



State of Utah

SPENCER J. COX  
Governor

DEIDRE M. HENDERSON  
Lieutenant Governor

## Office of the Lieutenant Governor

LAYLA BASIC  
Office Administrator

JORDAN SCHWANKE  
Local Entity Specialist

November 4, 2024

Subject: City of Nine Springs Request for Feasibility Study Determination Notice

Dear Mr. Branch Nelson,

On September 18, 2024, The Office of the Lieutenant Governor (OLG) received a Feasibility Request (the "Request") for the creation of a preliminary municipality known as City of Nine Springs ("Proposed Incorporation Area") located in Morgan County. Utah Code §10-2a-503(1) requires the OLG to review and determine whether the Request complies with Utah Code §10-2a-502 within 45 days after the initial filing, and to notify the Morgan County Clerk and the primary sponsor contact of the determination. **After review of the Request the OLG finds that the Request does not comply with Utah Code §10-2a-502 and is accordingly rejected.**

As required by Utah Code §10-2a-503(4) the OLG provides the grounds for the rejection:

1. Utah Code §10-2a-502(2)(a) requires the area a person seeks to incorporate as a preliminary municipality to be "contiguous." Utah Code §10-1-104(2) defines "contiguous" as "continuous, uninterrupted, and **without an island of territory not included as part of the area**; and if used to describe an area's relationship to another area, sharing a common boundary." According to the Request, property identified as parcel number 00-0003-3272 is not included as part of the Proposed Incorporation Area and is entirely surrounded. The exclusion of parcel 00-0003-3272 creates an island of territory not included as part of Proposed Incorporation Area, and accordingly causes the Proposed Incorporation Area to fall outside the definition of "contiguous" outlined in Utah Code §10-1-104(2). Therefore the Request fails to meet the requirements of Utah Code §10-2a-502(2)(a).
2. Utah Code §10-2a-502(2)(d)(i) requires that "on the day on which the person files the feasibility request... **the area is owned by no more than three persons**, all of whom consent to incorporation as a preliminary municipality." The Request states that Spring Mountain Ranch

LLC and SISO LLC are the sole applicants/owners of all the real property included within the Proposed Incorporation Area. However, on the date the Request was filed, Morgan County identified nineteen property owners within the proposed boundaries. The number of property owners within the proposed boundaries exceeds the three-owner limit and compels rejection of the Request under Utah Code §10-2a-502(2)(d)(i).

3. Utah Code §10-2a-502(5)(a) requires that “a person who files a feasibility request...shall file the feasibility request with the lieutenant governor, including in the feasibility request...**the signatures of all owners of real property included in the proposed preliminary municipality area, showing that the owners consent to including the real property in the proposed preliminary municipality area.**” According to Morgan County the Proposed Incorporation Area contains nineteen real property owners. Only individuals with representative capacity for Spring Mountain Ranch LLC and SISO LLC signed the Request and consented to include their real property in the Proposed Incorporation Area. However, none of the other seventeen landowners consented to include their property within the Proposed Incorporation Area. The Request does not include the signatures and consent from all owners of real property and, on that basis, also fails to comply with Utah Code §10-2a-502(5)(a).

**In accordance with Utah Code §10-2a-503(7), sponsors may, subject to Utah Code §10-2a-505, amend the Request to correct the deficiencies and re-file the feasibility request with the OLG by February 2, 2025, at 11:59 P.M., 90 days after the day on which the OLG rejection the Request. If you do not submit an amended request for feasibility study to the OLG by February 2, 2025, at 11:59 P.M., or the amended feasibility study request does not comply with Utah Code §10-2a-502, the incorporation process cannot proceed.**

**Please contact us if you have any questions.**

Regards,  
Jordan Schwanke, Local Entity Specialist