

STATE OF UTAH



OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF ANNEXATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT there has been filed in my office a notice of annexation from BRIAN HEAD TOWN, dated July 22nd, 2008, complying with Section 10-2-425, 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 BRIAN HEAD TOWN, located in Iron County, State of Utah.



IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 11th day of September, 2008 at Salt Lake City, Utah.

Handwritten signature of Gary R. Herbert in black ink.

GARY R. HERBERT
Lieutenant Governor

Received

P17
-0

TOWN OF BRIAN HEAD, UTAH
TOWN COUNCIL

SEP 02 2008
Map Sect 9/19/08

ORDINANCE NO. 08-014
ANNEXING APPROXIMATELY 386 ACRES
July 22, 2008

Gary R. Herbert
Lieutenant Governor

AN ORDINANCE AUTHORIZING THE ANNEXATION OF A PENINSULA OF APPROXIMATELY 386.8 ACRES OF UNINCORPORATED PROPERTY CONTIGUOUS TO BRIAN HEAD, UTAH, INCLUDING THE CEDAR BREAKS MOUNTAIN ESTATES UNITS A, B, & C, CEDAR BREAKS MOUNTAIN HOMESITES, CEDAR BREAKS MOUNTAIN HOMESITES UNITS A & C, TIMBERCREST, SUNSET MOUNTAIN, AND SKI HAVEN CHALET UNITS A, B, & C, AND OTHER CONTIGUOUS PROPERTY LOCATED IN THE SAME AREA; AND RELATED MATTERS.

WHEREAS, a peninsula of unincorporated land exists contiguous to the Town of Brian Head, Utah, and several of the residents of that area have requested that the Town of Brian Head annex the area in order to more efficiently and fairly provide municipal-type services to that area; and

WHEREAS, Section 10-2-418 of the Utah Code permits the Town to annex, on its own initiative, an unincorporated, contiguous peninsula with fewer than 800 residents if the Town has provided municipal-type services to that area for at least one year; and

WHEREAS, the Town has provided municipal services, including water and sewer service and fire and emergency medical response coverage, to the proposed annexation area for more than one year, and because of the long distance from Iron County services to the proposed annexation area, Iron County is incapable of efficiently providing these municipal-type services to the proposed annexation area; and

WHEREAS, the proposed annexation area is in need of additional municipal services which the Town is capable of efficiently providing; and

WHEREAS, the residents of the proposed annexation area currently pay a higher rate for the municipal services provided by the Town than do residents of the Town, and in the event of a water shortage, the Town would be required to discontinue water services to the proposed annexation area in order to provide the same services to the Town residents; and

WHEREAS, the proposed annexation area contains fewer than 800 residents; and

WHEREAS, the Town Council desires to accommodate the requests of the residents of the proposed annexation area by considering the annexation of the proposed annexation area; and

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p. 08-014

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WHEREAS, on June 10, 2008, the Town Council adopted a resolution proposing annexation of the above described peninsular area, calling a public hearing for July 22, 2008, and authorizing publication of notices with respect to the proposed annexation; and

WHEREAS, on July 22, 2008 the Town Council held a public hearing on the proposed annexation of the peninsula and protests did not exceed a majority of the total private land area within the entire area proposed for annexation or one-half of the value of all private real property within the entire area proposed for annexation:

IT IS HEREBY ORDAINED by the Town Council of the Town of Brian Head, Utah as follows:

Section 1. Town Council held a public hearing on the proposed annexation of the peninsula and protests did not exceed a majority of the total private land area within the entire area proposed for annexation or one-half of the value of all private real property within the entire area proposed for annexation.

Section 2. The Town Council hereby annexes a peninsula of unincorporated land that is contiguous to the Town of Brian Head, Utah. The annexation area consists of approximately 386.8 acres of real property that lies between the Steam Engine Meadows subdivision on the east side of Town and Highway 143 on the west side of Town and forms a peninsular shape in relation to the Town boundaries. The proposed annexation area includes the following platted subdivisions: Cedar Breaks Mountain Estates Units A, B, & C; Cedar Breaks Mountain Homesites; Cedar Break Mountain Homesites Units A & C; Timbercrest; Sunset Mountain; and Ski Haven Chalet Units A, B, & C. The proposed annexation area also includes a parcel of property that is located in the same area but is not a platted subdivision. The entire proposed annexation area is more particularly described as:

BEGINNING AT THE NORTH QUARTER CORNER OF SECTION 2, TOWNSHIP 36 SOUTH, RANGE 9 WEST AND RUNNING THENCE SOUTH 89° 27' 51" EAST 2655.47 FEET TO THE NORTHEAST CORNER OF SAID SECTION 2; THENCE SOUTH 89° 01' 59" EAST 2621.66 FEET TO THE NORTH QUARTER CORNER OF SECTION 1, SAID TOWNSHIP AND RANGE; THENCE SOUTH 00° 30' 41" WEST 1313.58 FEET TO THE CENTER NORTH SIXTEENTH CORNER OF SAID SECTION 1; THENCE NORTH 89° 10' 41" WEST 1312.71 FEET TO THE NORTHWEST SIXTEENTH CORNER OF SAID SECTION 1; THENCE SOUTH 00° 04' 00" WEST 2641.73 FEET TO THE SOUTHWEST SIXTEENTH CORNER OF SAID SECTION 1; THENCE NORTH 89° 20' 12" WEST 1318.12 FEET TO THE SOUTH SIXTEENTH CORNER COMMON TO SECTIONS 1 AND 2, SAID TOWNSHIP AND RANGE; THENCE NORTH 00° 45' 54" EAST 84.14 FEET ALONG THE EAST LINE OF SAID SECTION 2 MORE OR LESS TO A POINT COLLINEAR

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WITH THE NORTH LINE OF LOT 8, BLOCK H SKI HAVEN CHALETS UNIT C; THENCE NORTH 89° 14' 20" WEST 165.28 FEET TO THE NORTHWEST CORNER OF SAID LOT 8; THENCE SOUTH 66° 03' 45" WEST 170.97 FEET ALONG AND PAST THE NORTH LINE OF LOT 4 SAID BLOCK H TO A POINT ON THE EAST LINE OF LOT 4, BLOCK I SAID UNIT C; THENCE MORE OR LESS ALONG LOT 4 OF SAID BLOCK I THE FOLLOWING 3 COURSES:

1. NORTH 23° 56' 14" WEST 108.11 FEET;
2. 50.24 FEET ALONG A 20.00 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS SOUTH 84°06'05" WEST 38.03 FEET);
3. SOUTH 12° 08' 24" WEST 109.06 FEET TO A POINT COLLINEAR WITH THE SOUTH LINE OF LOT 17 BLOCK E SKI HAVEN CHALETS UNIT C; THENCE NORTH 83° 55' 02" WEST 290.33 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF SAID LOT 17; THENCE NORTH 86° 34' 55" WEST 274.89 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF LOT 6 SAID BLOCK E; THENCE SOUTH 46° 37' 52" WEST 58.92 FEET MORE OR LESS TO THE SOUTHEAST CORNER OF LOT 2, BLOCK B SAID UNIT C; THENCE, NORTH 89° 20' 12" WEST 292.28 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF LOT 14, BLOCK D SKI HAVEN CHALETS UNIT B; THENCE SOUTH 00° 08' 00" WEST 137.40 FEET MORE OR LESS TO THE SOUTHEASTERLY CORNER OF LOT 13 SAID BLOCK D; THENCE ALONG THE SOUTHERLY LINES OF SKI HAVEN CHALETS UNIT B THE FOLLOWING 8 COURSES:

1. SOUTH 72° 41' 00" WEST 271.90 FEET;
2. SOUTH 82° 40' 00" WEST 70.00 FEET;
3. NORTH 89° 24' 00" WEST 98.00 FEET;
4. NORTH 86° 28' 00" WEST 96.00 FEET;
5. SOUTH 87° 07' 00" WEST 99.60 FEET;
6. NORTH 65° 11' 00" WEST 229.00 FEET;
7. NORTH 79° 04' 45" WEST 183.73 FEET;
8. THENCE NORTH 03° 26' 30" WEST 311.80 FEET TO A POINT OF CURVATURE MORE OR LESS ON THE WEST LINE OF LOT 9 SKI HAVEN CHALETS UNIT A;

THENCE ALONG THE EAST LINE OF FORREST DRIVE THE FOLLOWING 7 COURSES:

1. 81.14 FEET ALONG A 129.62 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS NORTH 14°29'30" EAST 79.83 FEET);
2. NORTH 33° 50' 25" EAST 374.43 FEET;
3. 110.01 FEET ALONG A 240.55 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS NORTH 20°44'17" EAST 109.06 FEET);
4. NORTH 07° 11' 26" EAST 348.02 FEET;
5. 35.71 FEET ALONG A 23.88 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS NORTH 50°01'46" EAST 32.48 FEET);

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6. NORTH 70° 04' 38" EAST 293.11 FEET;
7. NORTH 05° 01' 46" EAST 158.93 FEET MORE OR LESS TO A POINT
SOUTH 89° 20' 12" EAST 904.78 FEET FROM THE CENTER QUARTER
CORNER OF SAID SECTION 2;
THENCE NORTH 89° 20' 12" WEST 904.78 FEET MORE OR LESS TO THE
CENTER QUARTER CORNER OF SAID SECTION 2; THENCE, NORTH 0° 01' 37"
EAST 2633.00 FEET TO THE POINT OF BEGINNING BEING THE NORTH
QUARTER CORNER OF SECTION 2 TOWNSHIP 36 SOUTH, RANGE 9 WEST.

[END OF DESCRIPTION]

Section 3. The Town Council finds that the Town has provided water and sewer service and fire and emergency medical response coverage to the proposed annexation area since before June 1, 2007, which means that the Town has provided those municipal-type services for at least one year as required by Section 10-2-418 of the Utah Code.

Section 4. The Town Council finds that the proposed annexation area has less than 800 residents, as is required by Section 10-2-418 of the Utah Code.

Section 5. The Town Council determines that the proposed annexation area is in need of municipal-type services and that the Town is capable of providing those services.

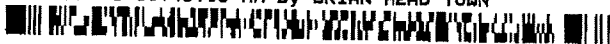
Section 6. The Town Council finds that the annexed area is not currently serviced by another emergency services provider licensed under Title 26, Chapter 8a of the Utah Code and therefore the notice requirements of Section 26-8a-414 do not apply to this annexation.

Section 7. The Town Council hereby directs the Town Clerk to send notice of this annexation ordinance to all of the following within 30 days of the adoption of the annexation ordinance: (A) Iron County addressed to the County Clerk; (B) Any local district or special district whose boundaries include any part of the annexed area; (C) the Iron County School District; and (D) any municipality whose boundaries are within one-half mile of the annexed area, which the Town Council finds to be none.

Section 8. The Town Council further directs the Town Clerk to file with the Utah Lieutenant Governor's office (1) a certified copy of this annexation ordinance, and (2) a plat or map of the annexed peninsula prepared and certified by a licensed surveyor that has been filed with the Iron County Surveyor, (3) a written notice of the adopting of this annexation ordinance together with a copy of this annexation ordinance, and (4) evidence that the foregoing information has been recorded with the Iron County Recorder

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Section 9. This annexation ordinance shall be effective immediately upon publication in the Spectrum, a newspaper of general circulation in the Town, or 30 days after final passage by the Town Council, which ever is sooner.

Section 10. The Town Clerk is directed to publish a copy of this annexation ordinance in the Spectrum, a newspaper of general circulation in the Town and to attach an affidavit of publication of the same to this ordinance and the Town Clerk is directed to post this annexation ordinance in three public places within the Town.

Section 11. The Town Clerk is directed to deposit a copy of this annexation ordinance in the office of the Town Clerk.

Section 12. The Mayor or in the Mayor's absence the Mayor Pro Tem is authorized to sign this annexation ordinance and the Town Clerk or in the Town Clerk's absence, the Deputy Town Clerk is authorized to attest to such signature and to apply the Town Seal.

Section 13. The Mayor, or in the Mayor's absence the Mayor Pro Tem is authorized to sign the attached certificate of the Town Council that all necessary legal requirements relating to the annexation have been completed and the Town Clerk or in the Town Clerk's absence, the Deputy Town Clerk is authorized to attest to such signature and to apply the Town Seal.

Section 14. All acts, ordinances and resolutions in conflict with any part of this annexation ordinance are hereby superseded and replaced.

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APPROVED AND ADOPTED by the Town Council of the Town of Brian Head,
Utah, this July 22, 2008.

Brian Head Town


H. C. Deutschlander, Mayor

ATTEST:


Nancy Leigh, Town Clerk



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4847-1538-1762/BR093-003

RECORD OF PROCEEDINGS

The Town Council of Brian Head, Utah, met in public session at its regular meeting place at 56 N. Hwy 143 in Brian Head, Utah, at 1:00 p.m. or as soon thereafter as feasible, on July 22, 2008, with the following members present:

H.C. Deutschlander	Mayor
Stewart Fausett	Councilmember
Hans Schwob	Councilmember
Jim Ortler	Councilmember
Anthony Cochia	Councilmember

Also present:

Nancy Leigh	Town Clerk
Bryce Haderlie	Town Manager

Absent:

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 ordinance and associated public hearing had been discussed, the Town Clerk presented to the Town Council a Certificate of Compliance With Open Meeting Law with respect to July 22, 2008 meeting, a copy of which is attached.

Councilmember Ortler then introduced and moved the adoption of the foregoing ordinance, which motion was seconded by Councilmember Cocchia and the motion was passed as follow:

YES:	Mayor H.C. Deutschlander
	Council Member Hans Schwob
	Council Member Tony Cocchia
	Council Member James Ortler
NO:	None
ABSTAIN:	Council Member Stewart Fausett

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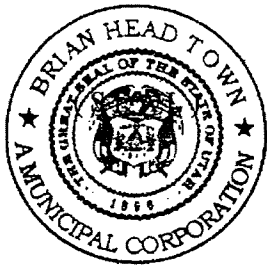


CERTIFICATE OF TOWN CLERK

I, Nancy Leigh, hereby certify that I am the duly qualified and acting Town Clerk of the Town of Brian Head, Utah.

I further certify that the above and foregoing constitutes a true and correct copy of the minutes of a public hearing of the Town Council and an ordinance adopted at said meeting held on July 22, 2008, as said minutes and ordinance are officially of record in my possession.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and affixed the seal of the Town this July 22, 2008.



Nancy Leigh

Nancy Leigh, Town Clerk

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CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

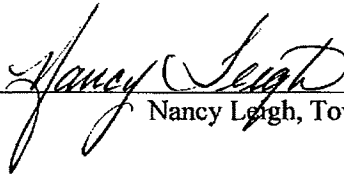
I, Nancy Leigh, the undersigned Town Clerk of the Town, do hereby certify, according to the records of the Town in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-6(2), Utah Code Annotated 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the July 22, 2008 public meeting, held by the Town as follows:

By causing a Meeting Notice, in the form attached, to be posted at the Town's principal offices at least twenty-four (24) hours prior to the convening of the meeting, the Meeting Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

By causing a copy of the Meeting Notice to be delivered to the Spectrum, a newspaper of general circulation in the Town at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2008 Annual Meeting Schedule for the Town, attached, specifying the date, time and place of the regular meetings of the governing body of the Town to be held during the calendar year 2008 was posted on December 30, 2007, at the principal offices of the Town and provided to at least one newspaper of general circulation within the geographic jurisdiction of the Town on January 3, 2008.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this July 22, 2008.

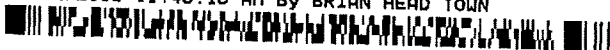


Nancy Leigh, Town Clerk

[Attach "Meeting Notice"]
[Attach "Notice of 2008 Annual Meeting Schedule"]
[Attach "Affidavit of Publication"]

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The Regular Meeting of the
Brian Head Town Council
Town Hall Council Chambers
56 N. Hwy 143, Brian Head, UT 84719
Tuesday, July 22, 2008 @ 1:00pm

AGENDA

1:00 PM


- A. **CALL TO ORDER**
- B. **PLEDGE OF ALLEGIANCE**
- C. **DISCLOSURES**
- D. **APPROVAL OF MINUTES:** June 24, 2008 Town Council meeting
June 24, 2008 Town Council Executive Session
- E. **PUBLIC INPUT/ REPORTS (Limited to three minutes) Non-Agenda Items**
- F. **AGENDA TOPICS:**
 - 1. **INTRODUCTION TO THE PUBLIC HEARING ON THE PROPOSED ANNEXATION OF APPROXIMATELY 386 ACRES INTO THE TOWN OF BRIAN HEAD** – Bryce Haderlie, Town Manager
A brief explanation of the proposed annexation for the public's benefit.
 - 2. **PUBLIC HEARING ON PROPOSED ANNEXATION OF APPROXIMATELY 386 ACRES INTO THE TOWN OF BRIAN HEAD INCLUDING THE Cedar Breaks Mountain Estates Units A, B, & C, Cedar Breaks Mountain Homesites, CEDAR BREAKS MOUNTAIN HOMESITES Units A & C, Timbercrest, Sunset Mountain, and Ski Haven Chalet Units A, B, & C, AND OTHER CONTIGUOUS PROPERTY LOCATED IN THE SAME AREA**
The Council will receive public input on the proposed annexation of approximately 386 acres of property into the Town of Brian Head. Comments are limited to three minutes and written comments must be submitted to the Town Clerk no later than 5:00 p.m. on July 21, 2008.
 - 3. **AN ORDINANCE AUTHORIZING THE ANNEXATION OF A PENINSULA OF APPROXIMATELY 386.8 ACRES OF UINCORPORATED PROPERTY CONTIGUOUS TO BRIAN HEAD, UTAH, INCLUDING THE Cedar Breaks Mountain Estates Units A, B, & C, Cedar Breaks Mountain Homesites, CEDAR BREAKS MOUNTAIN HOMESITES Units A& C, Timbercrest, Sunset Mountain, and Ski Haven Chalet Units A, B, & C, AND OTHER CONTIGUOUS PROPERTY LOCATED IN THE SAME AREA; AND RELATED MATTERS.**
The Council will consider an Ordinance that would authorize the annexation based upon public input in accordance with the notice given by the Town of Brian Head, published in the Daily Spectrum for three consecutive weeks and posted within three consecutive places within the Town of Brian Head, the Mall, Mountain View Deli and the Town Hall.
 - 4. **PUBLIC SAFETY BUILDING REQUEST FOR QUALIFICATIONS REPORT** – Gary Bulloch, Public Safety Director - The Council will receive an update on the architectural qualifications for the proposed Public Safety Building.
 - 5. **PROPOSED RESOLUTION ESTABLISHING THE TOWN'S POLICY ON TOWN ROADS & ROAD MAINTENANCE** – Bryce Haderlie, Town Manager, & Tom Stratton, Public Works Director. - The Council will consider a proposed Resolution that would identify a policy for Town roads and road maintenance.
- G. **EXECUTIVE SESSION -**
 - 1) **Strategy sessions** to discuss pending or reasonably imminent litigation.
 - 2) **Strategy Session** to discuss the purchase, exchange, or lease of real property
- H. **ADJOURNMENT**

Dated the 18th day of July, 2008

In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029 at least three days in advance of the meeting.

CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this agenda in three public and conspicuous Mountain View Cafe this 18th day of July, 2008 and have caused a copy of this notice to


Nancy Leigh, Town Clerk

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BRIAN HEAD TOWN

BRIAN HEAD TOWN COUNCIL
REGULAR MEETING SCHEDULE

2008

BRIAN HEAD TOWN COUNCIL CHAMBERS
56 NORTH, HWY. 143, BRIAN HEAD, UT 84719

ALL MEETINGS WILL BEGIN AT 1:00 PM (MST) UNLESS OTHERWISE NOTICED.

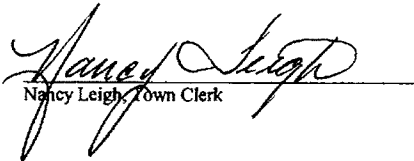
ALL MEETINGS OF THE BRIAN HEAD TOWN COUNCIL
ARE SCHEDULED FOR THE
SECOND AND FOURTH TUESDAY OF EACH MONTH
(unless noticed otherwise).

**** DECEMBER 2008 WILL HAVE ONE
TOWN COUNCIL MEETING FOR THE MONTH:
DECEMBER 16, 2008.**

In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029, giving at least 48 hours advance notice.

CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this Meeting Schedule in three public and conspicuous places within the Town limits of Brian Head, to wit: Town Hall, Post Office and Mountain View Cafe this 30th day of December, 2007 and have caused a copy of this notice to be delivered to the Daily Spectrum.


Nancy Leigh, Town Clerk

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TRUM
munications Company

PROOF
OF
PUBLICATION

STATE OF UTAH SS.
COUNTY OF WASHINGTON

Molly Jones, being duly sworn,
deposes and says that she is
an accounting representative, at
the daily newspaper published at
St. George, Washington County,
State of Utah, also distributed in
Iron County, and that the notice
PUB # : L4490
is a true copy of which is here to
attached, was published in its issue
dated the 24 day of

JUNE 2008
and was published again in the
issues of said newspaper dated:
_____ for
a total of 1 insertion(s).


Molly Jones

Subscribed and sworn before me
this 3 day of
July 2008.


NOTARY PUBLIC RESIDING
AT WASHINGTON COUNTY



Notary Public
CRYSTAL SCHMUTZ
273 E. St. George Blvd.
St. George, UT 84770
My Commission Expires
November 11, 2009
State of Utah

ST. GEORGE OFFICE
5 E. St. George Blvd. - St. George, UT 84770
Office (435) 674-6200 FAX 674-6285
CEDAR CITY OFFICE
369 N. 100 W. - Cedar City, UT 84720
Office (435) 588-7648 FAX 588-7471

NOTICE IS FURTHER GIVEN THAT UNLESS WRITTEN PROTESTS HAVE BEEN FILED WITH THE TOWN CLERK BY THE OWNERS OF THE PRIVATE REAL PROPERTY MORE OR LESS TO THE SOUTHWEST CORNER OF LOT 13 SAID BLOCK D THENCE ALONG THE SOUTHERLY LINES OF SKI HAVEN CHALETS UNIT B THE FOLLOWING COURSES:
1. SOUTH 72° 41' 00" WEST 271.90 FEET.
2. SOUTH 82° 40' 00" WEST 70.00 FEET.
3. NORTH 89° 24' 00" WEST 98.00 FEET.
4. NORTH 88° 28' 00" WEST 96.00 FEET.
5. SOUTH 87° 07' 00" WEST 99.60 FEET.
6. NORTH 65° 11' 00" WEST 229.90 FEET.
7. SOUTH 79° 08' 00" WEST 108.00 FEET.
8. SOUTH 70° 00' WEST 100.00 FEET.
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SPECTRUM


A Marketing and Communications Company

PROOF OF PUBLICATION


STATE OF UTAH SS.
COUNTY OF WASHINGTON

Molly Jones, being duly sworn, deposes and says that she is an accounting representative, at the daily newspaper published at St. George, Washington County, State of Utah, also distributed in Iron County, and that the notice
PUB # : L4490

is a true copy of which is here to attached, was published in its issue dated the 1 day of July 2008 and was published again in the issues of said newspaper dated: 7/8, 2008 for a total of 2 insertion(s).


Molly Jones

Subscribed and sworn before me this 7 day of Aug. 2008.


NOTARY PUBLIC RESIDING AT WASHINGTON COUNTY

Notary Public
CRYSTAL SCHMUTZ
275 E. St. George Blvd.
St. George, UT 84770
My Commission Expires
November 11, 2008
State of Utah

00577028

B: 1143 P: 1036
Patsy Cutler, Iron County Recorder
08/22/2008 11:43:15 AM BY BRIAN HEAD TOWN
Fee \$0.00
Page 13 of 17

[The following text is extremely faint and largely illegible due to heavy noise and low contrast in the original scan. It appears to be a legal document or survey description.]

SPECTRUM

A Marketing and Communications Company

LEGAL NOTICES

LEGAL NOTICES

Section 2. The Town Council hereby annexes a peninsula of unincorporated land that is contiguous to the Town of Brian Head, Utah. The annexation area consists of approximately 386.8 acres of real property that lies between the Steam Engine Meadow subdivision on the east side of Town and Highway 143 on the west side of Town and forms a peninsular shape in relation to the Town boundaries. The proposed annexation area includes the following platted subdivisions: Cedar Breaks Mountain Estates Units A, B, & C; Cedar Breaks Mountain Homesites; Cedar Breaks Mountain Homesites Units A & C; Timbercrest Subdivision; Mountain and Ski Haven Chalet Units A, B, & C. The proposed annexation area is bounded as follows:

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IT IS HEREBY ANNOUNCED that the Town Council of the Town of Brian Head, Utah, on this 22nd day of August, 2008, at a public hearing held at the Town Council Chambers, did not exceed a majority of the total vote and area within the entire area proposed for annexation. The Council hereby annexes to the Town of Brian Head, Utah, all private real property within the area proposed for annexation.

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LEGAL NOTICES

LEGAL NOTICES

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PROOF OF PUBLICATION

STATE OF UTAH SS. COUNTY OF WASHINGTON

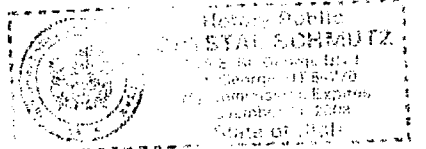
ones, being duly sworn, and says that she is acting as a duly sworn representative, at the time of publication of this notice, of the newspaper published at Washington County, Utah, also distributed in Washington County, Utah, and that the notice was published in its issue of July 25, 2008, published again in the said newspaper dated: July 25, 2008, for 1 insertion(s).

Pub#L4682 published on July 25, 2008. The Spectrum UTXLP

Molly Jones
Molly Jones

Subscribed and sworn before me this 27th day of August, 2008.

Crystal Schmitz
Crystal Schmitz
NOTARY PUBLIC RESIDING AT WASHINGTON COUNTY



00577028

B: 1143 P: 1037 Fee \$0.00
Patsy Cutler Iron County Recorder
08/22/2008 11:43:15 AM By BRIAN HEAD TOWN

Page 14 of 17
3rd - St. George, UT 84770
4-6200 FAX 674-6255



CITY OFFICE
- Cedar City, UT 84720
46-7646 FAX 586-7471

Exhibit A

BRIAN HEAD TOWN

**NOTICE OF ADOPTION OF ORDINANCE ANNEXING PENINSULA AREA INTO THE TOWN OF
BRIAN HEAD**

AND REQUESTING CERTIFICATE OF ANNEXATION

Pursuant to the provisions of Utah Code Ann. §10-1-116 and § 10-2-425, the Town of Brian Head, Utah, a body corporate and politic of the State of Utah hereby gives notice to the Utah Lieutenant Governor, that on July 22, 2008, the Town Council of the Town of Brian Head, Utah adopted an ordinance annexing a peninsula area of unincorporated Iron County of approximately 386.8 acres into the Town of Brian Head, Utah.

Accompanying this Notice is a copy of the Ordinance, hereby certified, annexing the peninsula area, together with a map showing the boundaries of the approximately 386.8 acres so annexed, prepared and certified by a licensed surveyor. A copy of the map has been filed with the Iron County Surveyor in accordance with Utah Code Ann. §§17-23-17 and 10-2-425.

I hereby certify that the Town of Brian Head, Utah has provided appropriate notices, held a public hearing, and completed all of the legal requirements necessary for the annexation of the peninsula area of approximately 386.8 acres, including publication in the newspaper, with notice of the ordinance provided to: (A) Iron County addressed to the County Clerk; (B) Any local district or special district whose boundaries include any part of the annexed area; (C) the Iron County School District; (D) any municipality whose boundaries are within one-half mile of the annexed area, which the Town Council finds to be none. The annexation ordinance has been

recorded with the Iron County Recorder.
4847-1538-1762/BR093-003

00577028

B: 1143 P: 1038 Fee \$0.00
Patsy Cutler, Iron County Recorder Page 15 of 17
08/22/2008 11:43:15 AM By BRIAN HEAD TOWN



The Town of Brian Head hereby requests the issuance of a certificate of annexation from the office of the Lieutenant Governor.

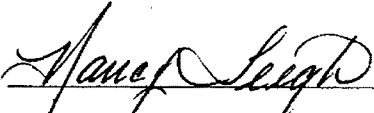
Dated: July 22, 2008.

TOWN OF BRIAN HEAD



H.C. DEUTSCHLANDER, MAYOR

ATTEST



NANCY LEIGH, TOWN CLERK



[ATTACH CERTIFIED MAP AND BOUNDARY DESCRIPTION]

00577028

B: 1143 P: 1039 Fee \$0.00
Patsy Cutler, Iron County Recorder Page 16 of 17
08/22/2008 11:43:15 AM By BRIAN HEAD TOWN





**BRIAN HEAD TOWN
ORDINANCE NO. 08-015**

AN ADDENDUM TO ORDINANCE NO. 08-014 ADOPTING THE LAND USE ZONE FOR THE ANNEXED AREA OF A PENINSULA OF APPROXIMATELY 386.8 ACRES OF UNINCORPORATED PROPERTY CONTIGUOUS TO BRIAN HEAD, UTAH, INCLUDING THE CEDAR BREAKS MOUNTAIN ESTATES UNITS A, B, & C, CEDAR BREAKS MOUNTAIN HOMESITES, CEDAR BREAKS MOUNTAIN HOMESITES UNITS A & C, TIMBERCREST, SUNSET MOUNTAIN, AND SKI HAVEN CHALET UNITS A, B, & C, AND OTHER CONTIGUOUS PROPERTY LOCATED IN THE SAME AREA TO BE IDENTIFIED ON THE BRIAN HEAD ZONE DISTRICT MAP AS SINGLE-FAMILY RESIDENTIAL (R-1).

WHEREAS, The Brian Head Town Council has adopted Ordinance No. 08-014, authorizing the annexation of a peninsula of approximately 386.8 acres of unincorporated area into the Town of Brian Head on July 22, 2008; and

WHEREAS, Town Council held a public hearing on the proposed annexation of the peninsula and protests did not exceed a majority of the total private land area within the entire area proposed for annexation or one-half of the value of all private real property within the entire area proposed for annexation; and

WHEREAS, The Town of Brian Head is required by State Law to identify a land use zone to regulate land use within the Town of Brian Head and did not identify a land use zone for the newly annexed area; and

WHEREAS, The Brian Head Town Council hereby directs the Town Clerk to submit to the Lt. Governor's Office the Ordinance identifying the incorporation of property and the identification of land use for the annexed property for certification of annexation into Brian Head Town, Utah.

NOW THEREFORE, BE IT ORDAINED by the Town Council of Brian Head, Iron County, Utah, that the land use zoning of the newly annexed area of 386.8 acres of property contiguous to Brian Head, Utah, including the Cedar Breaks Mountain Estates Units A, B, & C; Cedar Breaks Mountain Homesites; Cedar Breaks Mountain Homesites Units A & C; Timbercrest; Sunset Mountain, and Ski Haven Chalet Units A, B, & C and other contiguous property located in the same area to be identified on the Brian Head Zone District as Single Family Residential (R-1).

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B: 1143 P: 1041 Fee \$0.00
Patsy Cutler, Iron County Recorder Page 1 of 2
08/22/2008 11:43:15 AM By BRIAN HEAD TOWN



Ordin...

Adopted August 12, 2008

The adoption of Ordinance 08-014, annexing 386.8 acres of unincorporated area took place on July 22, 2008 by a majority vote of the Town Council.


Effective Date: This Ordinance shall take effect upon the majority vote of the Brian Head Town Council, or upon the 20th day after publication and shall become an addendum of Ordinance No. 08-014.

PASSED AND APPROVED this 12th day of August, 2008.

ROLL CALL VOTE:

Mayor H.C. Deutschlander	Absent
Mayor Pro Tem Hans Schwob	Yea
Council Member James Ortler	Yea
Council Member Tony Cocchia	Yea
Council Member Stewart Fausett	Yea

BRIAN HEAD TOWN

By: 
Hans Schwob, Mayor Pro-Tem

ATTEST:


Nancy Leigh, Town Clerk/Recorder



00577029

B: 1143 P: 1042 Fee \$0.00 Page 2 of 2
Patsy Cutler, Iron County Recorder
08/22/2008 11:43:15 AM By BRIAN HEAD TOWN

