

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 known as the IRON HORSE PUBLIC INFRASTRUCTURE DISTRICT WITHDRAWAL #1 located in IRON COUNTY, dated APRIL 26 2024, 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 withdrawal, referred to above, on file with the Office of the Lieutenant Governor pertaining to the IRON HORSE PUBLIC INFRASTRUCTURE DISTRICT WITHDRAWAL #1, located in IRON COUNTY, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 23rd day of May, 2024 at Salt Lake City, Utah.



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

DEIDRE M. HENDERSON
Lieutenant Governor

**NOTICE OF IMPENDING BOUNDARY ACTION
Withdrawal No. 1**

**by
Iron Horse Public Infrastructure District**

TO: The Lieutenant Governor, State of Utah

NOTICE IS HEREBY GIVEN that the Board of Trustees of Iron Horse Public Infrastructure District (the "Board"), at a special meeting of the Board, at a special meeting of the Board, duly convened pursuant to notice, and, pursuant to Utah Code Ann. §17D-4-201(4)(a) and other applicable provisions of Utah law, effective April 24, 2024, adopted a *Resolution to Withdraw Approximately 1.76 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 – Withdrawal No. 1 satisfying the applicable legal requirements as set forth in Utah Code Ann. §17-23-20, approved as a final local entity plat by the Iron County Surveyor, is attached along with the legal description of the affected property, 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.

The legal description of the property subject to withdrawal is contained within the Withdrawal Resolution and the final local entity plat, attached hereto.

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 26 day of April, 2024.

IRON HORSE PUBLIC INFRASTRUCTURE DISTRICT


Dane Leavitt, Chair

STATE OF UTAH)
 :ss.
IRON COUNTY)

On the 29 day of April, 2024, personally appeared before me Dane Leavitt, 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 Iron Horse Public Infrastructure District pursuant to his authority by law as its duly appointed chair.




NOTARY PUBLIC

**EXHIBIT "A" TO NOTICE OF BOUNDARY ACTION
(Withdrawal No. 1)**

Copy of the Withdrawal Resolution

April 24, 2024

The Board of Trustees (the "Board") of the Iron Horse Public Infrastructure District, held a special meeting on April 24, 2024, at the hour of 9:00 a.m., with the following members of the Board being present:

Dane Leavitt	Trustee
G. Tyler Romeril	Trustee
Eric O. Leavitt	Trustee
Ronald J. Larsen	Trustee
Brett L. Warby	Trustee

Also present:

Matt Ence	General Counsel
Michael Jensen	Special District Specialist
Adam Daly	Bond Counsel

Absent:

Eric O. Leavitt	Trustee
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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 April 24, 2024, meeting, a copy of which is attached hereto as Exhibit A.

The following resolution was then introduced in written form, was fully discussed, and pursuant to motion duly made by Tyler Romeril, and seconded by Brett L. Warby, was adopted by the following vote:

AYE: Unanimous

NAY:

The resolution is as follows:

RESOLUTION NO. 2024-06

A RESOLUTION OF THE BOARD OF TRUSTEES (THE “BOARD”) OF IRON HORSE PUBLIC INFRASTRUCTURE DISTRICT (THE “DISTRICT”) TO CERTIFY A PETITION FOR WITHDRAWING APPROXIMATELY 1.76 ACRES FROM THE DISTRICT; AUTHORIZING THE PLAT AND 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 1.76 acres pursuant to Utah Code §17D-4-201(4)(a) of the Public Infrastructure District Act, Title 17D, Chapter 4 of the Utah Code (the “PID Act”) and relevant portions of the Limited Purpose Local Government Entities - Special 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 the Petition attached as Exhibit B 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 (hereafter the “Governing Document”) allows for the withdrawal; and

WHEREAS, the Governing Document defines an annexation area from which the District may withdraw property without seeking further consent or approval from the District’s creating entity; and

WHEREAS, the Property is within the allowable future annexation area as defined in the Governing Document; and

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 Impending Boundary Action attached hereto as Exhibit C (the “Boundary Notice”) and Final Local Entity Plat to be attached to the Boundary Notice upon finalization as Exhibit B (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 and shown on 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 April 24, 2024, the Board of Trustees (the "Board") of Iron Horse Public Infrastructure District (the "District") adopted a resolution to withdraw the following particularly described property in Iron County, State of Utah:

LOT 501 OF THE SADDLEBACK RIDGE SUBDIVISION, PHASE 5,
AS RECORDED IN THE OFFICE OF THE IRON COUNTY
RECORDER, 1.76 ACRES.

Parcel No. B-2012-0501-0000

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 30 days after the first date of publication (hereafter the "30-Day Contest Period"). If the Resolution is not contested by filing an action in district court within the 30-Day Contest Period, no person may contest the regularity, formality, or legality of the Resolution after the expiration of the 30-Day-Contest Period.

4. The Board does hereby authorize the Chair (or Vice-Chair) to execute the Boundary Notice in substantially the form attached as Exhibit C, 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, the District General Counsel, or the District's surveyor, 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. 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

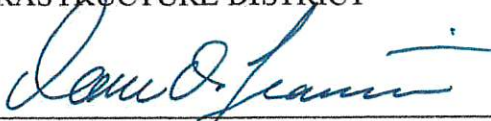
section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

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

8. This Resolution shall be effective upon passage by the Board of Trustees (hereafter the "Effective Date").

PASSED AND ADOPTED by the Board of Trustees of Iron Horse Public Infrastructure District effective as of the Effective Date set forth above.

IRON HORSE PUBLIC
INFRASTRUCTURE DISTRICT

By: 
Dane Leavitt, Chair

ATTEST:


By: 
Tyler Romeril, Secretary/Clerk

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Tyler Romeril, the undersigned clerk (or assistant clerk) of Iron Horse Public Infrastructure District (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 April 24, 2024, 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 April 24, 2024.

By: _____


Tyler Romeril, Clerk

SCHEDULE 1

NOTICE OF MEETING AND AGENDA

PUBLIC NOTICE AND AGENDA
IRON HORSE PUBLIC INFRASTRUCTURE DISTRICT
Board of Trustees
Special Meeting

NOTICE IS HEREBY GIVEN THAT THE BOARD OF TRUSTEES OF IRON HORSE PUBLIC INFRASTRUCTURE DISTRICT WILL HOLD A SPECIAL MEETING ON WEDNESDAY, APRIL 24, 2024, AT SNOW JENSEN & REECE, P.C., 912 W. 1600 S., SUITE B-200, ST. GEORGE, UTAH 84770
AT 9:00 am.

A. Call to Order

B. Public Comment

C. Preliminary Action Items

1. Approve the minutes of Board meeting held on April 5, 2024.

D. Action Items

1. Consider Re-approval of Resolution 2024-05: A Resolution of the Board of Trustees of Iron Horse Public Infrastructure District to certify a Petition for Annexing approximately 1360.426 acres into the District, Authorizing the Plat and other documents in connection.
2. Consider Re-approval of Resolution 2024-06: A Resolution of the Board of Trustees of Iron Horse Public Infrastructure District to certify a Petition for Withdrawal approximately 1.76 acres from the District; Authorizing the Plat and other Documents in connection.
3. Consider approval of Resolution 2024-07: a Resolution of the Board of Trustees of Iron Horse Public Infrastructure District declaring its intention to reimburse itself for expenditures incurred in connection with the Public Improvements and all related Improvements with proceeds of federally tax-exempt Bonds that it intends to issue; approving the amount of an initial reimbursement for public infrastructure costs expended; and related matters.
4. Consider approval of Resolution 2024-08: A Resolution, establishing the terms and conditions of an Assessment Ordinance for the Iron Horse Assessment Area #1 (the "Assessment Area"), authorizing the execution of an Designation Resolution and an Amended and Restated Assessment Ordinance for the Assessment Area; approving an

appraisal for the Assessment Area; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this Resolution; and related matters.

E. Administrative Non-Action Items

F. Other Items From Board Members

G. Adjourn

The District complies with the Americans with Disabilities Act by providing reasonable accommodations for those in need of assistance. Persons requesting accommodations for public meetings should call Jennifer Gowans at 435-628-3688 at least one full business day before the meeting. This meeting will be simulcast via Zoom so members of the Board and the public may participate electronically.

Motions relating to any of the items listed above, including final action, may be taken. Meetings may be closed for reasons allowed by statute.

This meeting can be accessed through Zoom at:

Join Zoom Meeting

<https://us06web.zoom.us/j/88603335713?pwd=GA8VbGV1i3SFb'o1YNI2l6J11ybPu.1>

Meeting ID: 886 0333 5713

Passcode: 663499

EXHIBIT B

WITHDRAWAL PETITION

**PETITION TO WITHDRAW PROPERTY FROM
IRON HORSE PUBLIC INFRASTRUCTURE DISTRICT**

TO: IRON HORSE PUBLIC INFRASTRUCTURE DISTRICT, a Utah public infrastructure district

FROM: Dane Leavitt & Ruth Leavitt, husband and wife as joint tenants (together "Petitioners")

DATE: April 5, 2024

This Petition to Withdraw Property from Iron Horse Public Infrastructure District (the "District") is submitted in accordance with Title 17D, Chapter 4, Section 201(3)(a), Utah Code Annotated 1953.

Petitioners hereby petition and consent to the withdrawal from the District of approximately 1.76 acres of property in Cedar City, Iron County, Utah, as more particularly described in EXHIBIT A (hereafter the "Property"). Petitioners acknowledge that upon receipt of this signed Petition, the District may enact a resolution to withdraw the Property.

The undersigned Petitioners are designated a sponsor, and Petitioner Dane Leavitt the contact sponsor, of this Petition.

In support of this Petition, Petitioners affirmatively represent, acknowledge, and certify the following matters:

1. When fully executed, this Petition contains the signatures of 100% of the surface property owners of the Property;
2. There are no registered voters residing in the Property;
3. The correct mailing address for Petitioners is provided on the signature page below;
4. Petitioners are the title owner of the Property as of the date of this Petition, and Petitioners will not convey any interest in any part of the Property within thirty (30) days of the date of this Petition (or following the recording of the withdrawal final local entity plat, in which case the conveyance is permitted);
5. Petitioners petition and consent to the District's withdrawal of the Property that is particularly described in EXHIBIT A and generally shown in the map attached hereto as EXHIBIT B;
6. The Property so described is located within the approved Annexation Area of the District; and

7. The Petitioners authorize the recording of a final local entity plat and notice of impending boundary action on the Property to confirm the new District boundaries.

The Petitioners, for themselves and for their successors in title and assigns, hereby waive any and all rights for contesting, protesting, or challenging the legality or validity of the creation and establishment of Iron Horse Public Infrastructure District and the adoption of any resolutions or ordinances by Cedar City in connection therewith. The Petitioners further acknowledge and understand that the District is governed by an appointed board of trustees that is currently constituted with the following members:

Dane Leavitt
G. Tyler Romeril
Eric O. Leavitt
Ronald J. Larsen
Brett L. Warby

The Petitioners represent and certify that they do not challenge the right of any board member to hold his or her position or office.

This Petition may be signed electronically and executed in counterparts, all of which may be treated for all purposes as an original and shall constitute and be one and the same Petition.

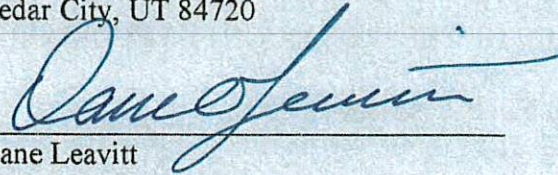
IN WITNESS WHEREOF, the Petitioners have each executed this Petition as of the date indicated above.

(signature pages follow)

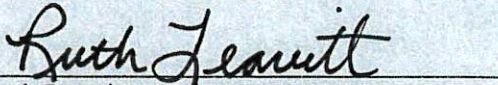
Made effective as of the date first set forth above.

**Dane Leavitt and Ruth Leavitt, Husband and
Wife as Joint Tenants**

240 S. 200 W.
Cedar City, UT 84720



Dane Leavitt

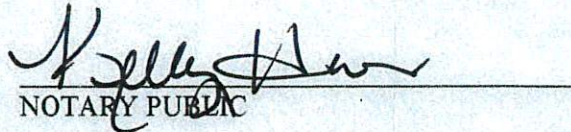


Ruth Leavitt

STATE OF UTAH)
 : ss.
COUNTY OF IRON)

On this 3rd day of April, 2024, personally appeared before me Dane Leavitt, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn did say that he executed the foregoing for the uses and purposes set forth herein.




NOTARY PUBLIC

STATE OF UTAH)
 : ss.
COUNTY OF IRON)

On this 3rd day of April, 2024, personally appeared before me Ruth Leavitt, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn did say that she executed the foregoing for the uses and purposes set forth herein.



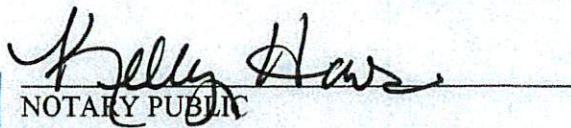

NOTARY PUBLIC

EXHIBIT A
LEGAL DESCRIPTION OF THE WITHDRAWAL PROPERTY

LOT 501 OF THE SADDLEBACK RIDGE SUBDIVISION, PHASE 5, AS RECORDED IN THE
OFFICE OF THE IRON COUNTY RECORDER, 1.76 ACRES

Parcel No. B-2012-0501-0000

EXHIBIT B MAP OF ANNEXATION PROPERTY

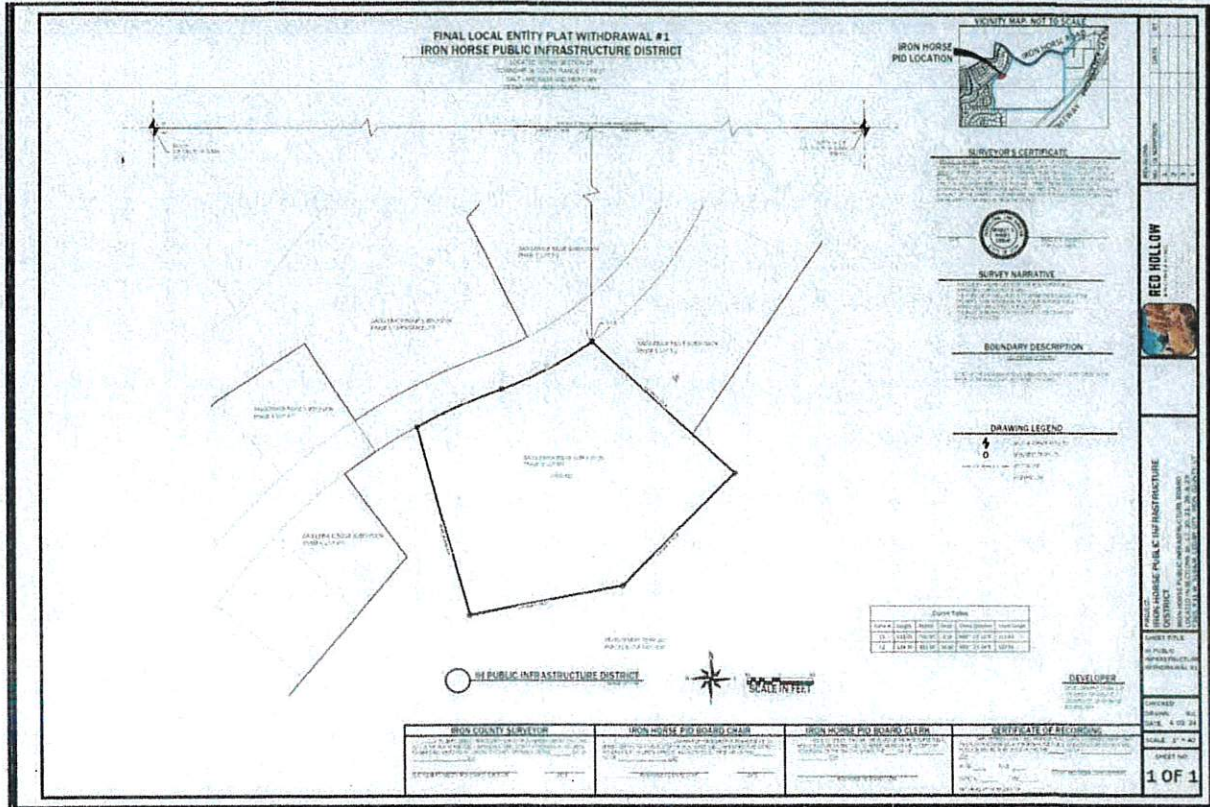


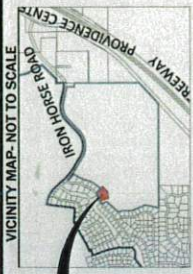
EXHIBIT C

NOTICE OF BOUNDARY ACTION

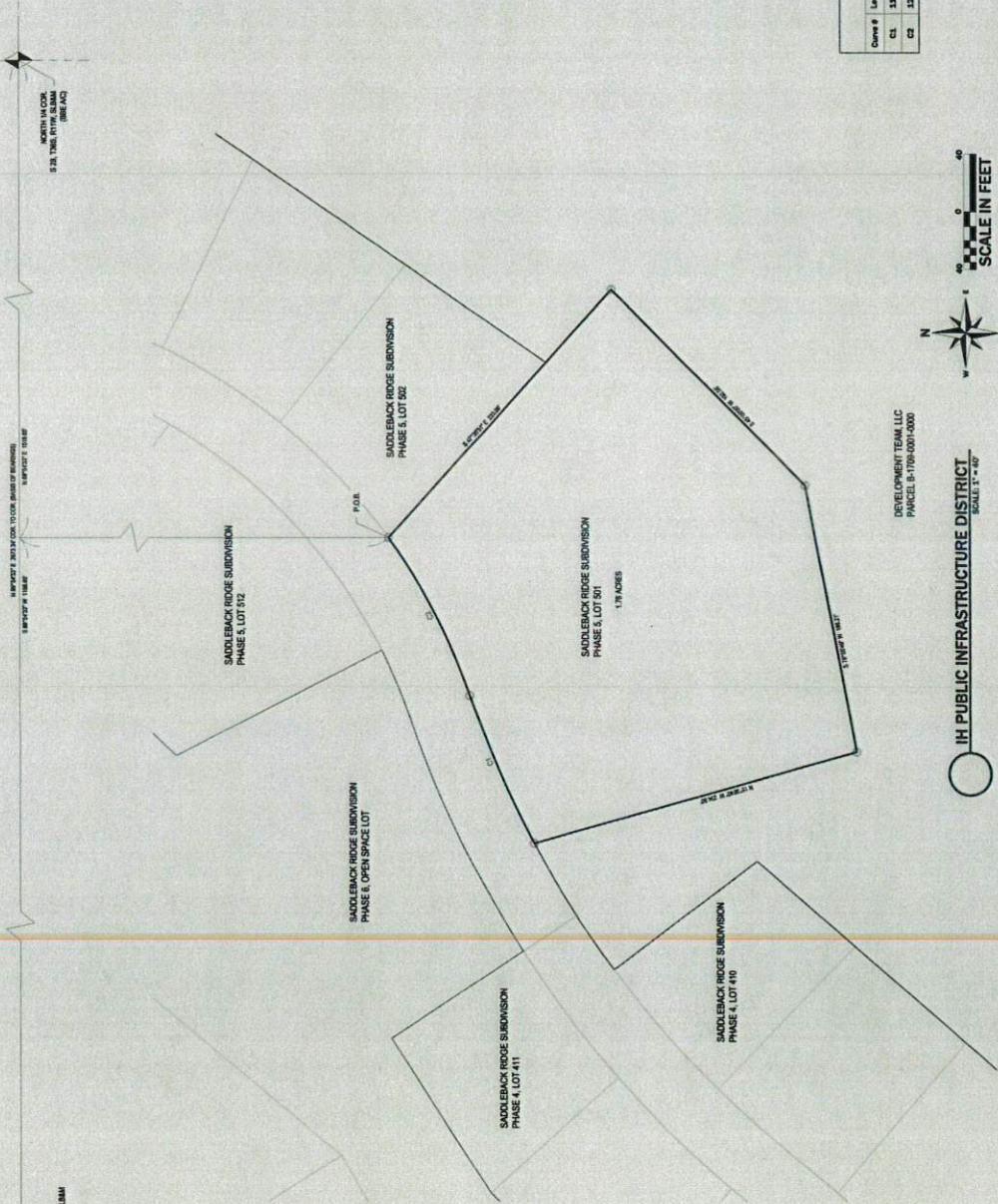


FINAL LOCAL ENTITY PLAT WITHDRAWAL #1
IRON HORSE PUBLIC INFRASTRUCTURE DISTRICT

LOCATED WITHIN SECTION 28
 TOWNSHIP 36 SOUTH, RANGE 11 WEST
 SALT LAKE BASE AND MERIDIAN
 CEDARK CITY, IRON COUNTY, UTAH



VICINITY MAP - NOT TO SCALE
 IRON HORSE PUD LOCATION



DEVELOPMENT TEAM, LLC
 PARCEL ID: 1700-0001-0000

IRON HORSE PUBLIC INFRASTRUCTURE DISTRICT
 SCALE: 1" = 40'

SCALE IN FEET

Curve Table

Curve #	Length	Radius	Delta	Chord Distance	Chord Length
C1	133.00'	700.00'	63.6°	1867.13'	151.89'
C2	134.00'	422.50'	102.7°	237.24'	123.56'

DRAWING LEGEND

- SECTION CORNER AS NOTED
- MONUMENT (PROF. COPY)
- SECTION LINE
- EASEMENT LINE

BOUNDARY DESCRIPTION

(DESCRIPTION OF DISTRICT)

LOT 501 OF THE SADDLEBACK RIDGE SUBDIVISION, PHASE 5, AS RECORDED IN THE OFFICE OF THE IRON COUNTY RECORDER, IN PARISH

SURVEY NARRATIVE

THIS SURVEY WAS CONDUCTED BY THE IRON HORSE PUBLIC INFRASTRUCTURE DISTRICT TO DEFINE THE BOUNDARY OF THE PHASE 5, LOT 501 OF THE SADDLEBACK RIDGE SUBDIVISION, PHASE 5, AS RECORDED IN THE OFFICE OF THE IRON COUNTY RECORDER, IN PARISH.

SURVEYOR'S CERTIFICATE

I, **BRADLEY W. WOODS**, PROFESSIONAL LAND SURVEYOR LICENSED UNDER TITLE 66, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT, HOLDING LICENSE NO. 10000, HAVE CONDUCTED THIS SURVEY IN ACCORDANCE WITH SECTION 17-2-20 OF UTAH STATE CODE, AND MAKE THIS MY OWN AND CORRECT REPRESENTATION OF SAID SURVEY. I HAVE BEEN ADVISED BY THE PROPERTY OWNERS AND BY THE AUTHORITY OF THE OWNERS, THAT I HAVE BEEN ADVISED THAT THE PROPERTY TO BE RECORDED FROM THIS DISTRICT.

DATE: 4/17/24
 SIGNATURE: *Bradley W. Woods*
 BRADLEY W. WOODS
 SURVEYOR # 10000



RED HOLLOW
 ENGINEERING
 PHONE: (435) 695-0825
 118 WEST 225 SOUTH
 CEDARK CITY, UTAH

REVISIONS
 NO. DESCRIPTION: DATE: BY:

PROJECT: IRON HORSE PUBLIC INFRASTRUCTURE DISTRICT
 SHEET TITLE: IRON HORSE PUBLIC INFRASTRUCTURE WITHDRAWAL #1
 LOCATION: LOCATED IN SECTIONS 16, 17, 20, 21, 28, & 29 T36S, R11 W, S184M, CEDARK CITY, IRON COUNTY, UT

CHECKED: RJL
 DRAWN: RJL
 DATE: 4/02/24

SCALE: 1" = 40'

SHEET NO: 1 OF 1

CERTIFICATE OF RECORDING
 I, **DAVID J. CLAY**, CLERK OF THE BOARD OF PUBLIC UTILITIES, HAVE REVIEWED THIS PLAT OF WITHDRAWAL FOR IRON HORSE PUBLIC INFRASTRUCTURE DISTRICT AND HAVE FOUND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH PUBLIC UTILITIES ACT. THIS PLAT OF WITHDRAWAL IS BEING RECORDED IN THE OFFICE OF THE IRON COUNTY RECORDER, IN PARISH, ON THIS DATE OF **APR 21, 2024**.
 COUNTY RECORDER: DAVID J. CLAY
 COUNTY RECORDER: DAVID J. CLAY
 COUNTY RECORDER: DAVID J. CLAY

IRON HORSE PUD BOARD CLERK
 I, **DAVID J. CLAY**, CLERK OF THE BOARD OF PUBLIC UTILITIES, HAVE REVIEWED THIS PLAT OF WITHDRAWAL FOR IRON HORSE PUBLIC INFRASTRUCTURE DISTRICT AND HAVE FOUND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH PUBLIC UTILITIES ACT. THIS PLAT OF WITHDRAWAL IS BEING RECORDED IN THE OFFICE OF THE IRON COUNTY RECORDER, IN PARISH, ON THIS DATE OF **APR 21, 2024**.
 COUNTY RECORDER: DAVID J. CLAY
 COUNTY RECORDER: DAVID J. CLAY

IRON HORSE PUD BOARD CHAIR
 I, **DAVID J. CLAY**, CHAIRMAN OF THE BOARD OF PUBLIC UTILITIES, HAVE REVIEWED THIS PLAT OF WITHDRAWAL FOR IRON HORSE PUBLIC INFRASTRUCTURE DISTRICT AND HAVE FOUND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH PUBLIC UTILITIES ACT. THIS PLAT OF WITHDRAWAL IS BEING RECORDED IN THE OFFICE OF THE IRON COUNTY RECORDER, IN PARISH, ON THIS DATE OF **APR 21, 2024**.
 COUNTY RECORDER: DAVID J. CLAY
 COUNTY RECORDER: DAVID J. CLAY

IRON COUNTY SURVEYOR
 I, **BRADLEY W. WOODS**, SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT OF WITHDRAWAL FOR IRON HORSE PUBLIC INFRASTRUCTURE DISTRICT WAS EXAMINED AND APPROVED ACCORDING TO COUNTY CODE ON THE 17TH DAY OF **APRIL**, 2024.
 COUNTY RECORDER: DAVID J. CLAY
 COUNTY RECORDER: DAVID J. CLAY

