

## OFFICE OF THE LIEUTENANT GOVERNOR

## **CERTIFICATE OF WITHDRAWAL**

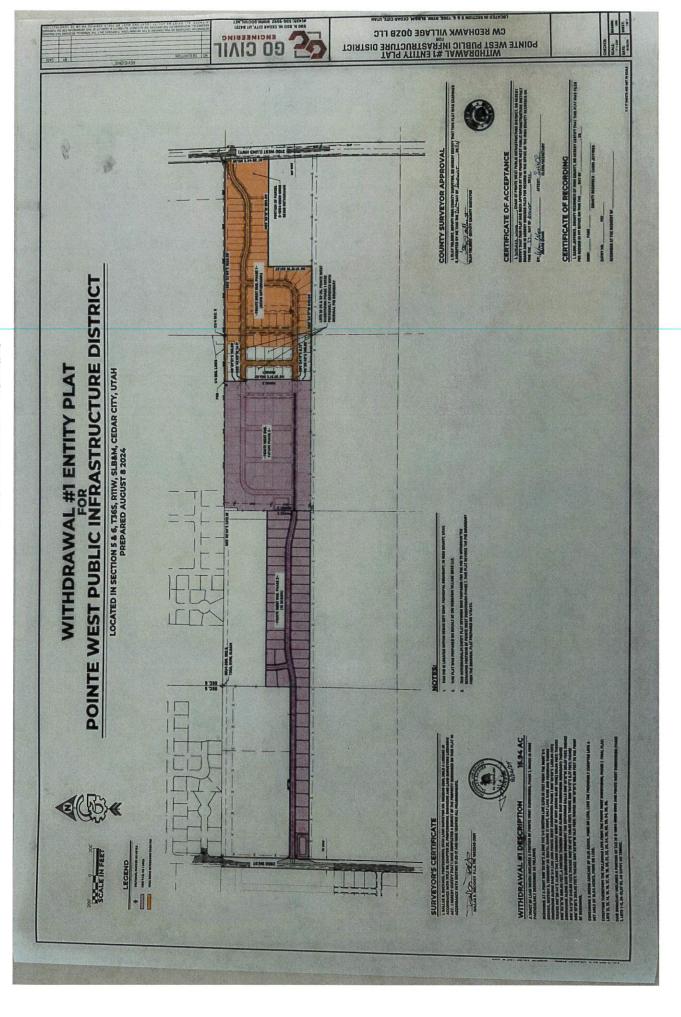
I, Deidre M. Henderson, Lieutenant Governor of the State of Utah, hereby certify that there has been filed in my office a notice of withdrawal known as POINTE WEST PUBLIC INFRASTRUCTURE DISTRICT WITHDRAWAL NO. 1 located in IRON COUNTY, dated SEPTEMBER 27, 2024, complying with §67-1a-6.5, Utah Code Annotated, 1953, as amended.

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

OF THE SECOND SE

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 9<sup>th</sup> day of October, 2024 at Salt Lake City, Utah.

DEIDRE M. HENDERSON Lieutenant Governor



## NOTICE OF IMPENDING BOUNDARY ACTION

#### Withdrawal No. 1

by

#### Pointe West Public Infrastructure District

TO: The Lieutenant Governor, State of Utah

**NOTICE IS HEREBY GIVEN** that the Board of Trustees of Pointe West Public Infrastructure District (the "Board"), at a special meeting of the Board, duly convened pursuant to notice, and, pursuant to Utah Code Ann. §17D-4-201(4)(a) and other applicable provisions of Utah law, effective September 27, 2024, adopted a *Resolution to Withdraw Approximately 19.01 Acres*, a true and correct copy of which is attached as <u>EXHIBIT "A"</u> hereto and incorporated by this reference herein (the "Withdrawal Resolution").

A copy of the Final Local Entity Plat — Withdrawal No. 1 satisfying the applicable legal requirements as set forth in Utah Code Ann. §17-23-20, approved as a final local entity plat by the Utah County Surveyor, is attached along with the legal description of the affected property, as <u>EXHIBIT "B"</u>, hereto and incorporated by this reference. The Board hereby certifies that all requirements applicable to the withdrawal by the District, as more particularly described in the Withdrawal Resolution, have been met. The withdrawal is not anticipated to result in the employment of personnel.

**WHEREFORE**, the Board hereby respectfully requests the issuance of a Certificate of Withdrawal pursuant to and in conformance with the provisions of Utah Code Ann. § 67-1a-6.5.

DATED this 27th day of September, 2024.

POINTE WEST PUBLIC INFRASTRUCTURE DISTRICT

Walker Wood, Chair

STATE OF UTAH )

Davis :ss.

COUNTY OF TRON

On the 2+ day of September, 2024, personally appeared before me Walker Wood, proved on the basis of satisfactory evidence to be the person whose name is subscribed to in this NOTICE OF IMPENDING BOUNDARY ACTION, and acknowledged that he executed the same voluntarily for its stated purpose on behalf of Pointe West Public Infrastructure District pursuant to his authority by law as its duly appointed chair.

NOTARY PUBLIC



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

Copy of the Withdrawal Resolution

# EXHIBIT "B" TO NOTICE OF BOUNDARY ACTION

(Withdrawal No. 1)

# **Legal Description**

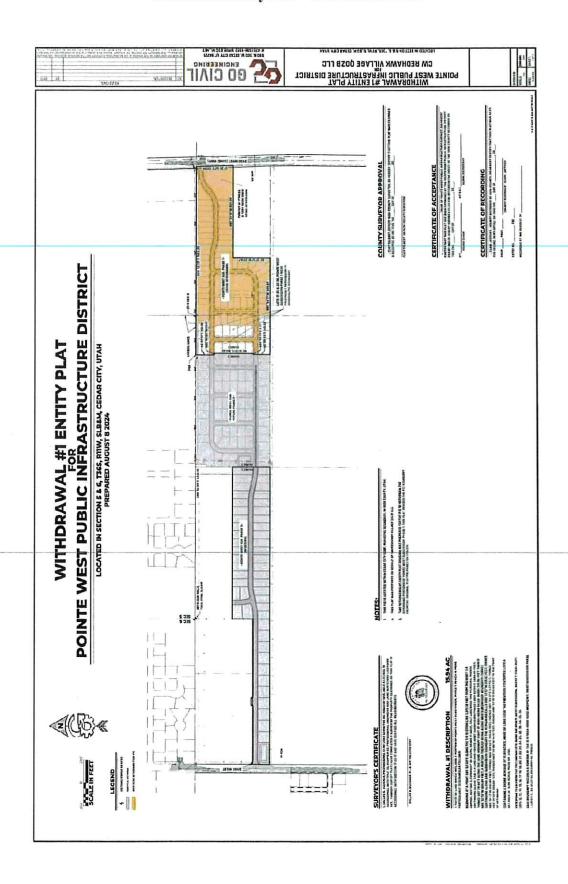
A TRACT OF LAND WHICH INCLUDES A PORTION OF POINTE WEST SUBDIVISION, PHASE 1, WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT S89°52'09"E ALONG THE 1/4 SECTION LINE 2,313.18 FEET FROM THE WEST 1/4 CORNER, SECTION 5, TOWNSHIP 36 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN; THENCE CONTINUING ALONG SAID 1/4 LINE AND POINTE WEST SUBDIVISION PHASE 1 S89°52'09"E 1,653.99 FEET; THENCE S01°39'44"E ALONG THE LUND HIGHWAY RIGHT OF WAY (BEING 66.00' WIDE) 331.56 FEET; THENCE N89°53'12"W 809.89 FEET, A PORTION THEREON BEING ALONG SAID SUBDIVISION BOUNDARY; THENCE CONTINUING ALONG SAID SUBDIVISION BOUNDARY THE REMAINING CALLS S00°01'12"W 331.67 FEET; THENCE N89°54'17"W 849.69 FEET; THENCE N00°05'43"E 145.02 FEET; THENCE S89°54'17"E 8.77 FEET; THENCE N00°07'51"E 353.82 FEET; THENCE N89°52'09"W 14.11 FEET; THENCE N00°07'51"E 165.00 FEET TO THE POINT OF BEGINNING.

CONTAINING A GROSS ACREAGE OF 19.01 ACRES, MORE OR LESS, LESS THE PREVIOUSLY EXCEPTED LOTS A NET AREA OF 15.94 ACRES, MORE OR LESS.

EXCEPTING THEREFROM THE FOLLOWING LOTS FROM THE POINTE WEST SUBDIVISION, PHASE 1 FINAL PLAT; LOTS 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 32, 33, 34, 35, 36.

SAID BOUNDARY INCLUDES A PORTION OF TAX ID B-1884-0000-0000 AND POINTE WEST SUBDIVISION PHASE 1, LOTS 1-11, 26-31,37-51, AS ENTRY NO 795632.



The Board of Trustees (the "Board") of the Pointe West Public Infrastructure District, held a special meeting on September 27, 2024, at the hour of 2:00 p.m., with the following members of the Board being present:

Walker Wood Holton Hunsaker

Chair

Vice-chair/Treasurer

Seth Robertson

Clerk/Secretary

Also present:

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this resolution had been discussed, the Clerk presented to the Board a Certificate of Compliance with Open Meeting Law with respect to this September 27, 2024, meeting, a copy of which is attached hereto as Exhibit A.

The following resolution was then introduced in written form, was fully discussed, and pursuant to motion duly made by Seth Robertson and seconded by Holton Hunsaker, was adopted by the following vote:

AYE:

Unanimous

NAY:

The resolution is as follows:

#### RESOLUTION NO. 2024-06

A RESOLUTION OF THE BOARD OF TRUSTEES (THE "BOARD") OF POINTE WEST PUBLIC INFRASTRUCTURE DISTRICT (THE "DISTRICT") TO CERTIFY A PETITION FOR WITHDRAWING APPROXIMATELY 19.01 ACRES FROM THE DISTRICT (WITHDRAWAL NO. 1); AUTHORIZING THE PLAT AND OTHER DOCUMENTS IN CONNECTION THEREWITH; AUTHORIZING THE PUBLICATION OF NOTICE OF THIS RESOLUTION; AND RELATED MATTERS.

WHEREAS, a petition (the "Petition") was filed with the District requesting and consenting to the withdrawal of approximately 19.01 acres pursuant to Utah Code §17D-4-201(3)(a) of the Public Infrastructure District Act, Title 17D, Chapter 4 of the Utah Code (the "PID Act") and relevant portions of the Limited Purpose Local Government Entities - Special Districts, Title 17B (together with the PID Act, the "Act"); and

WHEREAS, the Petition includes, or is anticipated to include, the consenting signatures of 100% of the surface property owners (hereafter the "Property Owners") within the area proposed to be withdrawn; and

WHEREAS, there are no registered voters within the area to be withdrawn;

WHEREAS, the area to be withdrawn under this resolution is particularly described in the Petition attached as <u>Exhibit B</u> to this Resolution and is hereafter referred to as the "Property"; and

WHEREAS, with the filing of the Petition and all required signatures, the Act allows the District to withdraw the Property by adopting a resolution to withdraw the area, provided that the governing document of the District (hereafter the "Governing Document") allows for the withdrawal; and

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

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

WHEREAS, pursuant to the requirements of the Act, there shall be signed, authenticated, and submitted to the Office of the Lieutenant Governor of the State of Utah a Notice of Impending Boundary Action attached hereto as <a href="Exhibit C">Exhibit C</a> (the "Boundary Notice") and Final Local Entity Plat for Withdrawal No. 1 (the "Withdrawal Plat").

## NOW, THEREFORE, BE IT RESOLVED BY THE DISTRICT, AS FOLLOWS:

1. Terms defined in the foregoing recitals shall have the same meaning when used herein. All action heretofore taken (not inconsistent with the provisions of this

Resolution) by the Board and by officers of the Board directed toward the withdrawal of the Property, are hereby ratified, approved and confirmed.

- 2. Subject to the receipt by the District of all signatures on the Petition, the Property, which is particularly described and shown on the Withdrawal Plat, is hereby withdrawn from the District.
- 3. Notice of this Resolution may be published in substantially the following form:

## NOTICE OF DISTRICT WITHDRAWAL

NOTICE IS HEREBY GIVEN pursuant to Section 313, Chapter 1, Title 17B, Utah Code Annotated 1953, that on September 27, 2024, the Board of Trustees (the "Board") of Pointe West Public Infrastructure District (the "District") adopted a resolution to withdraw the following particularly described property in Iron County, State of Utah:

A TRACT OF LAND WHICH INCLUDES ALL OF POINTE WEST SUBDIVISION, PHASE 1, WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT S89°52'09"E ALONG THE 1/4 SECTION LINE 2,313.18 FEET FROM THE WEST 1/4 CORNER, SECTION 5, TOWNSHIP 36 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN; THENCE CONTINUING ALONG SAID 1/4 LINE AND POINTE WEST SUBDIVISION PHASE 1 S89°52'09"E 1,653.99 FEET; THENCE S01°39'44"E ALONG THE LUND HIGHWAY RIGHT OF WAY (BEING 66.00' WIDE) 331.56 FEET; THENCE N89°53'12"W 809.89 FEET, A PORTION THEREON BEING ALONG SAID SUBDIVISION BOUNDARY; THENCE CONTINUING ALONG SAID SUBDIVISION BOUNDARY THE REMAINING CALLS S00°01'12"W 331.67 FEET; THENCE N89°54'17"W 849.69 FEET; THENCE N00°05'43"E 145.02 FEET; THENCE S89°54'17"E 8.77 FEET; THENCE N00°07'51"E 353.82 FEET; THENCE N89°52'09"W 14.11 FEET; THENCE N00°07'51"E 165.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 19.01 ACRES, MORE OR LESS.

SAID BOUNDARY INCLUDES TAX ID'S: B-2033-0001 THROUGH B-2033-0051 AND A PORTION OF B-1884-0000-0000.

NOTICE IS FURTHER GIVEN that any person in interest may file an action in district court to contest the regularity, formality, or legality of the Resolution within 60 days after the first date of publication (hereafter the "60-Day Contest Period"). If the Resolution is not contested by filing an action in district court within the 60-Day Contest Period, no person may contest the regularity, formality, or legality of the Resolution after the expiration of the 60-Day Contest Period.

- 4. The Board does hereby authorize the Chair (or Vice-Chair) to execute the Boundary Notice in substantially the form attached as <u>Exhibit C</u>, the Withdrawal Plat, and such other documents as shall be required to accomplish the actions contemplated herein on behalf of the Board for submission to the Office of the Lieutenant Governor of the State of Utah.
- 5. Prior to certification of the withdrawal of the Property by the Office of the Lieutenant Governor of the State of Utah, the Board does hereby authorize any Board Member, the District General Counsel, or the District's surveyor, to make any corrections, deletions, or additions to the Boundary Notice or any other document herein authorized and approved (including, but not limited to, corrections to the property descriptions therein contained) which may be necessary to conform the same to the intent hereof, to correct errors or omissions therein, to complete the same, to remove ambiguities therefrom, or to conform the same to other provisions of said instruments, to the provisions of this Resolution or the provisions of the laws of the State of Utah or the United States.
- 6. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.
- 7. All acts, orders and resolutions, and parts thereof in conflict with this Resolution be, and the same are hereby, rescinded.
- 8. This Resolution shall be effective upon passage by the Board of Trustees (hereafter the "Effective Date").

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

POINTE WEST PUBLIC INFRASTRUCTURE DISTRICT

By: Was Was

ATTEST:

Secretary/Clerk

STATE OF UTAH	)
	: ss.
County of Davis	)

I, Seth Robertson, the undersigned duly qualified and acting secretary/clerk (or assistant secretary/clerk) of Pointe West Public Infrastructure District ("the District"), do hereby certify as follows:

The foregoing pages are a true, correct, and complete copy of the record of proceedings of the Board of Trustees (the "Board"), had and taken at a lawful meeting of the Board on September 27, 2024, commencing at the hour of 2:00 p.m., as recorded in the regular official book of the proceedings of the Board kept in the District 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 and affixed the seal of the District, on September 27, 2024.

By: JACK Secretary/Clerk

## EXHIBIT A

# CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Seth Robertson, the undersigned clerk (or assistant clerk) of Pointe West Public Infrastructure District (the "the District"), do hereby certify that I gave written public notice of the agenda, date, time and place of the special meeting held by the Board of Trustees of the District (the "Board") on September 27, 2024, not less than 24 hours in advance of the meeting. The public notice was given in compliance with the requirements of the Utah Open and Public Meetings Act, Section 52-4-202, Utah Code Annotated 1953, as amended, by:

- (a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the meeting location at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and
- (c) By causing a copy of such Notice, in the form attached hereto as <u>Schedule 1</u>, to be published on the Utah Public Notice Website (http://pmn.utah.gov) at least twenty-four (24) hours prior to the convening of the meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this September 27, 2024.

By: Secretary/Clerk

# $\label{eq:schedule1} \underline{\text{SCHEDULE 1}}$ NOTICE OF MEETING AND AGENDA

# PUBLIC NOTICE AND AGENDA

# Pointe West Public Infrastructure District Board of Trustees Special Meeting

NOTICE IS HEREBY GIVEN THAT THE BOARD OF TRUSTEES OF GRAPEVINE WASH LOCAL DISTRICT WILL HOLD A MEETING ON <u>SEPTEMBER 27, 2024</u>, AT SNOW JENSEN & REECE, P.C., 912 W. 1600 S., SUITE B-200, ST. GEORGE, UTAH 84770 AT 2:00 P.M.

- A. Call to Order
- B. Public Comment
- C. Consent Items
  - 1. Consider approval of the draft minutes from the board meeting held August 19, 2024.
- D. Action Items
  - 1. CONSIDER RESOLUTION NO. 2024-06A A Resolution of the Board of Trustees of Pointe West Public Infrastructure District to certify a Petition for Withdrawal of approximately 19.01 acres from the District; Authorizing the Plat and other Documents in connection (re-approval to bring down approval date).
- E. Administrative Non-Action Items
- F. Other Items From Board Members
  - 1. Discussion of other items from Board members.
- G. Adjourn

The District complies with the Americans with Disabilities Act by providing accommodations and auxiliary communicative aids and services for all those in need of assistance. Persons requesting these accommodations for public meetings should call Jennifer Gowans at 435-628-3688 at least one full business day before the meeting.

This meeting will be simulcast via Zoom so members of the Board and the public may participate electronically. Motions relating to any of the items listed above, including final action, may be taken. Meetings may be closed for reasons allowed by statute.

This meeting can be accessed through Zoom at:

Join Zoom Meeting

https://us06web.zoom.us/j/86907587268?pwd=ZjuSZaMEX3ZZ5BU1XWifdu5CsckpqV.1

Meeting ID: 869 0758 7268

Passcode: 488836

# $\frac{\text{EXHIBIT B}}{\text{WITHDRAWAL PETITION}}$

# PETITION TO WITHDRAW PROPERTY FROM POINTE WEST PUBLIC INFRASTRUCTURE DISTRICT

TO: POINTE WEST PUBLIC INFRASTRUCTURE DISTRICT, a Utah public

infrastructure district

FROM: CW Redhawk Village, LLC, a Utah corporation;

("Petitioner")

DATE: September 27, 2024

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

Petitioner hereby petitions and consents to the withdrawal from the District of approximately 19.01 acres of property in Cedar City, Iron County, Utah, as more particularly described in <u>EXHIBIT A</u> (hereafter the "**Property**"). Petitioner acknowledges that the District may enact a resolution to withdraw the Property, subject to receipt of all signatures on this Petition.

The undersigned Petitioner CW Redhawk Village, LLC, is designated a sponsor, and the contact sponsor, of this Petition.

In support of this Petition, Petitioner affirmatively represents, acknowledges, and certifies the following matters:

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

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

Each individual who signs on behalf of a trust or business entity represents that he or she has authority to do so and to petition for the annexation on behalf of the trust or business entity, and further represents that there is no legal impediment to the trust or business entity's signing this Petition.

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

IN WITNESS WHEREOF, the Petitioner has executed this Petition effective as of the date indicated above.

(signature pages follow)

# Made effective as of September 27, 2024.

CW Redhawk Village, LLC 610 N. 800 W. Centerville, UT 84014

By: MANAGER Its: Authorized Signer

# EXHIBIT A LEGAL DESCRIPTION OF THE WITHDRAWAL PROPERTY

A TRACT OF LAND WHICH INCLUDES A PORTION OF POINTE WEST SUBDIVISION, PHASE 1, WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS;

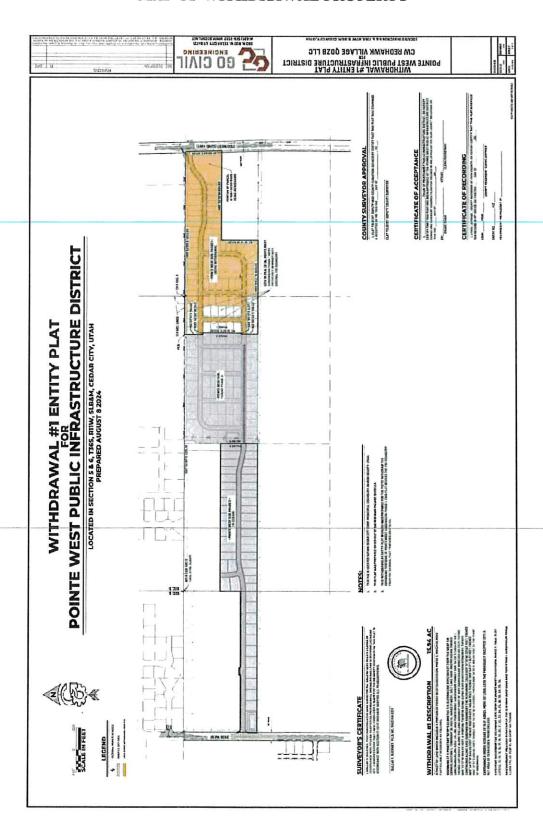
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CONTAINING A GROSS ACREAGE OF 19.01 ACRES, MORE OR LESS, LESS THE PREVIOUSLY EXCEPTED LOTS A NET AREA OF 15.94 ACRES, MORE OR LESS.

EXCEPTING THEREFROM THE FOLLOWING LOTS FROM THE POINTE WEST SUBDIVISION, PHASE 1 FINAL PLAT; LOTS 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 32, 33, 34, 35, 36.

SAID BOUNDARY INCLUDES A PORTION OF TAX ID B-1884-0000-0000 AND POINTE WEST SUBDIVISION PHASE 1, LOTS 1-11, 26-31,37-51, AS ENTRY NO 795632.

# EXHIBIT B MAP OF WITHDRAWAL PROPERTY



# $\underline{\text{EXHIBIT C}}$ NOTICE OF BOUNDARY ACTION

# NOTICE OF IMPENDING BOUNDARY ACTION

## Withdrawal No. 1

by

### Pointe West Public Infrastructure District

TO: The Lieutenant Governor, State of Utah

**NOTICE IS HEREBY GIVEN** that the Board of Trustees of Pointe West Public Infrastructure District (the "Board"), at a special meeting of the Board, duly convened pursuant to notice, and, pursuant to Utah Code Ann. §17D-4-201(4)(a) and other applicable provisions of Utah law, effective September 27, 2024, adopted a *Resolution to Withdraw Approximately 19.01 Acres*, a true and correct copy of which is attached as <u>EXHIBIT "A"</u> hereto and incorporated by this reference herein (the "Withdrawal Resolution").

A copy of the Final Local Entity Plat – Withdrawal No. 1 satisfying the applicable legal requirements as set forth in Utah Code Ann. §17-23-20, approved as a final local entity plat by the Utah County Surveyor, is attached along with the legal description of the affected property, as <u>EXHIBIT "B"</u>, hereto and incorporated by this reference. The Board hereby certifies that all requirements applicable to the withdrawal by the District, as more particularly described in the Withdrawal Resolution, have been met. The withdrawal is not anticipated to result in the employment of personnel.

**WHEREFORE**, the Board hereby respectfully requests the issuance of a Certificate of Withdrawal pursuant to and in conformance with the provisions of Utah Code Ann. § 67-1a-6.5.

DATED this 27th day of September, 2024.

POINTE WEST PUBLIC INFRASTRUCTURE DISTRICT

Walker Wood, Chair

STATE OF UTAH

JTAH )

Davis :ss.

COUNTY OF TRON

)

On the 2+ day of September, 2024, personally appeared before me Walker Wood, proved on the basis of satisfactory evidence to be the person whose name is subscribed to in this NOTICE OF IMPENDING BOUNDARY ACTION, and acknowledged that he executed the same voluntarily for its stated purpose on behalf of Pointe West Public Infrastructure District pursuant to his authority by law as its duly appointed chair.

NOTARY PUBLIC



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

Copy of the Withdrawal Resolution

# EXHIBIT "B" TO NOTICE OF BOUNDARY ACTION

(Withdrawal No. 1)

# **Legal Description**

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