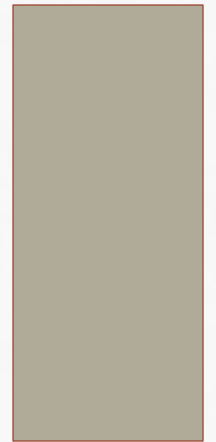
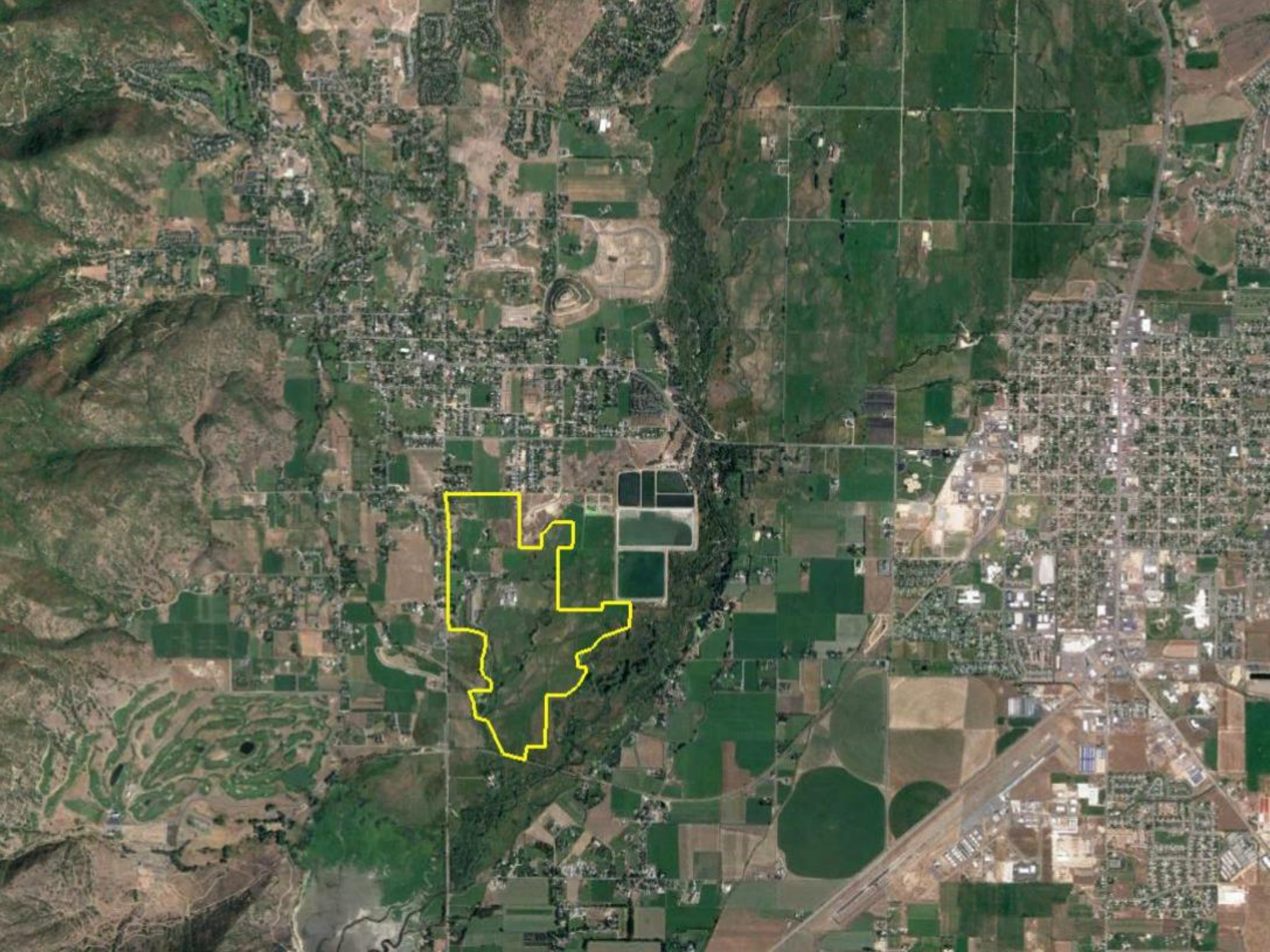
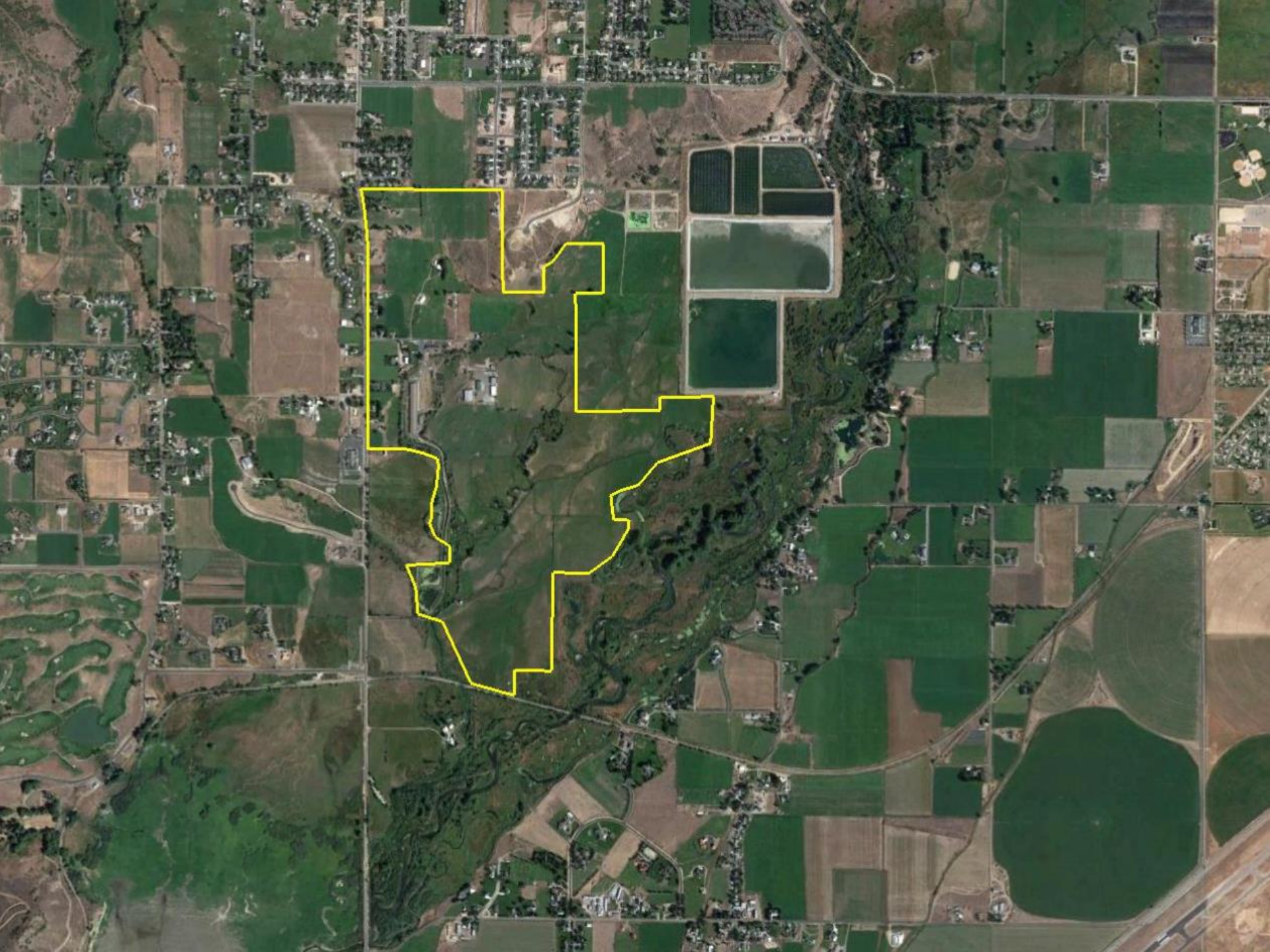


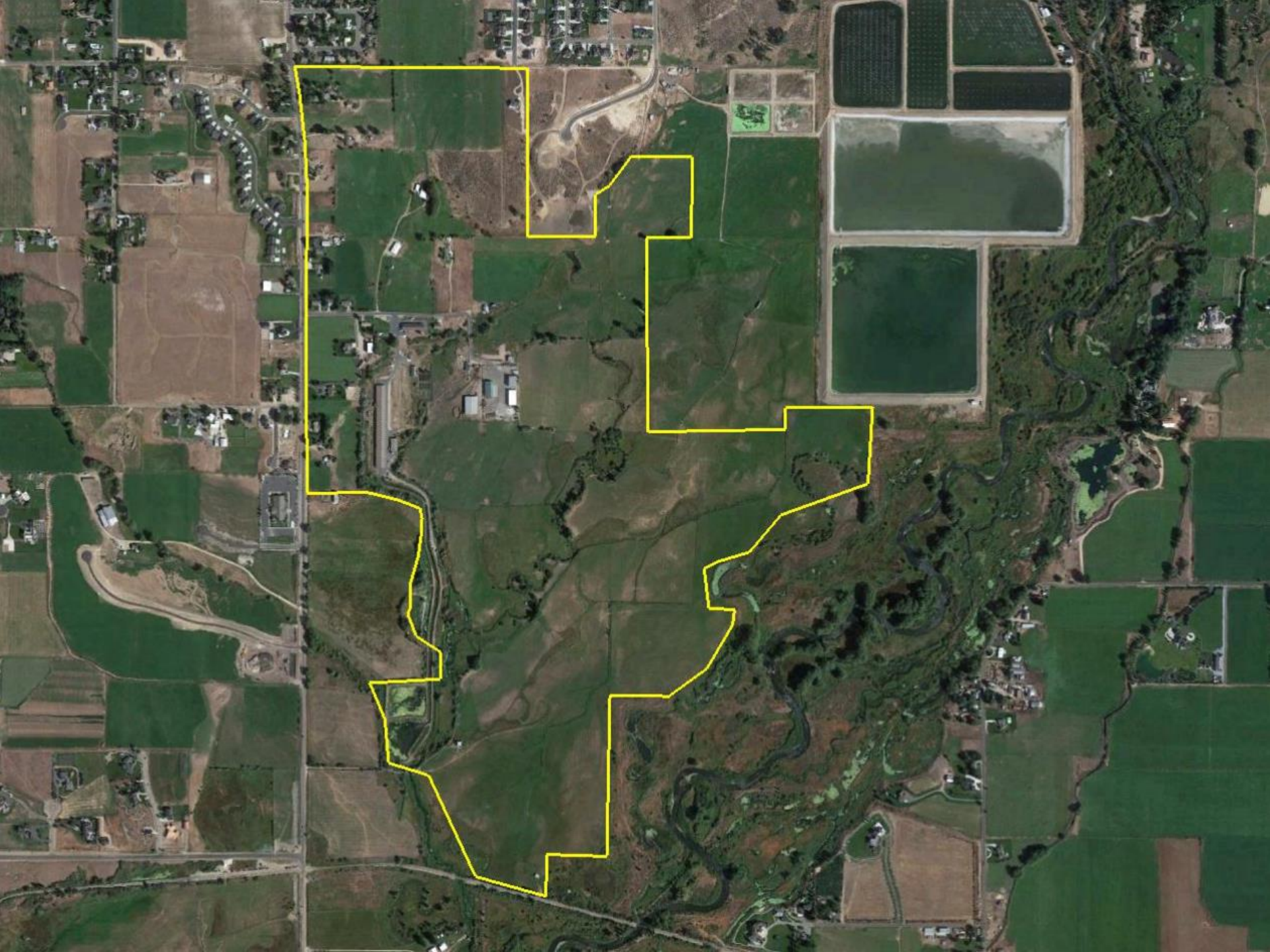
LOWER RIVER ANNEXATION

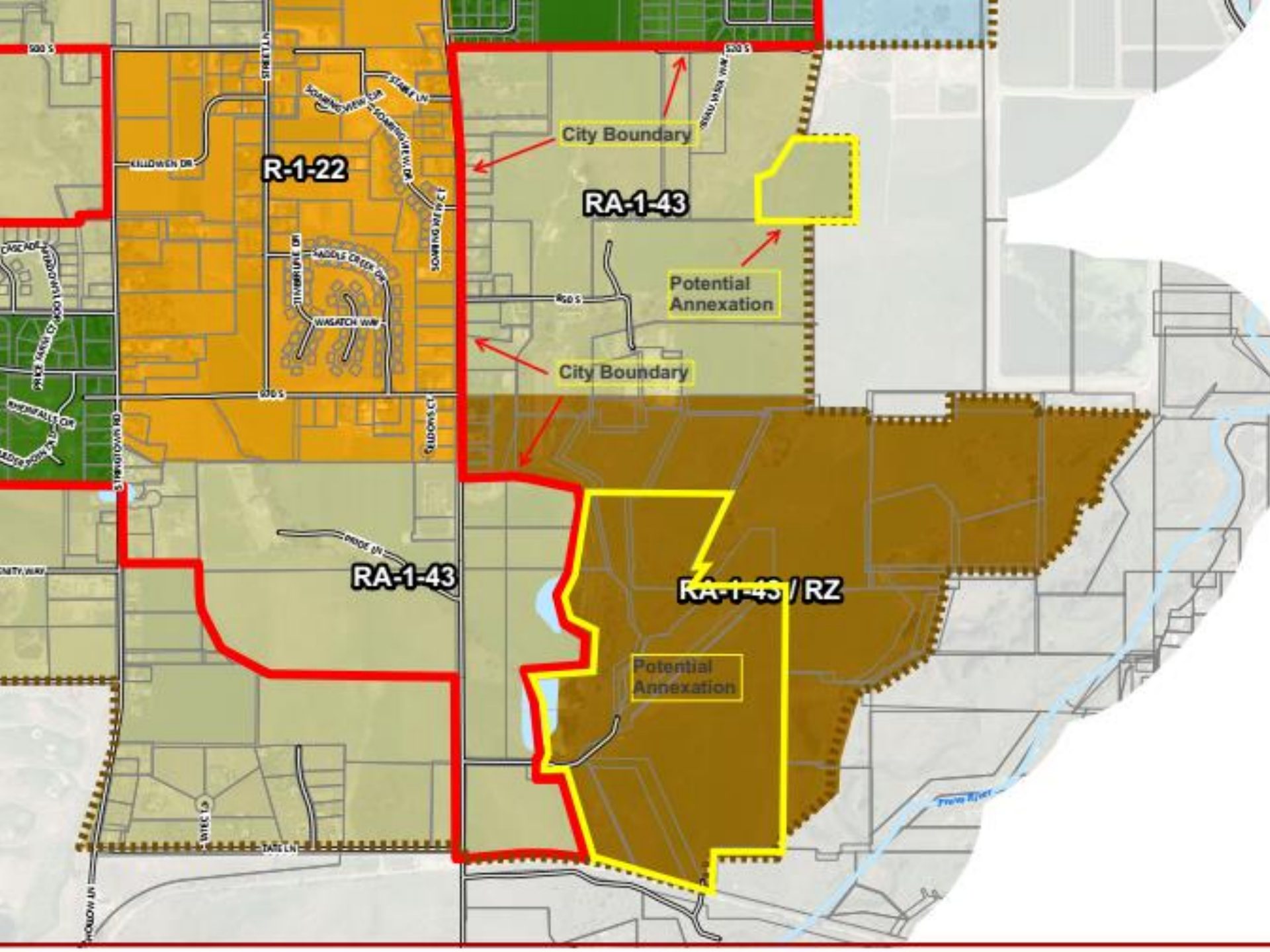
FURTHER CONSIDERATION





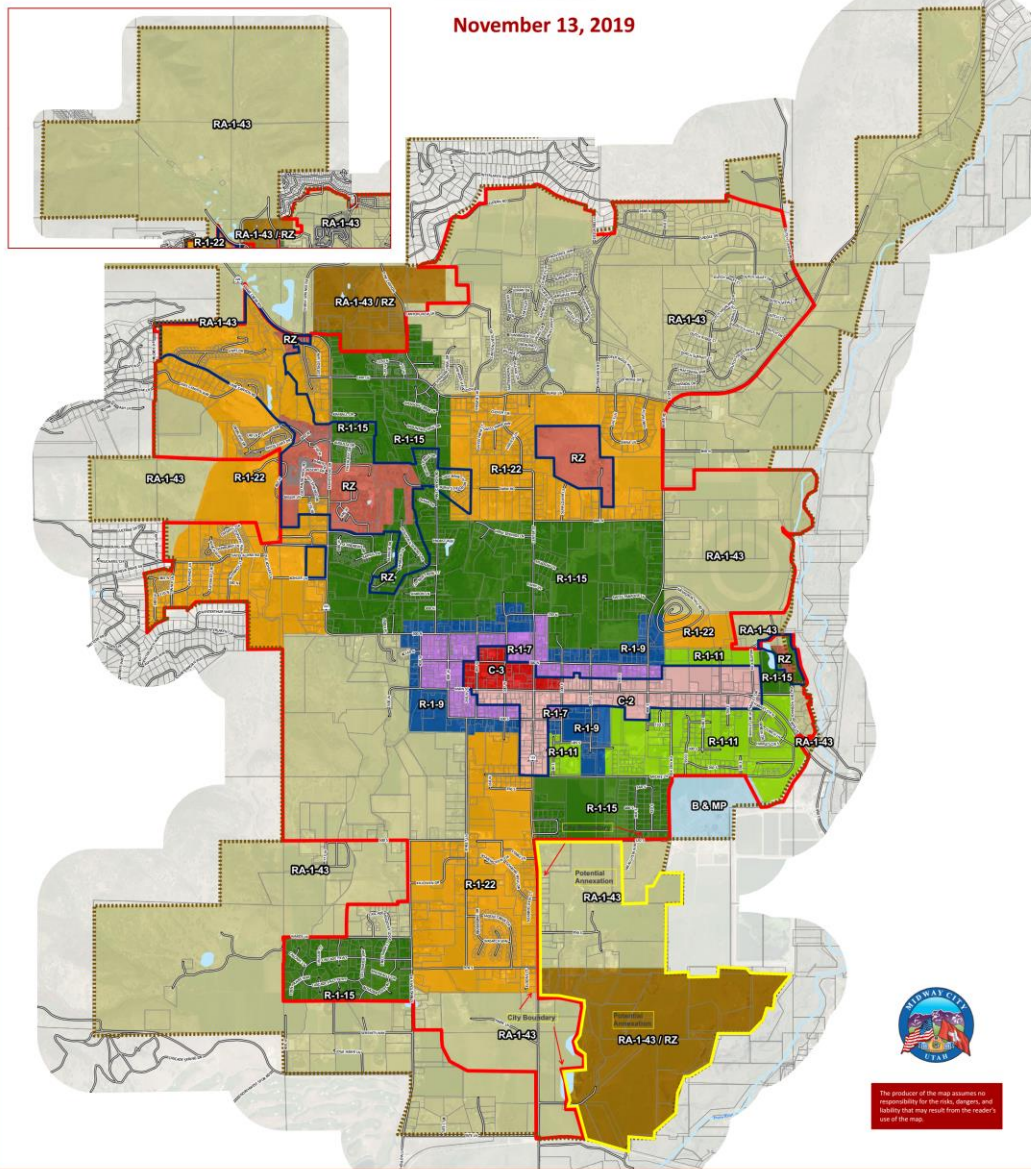






MIDWAY CITY - Land Use

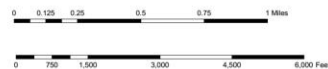
November 13, 2019



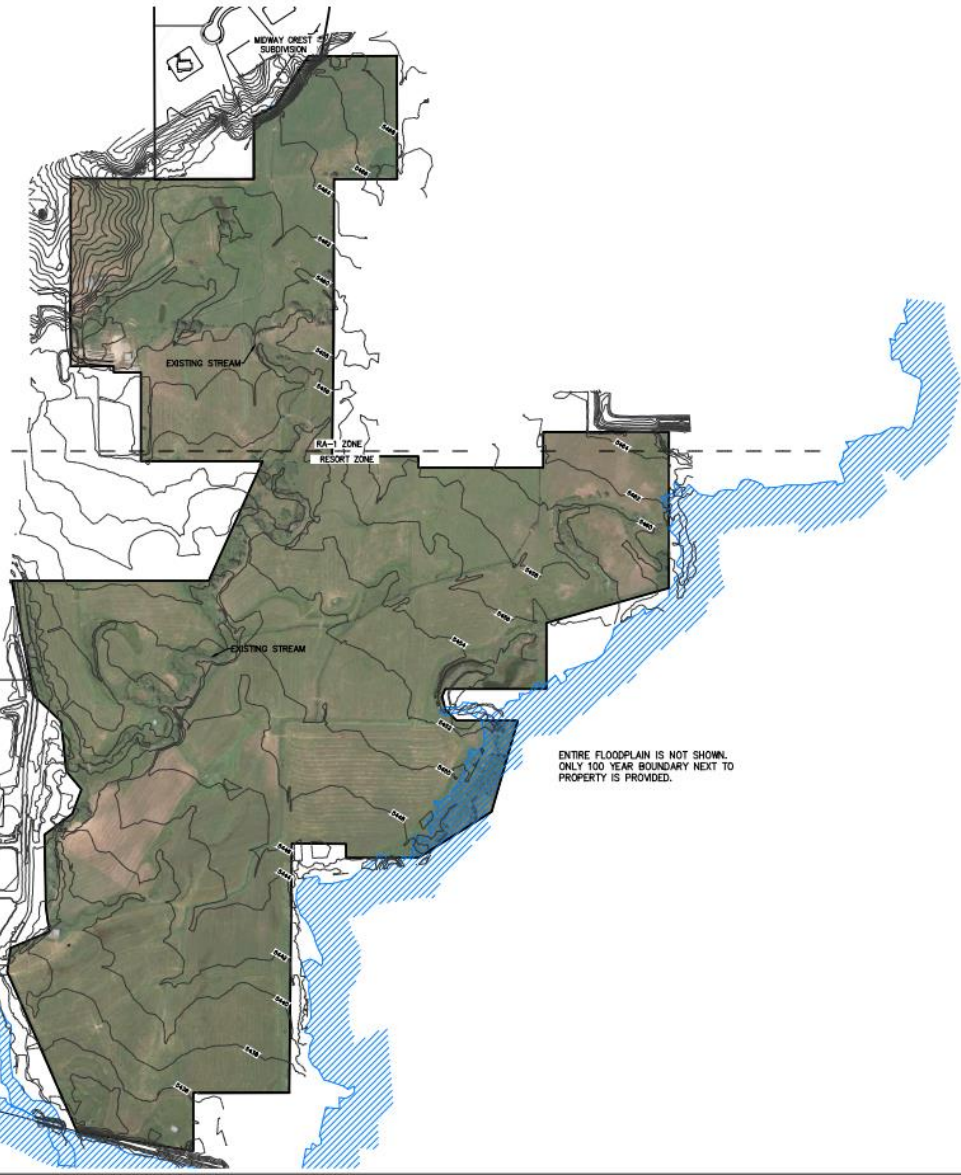
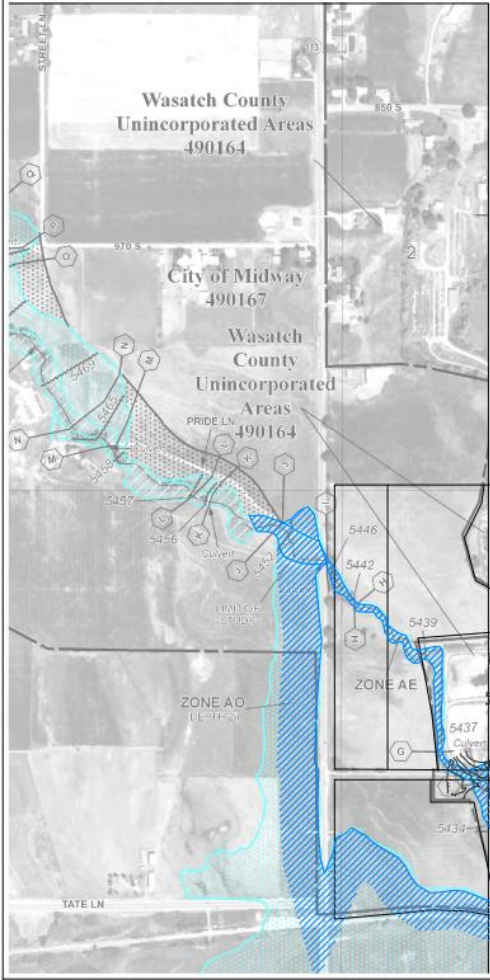
The producer of the map assumes no responsibility for the risks, damages and liability that may result from the reader's use of the map.

Legend

- | | | |
|------------------------|---------------|----------------------|
| Midway Growth Boundary | Zoning | R-1-22 |
| TRCD | B & MP | R-1-7 |
| Midway City Boundary | C-2 | R-1-9 |
| Rivers | C-3 | RA-1-43 |
| Roads | R-1-11 | RZ |
| Water Body | R-1-15 | RA-1-43 / RZ |
| | | Potential Annexation |



Map Produced by Mary Anne Goff / Chief Geographer
 Municipal Association of Governments
 Map Production Date: March 20, 2019
 Data Source: Midway City & Missouri County



ENTIRE FLOODPLAIN IS NOT SHOWN.
ONLY 100 YEAR BOUNDARY NEXT TO
PROPERTY IS PROVIDED.

LEGEND:
FLOODPLAIN



SCALE: 1"=300'

DAVIS
PROBST RIVER PROPERTIES
SENSITIVE LANDS MAP

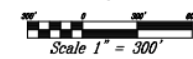
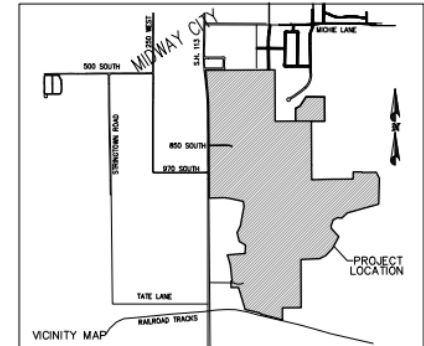


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380 E Main St. Suite 204
Midway, UT 84059
ph 435.657.9749

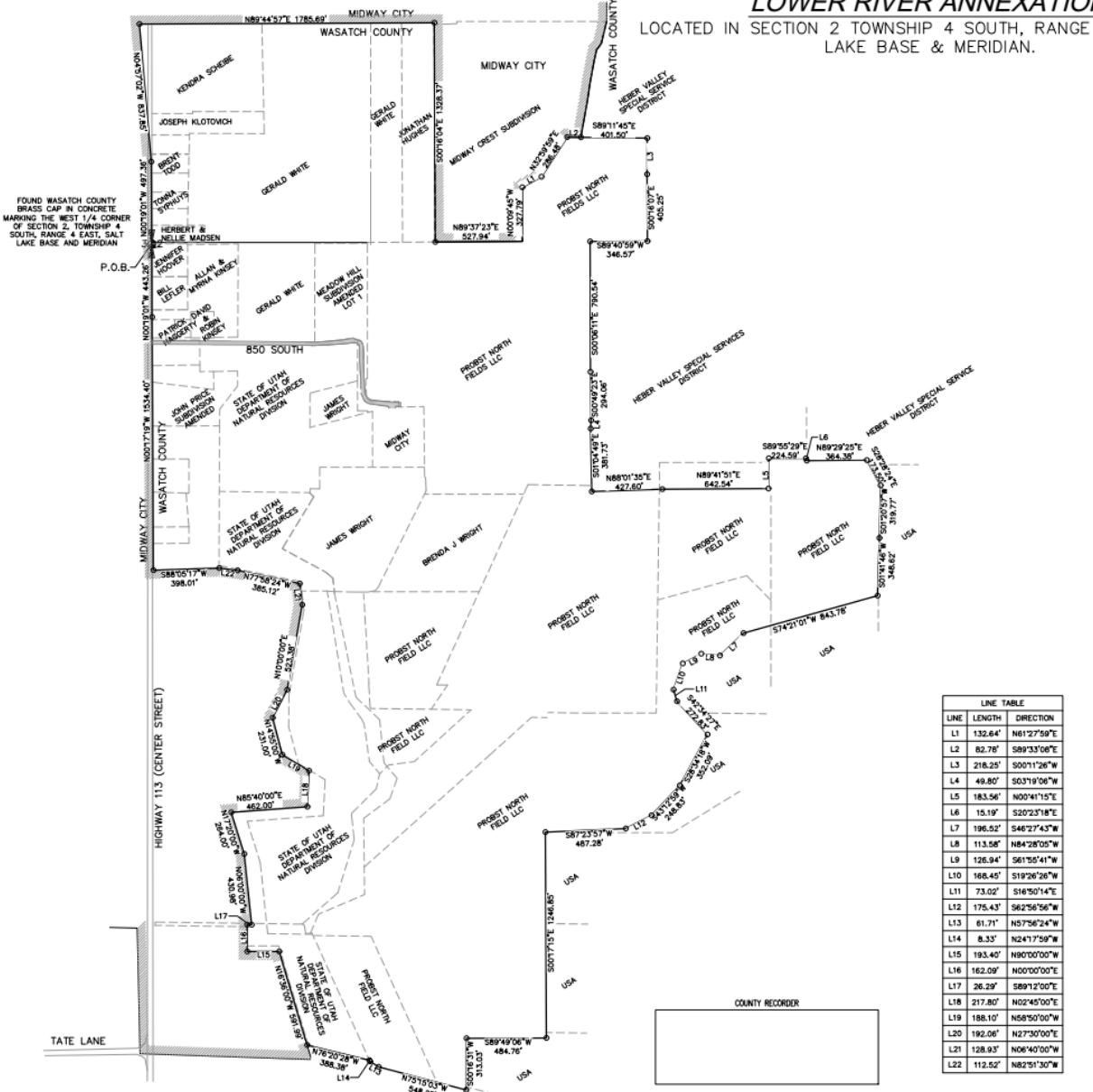
DESIGN BY: PDM DATE: 02 FEB 2021 SHEET
DRAWN BY: REV: 2

LOWER RIVER ANNEXATION

LOCATED IN SECTION 2 TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN.



LEGEND
 MIDWAY CITY LIMITS
 DEED LINES



FOUND WASATCH COUNTY BRASS CAP IN CONCRETE MARKING THE WEST 1/4 CORNER OF SECTION 2, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

BASIS OF BEARING
 BASIS OF BEARING FOR THIS ALTA SURVEY IS SOUTH 00°08'53" WEST BETWEEN THE FOUND MONUMENT MARKING THE NORTHWEST CORNER OF SECTION 2, TOWNSHIP 4 SOUTH, RANGE 4 EAST, AND THE FOUND MONUMENT MARKING THE WEST 1/4 CORNER OF SECTION 11, T4S, R4E, SLB8M.

BOUNDARY DESCRIPTION
 BEGINNING AT FOUND WASATCH COUNTY BRASS CAP IN CONCRETE MARKING THE WEST QUARTER CORNER OF SECTION 2, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

LINE	LENGTH	DIRECTION
L1	132.64'	N8127°59'E
L2	82.78'	S89°33'06"E
L3	218.25'	S00°11'26"W
L4	49.80'	S03°19'06"W
L5	183.56'	N00°41'15"E
L6	15.19'	S23°23'18"E
L7	196.52'	S46°27'43"W
L8	113.58'	N84°28'05"W
L9	126.94'	S61°50'41"W
L10	166.45'	S19°26'26"W
L11	73.02'	S16°50'14"E
L12	175.43'	S62°56'56"W
L13	61.71'	N57°56'24"W
L14	8.33'	N24°17'59"W
L15	193.40'	N80°00'00"W
L16	162.09'	N00°00'00"E
L17	26.29'	S89°12'00"E
L18	217.80'	N52°45'00"E
L19	186.10'	N68°50'00"W
L20	192.06'	N27°30'00"E
L21	128.93'	N06°40'00"W
L22	112.52'	N82°51'30"W

THENCE NORTH 00°19'01" WEST 497.36 FEET; THENCE NORTH 04°37'02" WEST 837.85 FEET; THENCE NORTH 89°44'57" EAST 1786.69 FEET; THENCE SOUTH 00°04'04" EAST 1328.37 FEET; THENCE NORTH 89°37'23" EAST 527.94 FEET; THENCE NORTH 00°09'45" WEST 307.79 FEET; THENCE NORTH 61°27'59" EAST 132.84 FEET; THENCE NORTH 32°59'59" EAST 296.48 FEET; THENCE SOUTH 89°33'06" EAST 82.78 FEET; THENCE SOUTH 89°11'45" EAST 401.50 FEET; THENCE SOUTH 00°11'26" WEST 218.25 FEET; THENCE SOUTH 00°16'07" EAST 405.25 FEET; THENCE SOUTH 89°40'59" WEST 346.57 FEET; THENCE SOUTH 00°06'11" EAST 790.54 FEET; THENCE SOUTH 00°49'23" EAST 294.06 FEET; THENCE SOUTH 03°09'06" WEST 48.80 FEET; THENCE SOUTH 01°04'49" EAST 381.73 FEET; THENCE NORTH 88°01'35" EAST 427.60 FEET; THENCE NORTH 89°41'51" EAST 642.54 FEET; THENCE NORTH 02°41'15" EAST 183.56 FEET; THENCE SOUTH 89°50'39" EAST 224.59 FEET; THENCE SOUTH 20°23'18" EAST 15.19 FEET; THENCE NORTH 89°29'25" EAST 364.38 FEET; THENCE SOUTH 28°28'24" EAST 173.50 FEET; THENCE SOUTH 01°20'57" WEST 319.77 FEET; THENCE SOUTH 01°41'46" WEST 348.62 FEET; THENCE SOUTH 74°21'01" WEST 843.78 FEET; THENCE SOUTH 45°27'43" WEST 196.52 FEET; THENCE NORTH 84°28'05" WEST 113.58 FEET; THENCE SOUTH 61°50'41" WEST 126.94 FEET; THENCE SOUTH 19°26'26" WEST 168.45 FEET; THENCE SOUTH 16°50'14" EAST 73.02 FEET; THENCE SOUTH 42°42'27" EAST 272.82 FEET; THENCE SOUTH 28°34'18" WEST 352.09 FEET; THENCE SOUTH 43°12'59" WEST 248.83 FEET; THENCE NORTH 62°56'56" WEST 175.43 FEET; THENCE SOUTH 87°25'57" WEST 487.28 FEET; THENCE SOUTH 00°17'15" EAST 1246.65 FEET; THENCE SOUTH 89°48'06" WEST 484.76 FEET; THENCE SOUTH 00°16'31" WEST 313.03 FEET; THENCE NORTH 75°10'53" WEST 348.27 FEET; THENCE NORTH 57°26'24" WEST 61.71 FEET; THENCE NORTH 24°17'59" WEST 8.33 FEET; THENCE NORTH 76°20'28" WEST 386.38 FEET; THENCE NORTH 16°50'00" WEST 591.99 FEET; THENCE NORTH 80°00'00" WEST 193.40 FEET; THENCE NORTH 00°00'00" EAST 162.09 FEET; THENCE SOUTH 89°12'00" EAST 26.29 FEET; THENCE NORTH 80°00'00" WEST 430.88 FEET; THENCE NORTH 17°20'00" WEST 264.00 FEET; THENCE NORTH 85°40'00" EAST 462.00 FEET; THENCE NORTH 02°45'00" EAST 217.80 FEET; THENCE NORTH 58°50'00" WEST 186.10 FEET; THENCE NORTH 45°50'00" WEST 231.00 FEET; THENCE NORTH 27°30'00" EAST 192.06 FEET; THENCE NORTH 10°00'00" EAST 523.38 FEET; THENCE NORTH 06°40'00" WEST 128.93 FEET; THENCE NORTH 77°56'24" WEST 385.12 FEET; THENCE NORTH 80°51'30" WEST 112.52 FEET; THENCE SOUTH 88°51'17" WEST 388.01 FEET; THENCE NORTH 02°17'15" WEST 1534.40 FEET; THENCE NORTH 00°19'01" WEST 443.29 FEET TO THE POINT OF BEGINNING.

AREA = 354.61 ACRES

COUNTY SURVEYOR
 APPROVED AS TO FORM ON THIS _____ DAY OF _____, 20____
 R/S # _____
 COUNTY SURVEYOR _____

SURVEYOR'S CERTIFICATE
 I, ROY L. TAYLOR, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 0854112 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT THIS IS A TRUE AND ACCURATE MAP OF THE TRACT OF LAND TO BE ANNEXED TO MIDWAY CITY, WASATCH COUNTY, UTAH.
 _____ DATE _____

ACCEPTANCE BY LEGISLATIVE BODY
 THIS IS TO CERTIFY THAT WE THE UNDERSIGNED HAVE ADOPTED A RESOLUTION OF ITS INTENT TO ANNEX THE TRACT OF LAND SHOWN HEREON AND HAVE SUBSEQUENTLY ADOPTED AN ORDINANCE ANNEXING SAID TRACT INTO MIDWAY CITY, UTAH, AND THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR FILING HEREWITH ALL IN ACCORDANCE WITH UTAH CODE SECTION 10-2-418 AS REVISED AND THAT WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT AS SHOWN AS A PART OF SAID MIDWAY CITY, AND THAT SAID TRACT OF LAND IS TO BE KNOWN AS THE LOWER RIVER ANNEXATION.
 DATED THIS _____ DAY OF _____
 _____ RECORDERS SEAL

MAYOR _____ DATE _____
 CITY ATTORNEY _____ DATE _____
 CITY ENGINEER _____ DATE _____
 ATTEST: CITY RECORDER _____ DATE _____

LOWER RIVER ANNEXATION PLAT
 DATE: 5 MARCH 2010 DRAWING NO. 01_ANNEX_PLAT SHEET NO. 1 OF 1

ITEMS OF CONSIDERATION

- Concept Plan
 - Resort Development
 - Resort and commercial
 - 100 room hotel
 - Retail village 35,000 sq. ft.
 - 25 Resort cottages
 - 15 estate lots
 - Range from 4.1 – 14.67 acres
 - 2 duplexes for workforce housing

RESORT INFORMATION:

TOTAL RESORT AREA:	63.50 ACRES (100%)
BUILDINGS:	4.00 ACRES (6.29%)
ROADS AND PARKING:	9.09 ACRES (14.29%)
OPEN SPACE:	50.50 ACRES (79.42%)

RESORT KLY

① MAIN GUEST LODGE	100 ROOMS	42,950 SF
② 25 RESORT Cottages	69-115 ROOMS	62,800 SF
③ RETAIL VILLAGE		35,000 SF
④ PARKING LOTS		58,661 SF
⑤ AGRICULTURAL BUILDINGS		9,360 SF

LEGEND

- RESORT OPEN SPACE (50.50 ACRES)
- COMMON AREA/AGRICULTURE OPEN SPACE IN SUBDIVISION (118.16 ACRES)
- RESORT Cottages (MIDWAY CITY)
- RESORT AND COMMERCIAL BUILDINGS (MIDWAY CITY)
- TRAIL
- SHALLOW GROUNDWATER HAZARD (IFSS THAN 3')
- 24' ASPHALT SHARED DRIVEWAY PER MURKIN PRESERVATION CODE
- 26' ASPHALT ROAD (PRIVATE)
- HOUSE PADS

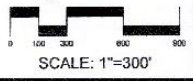
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WETLANDS NOTE:

WETLANDS FOR THIS PROPERTY TO BE DETERMINED.

RECEIVED
MAY 23 2021
BY: *kw*

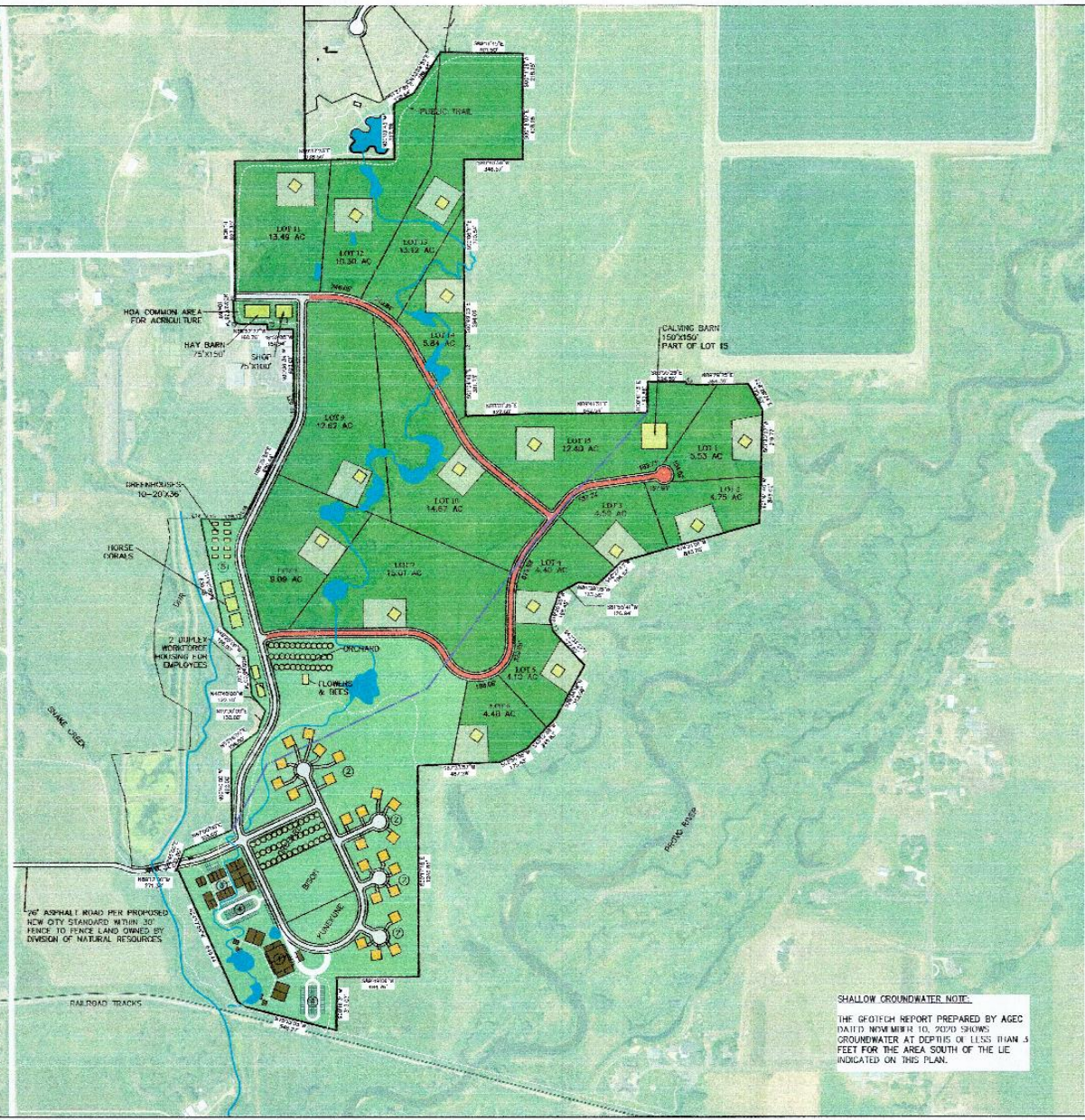


DAVIS
PROBST RIVER PROPERTIES
CONCEPT PLAN
ANNEXATION PETITION#8



200 E MAIN ST, SUITE 204
MIDWAY, LA 70669
PH 435.657.9749

DESIGN BY: PJM DATE: 10/26/2020
DRAWN BY: DAW RBY: 8



SHALLOW GROUNDWATER NOTE:
THE GEOTECH REPORT PREPARED BY AGED DATED NOVEMBER 10, 2020 SHOWS GROUNDWATER AT DEPTHS OF LESSE THAN 3 FEET FOR THE AREA SOUTH OF THE INDICATED ON THIS PLAN.

26' ASPHALT ROAD PER PROPOSED NEW CITY STANDARD WITHIN 30' FENCE TO FENCE LAND OWNED BY DIVISION OF NATURAL RESOURCES

ITEMS OF CONSIDERATION

- Access
 - Plan shows 2 points of access
 - South access near the Kem Gardner property and on the Utah Department of Fish and Game property
 - Current access requirement is a 56' wide right-of-way and 30' of asphalt
 - Developer would like to propose a new city standard of 26' of asphalt in a 30' right-of-way
 - UDOT will need to approve the access to State Road 113
 - North access from 850 South

RESORT INFORMATION:

TOTAL RESORT AREA:	63.50 ACRES (100%)
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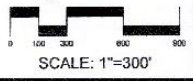
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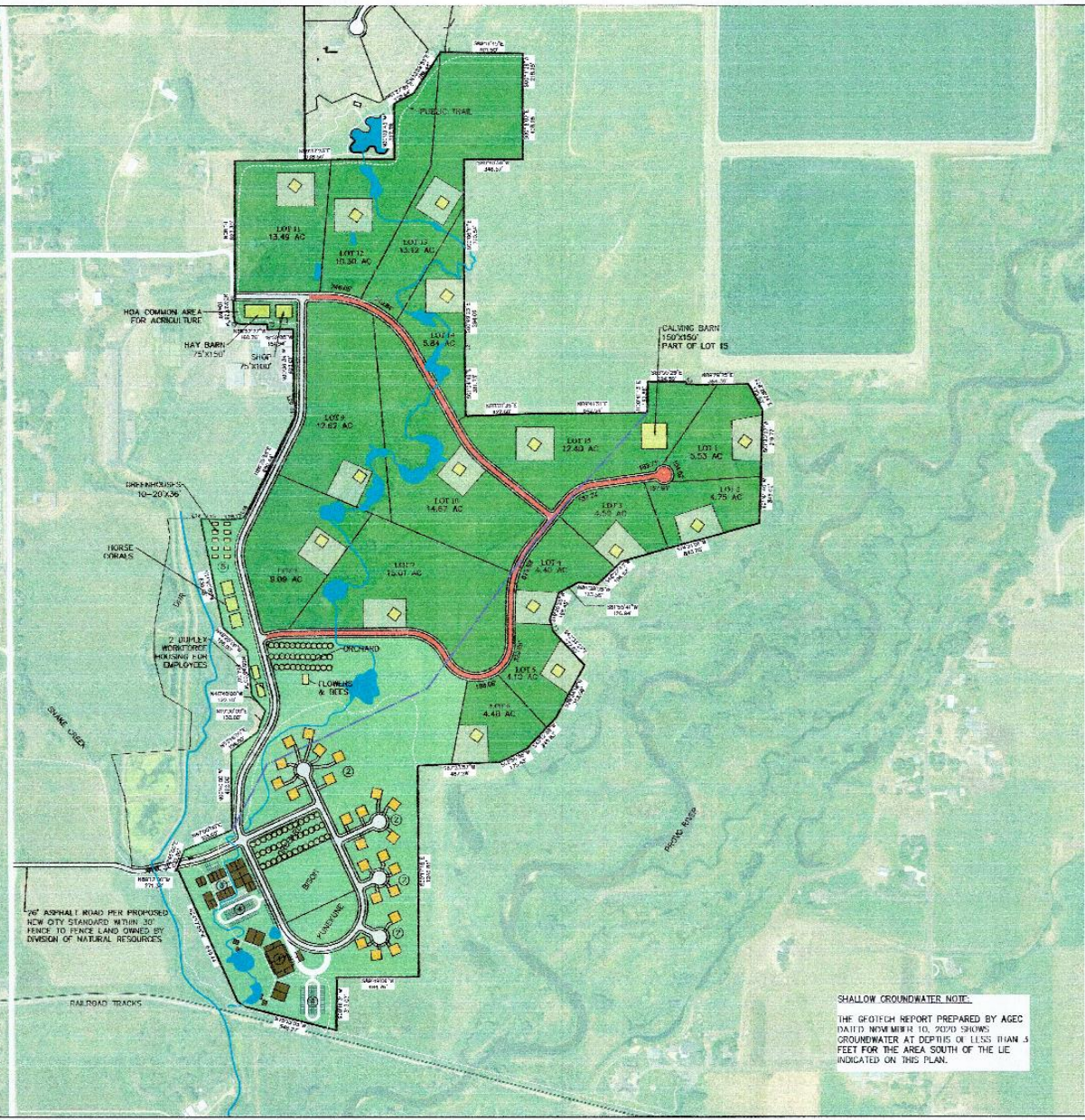


DAVIS
PROBST RIVER PROPERTIES
CONCEPT PLAN
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P.L.A. D. BERG
3000 E. MAIN ST. SUITE 201
MIDWAY, LA 70669
PH 435.657.9749
DATE: 6 MAR 2021

DWGN BY: PDM DATE: 10/26/2020 QBST
DRAWN BY: DAW R/V: 8



SHALLOW GROUNDWATER NOTE:
THE GEOTECH REPORT PREPARED BY AGED DATED NOVEMBER 10, 2019 SHOWS GROUNDWATER AT DEPTHS OF LESS THAN 3 FEET FOR THE AREA SOUTH OF THE LOT INDICATED ON THIS PLAN.

26' ASPHALT ROAD PER PROPOSED NEW CITY STANDARD WITHIN 30' FENCE TO FENCE LAND OWNED BY DIVISION OF NATURAL RESOURCES

HOA COMMON AREA FOR AGRICULTURE

CALMING BARN 150'X150' PART OF LOT 15

IMPROVEMENTS 10-20'X26'

2 DUBBLE HORSE CORALS

ORCHARD

FLOWERS & TREES

BEACH

PANORAMA

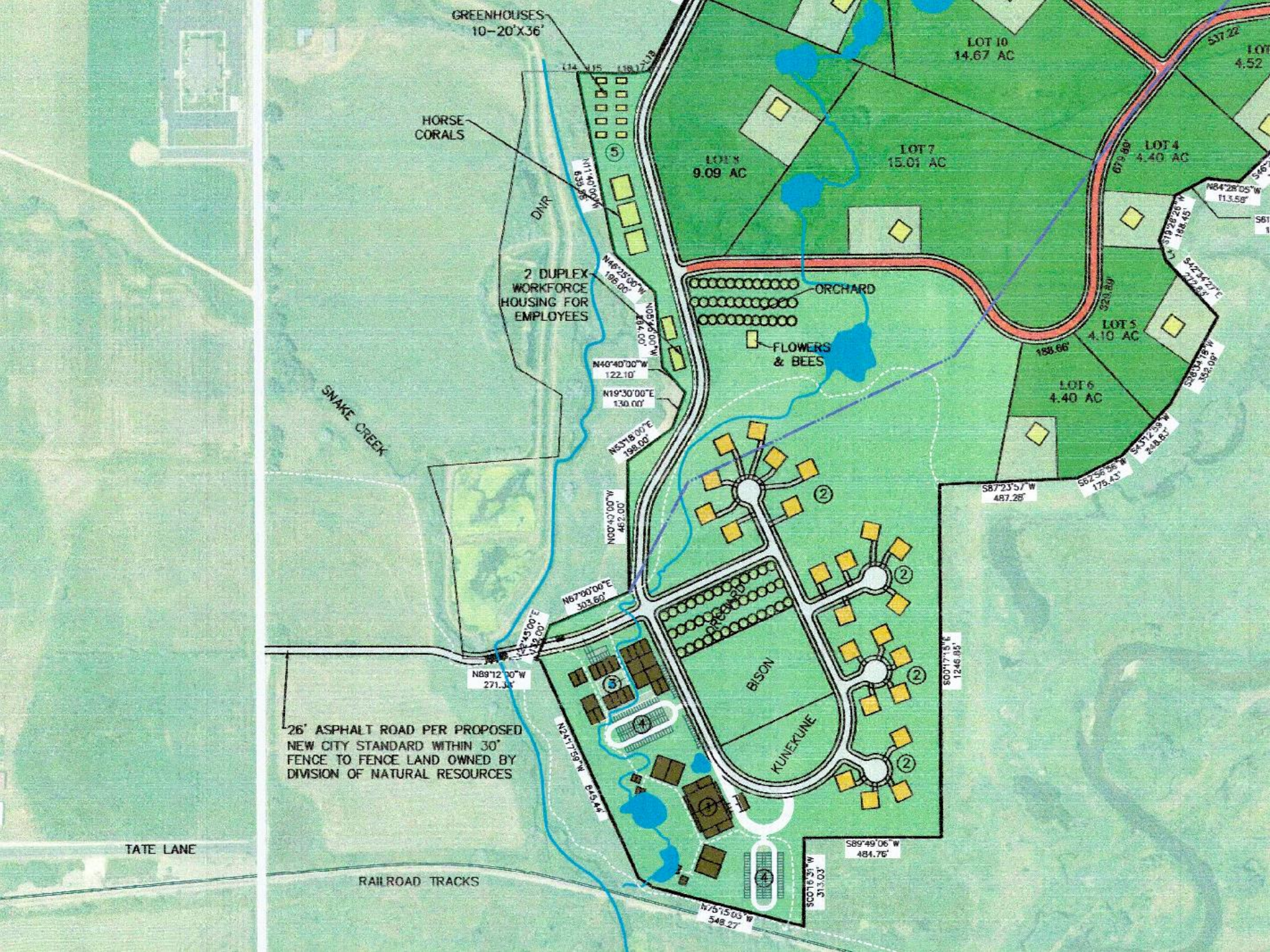
RAIL LINE

RAILROAD TRACKS

PROBST RIVER

ITEMS OF CONSIDERATION

- Economic development
 - Increase tax base in the resort and commercial area
 - Help retain the resort tax
 - More information is needed to better analyze the potential benefits



GREENHOUSES
10-20'X36'

LOT 10
14.67 AC

HORSE
CORALS

LOT 11
9.09 AC

LOT 7
15.01 AC

LOT 4
4.40 AC

2 DUPLEX
WORKFORCE
HOUSING FOR
EMPLOYEES

ORCHARD

FLOWERS
& BEES

LOT 5
4.10 AC

LOT 6
4.40 AC

SNAKE CREEK

BISON

KUNERUNE

26' ASPHALT ROAD PER PROPOSED
NEW CITY STANDARD WITHIN 30'
FENCE TO FENCE LAND OWNED BY
DIVISION OF NATURAL RESOURCES

TATE LANE

RAILROAD TRACKS

DNR

(14 115 (18 17.9

N60°01'00"W
180.00'

N40°25'00"W
198.00'

N40°40'00"W
122.10'

N19°30'00"E
130.00'

N53°18'00"E
198.00'

N00°40'00"W
467.00'

N67°00'00"E
303.80'

N54°45'00"E
172.00'

N89°12'00"W
271.35'

N24°17'59"W
615.84'

S89°49'06"W
481.76'

S00°16'31"W
313.03'

N75°15'03"W
548.27'

S00°17'15"E
1246.85'

S87°23'57"W
487.28'

S62°56'55"W
175.43'

S49°12'39"W
248.67'

S38°04'18"W
355.09'

S19°28'26"W
188.25'

N84°28'05"W
113.55'

S42°24'21"E
177.65'

S42°24'21"E
177.65'

S71°18'00"W
188.25'

S42°24'21"E
177.65'

S57°22'00"W
188.25'

S57°22'00"W
188.25'

S57°22'00"W
188.25'

S57°22'00"W
188.25'

S57°22'00"W
188.25'

ITEMS OF CONSIDERATION

- Trails
 - Trail network could be expanded in the area including a trail along the Provo River
 - Future trailhead on the Kem Gardner property would connect to any future public trails

RESORT INFORMATION:

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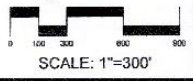
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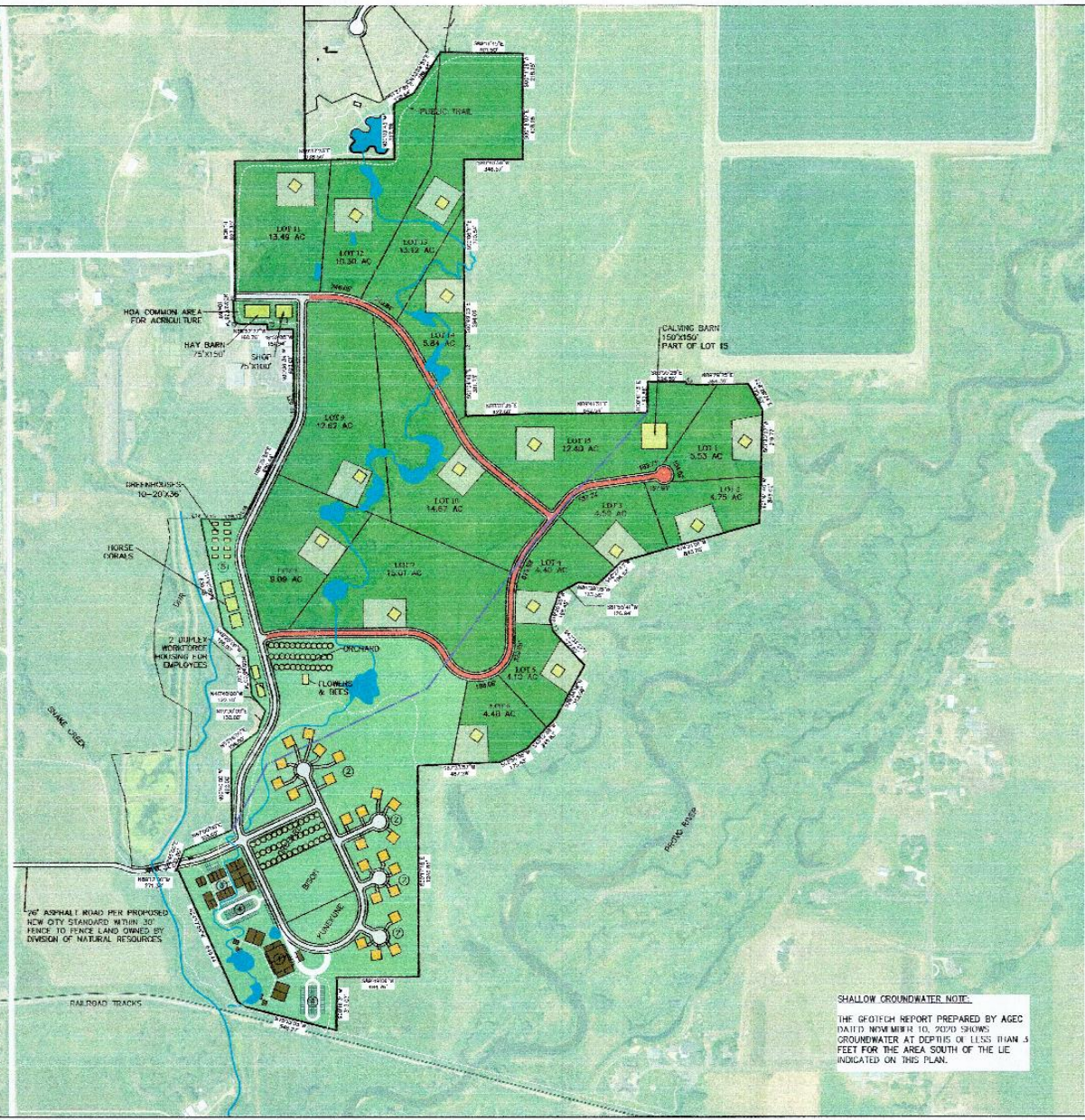


DAVIS
PROBST RIVER PROPERTIES
CONCEPT PLAN
ANNEXATION PETITION#8



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P.L.A. D. BERG
3000 E. MAIN ST. SUITE 204
MIDWAY, LA 70669
PH 435.657.9749

DESIGN BY: PDM DATE: 10/26/2020 SHEET NO: 8
DRAWN BY: DAW RCV:

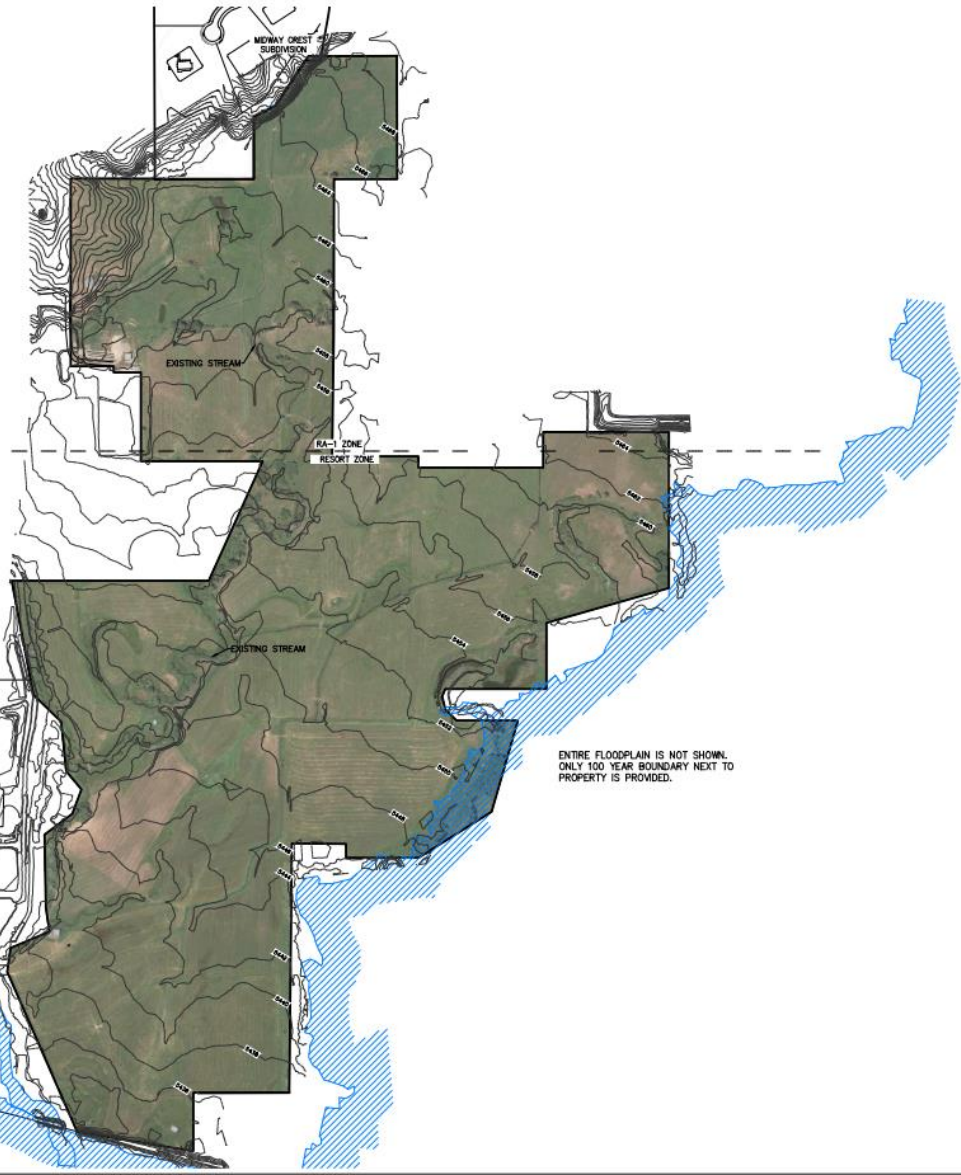
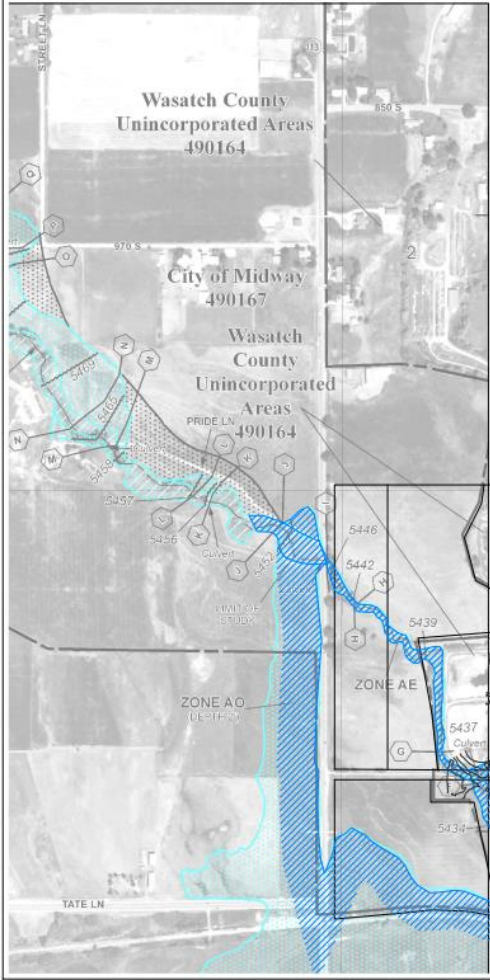


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26' ASPHALT ROAD PER PROPOSED NEW CITY STANDARDS WITHIN 30' FENCE TO FENCE LAND OWNED BY DIVISION OF NATURAL RESOURCES

ITEMS OF CONSIDERATION

- Sensitive Lands
 - FEMA flood zone
 - Wetlands
 - No information has been provided
 - Other sensitive lands
 - High water table
 - Wildlife habitat



ENTIRE FLOODPLAIN IS NOT SHOWN.
ONLY 100 YEAR BOUNDARY NEXT TO
PROPERTY IS PROVIDED.

LEGEND:
FLOODPLAIN



SCALE: 1"=300'

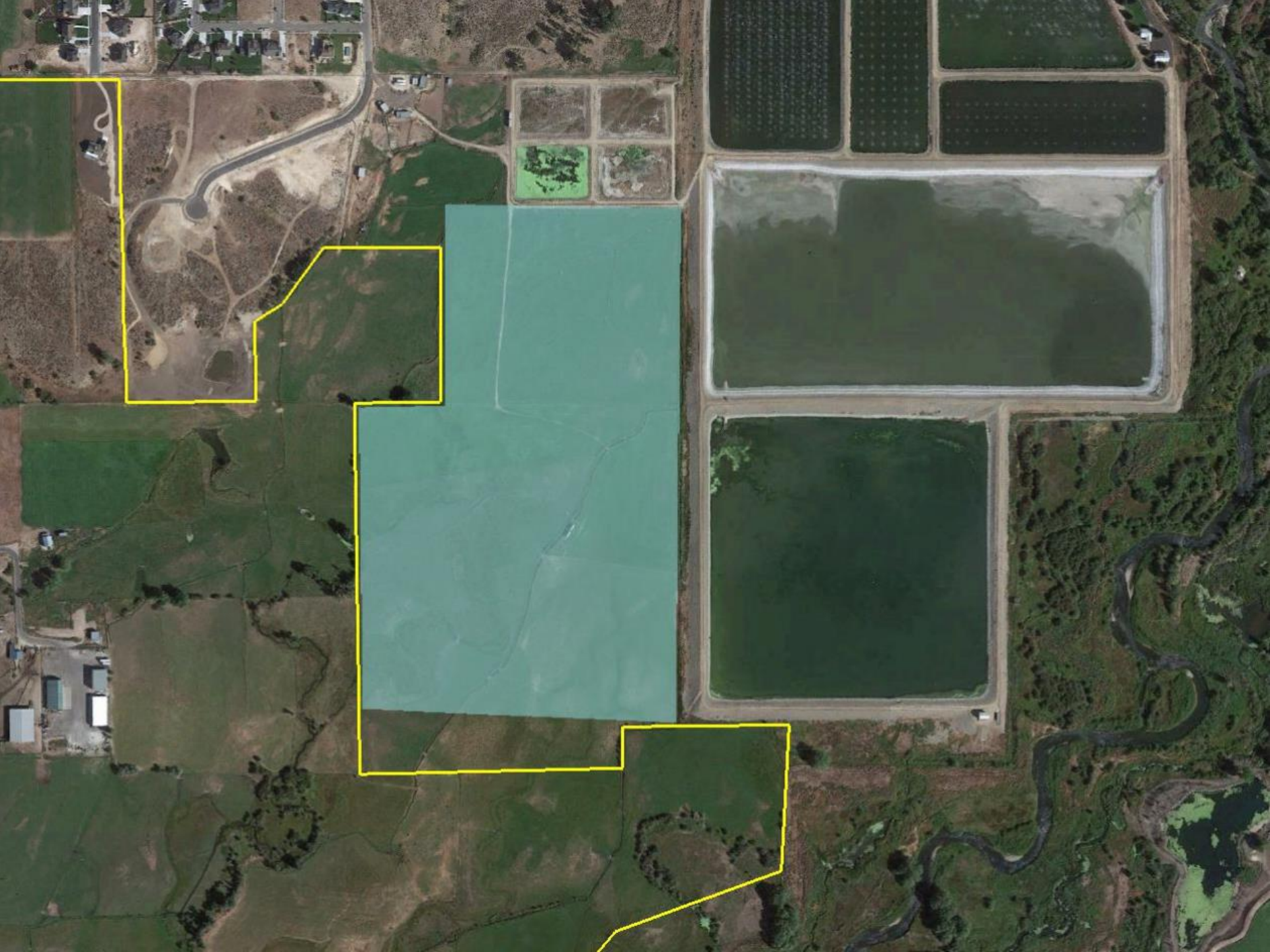
DAVIS
PROBST RIVER PROPERTIES
SENSITIVE LANDS MAP

ENGINEERING
380 E Main St. Suite 204
Midway, UT 84059
ph 435.657.9749

DESIGN BY: PDM DATE: 02 FEB 2021 SHEET
DRAWN BY: REV: 2

ITEMS OF CONSIDERATION

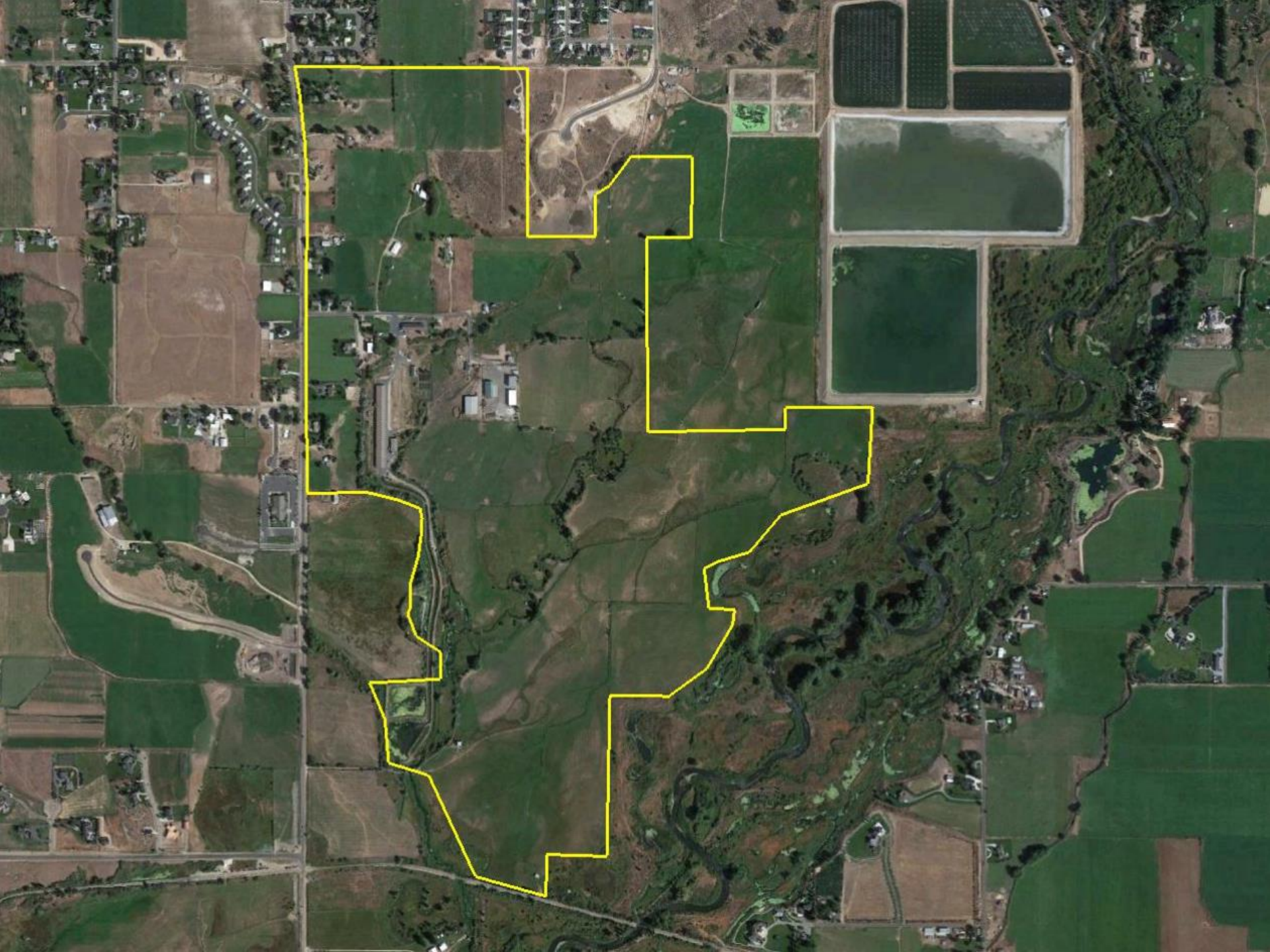
- Development of the north area of the proposal
 - Density increase
 - A-20 zoning to RA-1-43
 - Location next to future water winter storage ponds
 - Possible odor nuisance issues





ITEMS OF CONSIDERATION

- 136.76 acres owned by 18 different individuals will be annexed into the City without signing as petitioners
- Some properties and uses will become nonconforming to the City Code
 - Kennel
 - Midway public works
- Area would be zoned RA-1-43 (RA-1 in Wasatch County)
- Many of the dwellings are already connected to Midway culinary water
- City will not be able to negotiate terms with these property owners

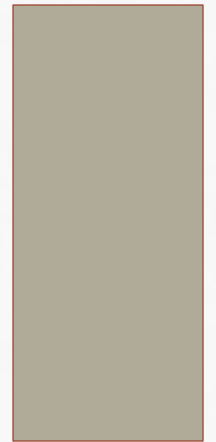


POSSIBLE FINDINGS

- The proposed annexation will not create an unincorporated peninsula.
- The proposal does not have two verified access points.
- A concept plan was submitted with the application.
- The petitioned zoning does match the planned zones for the annexation area on City's land use map.
- The sensitive lands map is incomplete and does not include any wetlands information and does not cover the entire proposed annexation area.
- Increasing density near HVSSD property has the potential increasing the number of people impacted by odors.
- Further consideration of the petition by the City Council does not guarantee the property will be approved for annexation by the City Council.

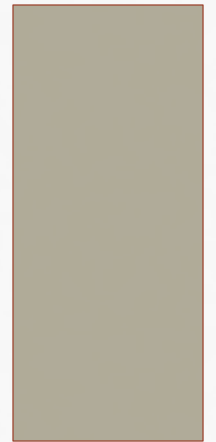
BUILDINGS / FEES

MAYOR JOHNSON



TOWN HALL / FORMER DUP SPACE

MAYOR JOHNSON



FOUNDERS DAY

MAYOR JOHNSON

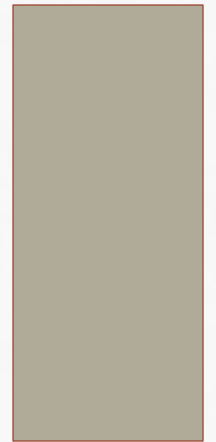


ADJOURNMENT

MIDWAY CITY COUNCIL WORK MEETING

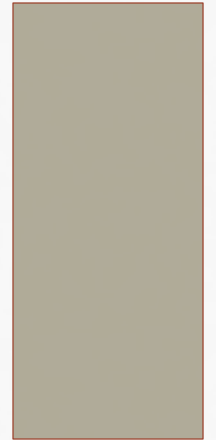
MIDWAY CITY COUNCIL MEETING

APRIL 6, 2021



CALL TO ORDER

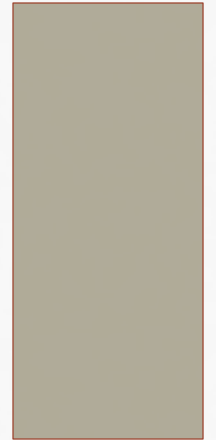
MIDWAY CITY COUNCIL MEETING



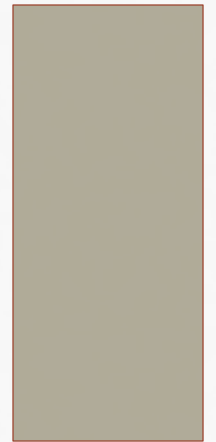


CALL TO ORDER

MIDWAY CITY COUNCIL MEETING



CONSENT CALENDAR



CONSENT CALENDAR

- a. Agenda for the 6 April 2021 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 2 March 2021 City Council Regular Meeting
- d. Renew the lease with the Midway Art Association for space in the Midway Town Hall located at 120 West Main Street, Suite 120B
- e. Ordinance 2021-08 approving the Midway Crest Annexation containing 24.16 acres located at 600 South Fox Den Road



HEBER VALLEY SPECIAL SERVICE DISTRICT

1000 East Main Street
PO Box 427
Midway, UT 84049-0427
Phone: (435) 654-2248
Email: dgunn@hvssd.org

March 11, 2021

Midway City Council
75 N 100 W
P.O. Box 277
Midway, UT 84049

Re: Proposed annexation of approximately 200 acres owned by Ken Probst.

Dear Mayor Johnson and Midway City Council Members:

I am writing on behalf of the Heber Valley Special Service District (the "District") and the HVSSD Administrative Control Board (the "Board") of which I am the Vice-Chair and the one designated to speak on behalf of the Board on this issue.

The Board is unanimous in its opposition to the proposal to annex into Midway City the 200 acres owned by Ken Probst that is located immediately adjacent to the District. As you are aware, the District provides an essential service to all of Heber Valley including Midway City. As the population in Heber Valley and Midway City increases so too does the demand for the services of the District. The District has current needs to expand its facilities and anticipates that those needs will only increase. The District utilizes lagoons to process the sewage it receives and disposes of the residuals by applying them to farm ground as fertilizer to grow alfalfa and hay. The proceeds from those crops help offset to a degree the cost of providing the treatment service. This process has served the residents of the valley very well and will continue to do so into the future provided the District has enough ground for winter storage and farm ground to absorb the residuals. The District will also need to expand the physical treatment facilities. Any annexation of what is currently agricultural land adjacent to the District stunts the District's ability to expand to meet the ever increasing demands of an increasing population. This threatens the very process used to treat the sewage and if unchecked will result in the need to abandon the current process and install a mechanical plant at a cost that is shockingly high even if spread throughout the entire valley. This is particularly true given the levels of treatment currently being considered by the state regulators regarding mechanical plants.

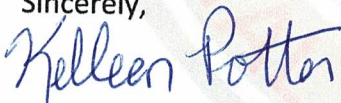
The land under consideration for annexation by Midway City is ideally located for the needs of the District. The District is keenly interested in purchasing the property for the reasons stated herein. The District obtained an appraisal of the property and negotiated in good faith for the purchase of the property offering more than the appraised amount. Mr. Probst disagreed with that amount and no sale was completed. We mention this only to address any concern that you may have about that. Just as you, we have a duty to protect the public purse, and we were stretched between that duty and our desire to acquire the property; it was a gap we just could not close.

Other reasons we oppose this proposed annexation include the public's abiding interest in maintaining open space and agricultural land. You just received a generous conservation easement on the other side of this ground for this very purpose. It seems anathema to that donation to surround it with development. Its best use in this regard is to maintain its agricultural character; continued use as farm ground that uses land application of the District's residuals would preserve its character.

An additional pressing concern of the District is the need for an effective buffer from development. We are all aware of the odors that emanate during the treatment process. A recent upset was particularly acute for Midway City. Aside from that rare event, the day-to-day process results in odors not contained on site. The closer development creeps toward the District the greater the increase for conflict. There are cases throughout the country and in the State of Utah where encroaching developments have sued treatment facilities to eliminate odors even though the development moved to the "nuisance." To protect the valuable investment that Midway City and the entire valley have in the form of the District, a buffer needs to be maintained to keep development at bay. In short, it would be more than problematic for development to occur on this piece adjacent to the District facilities.

We share in your desire to do what is best for the community and citizens we serve. We hope you will consider the District's position thoroughly. If you have any questions or need any more information, let me know. We appreciate your time and your public service.

Sincerely,



Kelleen Potter

Vice-Chair

Heber Valley SSD

Administrative Control Board

CC: HVSSD Board: Steve Farrell, Heidi Franco, Don Huggard, Celeste Johnson, Mike Johnston, Brenda Kozlowski, Kelleen Potter



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