

STATE OF UTAH



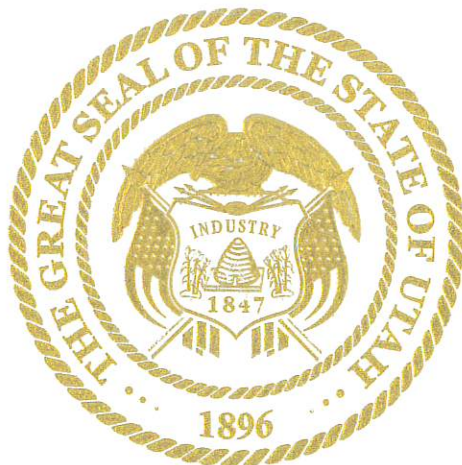
OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF CREATION

I, Deidre M. Henderson, Lieutenant Governor of the State of Utah, hereby certify that there has been filed in my office a notice of creation for the SAGE CREEK INFRASTRUCTURE FINANCING DISTRICT located in WEBER COUNTY, dated SEPTEMBER, 27, 2024, complying with §17B-1-209, 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 creation, referred to above, on file with the Office of the Lieutenant Governor pertaining to the SAGE CREEK INFRASTRUCTURE FINANCING DISTRICT, located in WEBER COUNTY, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 11<sup>th</sup> day of October, 2024 at Salt Lake City, Utah.



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

DEIDRE M. HENDERSON  
Lieutenant Governor

## NOTICE OF AN IMPENDING BOUNDARY ACTION

### To the Lieutenant Governor, State of Utah

Pursuant to the provisions of Utah Code Ann. §17B-1-215 and § 67-1a-6.5, Weber County ("County"), a body politic and political subdivision of the State of Utah, hereby gives notice to the Utah Lieutenant Governor that a petition has been submitted to the County to create an infrastructure financing district in accordance with Section §17B-2a-13; which would be named the **Sage Creek Infrastructure Financing District** ("District"). The petition has been certified by the County Clerk under Utah Code Ann. § 17B-1-209.

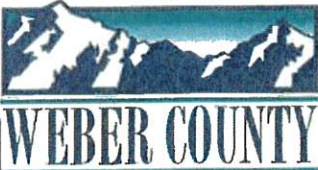
The County hereby certifies that all of the legal requirements necessary for the creation of the District have been completed and respectfully requests the issuance of a Certificate of Creation pursuant to Utah Code Ann. § 67-1a-6.5.

Accompanying this Notice is a copy of the certified petition pursuant to Utah Code Ann. § 17B-1-209 and a copy of an approved final local entity plat prepared and certified by a licensed surveyor and approved by the Weber County Surveyor pursuant to Utah Code Ann. § 17-23-20. Employment of personnel is not anticipated within the District.

Dated this 27th day of September 2024.

  
\_\_\_\_\_  
Ricky Hatch, County Clerk

September 27, 2024



Ricky D. Hatch, CPA  
Clerk/Auditor

To: Pat Burns  
1407 Mountain Road  
North Ogden, UT 84404

Dear Pat Burns,

The Weber County Clerk/Auditor's Office has received a petition for the creation of a local infrastructure financing district, Sage Creek Infrastructure Financing District (District), pursuant to Utah Code Ann. § 17B-2a-13, for the purpose of financing public infrastructure to service and benefit the District area of unincorporated Weber County within the proposed District. The petition was signed by 100% of the owners of property located within the proposed District boundary. I hereby certify that the petition complies with the requirements of Utah Code Ann. §§ 17B -1-203(1)(d), 17B-1-205(1), and 17B-1-208(1). A copy of this certification will be delivered to the Weber County Commission, the contact sponsor, and the Lieutenant Governor.

Additionally, pursuant to Utah Code Ann. §17B-2a-1305(4) regarding IFDs and Utah Code Ann. §17D-4-204(3) regarding PIDs, any infrastructure proposed to be transferred to the County through an IFD or PID which will require services to be provided by the County must be built in accordance with all applicable standards, design, inspection, and other requirements of the County, and will only be accepted through a formally issued will serve letter or a properly executed interlocal agreement signed by both parties.

Sincerely,

Ricky Hatch, CPA  
Weber County Clerk Auditor

Attachments:

1. Weber County Resolution 42-2024 Indicating The Requirement Of The County's Acceptance Of Certain Infrastructure On An IFD Or PID (approved 9-10-2024).



RESOLUTION NO. 42-2024

**RESOLUTION INDICATING THE REQUIREMENT OF THE COUNTY'S ACCEPTANCE OF CERTAIN INFRASTRUCTURE ON AN IFD OR PID.**

**WHEREAS**, Utah Code Ann. §17B-2a-13 allows for the creation of Infrastructure Financing Districts ("IFD"); and

**WHEREAS**, Utah Code Ann. §17D-4 allows for the creation of Public Infrastructure Districts ("PID"); and

**WHEREAS**, the Board of County Commissioners anticipates the creation of both IFDs and PIDs;

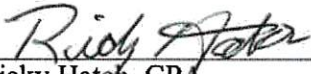
**NOW, THEREFORE, BE IT RESOLVED** that pursuant to Utah Code Ann. §17B-2a-1305(4) regarding IFDs and Utah Code Ann. §17D-4-204(3) regarding PIDs, any infrastructure proposed to be transferred to the County through an IFD or PID which will require services to be provided by the County must be built in accordance with all applicable standards, design, inspection, and other requirements of the County, and will only be accepted through a formally issued will serve letter or a properly executed interlocal agreement signed by both parties.

DATED this 10<sup>th</sup> day of September, 2024.

BOARD OF COUNTY COMMISSIONERS  
OF WEBER COUNTY

By   
James H. "Jim" Harvey, Chair

ATTEST:

  
Ricky Hatch, CPA  
Weber County Clerk/Auditor

Commissioner Froerer voted  
Commissioner Bolos voted  
Commissioner Harvey voted

Aye  
Aye  
Aye

# FINAL LOCAL ENTITY PLAT SAGE CREEK INFRASTRUCTURE FINANCING DISTRICT

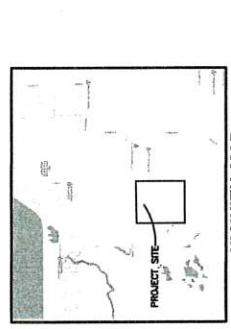
THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 7 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY  
WEBER COUNTY, UTAH

**SURVEYORS CERTIFICATE**

I, **JASMIN L. FELT**, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH IN ACCORDANCE WITH TITLE 34, CHAPTER 22, UTAH CODE ANNOTATED. THIS PLAT IS A FINAL LOCAL ENTITY PLAT IN ACCORDANCE WITH SECTION 17-23-20 OF UTAH STATE CODE. THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECTION, AND SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF THE INFORMATION AND DATA PROVIDED TO ME BY THE AUTHORITY OF THE OWNERS. I HAVE PREPARED THIS PLAT FOR THE PURPOSE OF CREATING A FINANCING DISTRICT WITHIN WEBER COUNTY THAT WILL BE ANNECTED INTO THAT DISTRICT.

SIGNED THIS 2nd DAY OF October, 2024

UTAH LICENSE NUMBER: 9232923  
**JASMIN L. FELT**



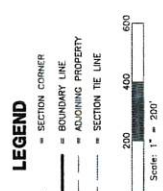
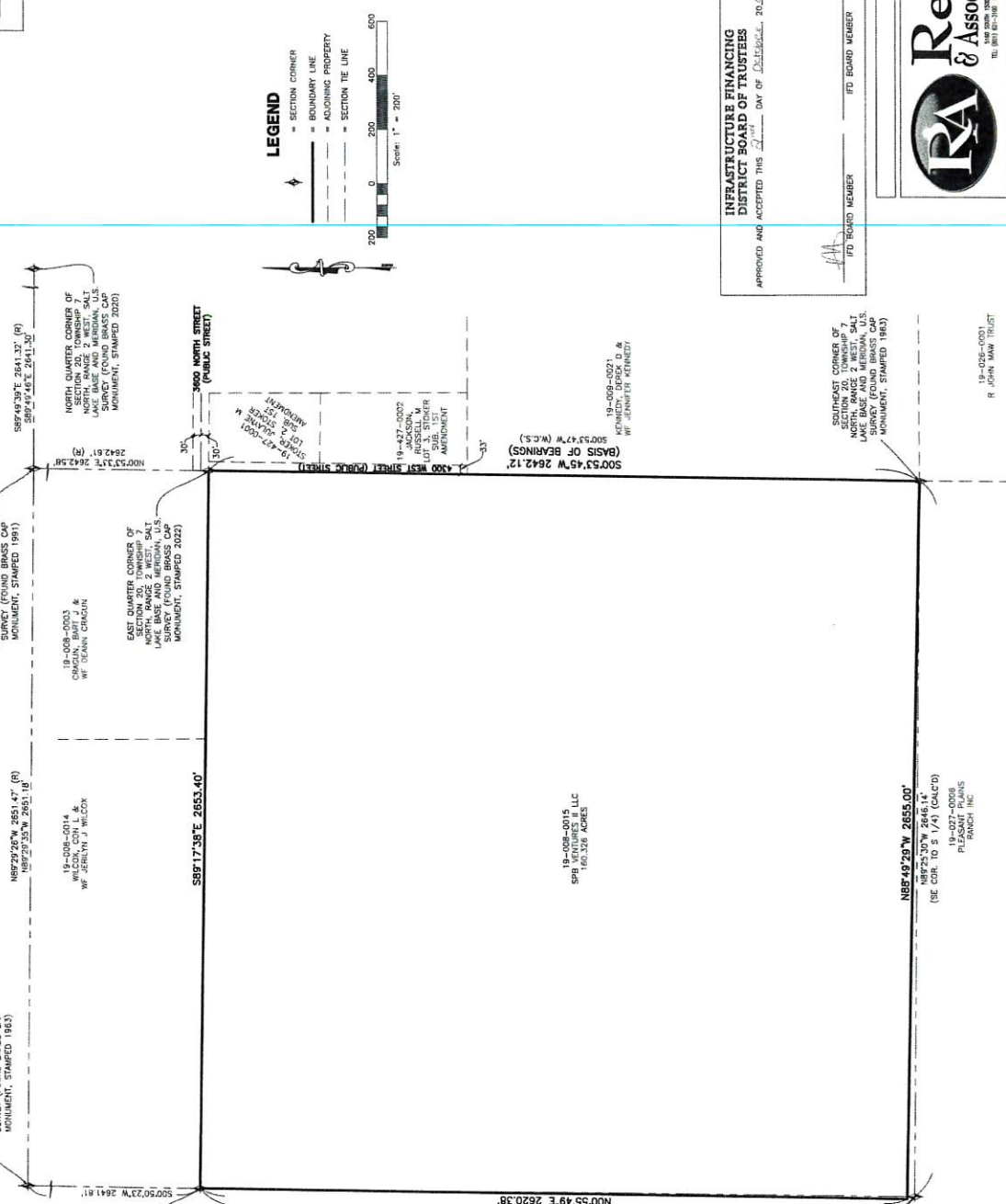
**BASIS OF BEARINGS**

A LINE BEARING SOUTH 00°53'45" WEST BETWEEN SAID BRASS CAP MONUMENTS OF THE EAST QUARTER CORNER AND THE SOUTHEAST CORNER OF SAID SECTION 20 WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

**LEGAL DESCRIPTION**

THE SOUTHWEST CORNER OF SAID SECTION 20, TOWNSHIP 7 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, WEBER COUNTY, UTAH BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 20; THENCE SOUTH 00°53'45" WEST 2642.12 FEET ALONG THE SECTION LINE TO THE SOUTHWEST CORNER OF SAID SECTION 20; THENCE SOUTH 89°57'38" WEST 2653.40 FEET ALONG AN EXISTING FENCE LINE TO A FENCE "T" AND 2" STEEL PIPE MONUMENT; THENCE EAST 190.29 FEET ALONG THE FENCE LINE TO THE POINT OF BEGINNING.

CONTAINS: 160.326 ACRES



**WEBER COUNTY CLERK**

I, THE WEBER COUNTY CLERK, AS THE APPROVING AUTHORITY FOR THIS PLAT BASED ON THE DEFINITION SET FORTH IN UTAH CODE ANNOTATED, IMPROVING BOUNDARY ACTORS TO THE U.S. DEPENDOR UNDER LOCAL ENTITY PLAT #1, HAVE CERTIFIED THE PETITION FOR ANNECTMENT.

SIGNED 2nd DAY OF October, 2024

*R. Kelly J. Zwick*  
WEBER COUNTY CLERK

**WEBER COUNTY SURVEYOR**

I, HEREBY CERTIFY THAT I HAVE REVIEWED THIS PLAT AND ALL CONDITIONS FOR APPROVAL BY THIS OFFICE HAVE BEEN SAISFIED. THE INFORMATION PROVIDED BY THE SURVEYOR WHO EXECUTED THIS PLAT FROM THE RESPONSIBILITIES AND/OR LIABILITIES ASSOCIATED THEREWITH.

SIGNED 2nd DAY OF October, 2024

*Jasmin L. Felt*  
WEBER COUNTY SURVEYOR

**Webber County Recorder**

Entry No. \_\_\_\_\_ Fee Paid \_\_\_\_\_  
 And Recorded: \_\_\_\_\_  
 At \_\_\_\_\_ In Book \_\_\_\_\_  
 Of the Official Records, Page \_\_\_\_\_  
 Recorded For: \_\_\_\_\_

**Project Info**

Surveyor: J. FELT  
 Designer: J. AMERSON  
 Begin Date: 06-20-2024  
 Name: FINAL LOCAL ENTITY PLAT #1  
 Number: 5098-26  
 Revision: 1-2024  
 Scale: 1"=200'  
 Checked: \_\_\_\_\_ Deputy

**INFRASTRUCTURE FINANCING DISTRICT BOARD OF TRUSTEES**

APPROVED AND ACCEPTED THIS 2nd DAY OF October, 2024

*J. Felt*  
 IPT BOARD MEMBER  
 IPT BOARD MEMBER

**IRA & Associates, Inc.**  
 160 SOUTH 200 WEST, SUITE 100, SALT LAKE CITY, UTAH 84119  
 TEL: (801) 467-7272 FAX: (801) 467-7272

**SECTION 20 CORNER OF SECTION 20, TOWNSHIP 7 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY (FOUND BRASS CAP MONUMENT, STAMPED 1943)**

19-008-003  
 CHADAN, BART J. & WIFE JEANNI CHADAN

19-008-001  
 WILCOX, DON L. & WIFE JERETH J. WILCOX

19-008-002  
 RUSSELL M. LOT 3, STOKER AMENDMENT

19-008-002  
 KENNEDY, DEBBIE D. & WIFE JENNIFER KENNEDY

19-008-003  
 R. JUDAN MARK TRUST

RECEIVED

SEP 25 2024

Weber County Clerk/Auditor

**PETITION REQUESTING THE CREATION OF  
SAGE CREEK INFRASTRUCTURE FINANCING DISTRICT  
LOCATED IN WEBER COUNTY, UTAH**

June 2024

Weber County Clerk  
2380 Washington Blvd  
Ogden, Utah 84401  
801-399-8400

The undersigned (the "Petitioners") hereby request that the Clerk of Weber County, Utah (the "County Clerk") certify this Petition for the Sage Creek Infrastructure Financing District (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:

Pat Burns  
as the owner of property located at:

4300 W 3600 N  
Plain City, UT 84404

Contact Sponsor:

Pat Burns  
1407 Mountain Road North Ogden, UT 84404  
801-710-2234  
[Pat@lynconstruction.com](mailto:Pat@lynconstruction.com)

The Petitioners 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 Weber 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 Boards of Trustees for the District be initially composed of three appointed members who are agents, or officers of the property owner, as follows:

**Trustee 1:** Pat Burns, for an initial term of six years

1946 W 5600 S, Roy, UT 84067

**Trustee 2:** Nathan Combs, for an initial term of four years

[4962 W Juniper Bend Dr, Herriman UT, 84096]

**Trustee 3:** Tom Willis, for an initial term of six years

[10088 N Sage Rd E, Cedar Hills, UT, 84062]

#### **VII. Petitioners Consent and Acknowledgements**

- c) The Petitioners hereby consent to:
  - i) The creation of the District within the Original District Boundaries;
  - ii) 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.
- d) 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 45 days 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 45 days specified above, file with the lieutenant governor, in addition to a copy of the certified Petition (including the exhibits hereto):

i) a copy of the Notice of an Impending Boundary Action, attached hereto as **Exhibit E**;  
and

ii) a copy of the Final Local Entity Plat.

c) Documents may be filed with the Lieutenant Governor's Office at [annexations@utah.gov](mailto:annexations@utah.gov) with the Contact Sponsor cc'd on such email.

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.

SPB Ventures II a limited liability company

By: [Signature]  
Its: Manager

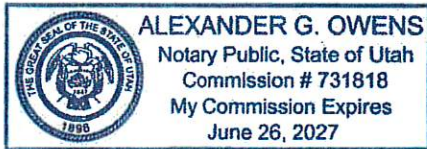
STATE OF UTAH )

ss:

COUNTY OF )

On this 3rd day of July, personally appeared before me Pat Burns, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn did say that they are the Manager of SPB Ventures II that he was duly authorized by said company to sign this Petition, and that they acknowledged to me that said company executed the same for the uses and purposes set forth herein.

[Signature]  
NOTARY PUBLIC



**EXHIBIT A  
LEGAL DESCRIPTION**

## Exhibit "A"

### Property Description

The land referred to is located in Weber County, State of Utah, and is described as follows:

DESCRIBED AS FOLLOWS: PART OF THE EAST HALF OF SECTION 20, TOWNSHIP 7 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN. BEGINNING AT SOUTHEAST CORNER OF SAID SECTION 20 AND RUNNING THENCE SOUTH 90° WEST 2640 FEET; THENCE NORTH 00° EAST 4785 FEET; THENCE NORTH 90° EAST 908 FEET THENCE SOUTH 12°40' EAST 822.24 FEET; THENCE SOUTH 87°55' EAST 562 FEET; THENCE SOUTH 00°53' EAST 1322.42 FEET; THENCE NORTH 90° EAST 969.68 FEET THENCE SOUTH 00° EAST 2640.08 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM ANY PORTION CONVEYED TO CON L. WILCOX AND JERILYN J. WILCOX ON THAT CERTAIN WARRANTY DEED RECORDED APRIL 30, 2021 AS ENTRY NO. 3149480 OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE QUARTER SECTION LINE, SAID POINT BEING NORTH 89°17'08" WEST 987.23 FEET ALONG THE QUARTER SECTION LINE FROM A PK NAIL IN THE ASPHALT IN 3600 WEST STREET REPRESENTING THE EAST QUARTER CORNER OF SECTION 20, TOWNSHIP 7 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 89°17'08" WEST 1666.29 FEET ALONG THE QUARTER SECTION LINE TO A 2" STEEL POST REPRESENTING THE CENTER OF SECTION 20, TOWNSHIP 7 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 00°56'47" EAST 2123.22 FEET ALONG A FENCE LINE REPRESENTING THE QUARTER SECTION LINE TO A FENCE "T", SAID POINT BEING SOUTH 00°56'47" WEST 509.77 FEET ALONG THE QUARTER SECTION LINE TO A FENCE FROM A WEBER COUNTY BRASS CAP REPRESENTING THE NORTH QUARTER CORNER OF SECTION 20, TOWNSHIP 7 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 89°19'18" EAST 921.21 FEET ALONG A FENCE LINE TO A FENCE CORNER, THENCE SOUTH 13°09'26" EAST 819.48 FEET ALONG A FENCE LINE TO A FENCE LINE; THENCE SOUTH 86°49'48" EAST 562.23 FEET ALONG A FENCE LINE TO A FENCE CORNER, THENCE SOUTH 01°40'04" WEST 1304.30 FEET ALONG A FENCE LINE TO THE QUARTER SECTION LINE, BEING POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO:

A 30 FOOT RIGHT OF WAY EASEMENT AS DISCLOSED ON THAT CERTAIN WARRANTY DEED RECORDED SEPTEMBER 30, 2021 AS ENTRY NO. 3187568 OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT BEING A PK NAIL IN THE ASPHALT IN 3600 WEST STREET REPRESENTING THE EAST QUARTER CORNER OF SECTION 20, TOWNSHIP 7 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING: THENCE SOUTH 00°53'44" WEST 30.00 FEET ALONG THE QUARTER SECTION LINE; THENCE NORTH 89°17'08" WEST 1057.14 FEET; THENCE NORTH 00°42'52" EAST 30.00 FEET TO THE QUARTER SECTION LINE; THENCE SOUTH 89°17'08" EAST 1057.23 FEET ALONG THE QUARTER SECTION LINE TO THE POINT OF BEGINNING.

(19-008-0015)



**EXHIBIT B**  
**FINAL LOCAL ENTITY PLAT**

# SAGE CRE

THE SOUTH

NORTH QUARTE  
SECTION 20,  
NORTH, RANGE  
LAKE BASE AND  
SURVEY (FOUN  
MONUMENT, ST

CENTER OF SECTION 20, TOWNSHIP 7  
NORTH, RANGE 2 WEST, SALT LAKE  
BASE AND MERIDIAN, U.S. SURVEY  
(FOUND FENCE "T" AND 2" PIPE)

S00°50'23"W 2641.81'

**EXHIBIT C  
GOVERNING DOCUMENT**



**GOVERNING DOCUMENT FOR  
SAGE CREEK INFRASTRUCTURE FINANCING DISTRICT**

LOCATED IN WEBER COUNTY, UTAH

July 17, 2024

Prepared By:



2154 East Commons Avenue, Suite 2000  
Centennial, Colorado 80122  
(303) 858-1800

## **I. INTRODUCTION**

The District is a body corporate and politic with perpetual succession, a quasi-municipal corporation, a political subdivision of the State, and separate and distinct from and independent of any other political subdivision of the State. It is intended that the District will provide a part or all of the 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 or reimburse the construction of these Improvements pursuant to the Special District Act and the Assessment Act and to finance or reimburse the construction of C-PACE Improvements.

## **II. DEFINITIONS**

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

“Assessment” means the levy of an assessment secured by a lien on property within the District to pay for the cost of Improvements benefitting such property.

“Assessment Area” means an area, or, if more than one area is designated, the aggregate of all areas within a local entity’s jurisdictional boundaries designed by the District, for the purpose of financing the Public Improvements.

“Assessment Act” means Title 11, Chapter 42, Utah Code as may be amended from time to time.

“Assessment Bonds” means bonds that are payable in part or in whole from Assessments levied in an Assessment Area.

“Board” means the board of trustees of the District.

“Bond, Bonds or Debt” means bonds or other obligations, including Assessment Bonds, loans of any property owner, for the payment of which any District has promised to collect Assessments.

“C-PACE Act” means Title 11, Chapter 42a, Utah Code as may be amended from time to time.

“C-PACE Improvements” means any improvements within an energy assessment area pursuant to the C-PACE Act.

“District” means Sage Creek Infrastructure Financing District.

“Governing Document” means this Governing Document for the District.

“Governing Document Amendment” means an amendment to the Governing Document for the District.

“Improvements” means all or a portion of the improvements authorized to be planned, designed, acquired, constructed, installed, relocated, redeveloped and financed as generally permitted in the Special District Act or the Assessment Act, as determined by the Board.

“Original District Boundaries” means the boundaries of the District, as area described in **Exhibit A** hereto.

“Special District Act” means Title 17B of the Utah Code, including Chapter 2a, Part 13, Infrastructure Financing Districts, as amended from time to time.

“State” means the State of Utah.

“Trustee” means a member of the Board.

“Utah Code” means the Utah Code Annotated 1953, as amended.

### **III. ORIGINAL DISTRICT BOUNDARIES; DESIGNATED EXPANSION AREA**

A. Original District Boundaries. The area of the Original District Boundaries includes approximately 160 acres, as further described in **Exhibit A**.

B. Designated Expansion Area. There is no designated expansion area.

C. Corrections to Legal Descriptions. Prior to recordation of a final local entity plat of the District, the petitioner or their designee may make any corrections, deletions, or additions to the legal descriptions attached hereto 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.

### **IV. DESCRIPTION OF POWERS AND IMPROVEMENTS**

A. District Powers. The District shall have all of the power granted to an infrastructure financing district under the Special District Act, including any powers granted after the date of this Governing Document, except as may be expressly amended or reserved by resolution of the Board. The District shall have the power and authority to provide the Improvements within and without the boundaries of the District as such power and authority is described in the Special District Act, the Assessment Act, and other applicable statutes, common law and the Constitution, subject to the limitations set forth herein.

B. Proposed Improvements. The purpose of the District is to finance the Improvements and C-PACE Improvements. It is anticipated that the District will finance all or a portion of Improvements permitted under the Special District Act, the Assessment Act, or the C-PACE Act including but not limited to: erosion control, earth work, sanitary sewer, storm sewer, culinary water, secondary water, roadway, offsite Jackson roadway, offsite 3600 North, and related improvements.



V. THE BOARD OF TRUSTEES

A. Board Composition. The Board shall be composed of three Trustees. The owners of surface property within the District waived the residency requirement. The initial Board is appointed as follows, with all terms commencing on the date of issuance of a certificate of creation by the Office of the Lieutenant Governor of the State of Utah:

1. Trustee 1. Pat Burns is hereby appointed to the Board with an initial term of six years.

2. Trustee 2. Nathan Combs is hereby appointed to the Board with an initial term of four years.

3. Trustee 3. Tom Willis is hereby appointed to the Board with an initial term of six years.

After the initial term of office, the term of each member of the Board shall be four years.

B. Transition to Elected Board. Respective Board seats shall transition from appointed to elected seats according to the following milestones:

1. Trustee 1. Trustee 1 shall transition to an elected seat at the end of a full term during which certificates of occupancy for 80% of the total residential units have been issued within the District.

2. 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 total residential units have been issued within the District.

3. Trustee 3. Trustee 3 shall transition to an elected seat at the end of a full term during which certificates of occupancy for 50% of total residential 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.

C. Reelection, Reappointment, Vacancy. The Trustees shall be elected or appointed, as applicable, in accordance with the Special District Act and the Governing Document.

D. Conflicts of Interest. Trustees shall disclose all conflicts of interest in accordance with the Special District Act. Any Trustee who discloses such conflicts in accordance with the Special District Act, shall be entitled to vote on such matters.

E. No Divisions. The Board may not divide the District into divisions so that some or all Trustees represent a division rather than the District at large.

**VI. FINANCIAL PLAN**

A. General. The District shall be authorized to provide for the planning, design, acquisition, construction, installation, relocation and/or redevelopment of the Improvements from its revenues and by and through the proceeds of Debt to be issued by the District.

B. Debt Repayment Source. The District may impose Assessments on taxable property within its boundaries as a primary source of revenue for repayment of Debt. The District may also rely on any other source of revenue as permitted by the Special District Act and the Assessment Act for the repayment of Debt.

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

**VII. DEVELOPMENT AGREEMENT**

In accordance with the requirements of the Special District Act, the District acknowledges that there is no applicable development agreement that has been or will be executed relating to infrastructure to be developed within the boundaries of the District and for which the District anticipates providing funding.

**VIII. GOVERNING DOCUMENT AMENDMENT**

Subject to the limitations of the Special District Act, this Governing Document may be amended by passage of a resolution of the Board approving such amendment.

**IX. ANNUAL REPORT**

The District shall be responsible for submitting an annual report as required by the Special District Act.

**X. DISSOLUTION**

The District shall be dissolved if and when required by the Special District Act.

**EXHIBIT A**  
**LEGAL DESCRIPTION OF ORIGINAL DISTRICT BOUNDARY**

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## Exhibit "A"

### Property Description

The land referred to is located in Weber County, State of Utah, and is described as follows:

DESCRIBED AS FOLLOWS: PART OF THE EAST HALF OF SECTION 20, TOWNSHIP 7 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN. BEGINNING AT SOUTHEAST CORNER OF SAID SECTION 20 AND RUNNING THENCE SOUTH 90° WEST 2640 FEET; THENCE NORTH 00° EAST 4785 FEET; THENCE NORTH 90° EAST 908 FEET THENCE SOUTH 12°40' EAST 822.24 FEET; THENCE SOUTH 87°55' EAST 562 FEET; THENCE SOUTH 00°53' EAST 1322.42 FEET; THENCE NORTH 90° EAST 969.68 FEET THENCE SOUTH 00° EAST 2640.08 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM ANY PORTION CONVEYED TO CON L. WILCOX AND JERILYN J. WILCOX ON THAT CERTAIN WARRANTY DEED RECORDED APRIL 30, 2021 AS ENTRY NO. 3149480 OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE QUARTER SECTION LINE, SAID POINT BEING NORTH 89°17'08" WEST 987.23 FEET ALONG THE QUARTER SECTION LINE FROM A PK NAIL IN THE ASPHALT IN 3600 WEST STREET REPRESENTING THE EAST QUARTER CORNER OF SECTION 20, TOWNSHIP 7 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 89°17'08" WEST 1666.29 FEET ALONG THE QUARTER SECTION LINE TO A 2" STEEL POST REPRESENTING THE CENTER OF SECTION 20, TOWNSHIP 7 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 00°56'47" EAST 2123.22 FEET ALONG A FENCE LINE REPRESENTING THE QUARTER SECTION LINE TO A FENCE "T", SAID POINT BEING SOUTH 00°56'47" WEST 509.77 FEET ALONG THE QUARTER SECTION LINE TO A FENCE FROM A WEBER COUNTY BRASS CAP REPRESENTING THE NORTH QUARTER CORNER OF SECTION 20, TOWNSHIP 7 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 89°19'18" EAST 921.21 FEET ALONG A FENCE LINE TO A FENCE CORNER, THENCE SOUTH 13°09'26" EAST 819.48 FEET ALONG A FENCE LINE TO A FENCE LINE; THENCE SOUTH 86°49'48" EAST 562.23 FEET ALONG A FENCE LINE TO A FENCE CORNER, THENCE SOUTH 01°40'04" WEST 1304.30 FEET ALONG A FENCE LINE TO THE QUARTER SECTION LINE, BEING POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO:

A 30 FOOT RIGHT OF WAY EASEMENT AS DISCLOSED ON THAT CERTAIN WARRANTY DEED RECORDED SEPTEMBER 30, 2021 AS ENTRY NO. 3187568 OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT BEING A PK NAIL IN THE ASPHALT IN 3600 WEST STREET REPRESENTING THE EAST QUARTER CORNER OF SECTION 20, TOWNSHIP 7 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING: THENCE SOUTH 00°53'44" WEST 30.00 FEET ALONG THE QUARTER SECTION LINE; THENCE NORTH 89°17'08" WEST 1057.14 FEET; THENCE NORTH 00°42'52" EAST 30.00 FEET TO THE QUARTER SECTION LINE; THENCE SOUTH 89°17'08" EAST 1057.23 FEET ALONG THE QUARTER SECTION LINE TO THE POINT OF BEGINNING.

(19-008-0015)

**EXHIBIT D**  
**CERTIFICATE OF ENGINEER**

CERTIFICATE OF ENGINEER

The undersigned project engineer for the proposed Sage Creek Infrastructure Financing District (the "District") hereby certifies as follows:

1. I am a professional engineer, licensed under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act, engaged to perform the necessary engineering services to determine the costs of the proposed infrastructure improvements benefitting property within the District.

2. The estimated costs of the public infrastructure and improvements to be acquired, constructed and/or installed benefitting property within the District exceeds \$1,000,000. Said estimated costs are based on a review of construction contracts, quotes and preliminary engineering estimates for the type and location of said proposed improvements as of the date hereof.



By: \_\_\_\_\_

Date: July 2, 20 24

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

**(Sage Creek Infrastructure Financing District)**

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

**NOTICE IS HEREBY GIVEN** that a petition proposing the creation of the Sage Creek Infrastructure Financing District has been certified by the Clerk of Weber 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 Weber County, Utah, is attached hereto and incorporated by this reference. The Petitioners 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 Petitioners 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 [DATE], 20\_\_.

By: \_\_\_\_\_  
CONTACT SPONSOR

**VERIFICATION**

STATE OF UTAH     )  
                              :ss.  
COUNTY OF UTAH   )

SUBSCRIBED AND SWORN to before me this [DATE], 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC