

Resolution No. 05-99

NOTICE OF SPECIAL MEETING

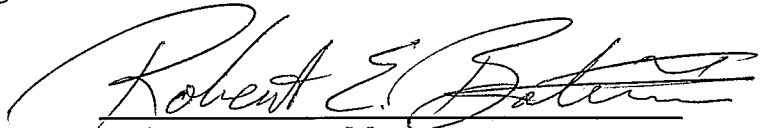
TO THE MEMBERS OF THE TOWN OF EAGLE MOUNTAIN, UTAH COUNTY,  
STATE OF UTAH:


NOTICE IS HEREBY GIVEN that a special meeting of the Town Council of the Town of Eagle Mountain, Utah County, Utah will be held at the Council's regular meeting place at 7:00 p.m. on Monday, the 10th day of May, 1999, for the purpose of adopting the Supplemental Assessment Ordinance and the Amendatory Resolution in connection with Eagle Mountain Special Improvement District 98-1, and for the transaction of such other business incidental to the foregoing as may come before said meeting.

  
Town Clerk

ACKNOWLEDGMENT OF NOTICE  
AND CONSENT TO SPECIAL MEETING

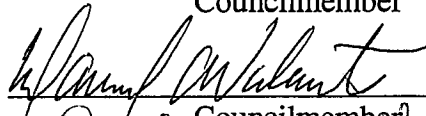
We, the members of the Town Council of the Town of Eagle Mountain, Utah County, Utah, do hereby acknowledge receipt of the foregoing Notice of Special Meeting, and we hereby waive any and all irregularities, if any, in such notice and in the manner of service thereof upon us and consent and agree to the holding of such special meeting at the time and place specified in said notice, and to the transaction of any and all business which may come before said meeting.

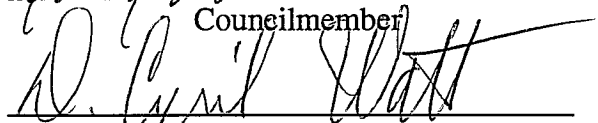
  
Mayor

  
Councilmember

mayor  
protem

  
Councilmember

  
Councilmember

  
Councilmember

Eagle Mountain, Utah

May 10, 1999

The Town Council of the Town of Eagle Mountain, Utah County, Utah, met in special session at its regular meeting place in said Municipality at 7:00 p.m. on Monday, the 10th day of May, 1999 with the following members present:

Diane D. Bradshaw	Councilmember/Mayor Pro Tem
William E. Chipman	Councilmember
Daniel A. Valentine	Councilmember

Also present:

John D Newman	Town Administrator
Janet B. Valentine	Town Clerk

Absent:

Robert E. Bateman, II	Mayor
D. Cyril Watt	Councilmember

After the meeting had been duly called to order and the minutes of the preceding meeting read and approved, and after other matters not pertinent to this resolution had been discussed, the Town Clerk presented to the Town Council a Certificate of Compliance With Open Meeting Law with respect to this May 10, 1999 meeting, a copy of which is attached hereto as Exhibit "A".

The Financial Advisor of the Town then explained to the Town Council that the Bond Resolution adopted on May 4, 1999 authorizing the issuance of the \$12,105,000 Town of Eagle Mountain, Utah Special Assessment Bonds, Series 1999 (the "Series 1999 Bonds") must be revised to reflect certain changes made to the Assessment Ordinance adopted on May 4, 1999 with respect to Eagle Mountain, Utah Special Improvement District No. 98-1 (the "District").

The following resolution was then considered by the Town Council:

RESOLUTION NO. 05-99

A RESOLUTION AMENDING RESOLUTION NO. 04-99 ADOPTED ON MAY 4, 1999; AND RELATED MATTERS.

WHEREAS, on May 4, 1999, the Town Council adopted Resolution No. 04-99 ("Resolution No. 04-99") which authorized the issuance and sale of the Town of Eagle Mountain, Utah Special Assessment Bonds, Series 1999 (the "Series 1999 Bonds"); and

WHEREAS, the Town Council now desires to amend Resolution No. 04-99 to reflect certain changes made with respect to the Assessment Ordinance adopted with respect to Eagle Mountain, Utah Special Improvement District No. 98-1 (the "District").

NOW, THEREFORE, Be It Resolved by the Town Council of the Town of Eagle Mountain, Utah:

Section 1. Amendment of Whereas Clause: The third whereas clause of Resolution No. 04-99 is hereby amended to substitute the dollar amount of \$12,909,431 for \$12,885,000 which represents the total costs of the District.

Section 2. Amendment of Certain Definitions. Certain definitions set forth in Section 1.1 of Resolution No. 04-99 are hereby amended to read as follows:

"Assessment Ordinance" means the supplemental assessment ordinance of the Issuer adopted on May 10, 1999 wherein the Issuer has assessed the owners of property which have been benefitted by the improvements constructed within the District.

"Bond Resolution" means the Resolution of the Issuer adopted on May 4, 1999, as amended on May 10, 1999, authorizing the issuance and sale of the Bonds.

Section 3. Amendment to Section 6.5. The third sentence of the second paragraph of Section 6.5 of Resolution No. 04-99 is hereby amended to read as follows:

"In the event there are insufficient moneys in the Debt Service Reserve Account, the Issuer shall either issue warrants against the Debt Service Reserve Account drawing interest at the rate or rates determined by the Town Council of the Issuer or fund the Debt Service Reserve Account as provided in Section 5.5 hereof to meet any financial liabilities accruing against it."

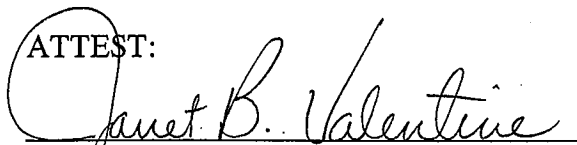
Section 4. Authorization to Execute Bond Purchase Agreement. The Mayor Pro Tem and Town Clerk are hereby authorized to execute on behalf of the Issuer, a Bond Purchase Agreement in the form attached to Resolution No. 04-99, with such revisions and additions as are necessary to reflect certain changes made in the Assessment Ordinance and Resolution No. 04-99 adopted on May 4, 1999.

Section 5. Reaffirmation. Resolution No. 04-99 as amended hereby is hereby confirmed and approved. All resolutions or parts thereof heretofore adopted or passed which are in conflict with any of the provisions of this resolution are, to the extent of such conflict, hereby repealed.

Section 6. Effective Date. This resolution shall take effect immediately.

ADOPTED AND APPROVED this 10th day of May, 1999.

  
\_\_\_\_\_  
Mayor Pro Tem

ATTEST:  
  
\_\_\_\_\_  
Town Clerk



After due consideration of said resolution by the Council, Daniel A. Valentine moved to adopt the resolution. The motion was seconded by William Chipman and the same was put to a vote and was unanimously carried by the affirmative vote of all members present, the vote being as follows:

AYE: Mayor Pro Tem Diane D. Bradshaw  
Councilmember William Chipman  
Councilmember Daniel A. Valentine

NAY:  
None

(Other business not pertinent to the foregoing appears in the minutes of the meeting.)

The meeting was then adjourned.

Diane D. Bradshaw  
Mayor Pro Tem

ATTEST:  
Janet B. Valentine  
Town Clerk



STATE OF UTAH )  
 : ss.  
COUNTY OF UTAH )

I, Janet B. Valentine, the duly qualified and acting Town Clerk of Eagle Mountain, Utah County, Utah, do hereby certify according to the records of said Town in my official possession that the foregoing constitutes a true and correct copy of the minutes of the meeting of the Town Council held on May 10, 1999, including a resolution adopted at said meeting as said minutes and resolution are officially of record in my possession.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of said Town this 10<sup>th</sup> day of May, 1999.

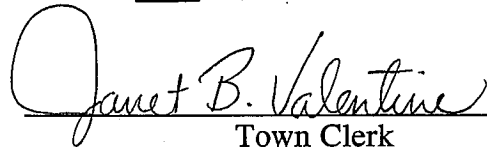
  
Town Clerk



EXHIBIT "A"

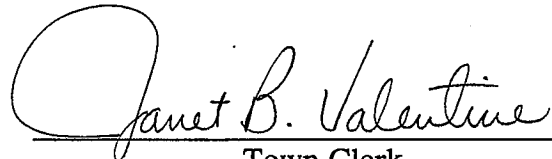
CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Janet B. Valentine, the undersigned Town Clerk of Eagle Mountain, Utah County, Utah (the "Town"), do hereby certify, according to the records of the Town in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-6(2), Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the May 4, 1999, public meeting held by the Town as follows:

(a) By causing a Notice, in the form attached hereto as Schedule "1", to be posted at the Town's principal offices on MAY 8, 1999, 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

(b) By causing a copy of such Notice, in the form attached hereto as Schedule "1", to be delivered to the New Utah on MAY 8, 1999, at least twenty-four (24) hours prior to the convening of the meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this 10<sup>TH</sup> day of May, 1999.

  
Town Clerk



SCHEDULE "1"

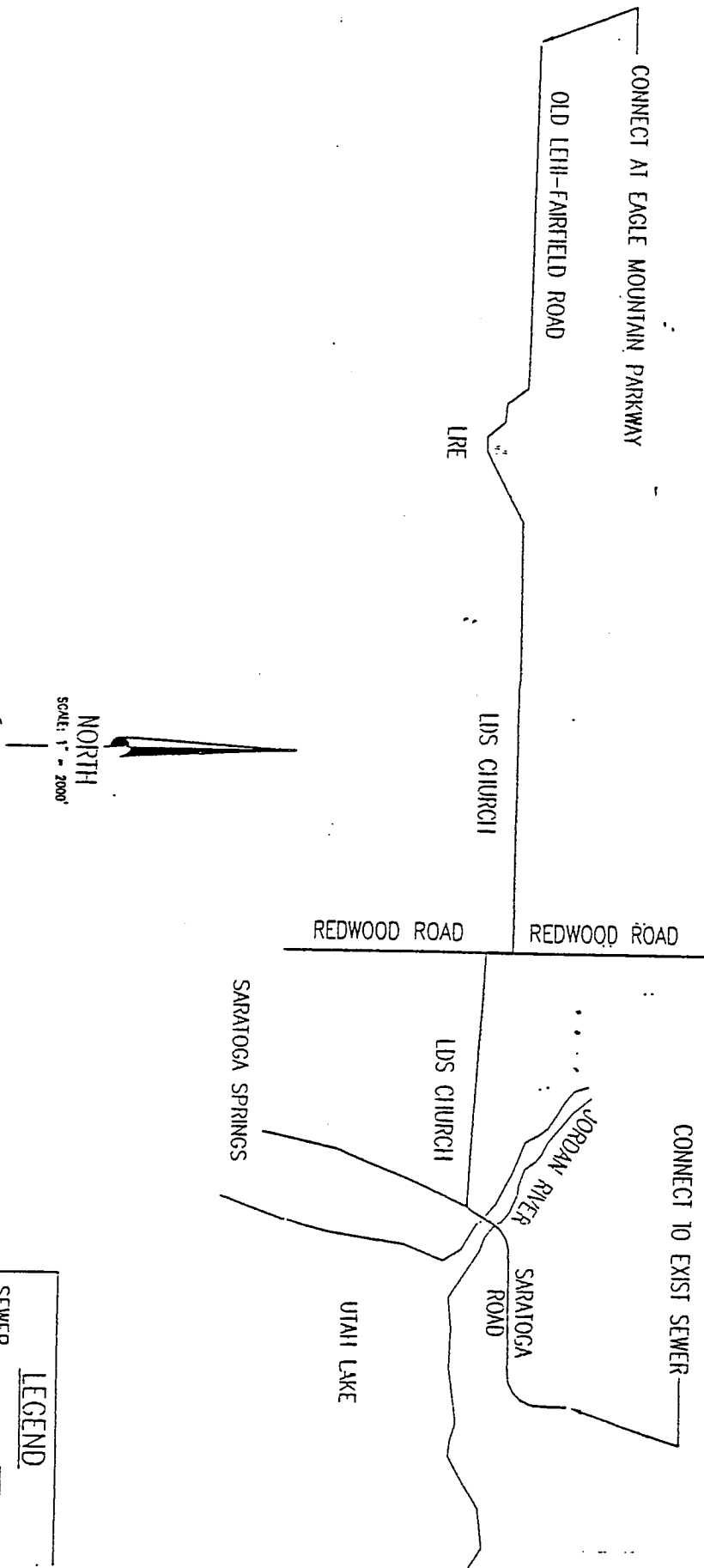
[NOTICE OF MEETING]



EXHIBIT "B"

ACKNOWLEDGMENTS, WAIVERS AND CONSENTS

EXHIBIT "B"



LEGEND	
SEWER	—

TOWN OF EAGLE MOUNTAIN - SPECIAL IMPROVEMENT DISTRICT #198-1

SEWER UTILITY LINE

SCALE: 1" = 2000'

DATE: 05 MAY 1998  
DRAWN BY: [signature]  
REV: [signature]

EXHIBIT "C"

PROPERTY DESCRIPTION

Beginning at a point South 89° 22' 34" East 1267.250 feet from the West quarter corner of Section 29, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence South 89° 22' 34" East 1380.75 feet; thence North 0° 57' 33" East 1329.82 feet; thence South 89° 12' 25" East 1323.75 feet; thence South 0° 47' 32" West 1325.89 feet; thence South 0° 47' 19" West 165.00 feet; thence North 89° 22' 34" West 2713.96 feet; thence North 2° 43' 26" East 165.110 feet to the point of beginning.

EXHIBIT "D"

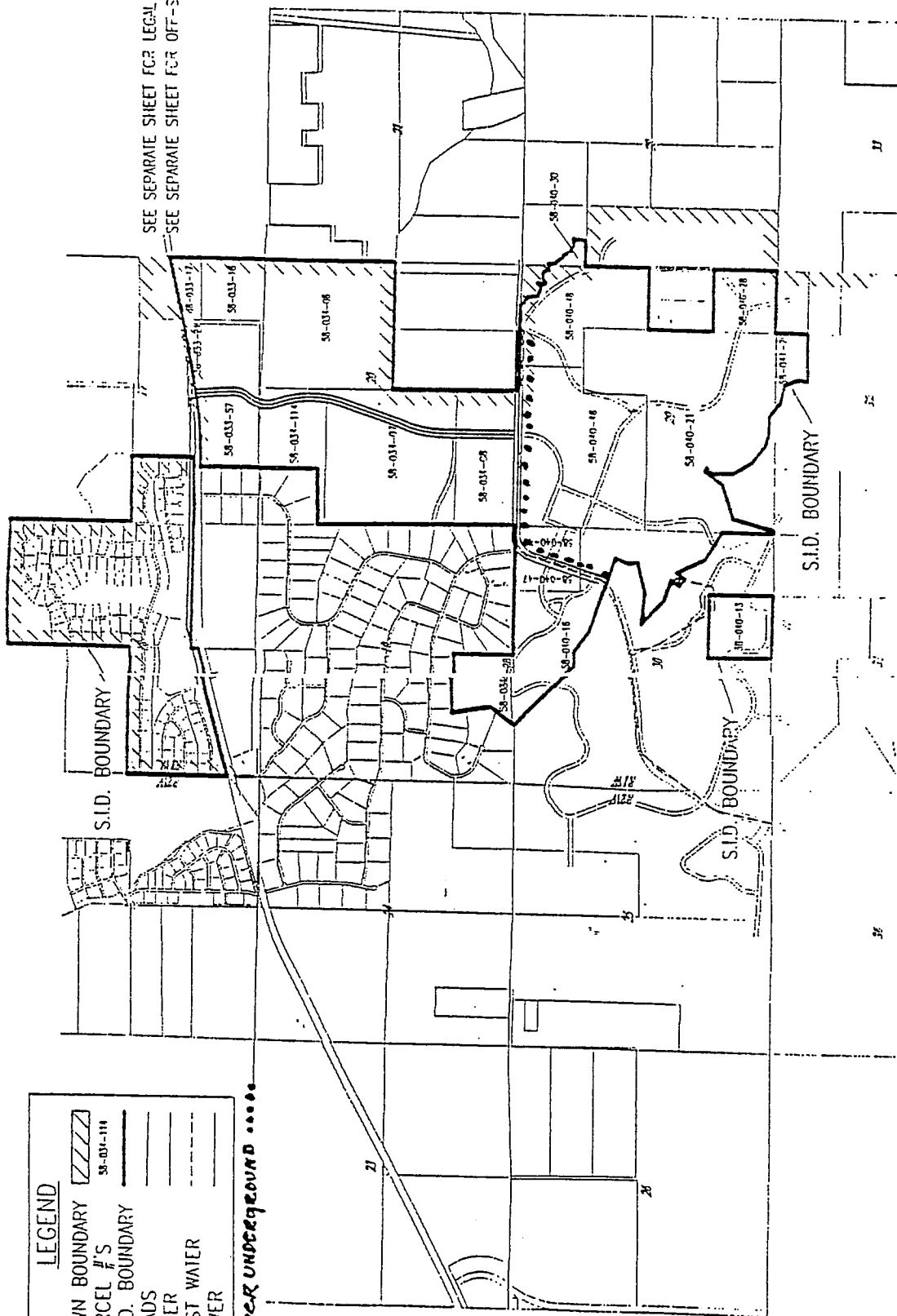
MAP OF PROPOSED IMPROVEMENTS

**LEGEND**

TOWN BOUNDARY	
PARCEL #'S	SR-011-111
S.I.D. BOUNDARY	
ROADS	
WATER	
EXIST WATER	
SEWER	

*Power underground .....*

SEE SEPARATE SHEET FOR LEGAL DESCRIPTIONS  
SEE SEPARATE SHEET FOR OFF-SITE SEWER



TOWN OF EAGLE MOUNTAIN - SPECIAL IMPROVEMENT DISTRICT #98-1

ROADS, WATER, SEWER, GAS,  
TOWER TELEPHONE

SCALE: 1" = 2000'

DATE: 23 JULY 1998

REV: CI