

STATE OF UTAH



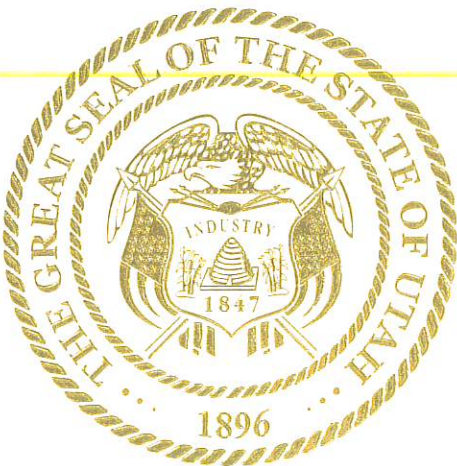
OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF INCORPORATION

I, Deidre M. Henderson, Lieutenant Governor of the State of Utah, hereby certify that there has been filed in my office a notice of incorporation for the POINT PHASE 1 PUBLIC INFRASTRUCTURE DISTRICT NO. 5 located in SALT LAKE COUNTY, dated JUNE 11, 2024, complying with §17B-1-215, 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 incorporation, referred to above, on file with the Office of the Lieutenant Governor pertaining to the POINT PHASE 1 PUBLIC INFRASTRUCTURE DISTRICT NO. 5, located in SALT LAKE COUNTY, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 28th day of June, 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

(Point Phase 1 Public Infrastructure District No. 5)

TO: The Lieutenant Governor, State of Utah

NOTICE IS HEREBY GIVEN that the Board of the Point of the Mountain State Land Authority (the "Board"), acting in its capacity as the creating entity for the Point Phase 1 Public Infrastructure District No. 5 (the "District"), at a regular meeting of the Board, duly convened pursuant to notice, on June 11, 2024 adopted a *Resolution Providing for the Creation of a Public Infrastructure District*, a true and correct copy of which is attached as APPENDIX "A" hereto and incorporated by this reference herein (the "Creation 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 Surveyor of Salt Lake County, Utah, is attached as APPENDIX "B" hereto and incorporated by this reference. The Board hereby certifies that all requirements applicable to the creation of the District, as more particularly described in the Creation Resolution, have been met. The District is not anticipated to result in the employment of personnel.

WHEREFORE, the Board hereby respectfully requests the issuance of a Certificate of Incorporation pursuant to and in conformance with the provisions of Utah Code Ann. §17B-1-215.

DATED this June 11, 2024.

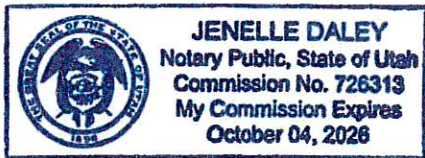
BOARD OF THE POINT OF THE MOUNTAIN STATE LAND AUTHORITY, acting in its capacity as the creating authority for POINT PHASE 1 PUBLIC INFRASTRUCTURE DISTRICT NO. 5

By: 
AUTHORIZED REPRESENTATIVE

VERIFICATION

STATE OF UTAH)
 :SS.
COUNTY OF SALT LAKE)

SUBSCRIBED AND SWORN to before me this 11th day of June, 2024.




NOTARY PUBLIC

Salt Lake City, Utah

June 11, 2024

The Board (the "Board") of the Point of the Mountain State Land Authority ("POMSLA") met in regular session (including by electronic means) on June 11, 2024, at its regular meeting place in the Utah State Senate Building, Room 210 at the hour of 9:00 a.m., with the following members of the Board being present:

Jordan Teuscher	X	Co-Chair
Lowry Snow	X	Co-Chair
April Cooper	X	Board Member
Ryan Starks		Board Member
Lincoln Fillmore	X	Board Member
Jeff Stenquist	X	Board Member
Dawn Ramsey	X	Board Member
Michael Ambre		Board Member
Jerry Stevenson	X	Board Member
Jenny Wilson	X	Board Member
Troy Walker	X	Board Member
Geoffery Landward		Board Member

Also Present:

Alan Matheson	Executive Director
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Absent:

After the meeting had been duly called to order and after other matters not pertinent to this Resolution had been discussed, a Certificate of Compliance with Open Meeting Law with respect to this June 11, 2024 meeting was presented to the Board, a copy of which is attached hereto as Exhibit A.

Thereupon, the following Resolution was introduced in writing, discussed, and pursuant to motion duly made by Board Member Troy Walker and seconded by Board Member Jenny Wilson adopted by the following vote:

AYE: 9

NAY: 0

The resolution is as follows:

THE POINT OF THE MOUNTAIN STATE LAND AUTHORITY BOARD RESOLUTION

Authorizing the creations of Public Infrastructure Districts 1 through 9 within Phase I

Resolution 2024-

*Approved by Resolution of
The Point of the Mountain State Land Authority Board
June 11, 2024*

A RESOLUTION OF THE BOARD (THE “BOARD”) OF THE POINT OF THE MOUNTAIN STATE LAND AUTHORITY (“POMSLA”), PROVIDING FOR THE CREATION OF THE POINT PHASE 1 PUBLIC INFRASTRUCTURE DISTRICTS NOS. 1 THROUGH 9 (COLLECTIVELY, THE “DISTRICTS”) AS INDEPENDENT BODIES CORPORATE AND POLITIC; AUTHORIZING AND APPROVING A GOVERNING DOCUMENT, AND NOTICES OF BOUNDARY ACTION; DELEGATING TO CERTAIN OFFICERS OF POMSLA THE AUTHORITY TO EXECUTE AND APPROVE THE FINAL TERMS AND PROVISIONS OF THE GOVERNING DOCUMENT, FINAL LOCAL ENTITY PLATS, THE NOTICES OF BOUNDARY ACTION AND ANY OTHER DOCUMENTS RELATED THERETO; APPROVING OF AN ANNEXATION AREA; AUTHORIZING THE DISTRICTS TO PROVIDE SERVICES RELATING TO THE FINANCING AND CONSTRUCTION OF PUBLIC INFRASTRUCTURE WITHIN THE ANNEXATION AREA; AUTHORIZING THE DISTRICTS TO PROVIDE SERVICES RELATING TO THE FINANCING AND CONSTRUCTION OF PUBLIC INFRASTRUCTURE WITHIN THE DISTRICTS’ AREA; APPOINTING A BOARD OF TRUSTEES FOR EACH OF THE DISTRICTS; AUTHORIZING OTHER DOCUMENTS IN CONNECTION THEREWITH; AND RELATED MATTERS.

WHEREAS, POMSLA desires to approve of the creation of up to nine public infrastructure districts 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 - Special Districts, Title 17B (together with the PID Act, the “District Act”) and the Point of the Mountain State Land Authority Act, Title 11, Chapter 59, Utah Code Annotated 1953, as amended (the “POMSLA Act” and together with the District Act, the “Act”) within the boundaries of the Point of the Mountain State Land (as defined in the POMSLA Act) and approving an annexation area (the “Annexation Area”) which the Districts may annex into therein, as further described in Governing Document Exhibits A and C (as hereinafter defined) for the purpose of financing public infrastructure costs; and

WHEREAS, pursuant to the terms of the Act, POMSLA may create one or more public infrastructure districts by adoption of a resolution of the Board and with consent of 100% of all surface property owners proposed to be included in the Districts (the “Property Owners”); and

WHEREAS, the State of Utah Division of Finance (the "Owner") is the owner of the Point of the Mountain State Land, and has agreed and will formally consent to the creation of the Districts; and

WHEREAS, according to attestations to be filed with POMSLA, each board member of the Districts appointed under this Resolution is registered to vote at their primary residence and is further eligible to serve as a board member of the Districts under Section 17D-4-202(3)(c) of the PID Act; and

WHEREAS, the governance of the Districts shall be in accordance with the PID Act and the terms of a governing document (the "Governing Document") attached hereto as Exhibit B; and

WHEREAS, pursuant to the requirements of the Act, there shall be signed, authenticated, and submitted by bond counsel to the Office of the Lieutenant Governor of the State of Utah for each of the Districts a "Notice of Boundary Action" attached hereto as Exhibit C (the "Boundary Notices") and a Final Entity Plat to be attached thereto as Boundary Notices Appendix B (or as shall be finalized in accordance with the boundaries approved hereunder) (the "Plat").

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

1. The Districts are hereby created as separate entities from POMSLA in accordance with the Governing Document and the Act. The boundaries of the Districts shall be as set forth in the Governing Document and the Plats.

2. Pursuant to the terms of the PID Act, the Board does hereby approve the annexation of any area within the Annexation Area Boundaries into the Districts and further approves withdrawal of any area within the Initial District Boundaries (as defined in the Governing Document) or Annexation Area Boundaries from the Districts, upon compliance with the terms of the PID Act and the Governing Document.

3. The Board hereby authorizes the Districts to provide services relating to the financing and construction of public infrastructure within the Annexation Area upon annexation thereof into the Districts under Utah Code 17B-1-407, or resolutions of POMSLA under Utah Code 17B-1-408.

4. It is hereby found and determined by the Board that the creation of the Districts is appropriate to the general welfare, order and security of the development of the Point of the Mountain State Land Authority, and the organization of the Districts pursuant to the PID Act is hereby approved.

5. The Governing Document in the form presented to this meeting and attached hereto as Exhibits B are hereby authorized and approved and the Districts shall be governed by the terms thereof and applicable law. The Executive Director of POMSLA is hereby authorized to correct errors or omissions in the Governing Document and to finalize and amend the terms thereof.

6. [The Trustees of each Board of Districts shall be initially composed of the same members.] The Board of each District is hereby appointed as follows:

- (a) Trustee 1 – Robert Booth, for an initial 6-year term;
- (b) Trustee 2 – Jay Hardy, for an initial 4-year term;
- (c) Trustee 3 – Zachary Clegg, for an initial 6-year term;
- (d) Trustee 4 – Trever Nicoll, for an initial 4-year term; and
- (e) Trustee 5 – To be appointed by POMSLA Board Chairs, for an initial 6-year term.

Such terms shall commence on the date of issuance of a Certificate of Creation by the Office of the Lieutenant Governor of the State of Utah.

7. The POMSLA Board does hereby authorize the Board Co-Chair or Executive Director to execute the Boundary Notices in substantially the form attached as Exhibit C and such other documents as shall be required to finalize the actions contemplated herein on behalf of the Board for submission to the Office of the Lieutenant Governor of the State of Utah.

8. Prior to recordation of the certificates of incorporation of the Districts on the records of Salt Lake County, the Board does hereby authorize the Board Co-Chair or Executive Director, or their designee to make any corrections, deletions, or additions to the Governing Document, and the Boundary Notices 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 any resolution adopted by the Board or the provisions of the laws of the State of Utah or the United States (provided that the debt and mill levy limitations established therein may not be modified pursuant to this provision).

9. The Board of Trustees of the Districts (the “District Boards”) are hereby authorized and directed to record such Governing Document with the recorder of Salt Lake County within thirty (30) days of the issuance of a Certificate of Creation by the Office of the Lieutenant Governor of the State of Utah.

10. 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.

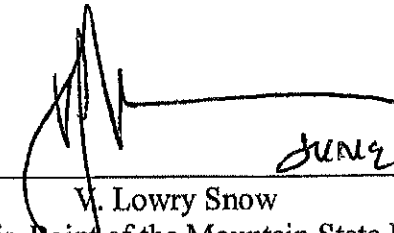
11. All acts, orders and resolutions, and parts thereof in conflict with this Resolution be, and the same are hereby, rescinded.

12. The Board, as the manager of the Point of the Mountain State Land, hereby directs the Owner to execute a consent to the creation of the Districts (the “Consent”).


13. This resolution shall take effect immediately upon receipt of the Consent, as certified in writing by any one of the Board Co-Chairs or Executive Director.

PASSED AND ADOPTED by the Board of the Point of the Mountain State Land Authority, this June 11, 2024.

POINT OF THE MOUNTAIN STATE LAND
AUTHORITY

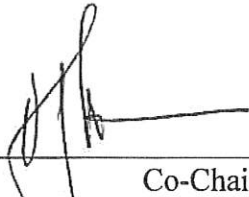
By:  June 11, 2024
W. Lowry Snow
Co-Chair, Point of the Mountain State Land
Authority

ATTEST:

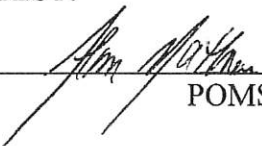
By:  _____
POMS LA Staff

(Here follows other business not pertinent to the above.)

Pursuant to motion duly made and seconded, the meeting of the Board of the Point of the Mountain State Land Authority adjourned.

By: 
Co-Chair
V. Lowmy Snow
June 11, 2024

ATTEST:

By: 
POMSLA Staff

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

I, C. Niederhauser the undersigned duly qualified and acting Admin. Exec. of the Point of the Mountain State Land Authority ("POMSLA"), do hereby certify as follows:

The foregoing pages are a true, correct, and complete copy of the record of proceedings of the Board (the "Board"), had and taken at a lawful meeting of the Board on June 11, 2024, commencing at the hour of 9:00 a.m., as recorded in the regular official book of the proceedings of the Board kept in my office, and said proceedings were duly had and taken as therein shown, and the meeting therein shown was duly held, and the persons therein were present at said meeting as therein shown.

All members of the Board were duly notified of said meeting, pursuant to law.

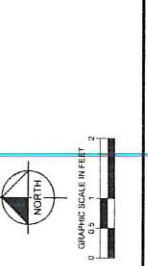
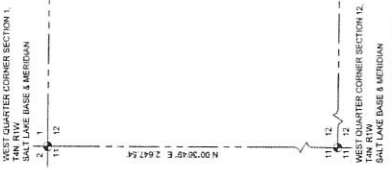
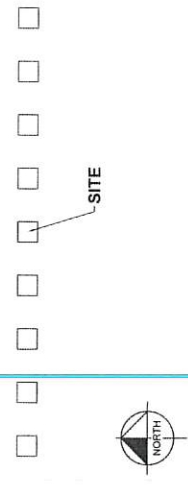
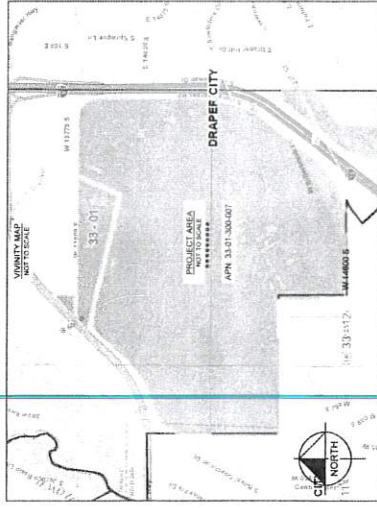
IN WITNESS WHEREOF, I have hereunto set my hand, this June 16, 2024.

By: Cee Cee Niederhauser
Cee Cee Niederhauser (Jun 18, 2024 16:24 MDT)
POMSLA Staff

POINT PHASE 1 PUBLIC INFRASTRUCTURE DISTRICT NO. 5

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, CITY OF DRAPER, SALT LAKE COUNTY, UTAH

LEGAL DESCRIPTION
THAT CERTAIN PART OF THE SOUTHWEST QUARTER CORNER OF SECTION 1, TOWNSHIP 4 SOUTH RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, CITY OF DRAPER, SALT LAKE COUNTY, UTAH, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE CENTER QUARTER CORNER OF SECTION 12, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 12 BEARS NORTH 0°00'00" WEST 7,660.71 FEET TO POINT MARKED BY A 2" IRON PIN,
THENCE NORTH 0°00'00" WEST 100 FEET TO THE POINT OF BEGINNING OF THE RECONSTRUCTION OF SAID SECTION 12 BEARS NORTH 0°00'00" WEST 7,660.71 FEET TO POINT MARKED BY A 2" IRON PIN,
THENCE SOUTH 0°00'00" WEST 100 FEET TO POINT MARKED BY A 2" IRON PIN,
THENCE NORTH 0°00'00" EAST 100 FEET TO POINT MARKED BY A 2" IRON PIN,
THENCE SOUTH 0°00'00" WEST 100 FEET TO POINT MARKED BY A 2" IRON PIN,
CONTAINING 20.00 ACRES, 871,200.00 SQUARE FEET.



POINT OF THE MOUNTAIN STATE LAND AUTHORITY
APPROVED AND CERTIFIED ON THIS 19th DAY of JULY 2024
BY _____
REGISTERED PROFESSIONAL SURVEYOR

SALT LAKE COUNTY SURVEYOR
APPROVED AND CERTIFIED ON THIS 19th DAY of JULY 2024
BY _____
REGISTERED PROFESSIONAL SURVEYOR

I BRAD DALEY HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR LICENSED BY THE STATE OF UTAH AND THAT I HOLD LICENSE NO. 259684 AS PREScribed UNDER LAWS OF THE STATE OF UTAH AND UNDER MY SUPERVISION AND THAT THE MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED HEREON. HEIGHTS TO BE TAKEN AS POINT THOSE I POINT APPROXIMATELY GROUND (NO. 1).
DATE OF PLAT: JUNE 10, 2024
PROFESSIONAL LAND SURVEYOR
BRAD DALEY, P.L.S.
LICENSE NO. 259684



RECORDED
STATE OF UTAH, COUNTY OF SALT LAKE, AND FIELD AT THE REQUEST OF _____
SALT LAKE COUNTY ENCLOSURE
FILE BOOK PAGE
DATE DATE ENTRY NO. _____

Kimley & Horn
111 East Broadway, Salt Lake City, UT 84111
TEL: (801) 225-3128
FAX: (801) 225-3118

SHEET 1 OF 1

