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**LEGAL MEMORANDUM**

To: County Council

From: David L. Thomas, Chief Civil Deputy

Date: April 23, 2018

Re: Annexation and Asset Acquisition Agreement (Community Water)

1. The Council adopted Resolution No. MRW 2018-01 on February 14, 2018, to initiate proceedings related to the annexation of the Community Water Company's Service Area (Community Water") into the boundaries of the Mountain Regional Water Special Service District ("MRW"). The culmination of the annexation will bring approximately 500 new customers into the MRW system.
2. A properly noticed public hearing was held on March 28, 2018, in which public comment was taken on the proposed annexation of Community Water.
3. The protest period extends for a period of 60 days following the public hearing and will expire on May 28, 2018. No protests have been received as of the date of this Legal Memorandum.
4. The attached Annexation and Asset Acquisition Agreement ("Annexation Agreement") has been negotiated with Community Water. The MRW Administrative Control Board reviewed the Annexation Agreement at its March and April 2018 board meetings and have forwarded a unanimous favorable recommendation to the Council to approve the Annexation Agreement.
5. The key components of the Annexation Agreement are as follows:
  - a. Assignment of Weber Basin Water Conservancy District contracts for 270 acre feet of water.
  - b. Transfer of the Community Water system infrastructure, including (i) wells, springs and other sources of water supply, (ii) water storage reservoir, (iii) water treatment plant, (iv) water distribution, transmission and lateral service pipelines,

manholes and fittings, (v) pumps, pump stations, and pressure regulation, (vi) water meters, meter boxes and valves, and (vii) fire hydrants.

- c. Conveyance of real property interests, including easements and rights-of-way.
- d. Assignment of reports, records and other intangibles.
- e. System modifications by MRW, financing and timetable.

6. A condition precedent to Closing on the Annexation Agreement is the approval by the Council of the annexation of Community Water. The Closing shall occur within 90 days of the annexation approval.