

STATE OF UTAH



OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF ANNEXATION

I, Deidre M. Henderson, Lieutenant Governor of the State of Utah, hereby certify that there has been filed in my office a notice of annexation known as the ASH CREEK SPECIAL SERVICE DISTRICT TOWN OF VIRGIN ANNEXATION, located in WASHINGTON COUNTY, dated OCTOBER 3, 2024, complying with §17D-1-403 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 annexation, referred to above, on file with the Office of the Lieutenant Governor pertaining to the ASH CREEK SPECIAL SERVICE DISTRICT TOWN OF VIRGIN ANNEXATION, 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 19th day of November, 2024 at Salt Lake City, Utah.



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

DEIDRE M. HENDERSON
Lieutenant Governor



VICTOR IVERSON, COMMISSIONER | GIL ALMQUIST, COMMISSION CHAIR | ADAM SNOW, COMMISSIONER

October 3, 2024

Via Email

Lt. Governor Deidre M. Henderson
Utah State Capitol Complex
350 North State Street, Suite 220
P.O. Box 142325
Salt Lake City, UT 84114-2325

Re: Notice of Impending Boundary Action
Ash Creek Special Service District Annexation
Request for Issuance of a Certificate of Annexation

Dear Lt. Governor Henderson:

Pursuant to Utah Code Sections 67-1a-6.5 and 17-D-1-403(1), notice is hereby given that Ash Creek Special Service District annexed the municipal limits of the Town of Virgin into Ash Creek Special Service District on September 3, 2024 through Resolution Number R-2024-3352. I have enclosed a certified copy of the Resolution.

In addition, a copy of the approved final local entity plat reflecting the new boundary of the Ash Creek Special Service District, after the addition of the boundary of the Town of Virgin, is enclosed.

The annexation was completed at the joint request of the Town of Virgin and Ash Creek Special Service District.

I hereby certify that all of the statutory requirements for the above referenced annexation have been met. Please sign and issue a Certificate of Annexation.

If you have any questions or concerns, please give me a call. Thank you for your assistance.

Very truly yours,

Gil Almquist
Washington County Commission Chair

Enclosures

RESOLUTION NO. R-2024-3352

A RESOLUTION ANNEXING THE PROPERTY WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF VIRGIN INTO ASH CREEK SPECIAL SERVICE DISTRICT

WHEREAS, Washington County (the "County") established the Ash Creek Special Service District ("Ash Creek" or "the District") on December 17, 1979;

WHEREAS, the District currently provides sewage collection, treatment, and disposal services to the residents of Hurricane, La Verkin, Apple Valley, Toquerville, and certain unincorporated areas of Washington County;

WHEREAS, the District and the Town of Virgin (the "Town") enacted a joint resolution (Exhibit A, hereafter referred to as the "Joint Resolution") requesting the annexation of property within the boundaries of the Town into the District; and

WHEREAS, according to the Joint Resolution, the Town anticipates an increase in demand for commercial and residential development of property within the Town, which, in turn, will require the establishment, operation and maintenance of a system or systems for collection, treatment, and disposal of sewage materials;

WHEREAS, Town residents would benefit from the experience and expertise of the District in matters pertaining to the collection, treatment, and disposal of sewage materials;

WHEREAS, on April 16, 2024, the Washington County Commission adopted Resolution No. R-2024-3300, *A Resolution Proposing the Annexation of the Town of Virgin into Ash Creek Special Service District*;

WHEREAS, all notice of the annexation required under Utah Code Section 17D-1-205 has been provided;

WHEREAS, on June 4, 2024, a public hearing was held on the proposed annexation;

WHEREAS, the protest period has passed without adequate protests having been filed;

WHEREAS, it is in the best interest of the citizens of the Town that the property within the boundaries of the Town be annexed into the District for sewer service; and

WHEREAS, the attached map Exhibit B depicts the annexation area and provides a legal description for the annexation area.

NOW THEREFORE, IT IS RESOLVED by the County Commission of Washington County, Utah that all real property within the municipal boundaries of the Town of Virgin are hereby annexed into the boundaries of Ash Creek Special Service District as depicted and described in the attached map (Exhibit B).

NOW THEREFORE, IT IS FURTHER RESOLVED by the County Commission of Washington County, Utah that the attached Final Local Entity Plat is approved and may be signed

by the Commission chair, and the Commission chair is authorized to sign and issue a notice of impending boundary action in conformity with the annexation accomplished through this Resolution and to submit them to the Lieutenant Governor's Office.


NOW THEREFORE, IT IS FURTHER RESOLVED by the County Commission of Washington County, Utah that prior to the recordation of a certificate of annexation for the District, the Washington County Commission hereby authorizes the Commission chair, in consultation with the county attorney's office, to make any necessary corrections, deletions, additions, or additions to any document herein authorized and approved which may be necessary to conform the same to the intent hereof, to correct errors or omissions therein, to complete the same, to remove ambiguities therefrom, or to conform the same to other provisions of said instruments to the provisions of this Resolution or any resolution adopted by the county commission or the provisions of the laws of the State of Utah or the United States.

VOTED UPON AND PASSED BY THE WASHINGTON COUNTY COMMISSION AT A REGULAR MEETING OF THE WASHINGTON COUNTY COMMISSION HELD ON SEPTEMBER 3, 2024.

WASHINGTON COUNTY COMMISSION,
acting as the governing body of Ash Creek
Special Service District


GIL ALMQUIST, Commission Chair

ATTEST:



Ryan Sullivan
Washington County Clerk/Auditor

Commissioner Almquist voted Aye
Commissioner Iverson voted Aye
Commissioner Snow voted Aye

Approved as to Form:



Deputy Washington County Attorney

Resolution No. R2024-E

A JOINT RESOLUTION OF THE TOWN COUNCIL OF VIRGIN, UTAH AND THE ADMINISTRATIVE CONTROL BOARD OF ASH CREEK SPECIAL SERVICE DISTRICT REQUESTING ANNEXATION OF PROPERTY WITHIN THE BOUNDARIES OF VIRGIN INTO ASH CREEK SPECIAL SERVICE DISTRICT.

WHEREAS Ash Creek Special Service District (hereafter "the District") is a Utah special service district created by the Washington County Commission under the Utah Special Service District Act for the purpose of providing sewage collection, treatment and disposal services to the residents of Hurricane, LaVerkin and Toquerville, as well as to certain other unincorporated areas of Washington County, Utah; and

WHEREAS the Washington County Commission has delegated certain power and authority to said district's Administrative Control Board, while at the same time having retained authority as the governing authority of said District to expand the boundaries of the District through annexation; and

WHEREAS the Town of Virgin (hereafter "the Town") anticipates an increase in demand for commercial and residential development of property within the Town, which, in turn, will require the establishment, operation and maintenance of a system or systems for collection, treatment and disposal of sewage materials; and

WHEREAS the Town Council of Virgin desires to avail itself of the experience and expertise of the District in matters pertaining to collection, treatment and disposal of sewage materials and has engaged in discussions with the Administrative Control Board of the District regarding the desirability of annexing property included within the boundaries of the Town into the boundaries of the District for the purpose of providing sewage collection, treatment and disposal to property in the Town; and

WHEREAS the Administrative Control Board of the District is supportive of the annexation of property within the boundaries of the Town into the District, provided that the Town and District enter into a written agreement whereby the Town shall agree to: (1) be responsible for billing and collection of fees and charges for services provided by the District, (2) adopt by ordinance and incorporate into the Virgin Municipal Code the District's Rules of Operation and Construction Standards as presently constituted or as may be amended from time to time, and (3) comply in all respects with said District's rules, regulations, policies and procedures; and

WHEREAS Utah Code Ann. §17D-1-401(1)(a) provides that the governing authority of a special service district has authority, in accordance with the procedure outlined in §17D-1-201 et. seq., to annex an area into an existing special service district to provide to that area a service that the special service district is authorized to provide; and


WHEREAS the Town Council of Virgin and the Administrative Control Board of Ash Creek Special Service District believe that it is in the best interest of the health, safety and welfare of the residents of Virgin that property within the boundaries of the Town of Virgin be annexed into Ash Creek Special Service District.

BE IT HEREBY RESOLVED by the Town Council of Virgin, Utah and the Administrative Control Board of Ash Creek Special Service District that the Washington County Commission, as governing authority of Ash Creek Special Service District, be requested to commence the process outlined in Utah Code Ann. §17D-1-201 et. seq. for annexation of property within the boundaries of the Town of Virgin into the Ash Creek Special Service District, subject to the Town and District entering into a written agreement whereby the Town shall agree to: (1) be responsible for billing and collection of fees and charges for services provided by the District, (2) adopt by ordinance and incorporate into the Virgin Municipal Code the District's Rules of Operation and Construction Standards as presently constituted or as may be amended from time to time, and (3) comply in all respects with said district's rules, regulations, policies and procedures.

BE IT FURTHER RESOLVED that this Resolution shall be submitted to the Washington County Commission upon execution of the agreement described herein between the Town of Virgin and Ash Creek Special Service District.

APPROVED AND ADOPTED this 20th day of February 2024.

TOWN OF VIRGIN


Jean M. Krause Mayor

ATTEST:

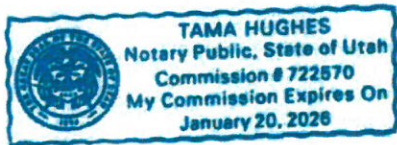

Krystal Percival, Town Recorder/Clerk

State of UTAH)

COUNTY OF WASHINGTON)

The foregoing instrument was acknowledged before me this 22 day of FEBRUARY, 2024, by JEAN KRAUSE, the MAYOR of VIRGIN TOWN A MUNICIPAL CORP.

Seal:




Tama Hughes
Notary Public



APPROVED AND ADOPTED this 28 day of March, 2024.

ASH CREEK SPECIAL SERVICE DISTRICT


Nanette Billings, Chairman

ATTEST:


Darrel Humphries, Secretary

Copy Certification

State of Utah)

County of Washington,

On this 3 day of October, in the year 2024, I certify that the preceding or attached

document, is a true, exact, complete and unaltered photocopy made by me of

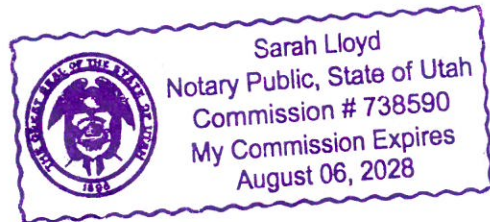
Resolution R-2024-3352 presented to me by the document's custodian,
description of document

Washington county clerk, and that, to the best of my knowledge, the photocopied document
name of document custodian

is neither a public record nor a publicly recorded document, certified copies of which are available from
an official source other than a notary.

Witness my hand and official seal.

Sarah Lloyd
(notary signature)



(seal)



VICTOR IVERSON, COMMISSIONER | GIL ALMQUIST, COMMISSION CHAIR | ADAM SNOW, COMMISSIONER

October 3, 2024

Via Email

Lt. Governor Deidre M. Henderson
Utah State Capitol Complex
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Very truly yours,

Gil Almquist
Washington County Commission Chair

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VOTED UPON AND PASSED BY THE WASHINGTON COUNTY COMMISSION AT A REGULAR MEETING OF THE WASHINGTON COUNTY COMMISSION HELD ON SEPTEMBER 3, 2024.

WASHINGTON COUNTY COMMISSION,
acting as the governing body of Ash Creek
Special Service District


GIL ALMQUIST, Commission Chair

ATTEST:



Ryan Sullivan
Washington County Clerk/Auditor

Commissioner Almquist voted Aye
Commissioner Iverson voted Aye
Commissioner Snow voted Aye

Approved as to Form:



Deputy Washington County Attorney

Resolution No. R2024-E

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WHEREAS the Washington County Commission has delegated certain power and authority to said district's Administrative Control Board, while at the same time having retained authority as the governing authority of said District to expand the boundaries of the District through annexation; and

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WHEREAS the Administrative Control Board of the District is supportive of the annexation of property within the boundaries of the Town into the District, provided that the Town and District enter into a written agreement whereby the Town shall agree to: (1) be responsible for billing and collection of fees and charges for services provided by the District, (2) adopt by ordinance and incorporate into the Virgin Municipal Code the District's Rules of Operation and Construction Standards as presently constituted or as may be amended from time to time, and (3) comply in all respects with said District's rules, regulations, policies and procedures; and

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BE IT FURTHER RESOLVED that this Resolution shall be submitted to the Washington County Commission upon execution of the agreement described herein between the Town of Virgin and Ash Creek Special Service District.

APPROVED AND ADOPTED this 20th day of February 2024.

TOWN OF VIRGIN


Jean M. Krause Mayor

ATTEST:

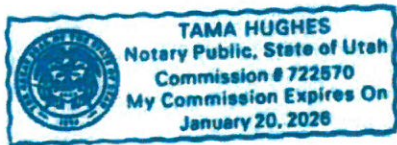

Krystal Percival, Town Recorder/Clerk

State of UTAH)

COUNTY OF WASHINGTON)

The foregoing instrument was acknowledged before me this 22 day of FEBRUARY, 2024, by JEAN KRAUSE, the MAYOR of VIRGIN TOWN A MUNICIPAL CORP.

Seal:




Tama Hughes
Notary Public



APPROVED AND ADOPTED this 28 day of March, 2024.

ASH CREEK SPECIAL SERVICE DISTRICT


Nanette Billings, Chairman

ATTEST:


Darrel Humphries, Secretary

Copy Certification

State of Utah)

County of Washington,

On this 3 day of October, in the year 2024, I certify that the preceding or attached

document, is a true, exact, complete and unaltered photocopy made by me of

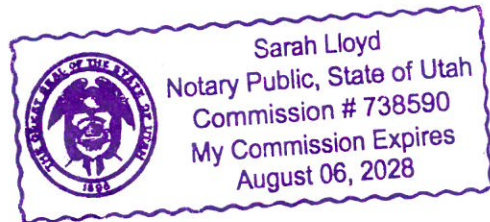
Resolution R-2024-3352 presented to me by the document's custodian,
description of document

Washington county clerk, and that, to the best of my knowledge, the photocopied document
name of document custodian

is neither a public record nor a publicly recorded document, certified copies of which are available from
an official source other than a notary.

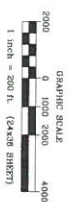
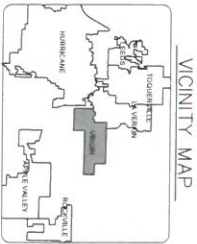
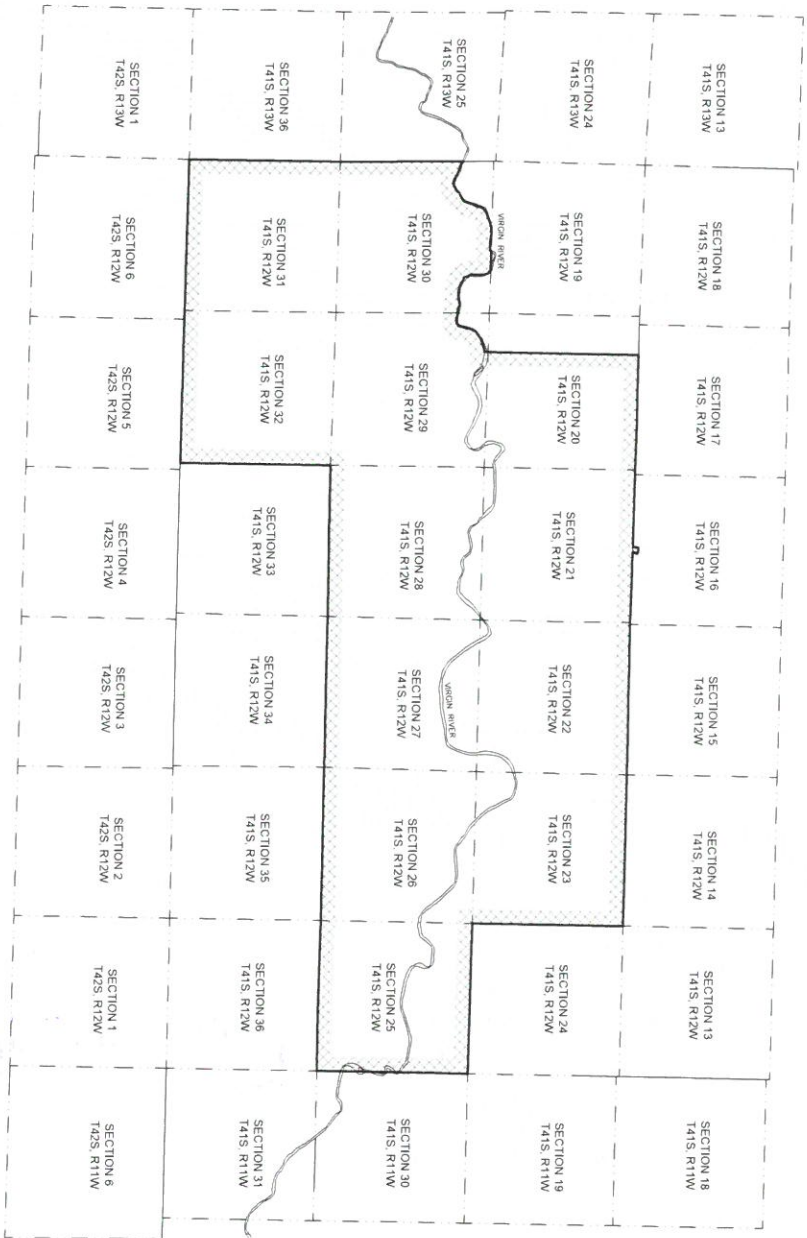
Witness my hand and official seal.

Sarah Lloyd
(notary signature)



(seal)

ASH CREEK SPECIAL SERVICE DISTRICT
TOWN OF VIRGIN ANNEXATION
FINAL LOCAL ENTITY PLAT



SURVEYOR'S CERTIFICATE

I, RYAN SCOTT, DO hereby certify that I am a professional land surveyor and that I further certify that this map correctly shows the land and interests therein as shown on the plat of the town of Virgin Annexation, Washington County, Utah.

BOUNDARY DESCRIPTION

The following described lands located in sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, township 41 N, range 12 W, salt lake base and meridian, being more particularly described as follows:

SECTION 19
ALL OF THE EAST HALF OF THE SOUTHWEST QUARTER
ALL OF THE EAST HALF OF THE SOUTHWEST QUARTER
ALL OF SECTION 21
ALL OF SECTION 22
ALL OF SECTION 23
ALL OF SECTION 24
ALL OF SECTION 25
ALL OF SECTION 26
ALL OF SECTION 27
ALL OF SECTION 28
ALL OF SECTION 29
ALL OF SECTION 30
ALL OF SECTION 31
ALL OF SECTION 32
ALL OF SECTION 33
ALL OF SECTION 34
ALL OF SECTION 35
ALL OF SECTION 36

SECTION 1
T42S, R13W

SECTION 2
T42S, R12W

SECTION 3
T42S, R12W

SECTION 4
T42S, R12W

SECTION 5
T42S, R12W

SECTION 6
T42S, R12W

SECTION 11
T41S, R11W

SECTION 12
T41S, R12W

SECTION 13
T41S, R12W

SECTION 14
T41S, R12W

SECTION 15
T41S, R12W

SECTION 16
T41S, R12W

SECTION 17
T41S, R12W

SECTION 18
T41S, R12W

SECTION 19
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SECTION 20
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SECTION 25
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SECTION 26
T41S, R12W

SECTION 27
T41S, R12W

SECTION 28
T41S, R12W

SECTION 29
T41S, R12W

SECTION 30
T41S, R11W

SECTION 31
T41S, R11W

SECTION 32
T41S, R12W

SECTION 33
T41S, R12W

SECTION 34
T41S, R12W

SECTION 35
T41S, R12W

SECTION 36
T41S, R12W

ALPHA ENGINEERING
41 South 100 East, Suite 100 • St George, Utah 84770
745-228-5500 • 745-628-6523 • alphaengineering.com

COUNTY SURVEYOR'S CERTIFICATE

I, MICHAEL D. DUNN, DO hereby certify that I am a professional land surveyor and that I further certify that this map correctly shows the land and interests therein as shown on the plat of the town of Virgin Annexation, Washington County, Utah.

Michael Dunn
10/15/24

APPROVAL AS TO FORM

I, RYAN SCOTT, DO hereby certify that I am a professional land surveyor and that I further certify that this map correctly shows the land and interests therein as shown on the plat of the town of Virgin Annexation, Washington County, Utah.

Ryan Scott
10/15/24

APPROVAL AS TO CONTENT

I, MICHAEL D. DUNN, DO hereby certify that I am a professional land surveyor and that I further certify that this map correctly shows the land and interests therein as shown on the plat of the town of Virgin Annexation, Washington County, Utah.

Michael Dunn
10/15/24

APPROVAL AND ACCEPTANCE BY WASHINGTON COUNTY

I, THE COUNTY COMMISSION CHAIRMAN OF WASHINGTON COUNTY, UTAH, DO hereby certify that I am a professional land surveyor and that I further certify that this map correctly shows the land and interests therein as shown on the plat of the town of Virgin Annexation, Washington County, Utah.

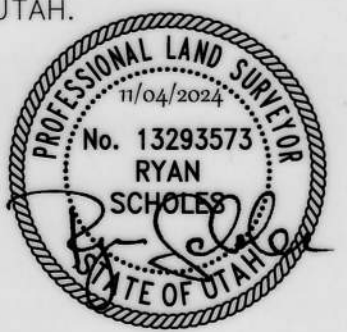
Michael Dunn
10/15/24

ASH CREEK SPECIAL SERVICE DISTRICT TOWN OF VIRGIN ANNEXATION

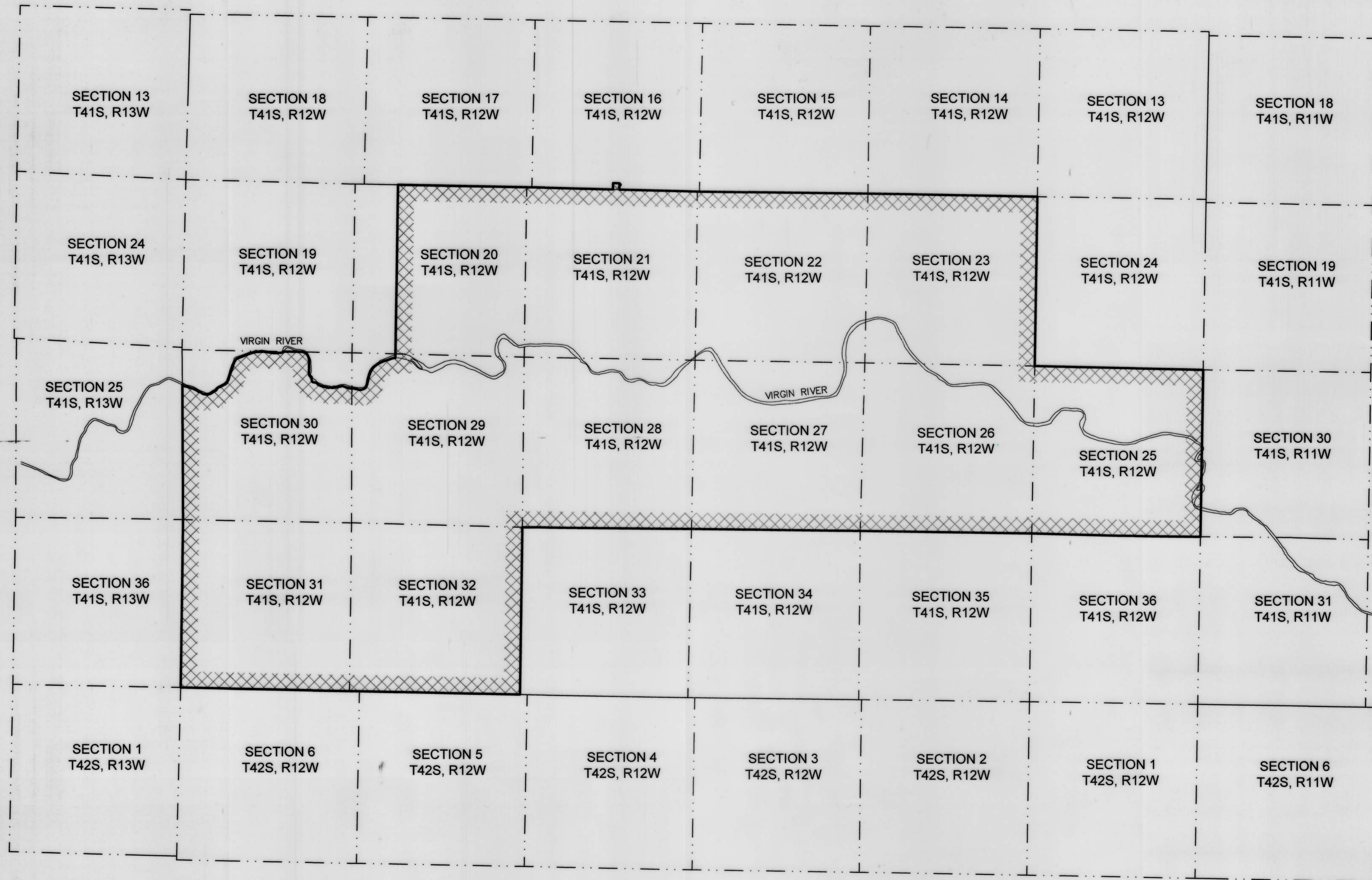
COUNTY RECORDER

**ASH CREEK SPECIAL SERVICE DISTRICT
TOWN OF VIRGIN ANNEXATION
FINAL LOCAL ENTITY PLAT**

SURVEYOR'S CERTIFICATE
I, RYAN SCHOLLES, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE No. 13293573 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT THIS MAP CORRECTLY REPRESENTS LANDS TO BE ANNEXED TO THE ASH CREEK SPECIAL SERVICE DISTRICT TOWN OF VIRGIN ANNEXATION, WASHINGTON COUNTY, UTAH.

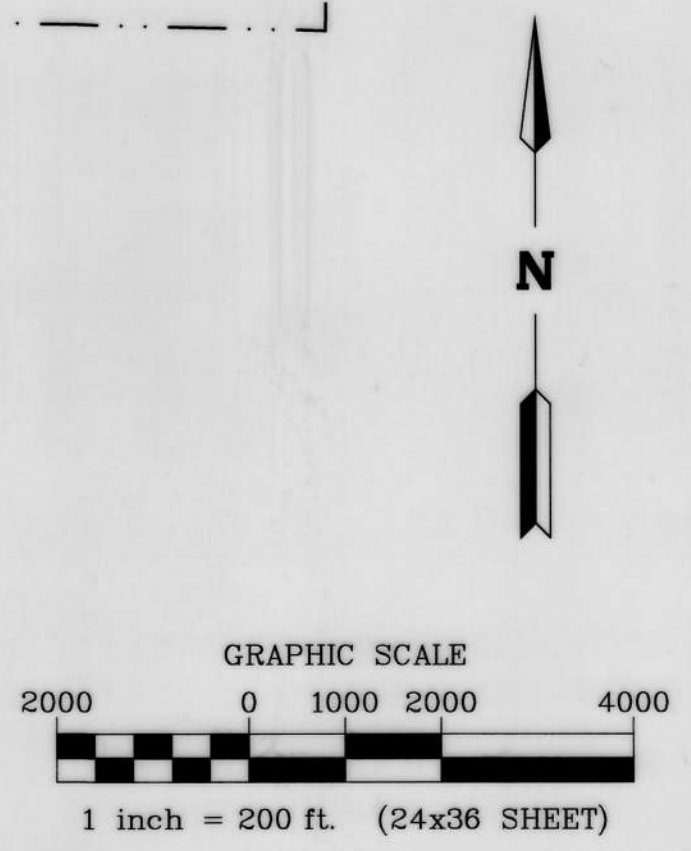
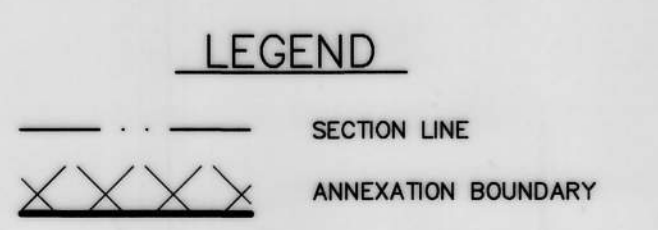
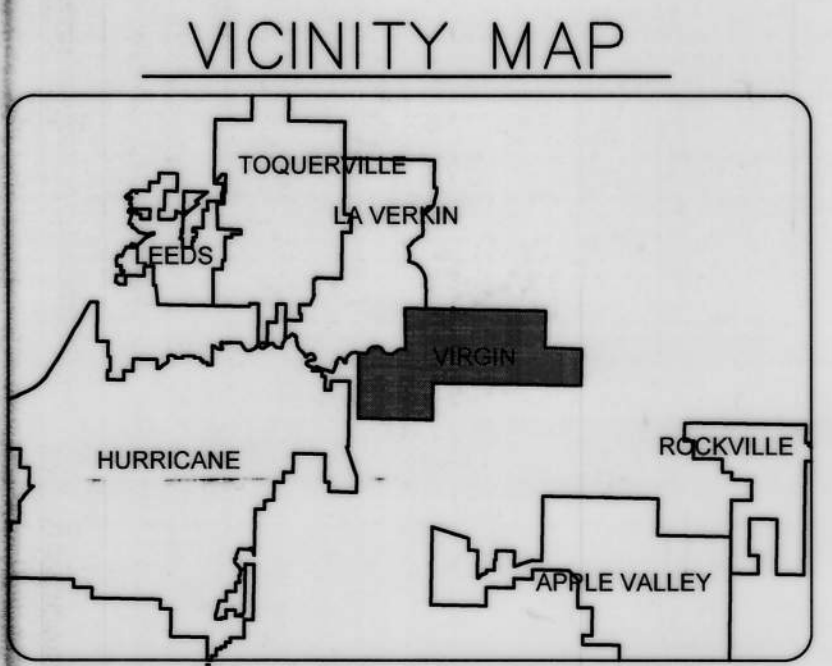


ASH CREEK SPECIAL SERVICE DISTRICT TOWN OF VIRGIN ANNEXATION



BOUNDARY DESCRIPTION
THE FOLLOWING DESCRIBED LANDS LOCATED IN SECTIONS 16, 20-23, AND 25-32, TOWNSHIP 41 SOUTH, RANGE 12 WEST, SALT LAKE BASE AND MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

- SECTION 16:**
THAT PORTION OF SECTION 16 DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT LOCATED SOUTH 89°47'43" WEST ALONG THE SECTION LINE 2456 FEET FROM THE SOUTHEAST CORNER OF SECTION 16, T41S, R 12W, SLB&M; THENCE NORTH 00°2'17" WEST 138.00 FEET; THENCE NORTH 89° 47'43" EAST 30.00 FEET; THENCE NORTH 00°12'17" WEST 30.00 FEET; THENCE SOUTH 89° 47'43" WEST 30.00 FEET; THENCE NORTH 00° 12'17" WEST 32.00 FEET; THENCE SOUTH 89° 47'43" WEST 200 FEET; THENCE SOUTH 00° 12'17" EAST 200 FEET, MORE OR LESS, TO THE SECTION LINE; THENCE NORTH 89° 47'43" EAST 200 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING.
- SECTION 20:**
ALL OF THE EAST HALF
ALL OF THE EAST HALF OF THE NORTHWEST QUARTER
ALL OF THE EAST HALF THE SOUTHWEST QUARTER
- SECTION 21:**
ALL OF SECTION 21
- SECTION 22:**
ALL OF SECTION 22
- SECTION 23:**
ALL OF SECTION 23
- SECTION 25:**
ALL OF SECTION 25
- SECTION 26:**
ALL OF SECTION 26
- SECTION 27:**
ALL OF SECTION 27
- SECTION 28:**
ALL OF SECTION 28
- SECTION 29:**
ALL OF SECTION 29 LESS AND EXCEPTING THAT PORTION IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER LYING NORTHERLY OF THE VIRGIN RIVER
- SECTION 30:**
ALL THAT PORTION LYING SOUTHERLY OF THE VIRGIN RIVER
- SECTION 31:**
ALL OF SECTION 31
- SECTION 32:**
ALL OF SECTION 32



ASH CREEK SPECIAL SERVICE DISTRICT TOWN OF VIRGIN ANNEXATION

ALPHA ENGINEERING
43 South 100 East, Suite 100 • St George, Utah 84770
T: 435.628.6500 • F: 435.628.6553 • alphaengineering.com

COUNTY SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.

Michael R. Draper
MICHAEL R. DRAPER
LICENSE NO. 7706445-2201
PROFESSIONAL LAND SURVEYOR

WASHINGTON COUNTY SURVEYOR

ACCEPTANCE BY ASH CREEK SPECIAL SERVICE DISTRICT
APPROVED THIS 6th DAY OF November A.D. 2024
AS A FINAL LOCAL ENTITY PLAT FOR THE ASH CREEK SPECIAL SERVICE DISTRICT, TOWN OF VIRGIN.

James M. ...
CHAIRMAN, WASHINGTON COUNTY COMMISSION,
THE GOVERNING BOARD OF ASH CREEK SPECIAL SERVICE DISTRICT

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 6th DAY OF November A.D. 2024

W. ...
Dep. WASHINGTON COUNTY ATTORNEY

APPROVAL AND ACCEPTANCE BY WASHINGTON COUNTY
I, THE COUNTY COMMISSION CHAIRMAN OF WASHINGTON COUNTY, UTAH, HAVE REVIEWED THE ABOVE SERVICE DISTRICT PLAT AND BY AUTHORIZATION OF THE COMMISSION RECORDED IN THE MINUTES OF ITS MEETING OF THE 6th DAY OF November A.D. 2024, HEREBY ACCEPT IT.

William ...
ATTORNEY
James M. ...
CHAIRMAN
WASHINGTON COUNTY COMMISSION

COUNTY RECORDER