the ASH CREEK SPECIAL SERVICE DISTRICT - APPLE VALLEY ANNEXATION, located in THE TOWN OF APPLE VALLEY, dated OCTOBER 6, 2022, complying with Section §17D-1-403, 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 ASH CREEK SPECIAL SERVICE DISTRICT - APPLE VALLEY ANNEXATION, 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 6th day of October, 2022 at Salt Lake City, Utah.

A handwritten signature in black ink, reading "Deidre M. Henderson".

DEIDRE M. HENDERSON
Lieutenant Governor



ADAM SNOW, COMMISSIONER | VICTOR IVERSON, COMMISSION, CHAIR | GIL ALMQUIST, COMMISSIONER

September 20, 2022

Lt. Governor Deidre M. Henderson
Utah State Capitol Complex
350 North State Street, Suite 220
P.O. Box 142325
Salt Lake City, UT 84114-2325

Re: Notice of Impending Boundary Action
Ash Creek Special Service District Annexation
Request for Issuance of a Certificate of Annexation

Dear Lt. Governor Henderson:

Pursuant to Utah Code Sections 67-1a-6.5 and 17-D-1-403(1), notice is hereby given that the Washington County Commission annexed the municipal limits of the Town of Apple Valley into Ash Creek Special Service District on September 20, 2022 through Resolution Number R-2022-3000. I have enclosed a certified copy of the Resolution.

In addition, a certified copy of the approved final local entity plat reflecting the new boundary of the Ash Creek Special Service District, after the addition of the boundary of the Town of Apple Valley, is enclosed.

The annexation was completed at the joint request of the Town of Apple Valley and Ash Creek Special Service District.

I hereby certify that all of the statutory requirements for the above referenced annexation have been met. Please sign and issue a Certificate of Annexation.

If you have any questions or concerns, please give me a call. Thank you for your assistance.

Very truly yours,

Victor Iverson
Washington County Commission, Chair

Enclosures

Copy Certification

State of Utah)

County of [§] Washington)

On this 22 day of September, in the year 2022, I certify that the preceding or attached
date month year

document, is a true, exact, complete and unaltered photocopy made by me of

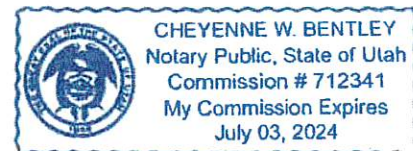
R-2022-3000 presented to me by the document's custodian,
description of document

Commission office, and that, to the best of my knowledge, the photocopied document
name of document custodian

is neither a public record nor a publicly recorded document, certified copies of which are available from
an official source other than a notary.

Witness my hand and official seal.

Cheyenne W. Bentley
(notary signature)



(seal)

RESOLUTION NO. 2022-3000

A RESOLUTION ANNEXING THE PROPERTY WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF APPLE VALLEY INTO ASH CREEK SPECIAL SERVICE DISTRICT

WHEREAS, Washington County (the "County") established the Ash Creek Special Service District ("Ash Creek" or "the District") on December 17, 1979;

WHEREAS, the District currently provides sewage collection, treatment, and disposal services to the residents of Hurricane, La Verkin, and Toquerville, and certain unincorporated areas of Washington County;

WHEREAS, the District and the Town of Apple Valley (the "Town") enacted a joint resolution (Exhibit A, hereafter referred to as the "Joint Resolution") requesting the annexation of property within the boundaries of the Town into the District;

WHEREAS, according to the Joint Resolution, the Town anticipates an increase in demand for commercial and residential development of property within the Town, which, in turn, will require the establishment, operation and maintenance of a system or systems for collection, treatment, and disposal of sewage materials;

WHEREAS, Town residents would benefit from the experience and expertise of the District in matters pertaining to the collection, treatment, and disposal of sewage materials;

WHEREAS, on April 19, 2022, the Washington County Commission adopted Resolution No. R-2022-2939, proposing to have the District annex all property within the municipal boundaries of the Town of Apple Valley;

WHEREAS, all notice of the annexation required under Utah Code Section 17D-1-205 has been provided;

WHEREAS, on June 7, 2022, a public hearing was held on the proposed annexation;

WHEREAS, the protest period has passed without adequate protests having been filed;

WHEREAS, on August 24, 2022, the Town Council of Apple Valley enacted Resolution No. R-2022-40, a copy of which is attached to this Resolution as Exhibit B, formally consenting to the District's annexation of all property within the municipal boundaries of Apple Valley;

WHEREAS, it is in the best interest of the citizens of the Town that the property within the boundaries of the Town be annexed into the District for sewer service; and

WHEREAS, the attached map (Exhibit C) and the boundary description (Exhibit D) accurately describe the area that is annexed into the District boundaries.

NOW THEREFORE, IT IS RESOLVED by the County Commission of Washington County, Utah that all real property within the municipal boundaries of the Town of Apple Valley

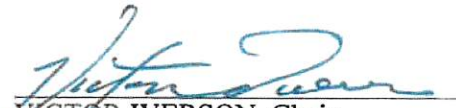
is hereby annexed into the boundaries of Ash Creek Special Service District as shown in the attached map (Exhibit C) and as particularly described in Exhibit D to this Resolution.

NOW THEREFORE, IT IS FURTHER RESOLVED by the County Commission of Washington County, Utah that the commission chairman is authorized to sign and issue a notice of impending boundary action (Exhibit E) and a final local entity plat (a copy of which is approved and attached as Exhibit F) in conformity with the annexation accomplished through this Resolution and to submit these materials to the Utah Lieutenant Governor's Office.


NOW THEREFORE, IT IS FURTHER RESOLVED by the County Commission of Washington County, Utah that the commission chairman is authorized to approve minor changes or corrections to the final local entity plat where necessary to make it conform to the intent of this Resolution.

PASSED AND ADOPTED by the Washington County Commission this 20th day of September, 2022.

WASHINGTON COUNTY


VICTOR IVERSON, Chair
Washington County Commission

ATTEST:


Susan Lewis
Washington County Clerk/Auditor

Commissioner Iverson voted Aye
Commissioner Snow voted Aye
Commissioner Almquist voted Aye

Approved as to Form:


Deputy Washington County Attorney

A JOINT RESOLUTION OF THE TOWN COUNCIL OF APPLE VALLEY, UTAH AND THE ADMINISTRATIVE CONTROL BOARD OF ASH CREEK SPECIAL SERVICE DISTRICT REQUESTING ANNEXATION OF PROPERTY WITHIN THE BOUNDARIES OF APPLE VALLEY INTO ASH CREEK SPECIAL SERVICE DISTRICT.

WHEREAS Ash Creek Special Service District (hereafter "the District") is a Utah special service district created by the Washington County Commission under the Utah Special Service District Act for the purpose of providing sewage collection, treatment and disposal services to the residents of Hurricane, LaVerkin and Toquerville, as well as to certain other unincorporated areas of Washington County, Utah; and

WHEREAS the Washington County Commission has delegated certain power and authority to said district's Administrative Control Board, while at the same time having retained authority as the governing authority of said District to expand the boundaries of the District through annexation; and

WHEREAS the Town of Apple Valley (hereafter "the Town") anticipates an increase in demand for commercial and residential development of property within the Town, which, in turn, will require the establishment, operation and maintenance of a system or systems for collection, treatment and disposal of sewage materials; and

WHEREAS the Town Council of Apple Valley desires to avail itself of the experience and expertise of the District in matters pertaining to collection, treatment and disposal of sewage materials and has engaged in discussions with the Administrative Control Board of the District regarding the desirability of annexing property included within the boundaries of the Town into the boundaries of the District for the purpose of providing sewage collection, treatment and disposal to property in the Town; and

WHEREAS the Administrative Control Board of the District is supportive of the annexation of property within the boundaries of the Town into the District, provided that the Town and District enter into a written agreement whereby the Town shall agree to: (1) be responsible for billing and collection of fees and charges for services provided by the District, (2) adopt by ordinance and incorporate into the Apple Valley Municipal Code the District's Rules of Operation and Construction Standards as presently constituted or as may be amended from time to time, and (3) comply in all respects with said District's rules, regulations, policies and procedures; and

WHEREAS Utah Code Ann. §17D-1-401(1)(a) provides that the governing authority of a special service district has authority, in accordance with the procedure outlined in §17D-1-201 et. seq., to annex an area into an existing special service district to provide to that area a service that the special service district is authorized to provide; and

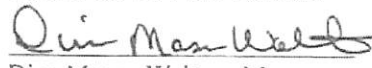
WHEREAS the Town Council of Apple Valley and the Administrative Control Board of Ash Creek Special Service District believe that it is in the best interest of the health, safety and welfare of the residents of Apple Valley that property within the boundaries of the Town of Apple Valley be annexed into Ash Creek Special Service District,

BE IT HEREBY RESOLVED by the Town Council of Apple Valley, Utah and the Administrative Control Board of Ash Creek Special Service District that the Washington County Commission, as governing authority of Ash Creek Special Service District, be requested to commence the process outlined in Utah Code Ann. §17D-1-201 et. seq. for annexation of property within the boundaries of the Town of Apple Valley into the Ash Creek Special Service District, subject to the Town and District entering into a written agreement whereby the Town shall agree to: (1) be responsible for billing and collection of fees and charges for services provided by the District, (2) adopt by ordinance and incorporate into the Apple Valley Municipal Code the District's Rules of Operation and Construction Standards as presently constituted or as may be amended from time to time, and (3) comply in all respects with said district's rules, regulations, policies and procedures.

BE IT FURTHER RESOLVED that this Resolution shall be submitted to the Washington County Commission upon execution of the agreement described herein between the Town of Apple Valley and Ash Creek Special Service District.

APPROVED AND ADOPTED this 17 day of February 2022.

TOWN OF APPLE VALLEY


Dina Mason Walters, Mayor

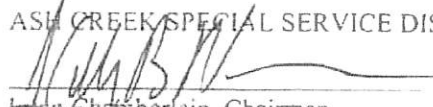
Attest:



Town Clerk

APPROVED AND ADOPTED this 24 day of March, 2022.

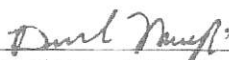
ASH CREEK SPECIAL SERVICE DISTRICT



Lynn Chamberlain, Chairman

Kelly Wilson

Attest:



Darrel Humphries, Secretary

**TOWN OF APPLE VALLEY
RESOLUTION NO. R-2022-40**

**RESOLUTION CONSENTING TO THE INCLUSION OF ALL PROPERTY WITHIN THE TOWN OF APPLE VALLEY
IN ASH CREEK SPECIAL SERVICE DISTRICT**

WHEREAS, on February 17, 2022, the Town of Apple Valley adopted a Joint Resolution with Ash Creek Special Service District requesting the annexation of property within the boundaries of Apple Valley into Ash Creek Special Service District ("Ash Creek SSD");

WHEREAS, on April 19, 2022, the Washington County Commission adopted a resolution proposing to have Ash Creek SSD annex the property within the boundaries of Apple Valley into Ash Creek SSD;

WHEREAS, under Utah Code Sections 17D-401(4) and 17D-1-202(2)(d) municipal consent is required for a special service district to annex property within municipal boundaries; and

WHEREAS, as stated in the Town of Apple Valley's Joint Resolution requesting the annexation, the Town continues to support the annexation, and the Town wishes to provide the statutorily required consent so that Ash Creek SSD can annex the property within the Town of Apple Valley.

NOW, THEREFORE, IT IS RESOLVED by the Town Council of the Town of Apple Valley that the Town of Apple Valley consents to the inclusion of all property within the Town of Apple Valley in the Ash Creek Special Service District.


RESOLVED this 24th day of August, 2022.

TOWN OF APPLE VALLEY



Mayor Frank Lindhardt

Attest:



Jenna Vizcardo, Town Recorder



Council Member Kevin Sair Voted Aye | Yes
Council Member Robin Whitmore Voted Aye | Yes
Council Member Marshal McGinnis Voted Aye | Yes
Council Member Barratt Nielson Voted Aye | Yes
Mayor Frank Lindhardt Voted Aye | Yes



Annexation Area



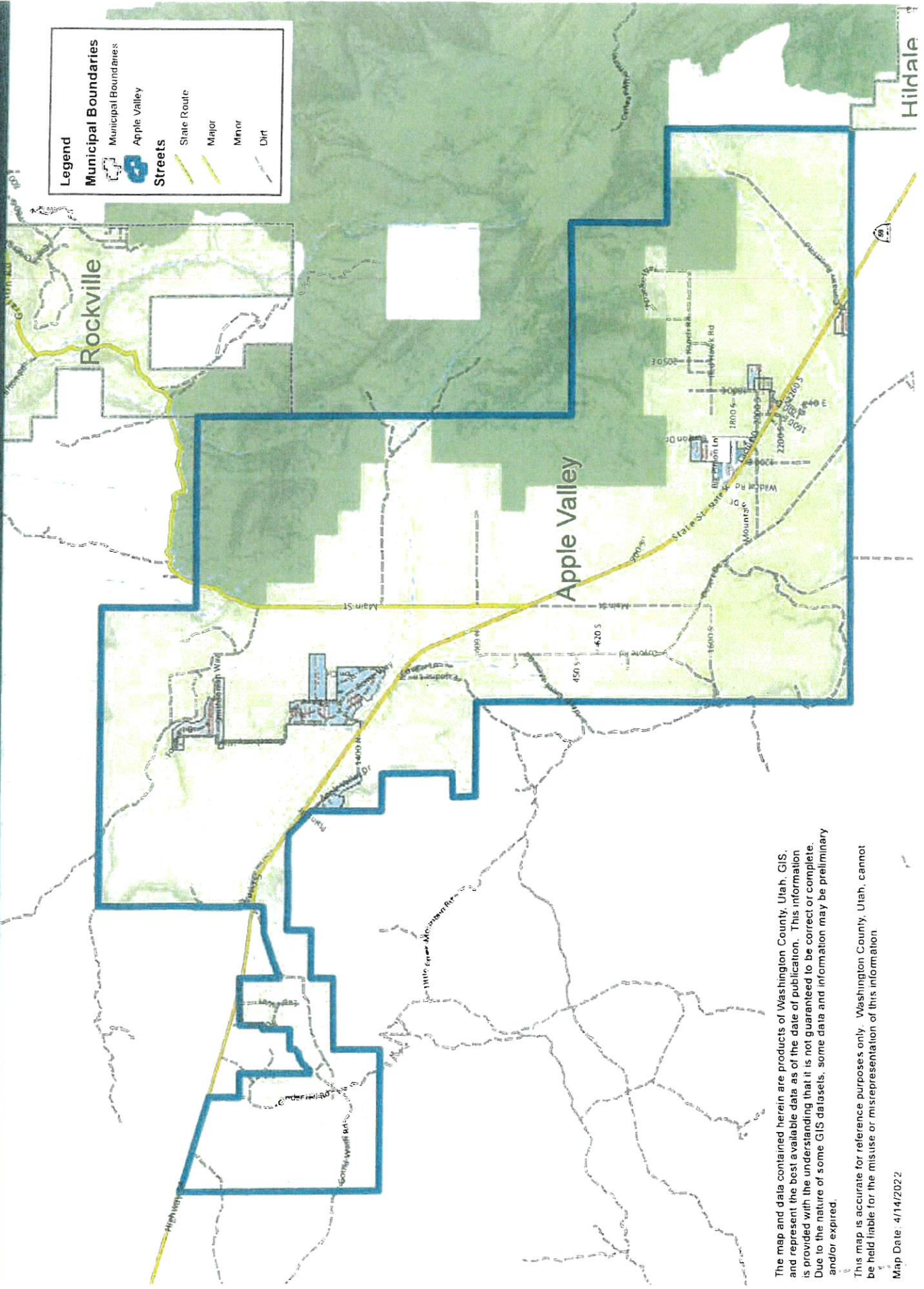
Legend

Municipal Boundaries

- Municipal Boundaries (dashed line)
- Apple Valley (blue outline)

Streets

- State Route (yellow line)
- Major (orange line)
- Minor (light orange line)
- Dirt (dashed line)



The map and data contained herein are products of Washington County, Utah, GIS, and represent the best available data as of the date of publication. This information is provided with the understanding that it is not guaranteed to be correct or complete. Due to the nature of some GIS datasets, some data and information may be preliminary and/or expired.

This map is accurate for reference purposes only. Washington County, Utah, cannot be held liable for the misuse or misrepresentation of this information.

Map Date: 4/14/2022

EXHIBIT D
ANNEXATION AREA

Beginning at the Northwest corner of Section 18, Township 42 South, Range 11 West, Salt Lake Base and Meridian and running thence Easterly along the North line of Section 18 and Section 17 to the Northeast corner of said Section 17; thence Southerly along the East line of said 17 to the Northwest corner of Section 21: Thence Easterly along the North line of said Section 21 and Section 22 to the Northeast corner of said Section 22; Thence Southerly along the East line of Sections 22, 27 and 34 to the Northeast corner of Section 3, Township 43 South, Range 11 West, Salt Lake Base and Meridian; Thence Southerly along the East line of said Section 3 to the Northwest corner of Section 11; Thence Easterly along the North line of said Section 11 and Section 12 to the Northeast corner of said Section 12; Thence Southerly along the East line of said Section 12 to the Northwest corner of Section 18, Township 43 South, Range 10 West, Salt Lake Base and Meridian; Thence Easterly along the North line of said Section 18 to the Northeast corner of said Section 18: Thence Southerly along the East line of said Section 18 and Section 19 to the Southeast corner of said Section 19; Thence Westerly along the South line of said Section 19 to the Southeast corner of Section 24, Township 43 South, Range 11 West, Salt Lake Base and Meridian; Thence Westerly along the South line of Sections 24, 23, 22, 21 and 20 to the Southwest corner of said Section 20; Thence Northerly along the West line of Sections 20, 17, 8 and 5 to the Southeast corner of Section 31, Township 42 South, Range 11 West, Salt Lake Base and Meridian; Thence South 89°51'17" West, along the South line of said Section 31, a distance of 2,642.59 feet; Thence South 89°52'29" West, along said South line a distance of 2,640.00 feet, to the Southeast corner of Sectional Lot 10; Thence North 00°13'22" West, along said Sectional Lot a distance of 1,315.50 feet, to the Southwest corner of Sectional Lot 8; Thence North 89°48'42" East, along said Lot a distance of 1,320.00 feet; Thence North 00°13'22" West, a distance of 1316.95 feet, to the Southeast corner of Sectional Lot 5; Thence North 00°13'22" West, along said Lot a distance of 2642.99 feet, to a point on the North line of said Section 31; Thence South 89°44'31" West, along the North line of said Section 31, a distance of 2,100.92 feet, to the Southwest corner of Section 30; Thence North 00°05'21" West, along the West line of said Section 30, a distance of 2,651.79 feet, to the West ¼ corner of said Section 30; Thence North 00°10'22" West, along said West line, a distance of 1,461.75 feet; Thence North 47°24'33" West, a distance of 1,742.36 feet; Thence South 89°57'59" West, a distance of 1,360.03 feet, to the South ¼ Corner of Section 24 Township 42 South, Range 12 West, Salt Lake Base and Meridian; Thence South 89°52'13" West, along the South line of said Section 24, a distance of 2,643.58 feet, to the Southwest corner of said Section 24; Thence South 89°53'47" West, along the South line of Section 23, a distance of 1,318.89 feet, to a point on a parcel more particularly described in Instrument #499255, filed and on record at the Washington County Recorders Office, said point also being on the East 1/16th line of Section 26; Thence along said parcel the following three (3) courses South 00°01'41" East, along said 1/16th line, a distance of 1,321.07 feet, to a point on the North 1/16th line of said Section 26; Thence South 89°55'07" West, along said 1/16th line, a distance of 1,318.01 feet; Thence South 89°55'27" West, along said 1/16th line, a distance of 1,319.14 feet, to the Northeast corner of a parcel more particularly described in Instrument #423108 in said Washington County Recorders Office, said point being on the West 1/16th line of said Section 26;

Thence along said parcel the following two (2) courses South 00°04'51" East, along said 1/16th line, a distance of 1,320.13 feet, to a point on the Center Section line; Thence South 89°56'29" West, along said Center Section line, a distance of 1,318.80 feet, to the East ¼ corner of Section 27; Thence South 89°54'58" West, along said Center Section line, a distance of 2,642.24 feet, to the Center Section line of said Section 27; Thence South 00°03'39" East, along the Center Section line, a distance of 2,637.96 feet, to the South ¼ corner of said Section 27; Thence South 89°53'25" West, along the South Section line, a distance of 2,638.36 feet, to the Southwest corner of said Section 27; Thence West, along the South line of Section 28, a distance of 2,640.51 feet, to the South ¼ corner of said Section 28; Thence South 89°50'50" West, along the South Section line, a distance of 2,635.69 feet, to the Southwest corner of said Section 28; Thence along the West line of said section 28, the following two (2) courses North 00°07'18" West, a distance of 2,638.66 feet, to the West ¼ corner of said Section 28 ; Thence North 00°07'15" West, a distance of 2,640.42 feet, to the Southwest corner of Section 21; Thence along the West line of said Section 21 the following two (2) courses North 00°05'43" West, a distance of 2,638.43 feet, to the West ¼ corner of said Section 21; Thence North 00°06'22" West, a distance of 2,639.01 feet, to the Northwest corner of said Section 21; Thence North 00°06'22" West, along the West line of Section 16, a distance of 631.70 feet, to a point on the Southerly right-of-way line of SR-59; Thence South 73°32'44" East, along said right-of-way line, a distance of 5,512.18 feet, to the East line of said Section 21; Thence South 00°02'25" East, along said East line, a portion of which is also along a parcel more particularly described in Instrument #838345 in said Washington County Recorders Office, a distance of 1,705.68 feet, to the East ¼ Corner of said Section 21; Thence along said parcel the following twenty nine (29) courses North 89°53'29" East, along the Center Section line a distance of 1,319.79 feet, to a point on the West 1/16th line; Thence South 00°03'53" East, along said 1/16th line, a distance of 2,636.52 feet, to a point on the North line of said Section 27; Thence South 00°04'17" East, along the West 1/16th line a distance of 1,319.53 feet, to a point on the North 1/16th line of said Section 27; Thence North 89°55'00" East, along said 1/16th line a distance of 184.32 feet; Thence North 33°44'12" East, a distance of 248.06 feet, to the beginning of a curve to the right having a radius of 400.00 feet and a central angle of 27°10'52", thence northeasterly along the arc of said curve a distance of 189.76 feet to the beginning of a reverse curve to the left having a radius of 150.00 feet and a central angle of 31°14'05", thence northeasterly along the arc of said curve, a distance of 81.77 feet, to the beginning of a reverse curve to the right having a radius of 350.00 feet and a central angle of 47°09'47", thence northeasterly along the arc of said curve, a distance of 288.10 feet, to the beginning of a reverse curve to the left having a radius of 800.00 feet and a central angle of 13°04'57", thence easterly along the arc of said curve, a distance of 182.67 feet to the beginning of a reverse curve to the right having a radius of 500.00 feet and a central angle of 23°10'41", thence easterly along the arc of said curve, a distance of 202.27 feet to the beginning of a reverse curve to the left having a radius of 90.00 feet and a central angle of 56°24'18", thence northeasterly along the arc of said curve, a distance of 88.60 feet; Thence North 30°32'12" East, a distance of 165.67 feet; Thence South 79°09'39" East, a distance of 55.00 feet, to a point on the Center Section line of said Section 27; Thence North 00°03'39" West, along said Center Section line a distance of 309.44 feet; Thence North 89°54'23" East, a distance of 1,117.67 feet; Thence North

00°04'41" West, a distance of 165.00 feet; Thence North 00°05'03" West, a distance of 1,318.70 feet, to a point on the South 1/16th line of section 22; Thence North 89°53'56" East, along said 1/16th line, a distance of 202.70 feet, to a point on the East 1/16th line of said Section 22; Thence North 00°05'03" West, along said 1/16th line, a distance of 1,318.73 feet, to a point on the Center Section line of said Section 22; Thence North 89°53'29" East, along said Center Section line, a distance of 1,319.79 feet, to the West ¼ corner of Section 23, Township 42 South, Range 12 West; Thence North 89°51'31" East, along the Center Section line of said Section 23, a distance of 1,319.71 feet, to a point on the West 1/16th line of said Section 23; Thence South 00°05'26" East, along said 1/16th line, a distance of 2,177.10 feet; Thence North 72°04'06" East, a distance of 777.03 feet, to a point on the North right-of-way line of 0460 Washington County Road; Thence along said right-of-way line the following three (3) courses North 60°46'58" East, a distance of 156.69 feet to the beginning of a curve to the right having a radius of 1,000.00 feet and a central angle of 11°17'08", thence northeasterly along the arc of said curve a distance of 196.97 feet; Thence North 72°04'06" East, a distance of 1,521.72 feet, to a point on the South 1/16th line of said Section 23; Thence leaving said right-of-way North 89°52'39" East, along said 1/16th line, a distance of 1,450.46 feet, to a point on the East line of said Section 23; Thence along the East line of said Section 23 the following two (2) courses North 00°08'56" West, a distance of 1,320.87 feet, to the East ¼ corner of Section 23; Thence North 00°08'34" West, a distance of 2,638.10 feet, to the Southeast corner of Section 14; Thence along the East line of said Section 14 the following two (2) courses and leaving said parcel North 00°06'02" West, a distance of 2,645.85 feet, to the East ¼ corner of said Section 14; Thence North 00°08'45" West, a distance of 2,645.08 feet, to the Northwest corner of Section 13; Thence North 89°51'51" East, along the North line of said Section 13, a distance of 2,641.91 feet, to the North ¼ corner of said Section 13; Thence North 89°50'51" East, along said north line, a distance of 2,642.17 feet, to the Point of Beginning.

