

STATE OF UTAH

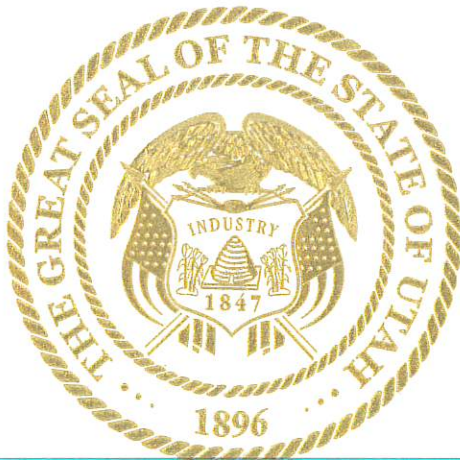


OFFICE OF THE LIEUTENANT GOVERNOR

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 GATEWAY PUBLIC INFRASTRUCTURE DISTRICT NO. 1 located in SYRACUSE CITY, dated AUGUST 13, 2024, complying with §17B-1-215, Utah Code Annotated, 1953, as amended.

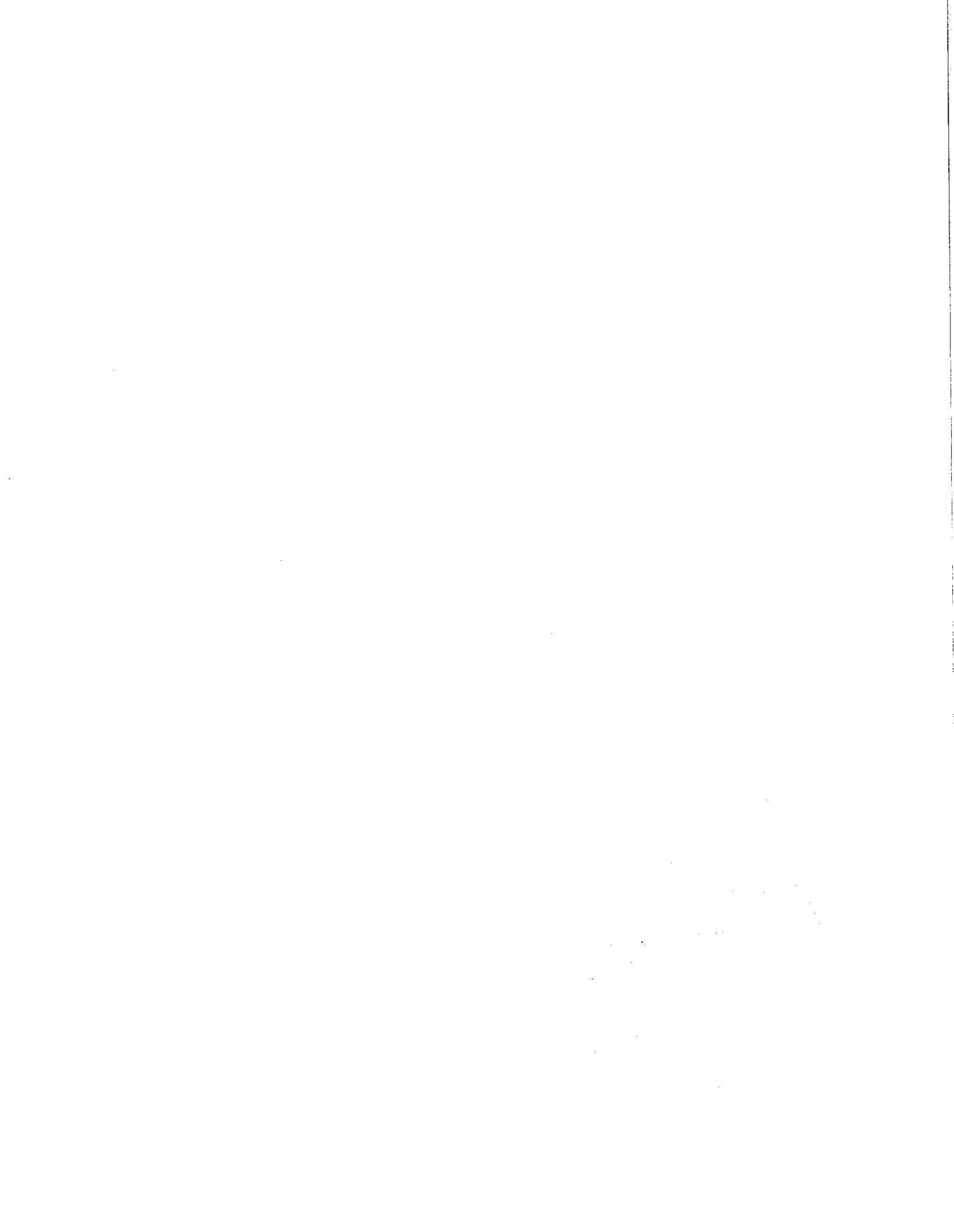
Now, therefore, notice is hereby given to all whom it may concern that the attached is a true and correct copy of the notice of incorporation, referred to above, on file with the Office of the Lieutenant Governor pertaining to the GATEWAY PUBLIC INFRASTRUCTURE DISTRICT NO. 1, located in DAVIS COUNTY, State of Utah.



IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 26<sup>th</sup> day of August, 2024 at Salt Lake City, Utah.

A handwritten signature in black ink that reads "Deidre M. Henderson".

DEIDRE M. HENDERSON  
Lieutenant Governor



**NOTICE OF IMPENDING BOUNDARY ACTION**

**(Gateway Public Infrastructure District No. 1)**

**TO: The Lieutenant Governor, State of Utah**

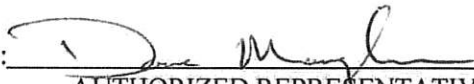
**NOTICE IS HEREBY GIVEN** that the City Council of Syracuse City, Utah (the "Council"), acting in its capacity as the creating entity for the Gateway Public Infrastructure District No. 1 (the "District"), at a regular meeting of the Council, duly convened pursuant to notice, on August 13, 2024 adopted 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 Davis County, Utah, is attached as APPENDIX "B" hereto and incorporated by this reference. The Council 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 Council 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 August 13, 2024.

**CITY COUNCIL OF SYRACUSE CITY, UTAH,  
acting in its capacity as the creating authority for  
GATEWAY PUBLIC INFRASTRUCTURE  
DISTRICT NO. 1**

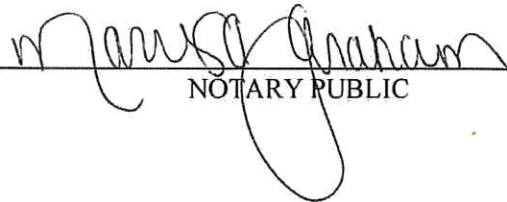
By:   
AUTHORIZED REPRESENTATIVE

**VERIFICATION**

STATE OF UTAH            )  
                                      :SS.  
COUNTY OF DAVIS        )



SUBSCRIBED AND SWORN to before me this 15 day of AUGUST, 2024.

  
NOTARY PUBLIC





Syracuse, Utah

August 13, 2024

The City Council (the "Council") of Syracuse City, Utah (the "City"), met in regular session (including by electronic means) on August 13, 2024, at its regular meeting place in Syracuse, Utah at 6:00 p.m., with the following members of the Council being present:

Dave Maughan	Mayor
Jennifer Carver	Councilmember
Brett Cragun	Councilmember
Julie Robertson	Councilmember
Jordan Savage	Councilmember
Paul Watson	Councilmember

Also present:

Cassie Brown	City Recorder
Colin Winchester	City Attorney

Absent: None

After the meeting had been duly called to order and after other matters not pertinent to this Resolution had been discussed, the City Recorder presented to the Council a Certificate of Compliance with Open Meeting Law with respect to this August 13, 2024, 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 Councilmember Savage and seconded by Councilmember Watson adopted by the following vote:

AYE: Councilmembers Cragun, Robertson, Savage, and Watson

NAY: Councilmember Carver

The resolution was later signed by the Mayor and recorded by the City Recorder in the official records of the City. The resolution is as follows:



RESOLUTION R24-31

A RESOLUTION OF THE CITY COUNCIL (THE "COUNCIL") OF SYRACUSE CITY, UTAH (THE "CITY"), PROVIDING FOR THE CREATION OF THE GATEWAY PUBLIC INFRASTRUCTURE DISTRICT NO. 1 (THE "DISTRICT") AS AN INDEPENDENT DISTRICT; AUTHORIZING AND APPROVING A GOVERNING DOCUMENT; APPOINTING A BOARD OF TRUSTEES; AUTHORIZING OTHER DOCUMENTS IN CONNECTION THEREWITH; AND RELATED MATTERS.

WHEREAS, a petition (the "Petition") was filed with the City requesting adoption by resolution the approval of the creation of one Public Infrastructure District 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 "Act") within the City and the annexation or withdrawal of any portion of the boundaries of the District therefrom without further approval or hearings of the City or the Council, as further described in the Governing Document (as hereinafter defined) for the purpose of financing public infrastructure costs; and

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

WHEREAS, the Petition, containing the consent of such Property Owners has been certified by the Recorder of the City pursuant to the Act and it is in the best interests of the Property Owners that the creation of the District be authorized in the manner and for the purposes hereinafter set forth; and

WHEREAS, the City, prior to consideration of this Resolution, held public hearings after 6:00 p.m. to receive input from the public regarding the creation of the District and the Property Owners have waived the 60-day protest period pursuant to Section 17D-4-201 of the PID Act; and

WHEREAS, the hearing on the Petition was held at the City Hall because there is no reasonable place to hold a public hearing within the District's boundaries, and the hearing at the City Hall was held as close to the applicable area as reasonably possible; and

WHEREAS, the City properly published notice of the public hearing in compliance with Section 17B-1-211(1) of the Act; and

WHEREAS, none of the Property Owners submitted a withdrawal of consent to the creation of the District before the public hearing on the Petition; and

WHEREAS, according to attestations filed with the City, each board member appointed under this Resolution is registered to vote at their primary residence and is further eligible to serve as a board member of the District under Section 17D-4-202(c) of the PID Act because they are agents of property owners within the District's boundaries (as further set forth in the Petition); and





WHEREAS, it is necessary to authorize the creation of the District under and in compliance with the laws of the State of Utah and to authorize other actions in connection therewith and incorporated herein by reference; and

WHEREAS, the governance of the District 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 to the Office of the Lieutenant Governor of the State of Utah for the District a Notice of Boundary Action attached hereto as Exhibit C (the "Boundary Notice") and Final Entity Plat attached as Boundary Notice Appendix B (or as shall be finalized in accordance with the boundaries approved hereunder) (the "Plat").

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL, 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 Council and by officers of the Council directed toward the creation and establishment of the District, are hereby ratified, approved and confirmed.

2. The District is hereby created as a separate entity from the City in accordance with the Governing Document and the Act. The boundaries of the District shall be as set forth in the Governing Document and the Plat.

3. Pursuant to the terms of the PID Act, the Council does hereby approve the withdrawal of any area within the District Boundaries from the District without any further action, hearings, or resolutions of the Council or the City, upon compliance with the terms of the PID Act and the Governing Document.

4. The Council does hereby authorize the District to provide services relating to the financing and construction of public infrastructure within and without the District Boundaries.

5. It is hereby found and determined by the Council that the creation of the District is appropriate to the general welfare, order and security of the City, and the organization of the District pursuant to the PID Act is hereby approved.

6. The Governing Document in the form presented to this meeting and attached hereto as Exhibit B is hereby authorized and approved and the District shall be governed by the terms thereof and applicable law.

7. The initial Board of the District is hereby appointed as follows:

- (a) Trustee 1 – Dale Cook, for an initial 6-year term;
- (b) Trustee 2 – Bill Bockman, for an initial 6-year term; and
- (c) Trustee 3 – John Shaw, for an initial 4-year term.





(f) 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.

8. The Council does hereby authorize the Mayor or a Councilmember to execute the Boundary Notice in substantially the form attached as Exhibit C, the Plat, and such other documents as shall be required to accomplish the actions contemplated herein on behalf of the Council for submission to the Office of the Lieutenant Governor of the State of Utah.

9. Prior to recordation of a certificate of creation the District, the Council does hereby authorize the Mayor, a Councilmember, the City Attorney, or the City Manager to make any corrections, deletions, or additions to the Governing Document, and 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 any resolution adopted by the Council or the provisions of the laws of the State of Utah or the United States.

10. The Boards of Trustees of the District is hereby authorized and directed to record such Governing Document with the recorder of the Davis County within thirty (30) days of the issuance of the Certificate of Creation by the Office of the Lieutenant Governor of the State of Utah.

11. 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.

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

13. This resolution shall take effect immediately.



PASSED AND ADOPTED by the City Council of Syracuse City, Utah, this August 13, 2024.

SYRACUSE, UTAH



By: *Dave Maglar*  
Mayor

ATTEST:

By: *AR*  
City Recorder



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

Pursuant to motion duly made and seconded, the meeting of the Council of the City adjourned.



By: T. Dave Mangrum  
Mayor

ATTEST:

By: [Signature]  
City Recorder









EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Cassie Brown, the undersigned City Recorder of Syracuse City, Utah (the "City"), do hereby certify that I gave written public notice of the agenda, date, time and place of the regular meeting held by the Council (the "Council") on August 13, 2024, not less than twenty-four (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) causing a Notice, in the form attached hereto as Schedule 1, to be posted at the City's principal offices 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;

(b) 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; and

(c) causing a copy of such notice, in the form attached hereto as Schedule 1 to be posted on the City's official website at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2024 Annual Meeting Schedule for the Council (attached hereto as Schedule 2) was given specifying the date, time and place of the regular meetings of the Council of the City to be held during the year, by causing said Notice to be posted at least annually (a) on the Utah Public Notice Website created under Section 63A-16-601, Utah Code Annotated 1953, as amended, (b) on the City's official website and (c) in a public location within the City that is reasonably likely to be seen by residents of the City.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this August 13, 2024.

By:   
City Recorder



SCHEDULE 1

NOTICE OF MEETING AND AGENDA







## SYRACUSE CITY

Syracuse City Council Business Meeting - **\*\*AMENDED AGENDA\*\***  
August 13, 2024 – immediately following the Truth in Taxation  
Hearing, which begins at 6:00 p.m.

In-Person Location: Syracuse City Hall, 1979 W. 1900 S.

Electronic Via Zoom

Connect via telephone: +1-301-715-8592 US, meeting ID: 883 7680 8099

Streamed on Syracuse City YouTube Channel

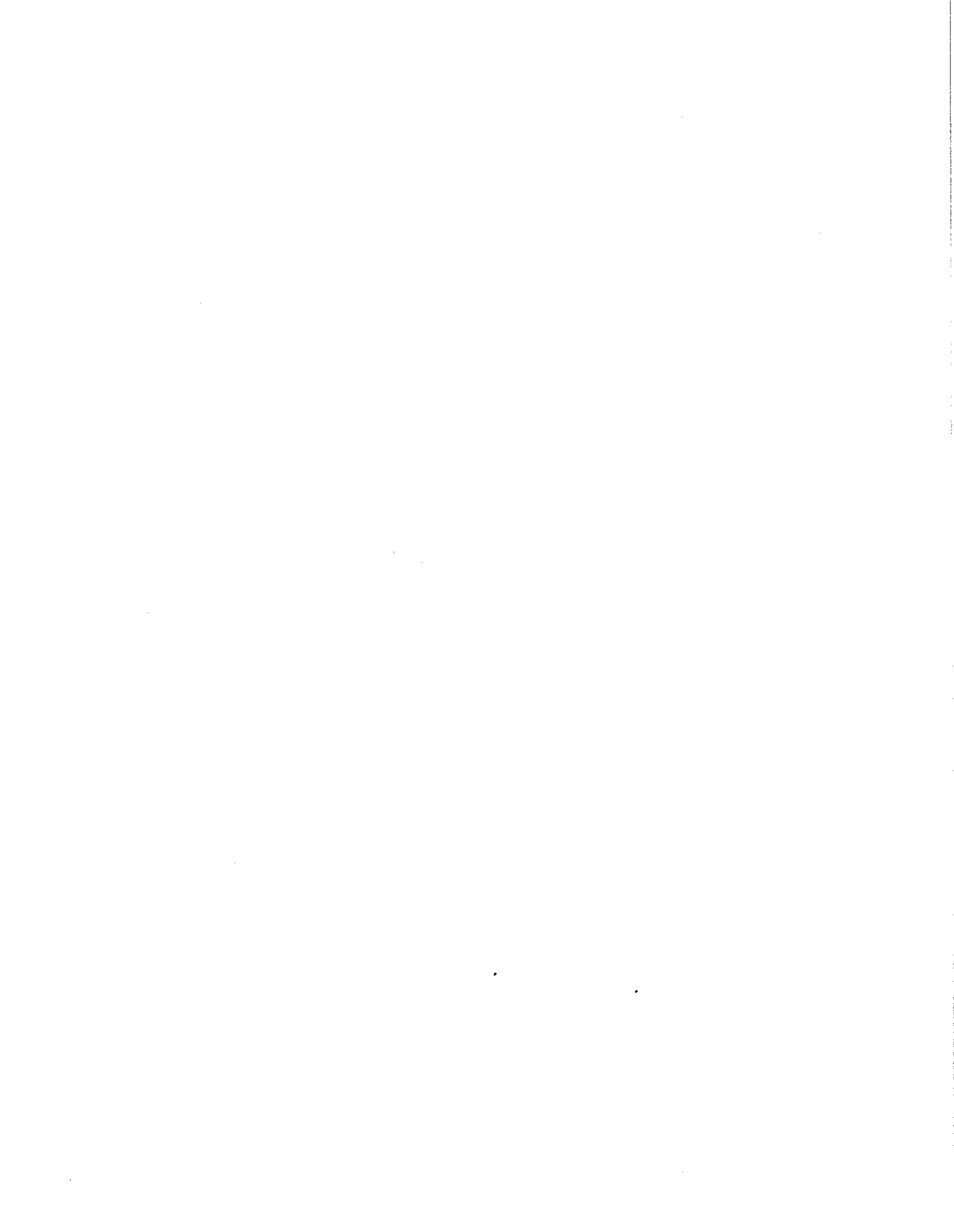
1. Meeting called to order.  
Adopt agenda.
2. Public Comment: This is an opportunity to address the Council regarding your concerns or ideas. Please limit your comments to three minutes. (*Individuals wishing to provide public comment may do so via email to City Recorder Cassie Brown, [cassieb@syracuseut.gov](mailto:cassieb@syracuseut.gov), by 4:00 p.m. on August 13, 2024. Comments submitted by the deadline will be read for the record of the meeting.*)
3. Approval of Minutes: (2 min.)
  - a. July 9, 2024 City Council Business Meeting.
  - b. July 23, 2024 Special City Council Business Meeting.
4. Proposed Resolution R24-30 re-appointing Leanna Hamblin and appointing Jason Anderson, Daphne Lynch, and McKenzie Buckway to the Syracuse City Arts Council. (5 min.)
5. **\*\*Proposed Resolution R23-33 amending the bylaws of the Syracuse City Arts Council. (5 min.)\*\***
6. Public Hearing: Proposed Resolution R24-31 providing for the creation of the Gateway Public Infrastructure District No. 1 (PID) as an independent District; authorizing and approving a governing document; appointing a Board of Trustees; authorizing other documents in connection therewith; and related matters. (10 min.)
7. Proposed Ordinance 2024-18 adopting the Syracuse WDC Gateway Community Reinvestment Area (CRA) Project Area Plan and Budget. (5 min.)
8. Proposed Resolution R24-32 authorizing the execution of an interlocal agreement with the Syracuse City Redevelopment Agency (RDA) relating to the diversion of property tax for the Syracuse WDC Gateway Community Reinvestment Area (CRA). (5 min.)
9. Public Comment: This is an opportunity to address the Council regarding your concerns or ideas. Please limit your comments to three minutes. (*Individuals wishing to provide public comment may do so via email to City Recorder Cassie Brown, [cassieb@syracuseut.gov](mailto:cassieb@syracuseut.gov), by 4:00 p.m. on August 13, 2024. Comments submitted by the deadline will be read for the record of the meeting.*)
10. Mayor/Council announcements.
11. **\*\*Recess to convene in Special Redevelopment Agency (RDA) meeting.**
12. **Reconvene in City Council meeting.**
13. **Consideration of adjourning into Closed Executive Session pursuant to the provisions of Section 52-4-205 of the Open and Public Meetings Law for the purpose of discussing the character, professional competence, or physical or mental health of an individual; pending or reasonably imminent litigation; or the purchase, exchange, or lease of real property (if necessary).**  
\*\*
14. Adjourn.

In compliance with the Americans Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the City Offices at 801-825-1477 at least 48 hours in advance of the meeting.

### CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Syracuse City limits on this 8<sup>TH</sup> day of August, 2024 at Syracuse City Hall on the City Hall Notice Board and at <http://www.syracuseut.gov>. A copy was also provided to the Standard-Examiner on August 8, 2024.

CASSIE Z. BROWN, MMC  
SYRACUSE CITY RECORDER



**NOTICE OF PUBLIC HEARING REGARDING THE CREATION OF A PUBLIC  
INFRASTRUCTURE DISTRICT BY SYRACUSE CITY, UTAH**

July 18, 2024

This notice is furnished by the City Council (the “Council”) of Syracuse City, Utah (the “City”) to provide notice of a public hearing to be held by the Council on **August 13, 2024 at or after 6 P.M.** The public hearing is regarding the proposed creation of the Gateway Public Infrastructure District No. 1 (the “Proposed District”) and to allow for public input on (i) whether the requested service (described below) is needed in the area of the Proposed District, (ii) whether the service should be provided by the City or the Proposed District, and (iii) all other matters relating to the Proposed District.

Because consent to the creation of the Proposed District and waiver of the protest period has been obtained from all property owners and registered voters within the boundaries of the Proposed District, pursuant to Section 17D-4-201 of the Utah Code, the City may adopt a resolution creating the Proposed District immediately after holding the public hearing described herein or on any date thereafter. **Any withdrawal of consent to creation or protest of the creation of the Proposed District by an affected property owner must be submitted to the City prior to the public hearing described herein.**

**Meeting Information:**

Held By: The City Council of Syracuse City, Utah

Date and Time: August 13, 2024 at or after 6 P.M.

Location:

Syracuse City Hall

1979 W 1900 S

Syracuse, Utah 84075

**Proposed District Boundaries:**

A legal descriptions and map for the Proposed District is attached as **Appendix A** In addition, it is anticipated that the Proposed District would be authorized to adjust their boundaries through withdrawal of properties, so long as such properties are within the proposed inclusion area, as shown on the map attached as **Appendix C** and certain requirements as established in a governing document have been met.



**Summary of Proposed Resolutions:**

The proposed resolutions regarding the creation of the Proposed District contains consideration of approval of the following items:

- Creation of the Proposed District with the initial boundaries as described herein
- Establishment of a Board of Trustees for each District, each comprised as follows:
  - Trustee 1 – Dale Cook, for an initial 6-year term;
  - Trustee 2 – John Shaw, for an initial 6-year term; and
  - Trustee 3 – Bill Bockman, for an initial 4-year term.
- Authorization for execution by the City of Notices of Boundary Action and Final Entity Plat
- Approval of a Governing Document and Interlocal Agreement for the Proposed District:
  - Permitting the Proposed District to impose assessments, which, for parcels zoned residential, must be paid prior to the transfer or title with respect to such residential parcel
  - Permitting the Proposed District to issue debt repayable from special assessments, and other revenues of the District

**Proposed Service:**

**Gateway Public Infrastructure District No. 1** are proposed to be created for the purpose of financing the construction of public infrastructure relating to the WDC Gateway development (the “Project”), as permitted under the Special District Act, Title 17B, Chapter 1, Utah Code Annotated 1953 and the Public Infrastructure District Act, Title 17D, Chapter 4, Utah Code Annotated 1953.

Sincerely,

The City Council of Syracuse City,  
Utah





## APPENDIX A

### PROPOSED DISTRICT BOUNDARIES

#### Legal Description (District Boundaries)

A parcel of land, situate in the Northeast Quarter of Section 17, Township 4 North, Range 2 West, Salt Lake Base and Meridian, said parcel also located in Syracuse City, Davis County, Utah, being more particularly described as follows:

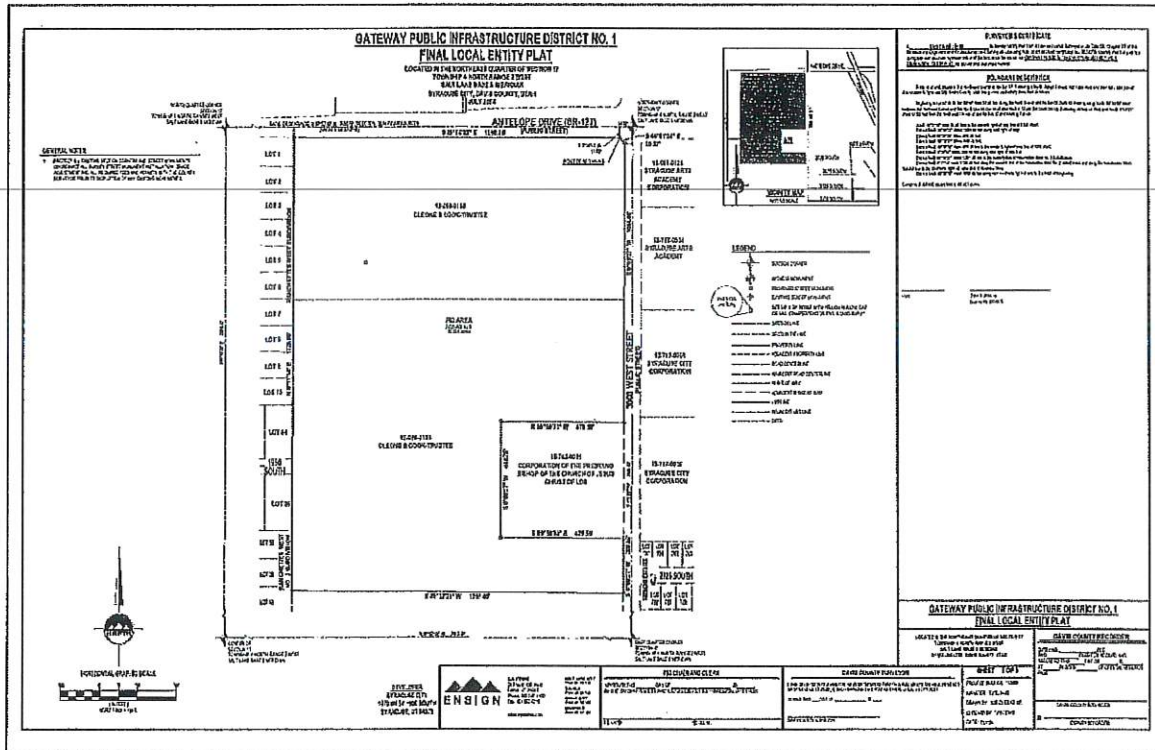
Beginning at a point 54.52 feet along the North line of said Section 17, and South 0°06'11" West 41.53 feet (NAD83 Bearing being North 89°33'23" West between the Northeast Corner and the North Quarter Corner of said Section 17 per the Davis County Township Reference Plat) from the Northeast Corner of said Section 17 and running thence:

South 44°51'28" East 30.37 feet to the westerly right-of-way line of 3000 West;  
thence South 00°09'27" West 1064.86 feet along said right-of-way;  
thence North 89°50'33" West 479.59 feet;  
thence South 00°09'27" West 440.75 feet;  
thence South 89°50'33" East 479.59 feet to the westerly right-of-way line of 3000 West;  
thence South 0°09'27" West 209.66 feet along said right-of-way line;  
thence North 89°32'21" West 1291.85 feet to the easterly line of Ranchettes West No. 2 Subdivision;  
thence North 0°11'14" East 1728.06 feet along the easterly line of the Ranchettes West No. 2 Subdivision and along the Ranchettes West Subdivision to the southerly right-of-way line of Antelope Drive;  
thence South 89°55'30" East 1269.46 feet along said southerly right-of-way to the Point of Beginning.

Contains: 2,025,602 square feet or 46.50 acres.



**APPENDIX B**  
**MAP OF PROPOSED DISTRICT BOUNDARIES**  
**District Boundaries Map**





SCHEDULE 2

NOTICE OF ANNUAL MEETING SCHEDULE



ANNUAL NOTICE OF MEETING SCHEDULE

NOTICE IS HEREBY GIVEN THAT THE MEETING SCHEDULE FOR THE SYRACUSE CITY COUNCIL FOR 2024 WILL BE AS FOLLOWS: ON THE SECOND TUESDAY OF THE MONTH THE COUNCIL WILL MEET IN A BUSINESS MEETING AT 6:00 P.M. ON THE FOURTH TUESDAY OF THE MONTH THE COUNCIL WILL MEET IN A WORK SESSION AT 6:00 P.M. MEETINGS WILL BE HELD AT CITY HALL, 1979 WEST 1900 SOUTH, SYRACUSE, UTAH. EXCEPTIONS TO THIS SCHEDULE WILL BE ANNOUNCED AND POSTED IN ADVANCE.

CASSIE Z. BROWN, MMC  
SYRACUSE CITY RECORDER

DATED: JANUARY 4, 2024





EXHIBIT B  
GOVERNING DOCUMENT



**GOVERNING DOCUMENT  
FOR**

**GATEWAY PUBLIC INFRASTRUCTURE DISTRICT NO. 1**

**SYRACUSE CITY, UTAH**

Prepared

by

Gilmore & Bell, P.C.  
Salt Lake City, Utah

August 13, 2024



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LIST OF EXHIBITS

<b>EXHIBIT A</b>	Legal Descriptions
<b>EXHIBIT B</b>	Syracuse City Vicinity Map
<b>EXHIBIT C</b>	Initial District Boundary Map





## I. INTRODUCTION

### A. Purpose and Intent.

The District is an independent unit of local government, separate and distinct from the City, and, except as may otherwise be provided for by State or local law or this Governing Document, its activities are subject to review by the City only insofar as they may deviate in a material matter from the requirements of the Governing Document. It is intended that the District will provide a part or all of the Public Improvements for the use and benefit of all anticipated inhabitants and taxpayers of the District. The primary purpose of the District will be to finance the construction of these Public Improvements. The District is not being created to provide any ongoing operations and maintenance services.

### B. Need for the District.

There are currently no other governmental entities, including the City, located in the immediate vicinity of the District that consider it desirable, feasible or practical to undertake the planning, design, acquisition, construction installation, relocation, redevelopment, and financing of the Public Improvements needed for the Project. Formation of the District is therefore necessary in order for the Public Improvements required for the Project to be provided in the most economic manner possible.

### C. Objective of the City Regarding District's Governing Document.

The City's objective in approving the Governing Document for the District is to authorize the District to provide for the planning, design, acquisition, construction, installation, relocation and redevelopment of the Public Improvements from the proceeds of Debt to be issued by the District. All Debt is expected to be repaid by Tax Increment Revenue, Assessments, and other legally available revenues of the District. Debt which is issued within these parameters and, as further described in the Financial Plan, will ensure there are no ongoing tax burdens to support the servicing of the Debt and will result in a timely and reasonable discharge of the Debt.

This Governing Document is intended to establish a limited purpose for the District and explicit financial constraints that are not to be violated under any circumstances. The primary purpose is to provide for the Public Improvements associated with development and regional needs. Operational activities are allowed, but only through an Interlocal Agreement with the City or other relevant public entity with written consent of the City.

It is the intent of the District to dissolve upon payment or defeasance of all Debt incurred or upon a determination that adequate provision has been made for the payment of all Debt, and if the District has authorized operating functions under an Interlocal Agreement, to retain only the power necessary to impose and collect Fees to pay for these costs.

The District shall be authorized to finance the Public Improvements that can be funded from Debt to be repaid from Tax Increment Revenues and Assessments collected on District properties. It is the intent of this Governing Document that no property taxes are levied by



the District. Generally, the cost of Public Improvements that cannot be funded within these parameters are not costs to be paid by the District.

D. Applicability. This Governing Document is not intended to and does not create any rights in favor of any party other than the City. The failure of the District to comply with any terms or conditions of this Governing Document shall not relieve any property owner of an obligation to pay taxes, Assessments, Fees other charges that are adopted or imposed by the District.

## II. DEFINITIONS

In this Governing Document, the following terms shall have the meanings indicated below, unless the context hereof clearly requires otherwise:

Approved Development Plan: means a Preliminary Development Plan, Development Agreement, or other process established by the City for identifying, among other things, Public Improvements necessary for facilitating development for property within the District Area as approved by the City pursuant to the City Code and as amended pursuant to the City Code from time to time. For purposes of this Governing Document, an improvements agreement, approved site plan, or development agreement for the Project shall constitute an Approved Development Plan.

Assessment: means (i) the levy of an assessment secured by a lien on property within a District to pay for the costs of Public Improvements benefitting such property or (2) an assessment by a District levied on private property within such District to cover the costs of an energy efficient upgrade, a renewable energy system, or an electric vehicle charging infrastructure, each as may be levied pursuant to the Assessment Act.

Assessment Act: means collectively, (i) Title 11, Chapter 42, Utah Code as may be amended from time to time and (ii) the C-PACE Act.

Board: means the board of trustees of the District.

Bond, Bonds or Debt: means bonds or other obligations, including loans of any property owner, for the payment of which the District has promised to collect Assessments, Tax Increment Revenue, or other authorized revenues.

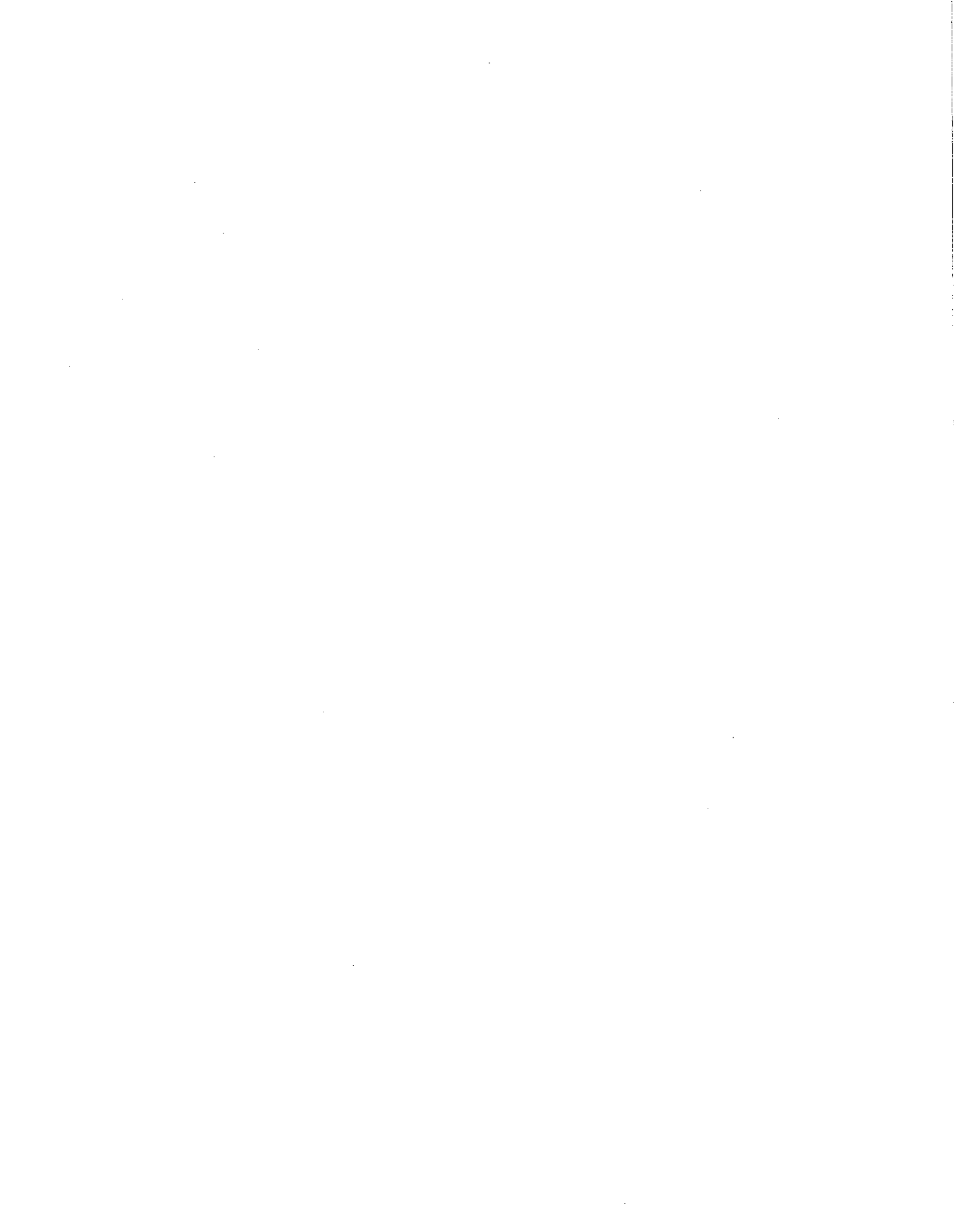
C-PACE Act: means title 11, Chapter 42a of the Utah Code, as amended from time to time.

C-PACE Bonds: means bonds, loans, notes, or other structures and obligations of the District issued pursuant to the C-PACE Act, including refunding C-PACE Bonds.

C-PACE Assessments: means assessments levied under the C-PACE Act.

City: means Syracuse City, Utah.

City Code: means the Syracuse Municipal Code.





City Council: means the City Council of the City.

District: means Gateway Public Infrastructure District No. 1.

District Act: means the Special District Act and the PID Act.

District Area: means the property within the Initial District Boundary Map.

End User: means any owner, or tenant of any owner, of any improvement within the District, who is intended to become the ultimate user of such improvement. By way of illustration, a resident homeowner, renter, commercial property owner, or commercial tenant is an End User. The business entity that constructs homes or commercial structures is not an End User.

Fees: means any fee imposed by the District for administrative services provided by the District.

Financial Plan: means the Financial Plan described in Section VIII which describes (i) the potential means whereby the Public Improvements may be financed; (ii) how the Debt is expected to be incurred; and (iii) the estimated operating revenue derived from Assessments and/or Fees for the first budget year.

Governing Document: means this Governing Document for the District approved by the City Council.

Governing Document Amendment: means an amendment to the Governing Document approved by the City Council in accordance with the City's ordinance and the applicable state law and approved by the Board in accordance with applicable state law.

Initial District Boundaries: means the boundaries of the area described in the Initial District Boundary Map and as particularly described in **Exhibit A**.

Initial District Boundary Map: means the map attached hereto as **Exhibit C**, describing the District's initial boundaries.

Municipal Advisor: means a consultant that: (i) advises Utah governmental entities on matters relating to the issuance of securities by Utah governmental entities, including matters such as the pricing, sales and marketing of such securities and the procuring of bond ratings, credit enhancement and insurance in respect of such securities; (ii) shall be an underwriter, investment banker, or individual listed as a public finance advisor in the Bond Buyer's Municipal Market Place; and (iii) is not an officer or employee of the District and has not been otherwise engaged to provide services in connection with the transaction related to the applicable Debt.

Project: means the development of property within the District.

PID Act: means Title 17D, Chapter 4 of the Utah Code, as amended from time to time and any successor statute thereto.





Public Improvements: means a part or all of the improvements authorized to be planned, designed, acquired, constructed, installed, relocated, redeveloped and financed as generally described in the District Act, except as specifically limited in Section V below to serve the future property owners and inhabitants of the District Area as determined by the Board.

Regional Improvements: means Public Improvements and facilities that benefit the District Area and which are to be financed pursuant to Section VII below.

Special District Act: means Title 17B of the Utah Code, as amended from time to time.

State: means the State of Utah.

Tax Increment Revenue: means tax increment revenues generated and available for use under the applicable provisions of the Limited Purpose Local Government Entities - Community Reinvestment Agency Act, Title 17C, of the Utah Code as amended from time to time and any successor statute thereto.

Trustee: means a member of the Board.

Utah Code: means the Utah Code Annotated 1953, as amended.

### **III. BOUNDARIES**

The area of the Initial District Boundaries includes approximately 46,501 acres. A legal description of the Initial District Boundaries is attached hereto as **Exhibit A**. A map of the Initial District Boundaries is attached hereto as **Exhibit C**. The District's boundaries may change from time to time as it undergoes annexations and withdrawals pursuant to Section 17D-4-201, Utah Code, subject to Article V below.

### **IV. PROPOSED LAND USE**

The District Area consists of approximately 46,501 acres of undeveloped land.

Approval of this Governing Document by the City does not imply approval of the development of a specific area within the District, nor does it imply approval of the number of units or the total site/floor area of commercial, residential, or industrial buildings identified in this Governing Document or any of the exhibits attached thereto, unless the same is separately approved by the City in accordance with the City Code.

### **V. DESCRIPTION OF PROPOSED POWERS, IMPROVEMENTS AND SERVICES**

#### **A. Powers of the District and Governing Document Amendment.**

The District shall have the power and authority to provide the Public Improvements within and without the boundaries of the District as such power and authority is described in the District Act, and other applicable statutes, common law and the Constitution, subject to the limitations set forth herein.



1. Improvements, Operations and Maintenance Limitation. The purpose of the District is to plan for, design, acquire, construct, install, relocate, redevelop and finance the Public Improvements. The District shall dedicate the Public Improvements to the City or other appropriate public entity in a manner consistent with the Approved Development Plan and other rules and regulations of the City and applicable provisions of the City Code. The District shall not be authorized to own any Public Improvements without the prior written consent of the City.

2. Reserved.

3. Construction Standards Limitation. The District will ensure that the Public Improvements are designed and constructed in accordance with the standards and specifications of the City and of other governmental entities having proper jurisdiction. The District will obtain the City's approval of civil engineering plans and will obtain applicable permits for construction and installation of Public Improvements prior to performing such work. Public Improvements shall be subject to the ordinary inspection and approval procedures of the City and other governmental entities having proper jurisdiction.

4. Procurement. The District shall be subject to the Utah Procurement Code, Title 63G, Chapter 6a. Notwithstanding this requirement, the District may acquire completed or partially completed improvements for fair market value as reasonably determined by an engineer that the District employs or engages to perform the necessary engineering services for and to supervise the construction or installation of the improvements.

5. Privately Placed Debt Limitation. Prior to the issuance of any privately placed Debt, the District shall obtain the certification of a Municipal Advisor substantially as follows:

We are [I am] a Municipal Advisor within the meaning of the District's Governing Document.

We [I] certify that (1) the net effective interest rate to be borne by [insert the designation of the Debt] does not exceed a reasonable current [tax-exempt] [taxable] interest rate, using criteria deemed appropriate by us [me] and based upon our [my] analysis of comparable high yield securities; and (2) the structure of [insert designation of the Debt], including maturities and early redemption provisions, is reasonable considering the financial circumstances of the District.

6. Withdrawal.

(a) The City, by approval of this Governing Document, has consented to the withdrawal of any area within the District Boundaries from the District. Such area may only be withdrawn upon the District obtaining any consents required under the PID Act and the passage of a resolution of the Board approving such withdrawal.

(b) Any withdrawal shall be in accordance with the requirements of the PID Act.





(c) Upon any withdrawal, the District shall provide the City a description of the revised District Boundaries.

(d) Withdrawal of any area in accordance with Sections V.A.6(a) and (b) shall not constitute an amendment of this Governing Document.

7. Initial Debt Limitation. On or before the effective date of approval by the City of an Approved Development Plan, the District shall not: (a) issue any Debt; nor (b) impose and collect any Assessments used for the purpose of repayment of Debt.

8. Total Debt Limitation. The District shall not issue Bonds payable from Tax Increment Revenue in excess of an aggregate amount of Eight Million Six Hundred Thousand Dollars (\$8,600,000). This amount excludes any portion of bonds issued to refund a prior issuance of Bonds payable from Tax Increment Revenue by the District. In addition, any Assessment Debt or C-PACE Bonds do not count against the foregoing limitation and there is no limit to the amount of Assessment Debt or C-PACE Bonds the District may issue so long as such issuances are in accordance with the provisions of the applicable Assessment Act.

9. Eminent Domain. The District shall not exercise eminent domain or utilize any funds of the District to support any eminent domain action or proceeding unless (i) the public improvements for which eminent domain is proposed are permitted under this Agreement, the Approved Development Plan, or separate agreement of the City and (ii) their location complies with a master infrastructure plan or similar plan of the City or the applicable service provider.

10. Governing Document Amendment Requirement.

(a) This Governing Document has been designed with sufficient flexibility to enable the District to provide required facilities under evolving circumstances without the need for numerous amendments. Actions of the District which violate the limitations set forth in V.A.1-10 above or in VIII.B-G. shall be deemed to be material modifications to this Governing Document and the City shall be entitled to all remedies available under State and local law to enjoin such actions of the District.

(b) Subject to the limitations and exceptions contained herein, this Governing Document may be amended by passage of a resolution of the City Council and the District Board approving such amendment.

B. Preliminary Engineering Survey.

The District shall have authority to provide for the planning, design, acquisition, construction, installation, relocation, redevelopment, maintenance, and financing of the Public Improvements within and without the boundaries of the District, as specified in application materials relating to the District and as may be further defined in an Approved Development Plan. An estimate of the costs of the Public Improvements which may be planned for, designed, acquired, constructed, installed, relocated, redeveloped, maintained or financed was prepared based upon a



preliminary engineering survey and estimates derived from the zoning on the property in the District Area and is approximately Eight Million Six Hundred Thousand \$8,600,000.

All of the Public Improvements will be designed in such a way as to assure that the Public Improvements standards will be compatible with those of the City and/or any other applicable public entity. All construction cost estimates are based on the assumption that construction conforms to applicable local, State or Federal requirements.

## **VI. THE BOARD OF TRUSTEES**

A. **Board Composition.** The Board shall be composed of three Trustees who shall be appointed by the City Council pursuant to the PID Act. Trustees 1, 2, and 3 shall be at large seats. Trustee terms shall be staggered with initial terms as follows: Trustees 1 and 3 shall serve an initial term of six (6) years; Trustee 2 shall serve an initial term of four (4) years. In accordance with the PID Act, appointed Trustees shall not be required to be residents of the District.

B. **Future Board Composition.** The Board shall continue to be appointed by the City Council and comprised of owners of land or agents and officers of an owner of land within the boundaries of the District. Any property owner owning at least one-third of the taxable value of the property within such District shall be entitled to nominate one trustee seat for each one-third value (provided that the City retains discretion to reject any nominee and request a new nominee from such property owner).

C. **Reelection and Reappointment.** Upon the expiration of a Trustee's respective term, the District shall notify the City of the pending expiration of the term at least ninety (90) days prior to such expiration. The City Council may appoint a new Trustee pursuant to the PID Act prior to the expiration of the term of the current Trustee. If the City Council fails to appoint a new Trustee, the existing Trustee shall be deemed reappointed for a term of four (4) years. In the event that no qualified candidate files to be considered for appointment or files a declaration of candidacy for a seat, such seat may be filled in accordance with the Special District Act.

D. **Vacancy.** Any vacancy on the Board shall be filled pursuant to the Special District Act.

E. **Compensation.** Unless otherwise permitted by the PID Act, only Trustees who are residents of the District may be compensated for services as Trustee. Such compensation shall be in accordance with State Law.

F. **Conflicts of Interest.** Trustees shall disclose all conflicts of interest. Any Trustee who discloses such conflicts in accordance with 17D-4-202 and 67-16-9, Utah Code, shall be entitled to vote on such matters.

## **VII. REGIONAL IMPROVEMENTS**

The District shall be authorized to provide for the planning, design, acquisition, construction, installation, relocation and/or redevelopment and a contribution to the funding of the Regional Improvements and fund the administration and overhead costs related to the provisions of the Regional Improvements.





## VIII. FINANCIAL PLAN

### A. General.

The District shall be authorized to provide for the planning, design, acquisition, construction, installation, relocation and/or redevelopment of the Public Improvements from their revenues and by and through the proceeds of Debt to be issued by the District. In addition, the District shall be permitted to finance the prepayment of impact fees for the Project. The Financial Plan for the District shall be to issue such Debt as the District can reasonably pay within the Maximum Bond Term from revenues derived from the Fees, Assessments, Tax Increment Revenues, and other legally available revenues. All Debt shall be permitted to be issued on a schedule and in such year or years as the District determines shall meet the needs of the Financial Plan referenced above and phased to serve development as it occurs. All Bonds and other Debt issued by the District may be payable from any and all legally available revenues of the District, including Assessments and Tax Increment Revenues. The District is not permitted to impose any ad valorem property taxes. The District may also rely upon various other revenue sources authorized by law. These will include the power to assess Fees, penalties or charges, including as provided in Section 17D-4-304, Utah Code, as amended from time to time.

B. Applicable Debt Requirements. Debt, when issued, will comply with all relevant requirements of this Governing Document, State law and Federal law as then applicable to the issuance of public securities.

### C. No Mill Levy; Assessments

(a) The District shall not be permitted to impose ad valorem property taxes for any purpose.

(b) The District may not designate an Assessment Area (as defined in the Assessment Act) without the consent of each property owner to be assessed within such Assessment Area at the time of such designation.

(c) Any Assessments (other than C-PACE Assessments) imposed by a District on a parcel zoned for residential uses shall be payable before transfer of title with respect to such parcel to an End User. Any C-PACE Assessments may be repayable in accordance with the provisions of such act.

### D. Maximum Bond Term.

Each Bond issued by the District shall mature within thirty-one (31) years from the date of issuance of such Bond (the "Maximum Bond Term"). Nothing provided in this section shall be construed or interpreted to extend the collection period of any Tax Increment Revenue.

### E. Debt Repayment Sources.

The District may utilize Tax Increment Revenue and/or impose Assessments as a primary source of revenue for repayment of debt service, at rates to be determined by each District.



The District may also rely upon various other revenue sources authorized by law. At the District's discretion, these may include the power to assess penalties or charges, including as provided in Section 17D-4-304, Utah Code, as amended from time to time. The District may not impose a mill levy on taxable property within their boundaries as a source of revenue.

The District shall not be permitted to charge an End User the costs of any portion of a Public Improvement for which such End User has already paid or is presently obligated to pay through any combination of Assessments or impact fees. This provision shall not prohibit the division of costs between Assessments or impact fees, but is intended to prevent double charging of End Users for the costs of Public Improvements.

F. Debt Instrument Disclosure Requirement.

In the text of each Bond and any other instrument representing and constituting Debt, the District shall set forth a statement in substantially the following form:

By acceptance of this instrument, the owner of this Bond agrees and consents to all of the limitations in respect of the payment of the principal of and interest on this Bond contained herein, in the resolution of the District authorizing the issuance of this Bond and in the Governing Document for creation of the District.

Similar language describing the limitations in respect of the payment of the principal of and interest on Debt set forth in this Governing Document shall be included in any document used for the offering of the Debt for sale to persons, including, but not limited to, a developer of property within the boundaries of the District.

G. Security for Debt.

The District shall not pledge any revenue or property of the City as security for the indebtedness set forth in this Governing Document. Approval of this Governing Document shall not be construed as a guarantee by the City of payment of any of the District's obligations; nor shall anything in the Governing Document be construed so as to create any responsibility or liability on the part of the City in the event of default by the District in the payment of any such obligation.

H. District's Operating Costs.

The estimated cost of acquiring land, engineering services, legal services and administrative services, together with the estimated costs of the District's organization and initial operations, are anticipated to be Fifty Thousand Dollars (\$50,000), which will be eligible for reimbursement from Debt proceeds.

In addition to the capital costs of the Public Improvements, the District will require operating funds for administration and to plan and cause the Public Improvements to be constructed. The first year's operating budget is estimated to be approximately Fifty Thousand Dollars (\$50,000) which is anticipated to be derived from revenues of the District.





**IX. ANNUAL REPORT**

**A. General.**

The District shall be responsible for submitting an annual report to the City Manager's Office no later than 210 days following the end of the District's fiscal year.

**B. Reporting of Significant Events.**

The annual report shall include information as to any of the following:

1. Boundary changes made or proposed to the District's boundary as of last day of the prior fiscal year, if changed;
2. List of current interlocal agreements, if changed (to be delivered to the City upon request);
3. Names and terms of Board members and officers and progress towards milestones required for transition to elected Board;
4. District office contact information, if changed;
5. Rules and regulations of the District regarding bidding, conflict of interest, contracting, and other governance matters, if changed;
6. A summary of any litigation which involves the District Public Improvements as of the last day of the prior fiscal year, if any;
7. Status of the District's construction of the Public Improvements as of the last day of the prior fiscal year and listing all facilities and improvements constructed by the District that have been dedicated to and accepted by the City as of the last day of the prior fiscal year;
8. A table summarizing total debt authorized and total debt issued by the District as well as any presently planned debt issuances;
9. Official statements of current outstanding bonded indebtedness, if not previously provided to the City;
10. Current year budget including a description of the Public Improvements to be constructed in such year;
11. Financial statements of the District for the most recent completed fiscal year (such statements shall be audited if required by bond documents or statute);
12. Notice of any uncured events of default by the District, which continue beyond a ninety (90) day period, under any Debt instrument; and



13. Any inability of the District to pay its obligations as they come due, in accordance with the terms of such obligations, which continue beyond a ninety (90) day period.

**X. DISSOLUTION**

Upon an independent determination of the District Board that the purposes for which the District was created have been accomplished, the District shall file petitions for dissolution, pursuant to the applicable State statutes. In no event shall a dissolution occur until the District has provided for the payment or discharge of all of their outstanding indebtedness and other financial obligations as required pursuant to State statutes and disbursed of all assets of the District.

**XI. DISCLOSURE TO PURCHASERS**

Within thirty (30) days of the Office of the Lieutenant Governor of the State issuing a certificate of creation, the Board shall record a notice with the recorder of Davis County, Utah. Such notice shall (a) contain a description of the boundaries of the District, (b) state that a copy of this Governing Document is on file at the office of the City, and (c) state that the District may finance and repay infrastructure and other improvements through Tax Increment Revenue or the imposition of Assessments. Such notice shall also be filed with the City.

**XII. ENFORCEMENT**

In accordance with Section 17D-4-201(5) of the Utah Code, the City may impose limitations on the powers of the District through this Governing Document. The City shall have the right to enforce any of the provision, limitations or restricts in this Governing Document against the District, through any and all legal or equitable means available to the City, including, but not limited to, injunctive relief.





**EXHIBIT A**  
**Legal Descriptions**

A parcel of land, situate in the Northeast Quarter of Section 17, Township 4 North, Range 2 West, Salt Lake Base and Meridian, said parcel also located in Syracuse City, Davis County, Utah, being more particularly described as follows:

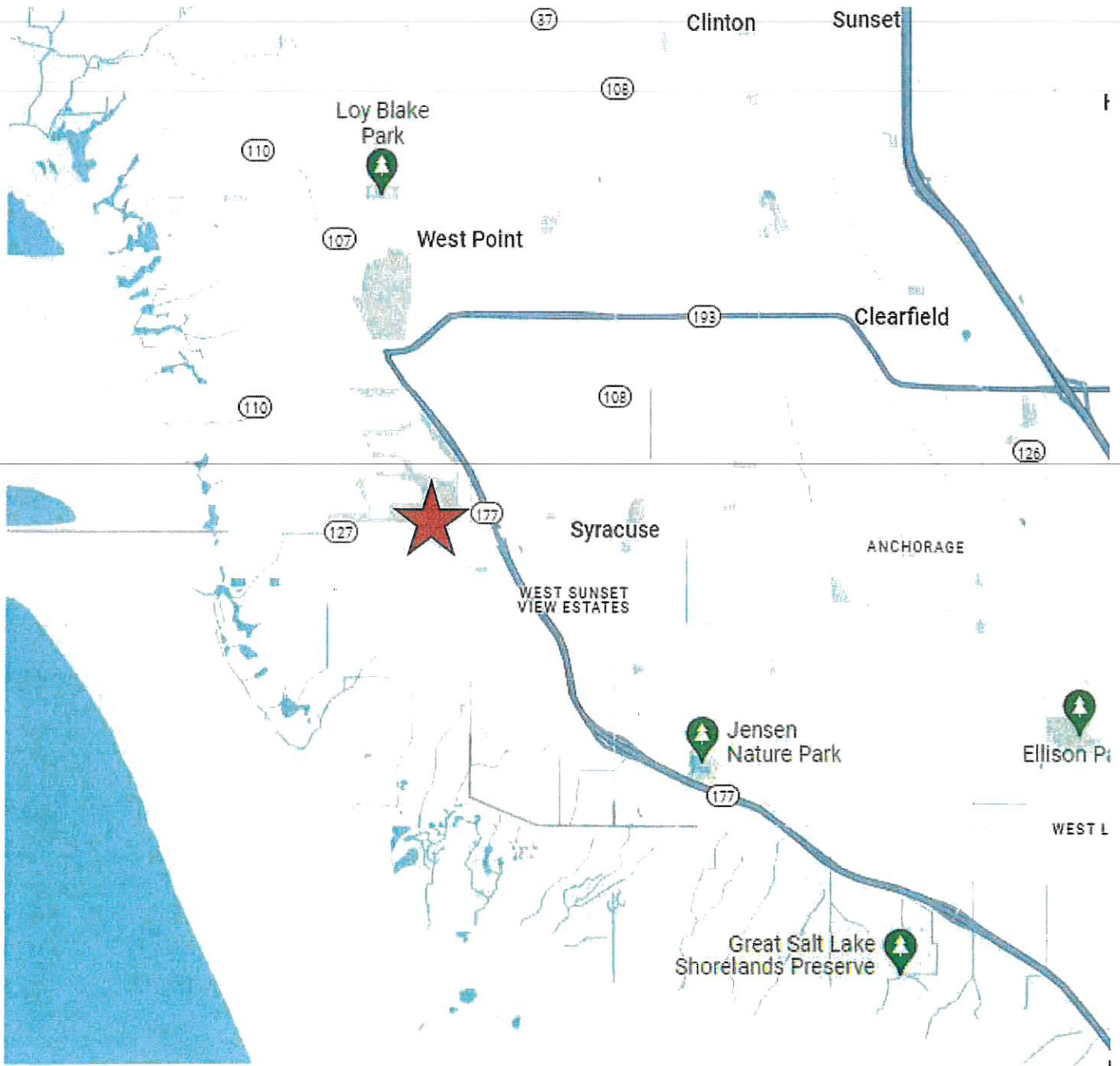
Beginning at a point 54.52 feet along the North line of said Section 17, and South 0°06'11" West 41.53 feet (NAD83 Bearing being North 89°33'23" West between the Northeast Corner and the North Quarter Corner of said Section 17 per the Davis County Township Reference Plat) from the Northeast Corner of said Section 17 and running thence:

South 44°51'28" East 30.37 feet to the westerly right-of-way line of 3000 West;  
thence South 00°09'27" West 1064.86 feet along said right-of-way;  
thence North 89°50'33" West 479.59 feet;  
thence South 00°09'27" West 440.75 feet;  
thence South 89°50'33" East 479.59 feet to the westerly right-of-way line of 3000 West;  
thence South 0°09'27" West 209.66 feet along said right-of-way line;  
thence North 89°32'21" West 1291.85 feet to the easterly line of Ranchettes West No. 2 Subdivision;  
thence North 0°11'14" East 1728.06 feet along the easterly line of the Ranchettes West No. 2 Subdivision and along the Ranchettes West Subdivision to the southerly right-of-way line of Antelope Drive;  
thence South 89°55'30" East 1269.46 feet along said southerly right-of-way to the Point of Beginning.

Contains: 2,025,602 square feet or 46.50 acres.



**EXHIBIT B**  
**Syracuse City Vicinity Map**







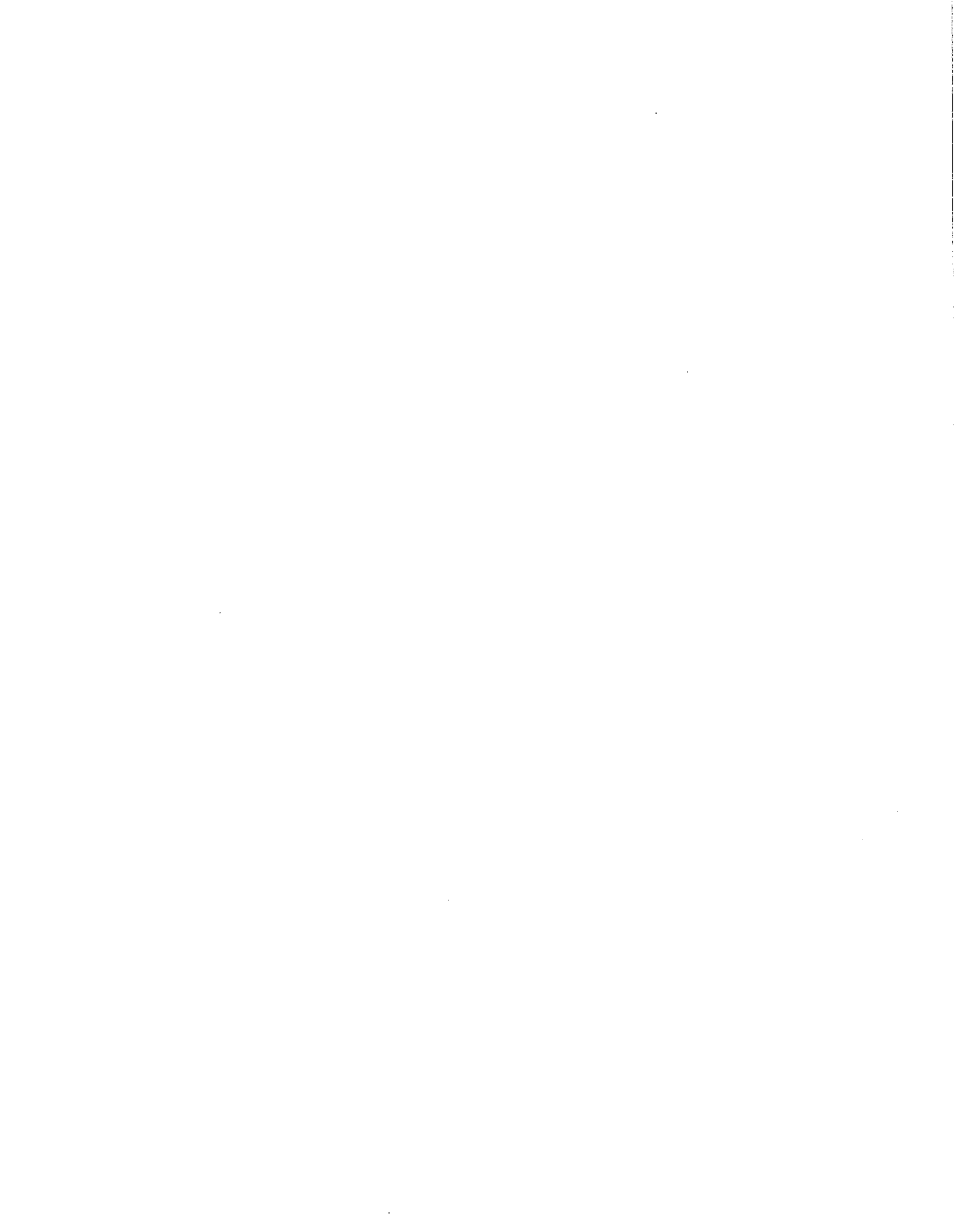


EXHIBIT C

NOTICE OF BOUNDARY ACTION





**NOTICE OF IMPENDING BOUNDARY ACTION**

**(Gateway Public Infrastructure District No. 1)**

**TO: The Lieutenant Governor, State of Utah**

**NOTICE IS HEREBY GIVEN** that the City Council of Syracuse City, Utah (the "Council"), acting in its capacity as the creating entity for the Gateway Public Infrastructure District No. 1 (the "District"), at a regular meeting of the Council, duly convened pursuant to notice, on August 13, 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 Davis County, Utah, is attached as APPENDIX "B" hereto and incorporated by this reference. The Council 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 Council 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 August 13, 2024.

**CITY COUNCIL OF SYRACUSE CITY, UTAH,  
acting in its capacity as the creating authority for  
GATEWAY PUBLIC INFRASTRUCTURE  
DISTRICT NO. 1**


By:   
AUTHORIZED REPRESENTATIVE

**VERIFICATION**

STATE OF UTAH            )  
                                      :ss.  
COUNTY OF DAVIS        )



SUBSCRIBED AND SWORN to before me this 15 day of AUGUST, 2024.

  
NOTARY PUBLIC



**GATEWAY PUBLIC INFRASTRUCTURE DISTRICT NO. 1**

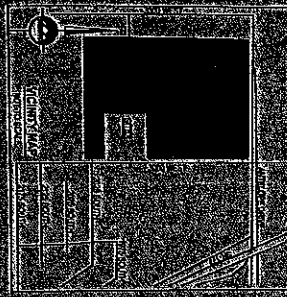
**FINAL LOCAL ENTITY PLAT**

LOCAL ENTITY: GATEWAY DISTRICT NO. 1  
LOCAL ENTITY ADDRESS: 1000 WEST STREET, SUITE 100, DENVER, CO 80202  
LOCAL ENTITY CONTACT: JAMES W. HARRIS, DISTRICT MANAGER  
LOCAL ENTITY PHONE: (303) 733-1000

ANTECEDENT STRATA

GENERAL COORDINATE

1000 WEST STREET



**GATEWAY PUBLIC INFRASTRUCTURE DISTRICT NO. 1**

**FINAL LOCAL ENTITY PLAT**

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LOCAL ENTITY PHONE: (303) 733-1000

DAVIS COUNTY RECORDER  
RECORDED IN BOOK 10000 PAGE 10000  
DATE OF RECORDING: 10/15/2024

