

STATE OF UTAH



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 the NS-PUBLIC INFRASTRUCTURE DISTRICT #3 - WITHDRAWAL #1 located in UTAH COUNTY, dated OCTOBER 9, 2024, complying with §17D-4-201, 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 NS-PUBLIC INFRASTRUCTURE DISTRICT #3 - WITHDRAWAL #1, located in UTAH COUNTY, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 21<sup>st</sup> day of October, 2024 at Salt Lake City, Utah.



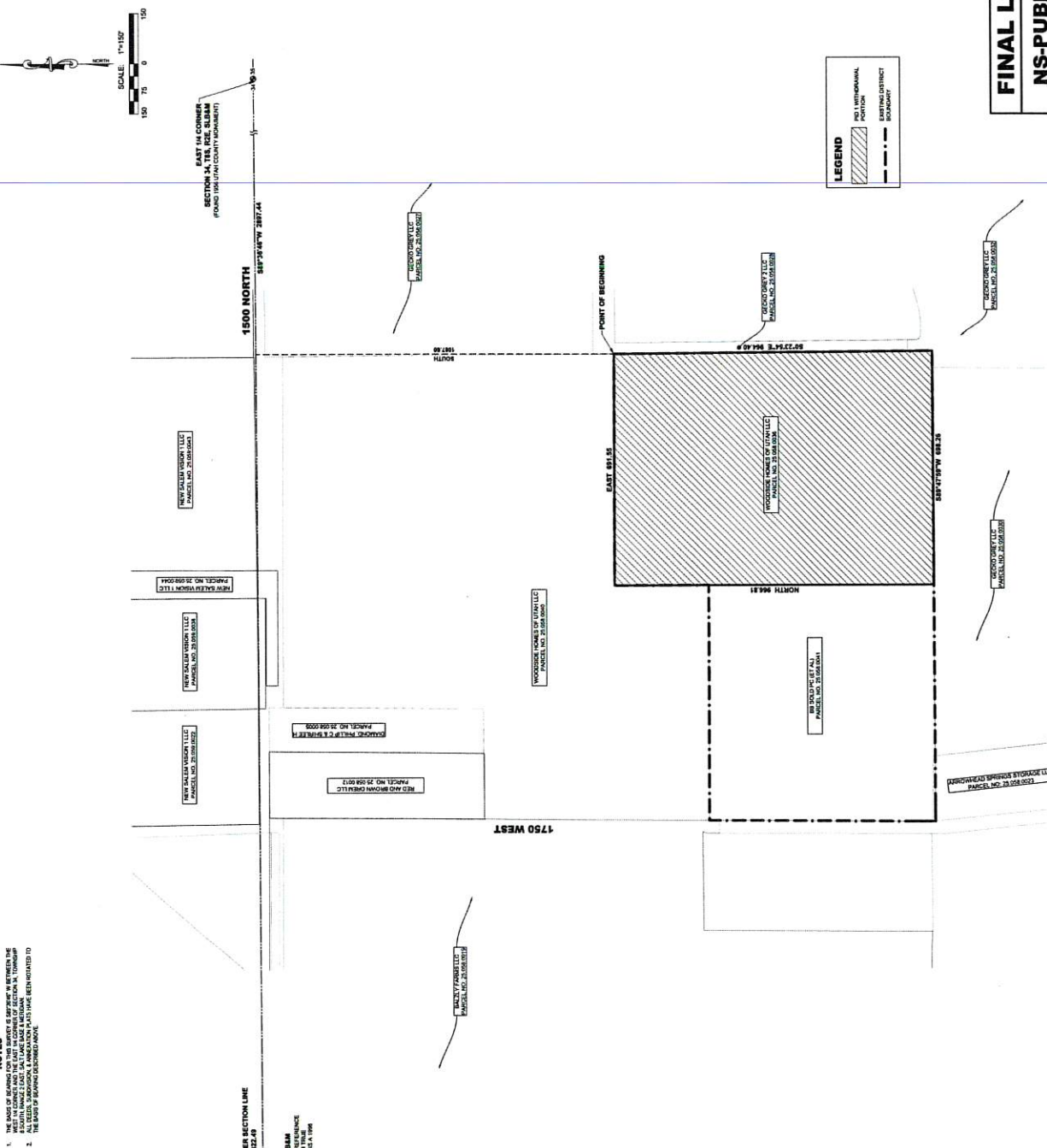
A handwritten signature in black ink, reading "Deidre M. Henderson".

DEIDRE M. HENDERSON  
Lieutenant Governor



**VICINITY MAP**

- NOTES**
1. THE BASIS OF RECORDS FOR THIS SURVEY IS SET BACK AS WITHIN THE RECORDS OF THE SALT LAKE COUNTY RECORDS, SALT LAKE COUNTY, UTAH.
  2. THE BASIS OF RECORDS FOR THIS SURVEY IS SET BACK AS WITHIN THE RECORDS OF THE SALT LAKE COUNTY RECORDS, SALT LAKE COUNTY, UTAH.



SCALE: 1" = 150'

**SURVEYORS CERTIFICATE**

I, **DAVID A. WOLFE**, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HAVE PERSONALLY AND INDIVIDUALLY EXAMINED THE RECORDS OF THE SALT LAKE COUNTY RECORDS, SALT LAKE COUNTY, UTAH, AND HAVE FOUND THAT THE SAME ARE CORRECT AND ACCURATE IN ALL RESPECTS. I HAVE ALSO PERSONALLY AND INDIVIDUALLY EXAMINED THE RECORDS OF THE SALT LAKE COUNTY RECORDS, SALT LAKE COUNTY, UTAH, AND HAVE FOUND THAT THE SAME ARE CORRECT AND ACCURATE IN ALL RESPECTS. I HAVE ALSO PERSONALLY AND INDIVIDUALLY EXAMINED THE RECORDS OF THE SALT LAKE COUNTY RECORDS, SALT LAKE COUNTY, UTAH, AND HAVE FOUND THAT THE SAME ARE CORRECT AND ACCURATE IN ALL RESPECTS.

**BOUNDARY DESCRIPTION**

ALL OF THE REAL PROPERTY DESCRIBED IN THESE INSTRUMENTS IS LOCATED IN THE OFFICIAL RECORDS OF THE SALT LAKE COUNTY RECORDS, SALT LAKE COUNTY, UTAH. THE BOUNDARY DESCRIPTIONS OF THE REAL PROPERTY DESCRIBED IN THESE INSTRUMENTS ARE BASED ON THE RECORDS OF THE SALT LAKE COUNTY RECORDS, SALT LAKE COUNTY, UTAH, AND HAVE BEEN FOUND TO BE CORRECT AND ACCURATE IN ALL RESPECTS.

*David A. Wolfe*  
 PROFESSIONAL LAND SURVEYOR  
 REGISTRATION NO. 91142  
 DATE: SEPTEMBER 26, 2024



**ACCEPTANCE BY COUNTY SURVEYOR**

THIS PLAT HAS BEEN REVIEWED BY THE COUNTY SURVEYOR AND IS HEREBY CERTIFIED AS A FINAL LOCAL ENTITY PLAT. PROGRAM TO BE COMPLETED BY 11/23/2024.

*Michelle Cook*  
 COUNTY SURVEYOR  
 DATE: 9/26/2024

**NS-PUBLIC INFRASTRUCTURE DISTRICT #3 ACCEPTANCE**

APPROVED BY THE PUBLIC INFRASTRUCTURE DISTRICT #3 BOARD OF LOCAL GOVERNMENT FOR THE PUBLIC INFRASTRUCTURE DISTRICT #3.

*Boyd B. Brennan*  
 BOYD B. BRENNAN  
 TITLE: Chair of the District  
 ATTEST: *Jeffrey J. ...*

**FINAL LOCAL ENTITY PLAT**  
**NS-PUBLIC INFRASTRUCTURE DISTRICT #3 - WITHDRAWAL #1**

SALT LAKE COUNTY, UTAH  
 SCALE: 1" = 150' FEET  
 SHEET 1 OF 1



**NOTICE OF IMPENDING BOUNDARY ACTION**  
**WITHDRAWAL OF PROPERTY**  
**(WITHDRAWAL NO. 1)**

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**To:** Lieutenant Governor, State of Utah

**From:** NS Public Infrastructure District No. 3 (the "District")

**NOTICE IS HEREBY GIVEN** that the Board of Trustees of the NS Public Infrastructure District No. 3 (the "Board"), desires to withdraw property from the boundaries of the District pursuant to Utah Code Section 17D-4-201(4).

A petition meeting the requirements for withdrawal set forth in Utah Code Section 17D-4-201(4) has been filed with the City of Salem, Utah (the "Petition"). The Board has adopted a resolution approving the withdrawal of the property as set forth in the Petition, a true and correct copy of which is attached hereto and incorporated herein by this reference as **Exhibit A**. The District hereby certifies that all requirements applicable to the withdrawal of the property set forth in the Petition have been met. The withdrawal of property is not anticipated to result in the employment of personnel and therefore Utah Code Section 67-1a-6.5(3)(d) is not applicable in this case.

A copy of the Approved Final Local Entity Plat satisfying the applicable legal requirements as set forth in Utah Code Section 17-23-20 and that has been approved by the Utah County surveyor as a final local entity plat is attached hereto and incorporated herein by this reference as **Exhibit B**.



CERTIFIED this 9 day of October, 2024.

NS PUBLIC INFRASTRUCTURE DISTRICT  
NO. 3, a body politic and corporate created and  
validly existing under the laws of the State of Utah

[Signature]  
\_\_\_\_\_  
Officer of the District

STATE OF Utah )

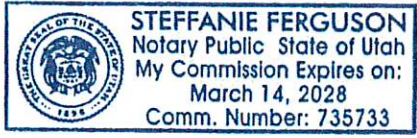
) ss.

COUNTY OF Salt Lake )

The above and foregoing instrument was subscribed and sworn before me this 9 day of October 2024, by Boyd B. Brown, as an Officer of NS Public Infrastructure District No. 3.

WITNESS my hand and official seal.

(SEAL)



[Signature]  
\_\_\_\_\_  
Notary Public

My commission expires: 3-14-28

**Exhibit A**

Resolution Approving Withdrawal

**RESOLUTION**  
**OF THE BOARD OF TRUSTEES OF THE**  
**NS PUBLIC INFRASTRUCTURE DISTRICT NO. 3**  
**APPROVING WITHDRAWAL OF PROPERTY**  
**(WITHDRAWAL NO. 1)**

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WHEREAS, NS Public Infrastructure District No. 3 (the “District”) was created by a resolution of the City of Salem, Utah (the “City”) on April 3, 2024 and a Certificate of Creation was issued by the Utah Lieutenant Governor on May 2, 2024; and

WHEREAS, Utah Code Section 17D-4-201(4)(a)(i)(B) provides that an area outside the boundaries of the District may be withdrawn from the District if the Board of Trustees of the District (the “Board”) adopts a resolution to withdraw the property, provided that the Governing Document authorizes the Board to withdraw the property without further consent of the City; and

WHEREAS, Section V.A.5 of the Governing Document permits the District to withdraw property within the District boundaries without the City’s consent provided certain conditions set forth in the Governing Document are met; and

WHEREAS, Utah Code Section 17D-4-201(4)(a)(ii) provides that if there are any registered voters within the area to be withdrawn, a petition is filed with the City that contains the signatures of 100% of registered voters within the area, demonstrating that the registered voters approve of the withdrawal from the District; and

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

WHEREAS, in conformance with Utah Code Section 17D-4-201(4)(a)(iii) a petition for withdrawal that contains the signatures of 100% of the surface property owners within the area to be withdrawn demonstrating the surface property owners’ consent to the withdrawal from the District (the “Petition”) has been filed with the City; and

WHEREAS, the District desires to adopt this resolution to withdraw property from the District’s boundaries.

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

1. **Findings.** Pursuant to and in accordance with Utah Code Section 17B-1-501, the Board hereby makes the following findings:
  - a. The area to be withdrawn does not and will not require the service the District provides;
  - b. The District will not be able to provide service to the area to be withdrawn for the reasonably foreseeable future; or

- c. The area to be withdrawn has obtained a commitment to receive the same service that is provided by the District from NS Public Infrastructure District No. 2.
- d. The withdrawal of the area will not result in a breach or default by the District under:
  - i. any of its notes, bonds, or other debt or revenue obligations;
  - ii. any of its agreements with entities which have insured, guaranteed, or otherwise credit-enhanced any debt or revenue obligations of the District; or
  - iii. any of its agreements with the United States or any agency of the United States.
- e. The withdrawal of the area will not adversely affect the ability of the District to make any payments or perform any other material obligations under:
  - i. any of its agreements with the United States or any agency of the United States;
  - ii. any of its notes, bonds, or other debt or revenue obligations; or
  - iii. any of its agreements with entities which have insured, guaranteed, or otherwise credit-enhanced any debt or revenue obligations of the District.
- f. The withdrawal of the area will not result in the reduction or withdrawal of any rating on an outstanding note, bond, or other debt or revenue obligation of the District.
- g. The withdrawal of the area will not create an island or peninsula of nondistrict territory within the District or of District territory within nondistrict territory that has a material adverse affect on the District's ability to provide service or materially increases the cost of providing service to the remainder of the District.
- h. The withdrawal of the area will not materially impair the operations of the remaining District.
- i. The withdrawal of the area will not require the District to materially increase the fees it charges or property taxes or other taxes it levies in order to provide to the remainder of the District the same level and quality of service that was provided before the withdrawal.

2. **Approval of Withdrawal.** The Board hereby grants the Petition attached hereto as **Exhibit A** and orders the withdrawal of the property from the District effective September 19, 2024.

3. **Debt.** Pursuant to Pursuant to Utah Code Section 17B-1-510(5), once withdrawn, the area shall remain liable for its proportionate share of the principal and interest on any outstanding bonded indebtedness of the District existing immediately prior to the effective date of the exclusion order.

*[Remainder of Page Intentionally Left Blank, Signature Page Follows]*



ADOPTED OCTOBER 9, 2024.

**DISTRICT:**

**NS PUBLIC INFRASTRUCTURE DISTRICT  
NO. 3**, a body politic and corporate created and  
validly existing under the laws of the State of  
Utah

By: Boyd Brown  
Boyd Brown (Oct 9, 2024 15:27 MDT)  
Officer of the District

**ATTEST:**

Clay Winder  
Clay Winder (Oct 9, 2024 15:24 MDT)

**APPROVED AS TO FORM:**

**WHITE BEAR ANKELE TANAKA & WALDRON**  
Attorneys at Law

Megan G. Murphy  
General Counsel to the District

**CERTIFICATION OF RESOLUTION**

I hereby certify that the foregoing constitutes a true and correct copy of the Resolution Approving Withdrawal of Property adopted by the Board at a meeting held on Wednesday, October 9, 2024, at 1265 E Fort Union Blvd., Suite 302, Cottonwood Heights, Utah and via teleconference.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 9<sup>th</sup> day of October, 2024.

Clay Winder  
Clay Winder (Oct 9, 2024 15:24 MDT)

Signature

Clay Winder  
Printed Name

**Exhibit A**

Petition for Withdrawal

**PETITION FOR WITHDRAWAL OF PROPERTY**

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TO: BOARD OF TRUSTEES OF THE  
NS PUBLIC INFRASTRUCTURE DISTRICT NO. 3  
CITY OF SALEM, UTAH

Pursuant to the provisions of Utah Code Sections 17D-4-201(4)(a)(iii), WOODSIDE HOMES OF UTAH, LLC, a Utah limited liability company (the "Petitioner"), hereby respectfully requests that the NS PUBLIC INFRASTRUCTURE DISTRICT NO. 3 (the "District"), by and through its Board of Trustees, withdrawal the real property described in **Exhibit A**, attached hereto and incorporated herein by this reference (the "Property"), from the boundaries of the District.

The Petitioner hereby represents and warrants to the District that it's the 100% surface property owner of the Property and that no other person, persons, entity, or entities own a surface Property interest except as beneficial holders of encumbrances, if any. By its signature below the Petitioner hereby assents to the withdrawal of the Property from the boundaries of the District.

The name and address of the Petitioner are as follows:

Woodside Homes of Utah, LLC  
460 West 50 North, Suite 300  
Salt Lake City, UT 84101

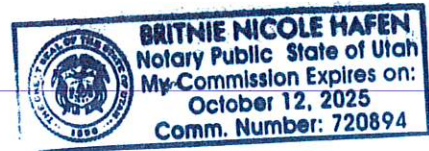
**PETITIONER:**

WOODSIDE HOMES OF UTAH, LLC, a Utah limited liability company

*Burke Staker*

Printed Name: Burke Staker

Title: Authorized Agent



STATE OF Utah )  
 ) ss.  
COUNTY OF Salt Lake )

The above and foregoing instrument was acknowledged before me this 8<sup>th</sup> day of October 2024, by Burke Staker, as Authorized Agent of Woodside Homes of Utah, LLC.

WITNESS my hand and official seal.

(SEAL)

*Britnie Hafen*  
Notary Public

My commission expires: 10/12/2025



**Exhibit A**

Property

Parcel ID – 25:058:0036

**Exhibit B**  
Final Local Entity Plat



**RESOLUTION**  
**OF THE BOARD OF TRUSTEES OF THE**  
**NS PUBLIC INFRASTRUCTURE DISTRICT NO. 3**  
**APPROVING WITHDRAWAL OF PROPERTY**  
**(WITHDRAWAL NO. 1)**

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WHEREAS, Utah Code Section 17D-4-201(4)(a)(i)(B) provides that an area outside the boundaries of the District may be withdrawn from the District if the Board of Trustees of the District (the “Board”) adopts a resolution to withdraw the property, provided that the Governing Document authorizes the Board to withdraw the property without further consent of the City; and

WHEREAS, Section V.A.5 of the Governing Document permits the District to withdraw property within the District boundaries without the City’s consent provided certain conditions set forth in the Governing Document are met; and

WHEREAS, Utah Code Section 17D-4-201(4)(a)(ii) provides that if there are any registered voters within the area to be withdrawn, a petition is filed with the City that contains the signatures of 100% of registered voters within the area, demonstrating that the registered voters approve of the withdrawal from the District; and

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- a. The area to be withdrawn does not and will not require the service the District provides;
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- c. The area to be withdrawn has obtained a commitment to receive the same service that is provided by the District from NS Public Infrastructure District No. 2.
- d. The withdrawal of the area will not result in a breach or default by the District under:
  - i. any of its notes, bonds, or other debt or revenue obligations;
  - ii. any of its agreements with entities which have insured, guaranteed, or otherwise credit-enhanced any debt or revenue obligations of the District; or
  - iii. any of its agreements with the United States or any agency of the United States.
- e. The withdrawal of the area will not adversely affect the ability of the District to make any payments or perform any other material obligations under:
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*[Remainder of Page Intentionally Left Blank, Signature Page Follows]*

ADOPTED OCTOBER 9, 2024.

**DISTRICT:**

**NS PUBLIC INFRASTRUCTURE DISTRICT  
NO. 3**, a body politic and corporate created and  
validly existing under the laws of the State of  
Utah

By: Boyd Brown  
Boyd Brown (Oct 9, 2024 15:27 MDT)  
Officer of the District

ATTEST:

Clay Winder  
Clay Winder (Oct 9, 2024 15:24 MDT)

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON  
Attorneys at Law

Megan G. Murphy  
General Counsel to the District

**CERTIFICATION OF RESOLUTION**

I hereby certify that the foregoing constitutes a true and correct copy of the Resolution Approving Withdrawal of Property adopted by the Board at a meeting held on Wednesday, October 9, 2024, at 1265 E Fort Union Blvd., Suite 302, Cottonwood Heights, Utah and via teleconference.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 9<sup>th</sup> day of October, 2024.

Clay Winder  
Clay Winder (Oct 9, 2024 15:24 MDT)

Signature

Clay Winder

Printed Name

**Exhibit A**

Petition for Withdrawal



**PETITION FOR WITHDRAWAL OF PROPERTY**

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TO: BOARD OF TRUSTEES OF THE  
NS PUBLIC INFRASTRUCTURE DISTRICT NO. 3  
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The Petitioner hereby represents and warrants to the District that it's the 100% surface property owner of the Property and that no other person, persons, entity, or entities own a surface Property interest except as beneficial holders of encumbrances, if any. By its signature below the Petitioner hereby assents to the withdrawal of the Property from the boundaries of the District.

The name and address of the Petitioner are as follows:

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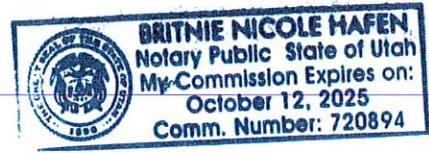
PETITIONER:

WOODSIDE HOMES OF UTAH, LLC, a Utah limited liability company

*Burke Staker*

Printed Name: Burke Staker

Title: Authorized Agent



STATE OF Utah )  
 ) ss.  
COUNTY OF Salt Lake )

The above and foregoing instrument was acknowledged before me this 8<sup>th</sup> day of October 2024, by Burke Staker, as Authorized Agent of Woodside Homes of Utah, LLC.

WITNESS my hand and official seal.

(SEAL)

*Britnie Hafén*  
Notary Public

My commission expires: 10/12/2025

**Exhibit A**

Property

Parcel ID – 25:058:0036

**NS PUBLIC INFRASTRUCTURE DISTRICT NOS. 1, 3-5  
SPECIAL MEETING**

Wednesday, October 9, 2024, at 3:30 pm

ANCHOR LOCATION: 1265 E Fort Union Blvd., Suite 302, Cottonwood Heights, UT

*This meeting is open to the public and may be joined using the following information:*

Join Zoom Meeting

<https://us06web.zoom.us/j/81029373989?pwd=k9FDeo7qEUTEHYbEstCdXUKt3nE3n9.1>

Meeting ID: 810 2937 3989

Passcode: 169283

BY PHONE: 1-720-707-2699

**Trustees**

**Terms**

Boyd Brown - Chair	Term from May 2, 2024 to 6 years from appointment
Jonny Christensen – Treasurer/Vice Chair	Term from May 2, 2024 to 4 years from appointment
Clay Winder – Clerk/Secretary	Term from May 2, 2024 to 4 years from appointment
Vacant	Term from [date of appointment] to [4 years from appointment]
Vacant	Term from [date of appointment] to [6 years from appointment]

**NOTICE OF SPECIAL MEETING AND AGENDA**

1. Call to Order/Declaration of Quorum
2. Preliminary Action Items
  - a. Approve Agenda
3. Public Comment – Members of the public may express their views to the Board on matters that affect the District. Comments will be limited to three (3) minutes.
4. Action Items
  - a. Approve Petition for Withdrawal from Woodside Homes of Utah, LLC (No. 3)
    - i. Adopt Resolution Withdrawing Property (No. 3)
    - ii. Approve Notice of Impending Boundary Action (No. 3)
5. Administrative Non-Action Items
6. Adjourn