

#### 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 DIVARIO

INFRASTRUCTURE FINANCING DISTRICT NO. 2 located in WASHINGTON

COUNTY, dated AUGUST 20, 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 DIVARIO INFRASTRUCTURE FINANCING DISTRICT NO. 2, located in WASHINGTON COUNTY, State of Utah.



IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 16<sup>th</sup> day of September, 2024 at Salt Lake City, Utah.

DEIDRE M. HENDERSON Lieutenant Governor

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#### CLERK-AUDITOR

August 13, 2024

RE: PETITION REQUESTING THE CREATION OF DIVARIO INFRASTRUCTURE FINANCING DISTRICT NO. 2 LOCATED IN WASHINGTON COUNTY, UTAH

I, Ryan Sullivan, Washington County Clerk-Auditor, hereby certify that the PETITION REQUESTING THE CREATION OF DIVARIO INFRASTRUCTURE FINANCING DISTRICT NO. 2 LOCATED IN WASHINGTON COUNTY, UTAH complies with the requirements of Subsections 17B-1-203(1)(a), (b), (c), or (d), Subsections 17B-1-208(2), (3), and (4), Subsection 17B-1-205(1), and Section 17B-1-208.

Regards,

Ryan Sullivan

Washington County Clerk-Auditor

ryan.sullivan@washco.utah.gov

435.301.7220

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#### NOTICE OF IMPENDING BOUNDARY ACTION

#### Divario Infrastructure Financing District No. 2 Incorporation

TO: Lieutenant Governor, State of Utah

NOTICE IS HEREBY GIVEN that a petition proposing the creation of the Divario Infrastructure Financing District No. 2, affecting the property more particularly identified in Exhibit A hereto, has been certified by the County Clerk of Washington County, Utah. 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 Washington County, Utah, is submitted herewith and incorporated by this reference. The undersigned County Clerk hereby certifies that all requirements applicable to the creation of the District, have been met. The District is not anticipated to result in the employment of personnel.

WHEREFORE, the undersigned County Clerk 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 20 day of August 2024.

Ryan Sallivan, Washington County Clerk

STATE OF UTAH

) :ss.

COUNTY OF WASHINGTON

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SUBSCRIBED AND SWORN to before me this 20 day of August 2024.

DALYLAH CHAVEZ
Notary Public, State of Utah
Commission # 729229
My Commission Expires
February 06, 2027

Dalyfah Charing

# EXHIBIT A TO NOTICE OF IMPENDING BOUNDARY ACTION

#### LEGAL DESCRIPTION

#### PA-7 & 11:

Beginning at the southeast corner of Rosalia Ridge at Divario, as found on record as Entry No. 20230031366 with the Washington County Recorder's Office, said point being South 88°33'41" East 831.62 feet along the section line and North 180.18 feet from the Southwest Corner of Section 27, Township 42 South, Range 16 West, Salt Lake Base & Meridian, and running;

thence the following (7) courses along said Rosalia Ridge at Divario;

thence North 39°29'26" East 298.91 feet;

thence North 22°01'01" East 95.01 feet;

thence North 00°32'57" East 104.82 feet;

thence North 20°55'07" West 101.56 feet;

thence North 41°04'52" West 71.95 feet;

thence North 50°30'34" West 476.83 feet;

thence North 44°59'55" West 123.86 feet;

thence North 51°11'28" West 213.72 feet to the southeasterly line of Varano Vista at Divario Phase 3, as found on record as Entry No. 20220010413 with the Washington County Recorder's Office;

thence the following (3) courses along said Varano Vista at Divario Phase 3;

thence North 38°48'32" East 368.44 feet;

thence North 06°11'28" West 100.12 feet;

thence North 51°11'28" West 507.57 feet;

thence North 75°55'57" East 279.49 feet;

thence North 09°50'50" East 118.35 feet;

thence North 41°25'05" East 49.00 feet to the westerly line of Gap Canyon Parkway, as found on record as Entry No. 20220030365 with the Washington County Recorder's Office; thence the following (8) courses along said westerly line of Gap Canyon Parkway; thence South 48°34'55" East 1,625.84 feet;

thence Southeasterly 536.67 feet along an arc of a 955.00 foot radius curve to the right (center bears South 41°25'05" West, long chord bears South 32°28'59" East 529.63 feet with a central angle of 32°11'52");

thence Southeasterly 1,042.70 feet along an arc of a 1,295.00 foot radius curve to the left (center bears North 73°36'57" East, long chord bears South 39°27'02" East 1,014.76 feet with a central angle of 46°07'59");

thence Southeasterly 212.33 feet along an arc of a 955.00 foot radius curve to the right (center bears South 27°28'58" West, long chord bears South 56°08'52" East 211.89 feet with a central angle of 12°44'20");

thence South 49°46'43" East 329.09 feet;

thence South 45°57'52" East 182.80 feet;

thence Southeasterly 168.91 feet along an arc of a 1,443.00 foot radius curve to the right (center bears South 41°04'27" West, long chord bears South 45°34'21" East 168.82 feet with a central angle of 06°42'25");

thence Southerly 45.82 feet along an arc of a 30.00 foot radius curve to the right (center bears

South 47°46'51" West, long chord bears South 01°31'59" West 41.49 feet with a central angle of 87°30'14") to the northwesterly line of Divario Trail, as found on record as Entry No.

20230015330 with the Washington County Recorder's Office:

thence the following (4) courses along said northwesterly line of Divario Trail;

thence Southwesterly 388.35 feet along an arc of a 658.00 foot radius curve to the left (center bears South 44°42'54" East, long chord bears South 28°22'37" West 382.74 feet with a central angle of 33°48'57");

thence South 11°28'09" West 378.59 feet;

thence Southwesterly 783.54 feet along an arc of a 620.00 foot radius curve to the right (center bears North 78°31'51" West, long chord bears South 47°40'25" West 732.43 feet with a central angle of 72°24'33");

thence South 83°52'42" West 14.38 feet;

thence Northwesterly 120.95 feet along an arc of a 77.00 foot radius curve to the right (center bears North 06°07'18" West, long chord bears North 51°07'18" West 108.89 feet with a central angle of 90°00'00") to the easterly line of Divario Canyon Drive;

thence the following (6) courses along said easterly line of Divario Canyon Drive;

thence North 06°07'18" West 55.55 feet;

thence Northerly 941.71 feet along an arc of a 2,033.00 foot radius curve to the left (center bears South 83°52'42" West, long chord bears North 19°23'31" West 933.32 feet with a central angle of 26°32'25");

thence North 32°39'43" West 100.44 feet;

thence Northwesterly 1,081.08 feet along an arc of a 2,033.00 foot radius curve to the left (center bears South 57°20'17" West, long chord bears North 47°53'45" West 1,068.39 feet with a central angle of 30°28'05");

thence Northwesterly 433.27 feet along an arc of a 1,967.00 foot radius curve to the right (center bears North 26°52'12" East, long chord bears North 56°49'11" West 432.39 feet with a central angle of 12°37'14");

thence North 50°30'34" West 95.47 feet to the Point of Beginning.

Containing 3,969,593 square feet or 91.13 acres.

Affects portions of Parcel Nos.:

SG-6-2-34-330

SG-6-2-34-411

SG-6-2-34-412

SG-6-2-34-1003

SG-6-2-34-1004

# PETITION REQUESTING THE CREATION OF DIVARIO INFRASTRUCTURE FINANCING DISTRICT NO. 2 LOCATED IN WASHINGTON COUNTY, UTAH

June 19, 2024

WASHINGTON COUNTY
Attn: Ryan Sullivan, County Clerk/Auditor
111 East Tabernacle St.
St. George, UT 84770
(435) 301-7220

The undersigned (the "Petitioners") hereby request that the Clerk of Washington County, Utah (the "County Clerk") certify this Petition for the Divario Infrastructure Financing District No. 2 (the "District") pursuant to the Special District Act, Title 17B, Chapter 1, Utah Code Annotated 1953 (the "Act"). The Petitioners request the formation of the District in order to assist in the financing of public infrastructure to service and benefit the area within the proposed District.

#### I. Petitioners

Petitioner / Owner:

St George 730 LLC 8716 Spanish Ridge Ave., Ste. 110 Las Vegas, NV 89148

Contact Sponsor:

St. George 730, LLC c/o Mark Schnippel 8716 Spanish Ridge Ave., Ste. 110 Las Vegas, NV 89148 (702) 592-3364 Markschnippel@cox.net

The Petitioner represent 100% of the surface property owners within the proposed District's boundaries. The Petitioners further represent that all of the property within the proposed District's boundaries are within Washington County, Utah.

## II. Proposed District Boundaries

The Petitioners request that the initial District's boundaries include the real property described in **Exhibit A** (the "Original District Boundaries"). The Original District Boundaries are further described and depicted in the final local entity plat, as shown in **Exhibit B** (the "**Final Local Entity Plat**").

#### III. Requested Service

The Petitioners request the Infrastructure Financing District be created in accordance with Chapter 2a Part 13 of the Act for the purpose of financing the construction of public infrastructure relating to the Development, as permitted under the Act, to service and benefit the District area.

#### IV. Governing Document

In accordance with the requirements of the Act, attached hereto as **Exhibit C** and incorporated by reference is a draft of the Governing Document, as the same may be amended and restated hereafter, for the District (the "Governing Document").

#### V. Engineer's Certificate

In accordance with the requirements of the Act, attached hereto as **Exhibit D** and incorporated by reference is certificate of an engineer, licensed under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act, certifying that the costs of public infrastructure and improvements to be constructed within the boundary of the District exceeds \$1,000,000.

#### VI. Board of Trustees

- a) The Petitioners hereby waive the residency requirement of Section 17B-1-302 of the Act.
- b) The Petitioners propose that the Board of Trustees for each District be initially composed of three (3) appointed members who are property owners, or agents or officers of the property owners, as follows:
  - Trustee 1: Mark Schnippel for an initial term of six years 8716 Spanish Ridge Ave., Ste. 110
    Las Vegas, NV 89148
  - Trustee 2: Mark Teepen for an initial term of four years 1636 Indian Wells Dr.
    Boulder City, NV 89005
  - Trustee 3: Rod Packer for an initial term of six years 308 W. Tabernacle
    St George, UT 84770
- c) Transition to Elected Board. Respective board seats shall transition from appointed to elected seats according to the following milestones:
  - i) Trustee 1. Trustee 1 shall transition to an elected seat at the end of a full term during which certificates of occupancy for 50% of units have been issued within the District.
  - ii) Trustee 2. Trustee 2 shall transition to an elected seat at the end of a full term during which certificates of occupancy for 65% of units have been issued within the District.
  - iii) Trustee 3. Trustee 3 shall transition to an elected seat at the end of a full term during

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which certificates of occupancy for 80% of units have been issued within the District.

No transition pursuant to this Section shall become effective until the scheduled regular election of the District in conjunction with the expiration of the then current term.

### VII. Petitioners Consent and Acknowledgements

- d) The Petitioners hereby consent to:
  - i) The creation of the District within the Original District Boundaries;
  - A waiver of the residency requirement for members of the Board of Trustees of the District as permitted under Section 17B-1-302 of the Act;
  - iii) A waiver of the entirety of the protest period described in Section 17B-1-213 of the Act;
  - iv) The recording of a notice as required under Section 17B-1-215(2)(a), which will apply to all real property within the Original District Boundaries.
- e) The Petitioners hereby acknowledge and certify that the foregoing Trustees are either owners of property within the District or agents or officers of owners of property within the District.

### VIII. Electronic Means; Counterparts

This Petition may be circulated by electronic means and executed in several counterparts, including by electronic signature, all or any of which may be treated for all purposes as an original and shall constitute and be one and the same document.

#### IX. Instructions for Clerk

- a) In accordance with the requirements of Section 17B-1-209 of the Act, the County Clerk has <u>45 days</u> to determine whether this Petition complies with the requirements of Sections 17B-1-203(d), 17B-1-205(1), and 17B-1-208(1). If the County Clerk determines that the petition complies with the applicable requirements, the County Clerk shall mail or deliver written notification of the certification and a copy of the certified petition to the Contact Sponsor. An email to the Contact Sponsor at the email address provided above is an acceptable written notification.
- b) If the County Clerk certifies this Petition, the County Clerk shall, within the <u>45 days</u> specified above, file with the lieutenant governor, in addition to a copy of the certified Petition (including the exhibits hereto):
  - i) a PDF copy of the signed and notarized Notice of an Impending Boundary Action, attached hereto as Exhibit E; and
  - ii) a PDF copy of the signed Final Local Entity Plat.
- c) Documents may be uploaded to the Lieutenant Governor's Office using the web form found at <a href="https://cs.utah.gov/s/annexations-request">https://cs.utah.gov/s/annexations-request</a> with notice in writing to the Contact Sponsor that such filing has been completed.

- d) If the County Clerk determines that this Petition fails to comply with any of the applicable requirements, the County Clerk shall reject this Petition and notify the Contact Sponsor in writing of the rejection and the reasons for the rejection. An email to the Contact Sponsor at the email address provided above is an acceptable written notification.
- e) In the event the County Clerk fails to certify or reject this Petition within 45 days, this Petition will be deemed certified and the Petitioners may notify the Lieutenant Governor's Office and submit the required documents for creation of the District.

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

St George 730 LLC

Its: Manager

STATE OF NEVADA

ss:

COUNTY OF CLARK

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On this day of June, 2024, personally appeared before me Mark Schnippel, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn did say that Mark Schnippel, is the Manager of St George 730 LLC., that he was duly authorized by St George 730 LLC to sign this Petition, and that they acknowledged to me that said company executed the same for the uses and purposes set forth herein.

NOTARY PUBLIC



#### EXHIBIT A LEGAL DESCRIPTION

#### PA-7 & 11:

Beginning at the southeast corner of Rosalia Ridge at Divario, as found on record as Entry No. 20230031366 with the Washington County Recorder's Office, said point being South 88°33'41" East 831.62 feet along the section line and North 180.18 feet from the Southwest Corner of Section 27, Township 42 South, Range 16 West, Salt Lake Base & Meridian, and running;

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Containing 3,969,593 square feet or 91.13 acres.

# EXHIBIT B FINAL LOCAL ENTITY PLAT

# EXHIBIT C GOVERNING DOCUMENT

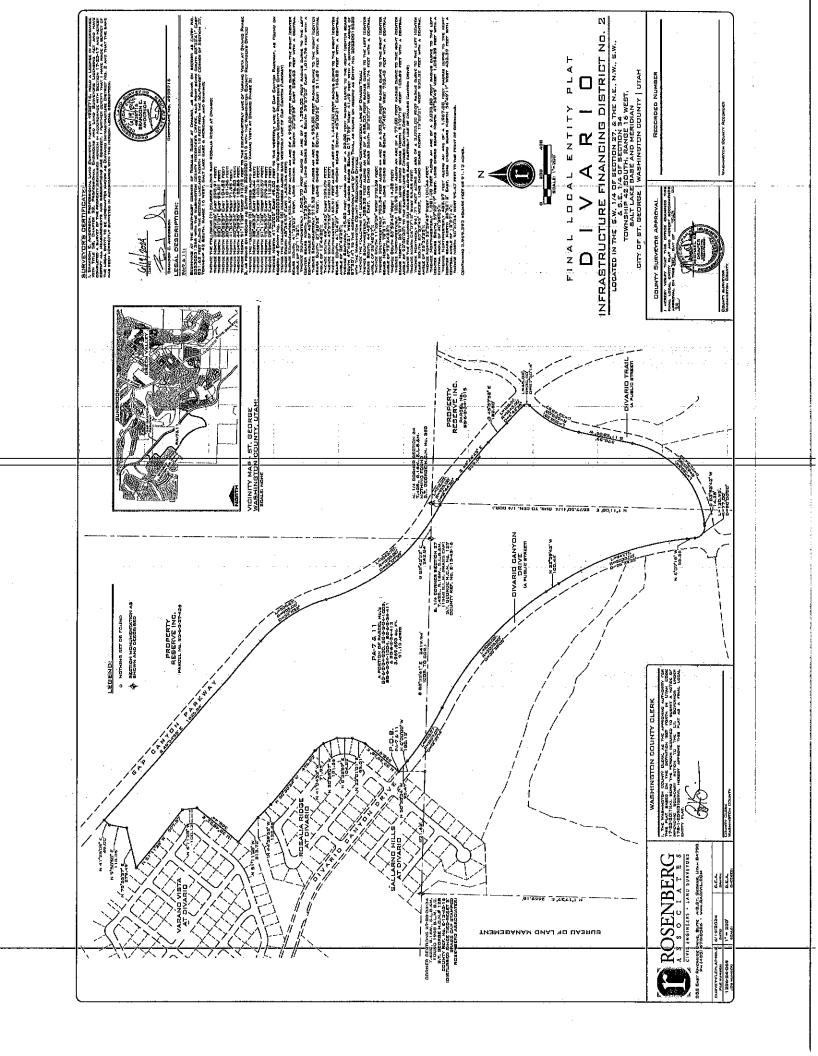
9 4881-4954-8718, v. 2

# EXHIBIT D CERTIFICATE OF ENGINEER

### **EXHIBIT E** NOTICE OF IMPENDING BOUNDARY ACTION

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