

STATE OF UTAH

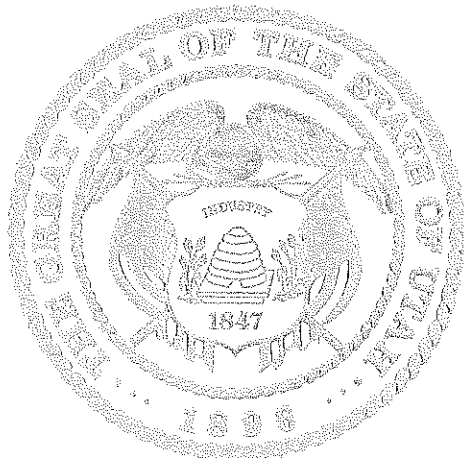


OFFICE OF THE LIEUTENANT GOVERNOR

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 DANIEL TOWN, dated April 7<sup>th</sup>, 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 are true and correct copy of the notice of annexation, referred to above, on file with the Office of the Lieutenant Governor pertaining to DANIEL TOWN, located in Wasatch County, State of Utah.



IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 8<sup>th</sup> day of May, 2008 at Salt Lake City, Utah.



GARY R. HERBERT  
Lieutenant Governor

**TOWN OF DANIEL**

**Daniel Ordinance No. 2008-04-07**

**AN ORDINANCE GRANTING THE PETITION FOR ANNEXATION TO THE MUNICIPALITY OF DANIEL, UTAH "PARRY/3600 SOUTH" ANNEXATION**

WHEREAS, the Petition for Annexation to the Municipality of Daniel, Utah "Parry/3600 South" ("the petition") was submitted to the Town of Daniel and filed with the Town Clerk pursuant to the requirements of Utah Code Ann. §10-2-403;

WHEREAS, the property subject to the Parry/3600 South Petition is an unincorporated area contiguous to the boundaries of the Town of Daniel within Wasatch County, and all of the parcels of real property within the annexation area are contiguous to each other, and the annexation thereof will not leave or create an unincorporated island or peninsula, and the property is located entirely within the Town of Daniel's annexation-expansion area;

WHEREAS, the signatures affixed to the Parry/3600 South Petition are those of the owners of private real property that:

- a. is located within the area proposed for annexation;
- b. is not within an agricultural protection area created under Title 17, Chapter 41 of the Utah Code and covers a majority of the private land areas within the areas proposed for annexation; and
- c. is equal in value to at least 1/3 of the value of all private real property within the area proposed for annexation;

WHEREAS, the area proposed for annexation does not include part of a parcel of real property and exclude part of that same parcel and does not include some or all of an area proposed to be incorporated in a duly filed petition under Utah Code Ann. § 10-2-125;

WHEREAS, the Parry/3600 South Petition was filed accompanied by an accurate and recordable map prepared by a licensed surveyor, which depicts and legally describes the area proposed for annexation, the legal description of which is attached hereto as Exhibit "A" and incorporated herein by this reference;

**Received**  
WHEREAS, proper notice was sent to all affected entities pursuant to the requirements of § 10-2-403(3)(c)(ii);

APR 23 2008  
WHEREAS, the Petition was certified by the Daniel Town Recorder as meeting the requirements of Utah Code Ann. §§ 10-2-403(2), (3), and (4);

Ernest Herbert  
Lieutenant Governor

Map Sent  
4-29-08

WHEREAS, the Town of Daniel has in place an Annexation Policy Plan pursuant to Utah Code Ann. §10-2-401.5 that was considered in conjunction with and is consistent with the Petition;

WHEREAS, no timely protest to the Petition has been filed by any affected entity under Utah Code Ann. §10-2-407;

WHEREAS, pursuant to Utah Code Ann. §10-2-407(3)(b)(ii)(A), a public hearing was held on April 7, 2008, regarding the Parry/3600 South Petition;

WHEREAS, notice of the public hearing was published in the Wasatch Wave pursuant to Utah Code Ann. §10-2-407(3)(b)(ii)(B);

WHEREAS, after public comment and careful consideration, the Town Council of Daniel has determined to annex the referenced property and, therefore, finds that it should grant the Petition.

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DANIEL, UTAH:**

1. The real property described on the attached Exhibit "A," is hereby annexed to the Town of Daniel as an RA 5 zoned area, and the town limits of the Town of Daniel are hereby amended and extended to incorporate the real property described herein;
2. Pursuant to Utah Code Ann. § 10-2-425(1)(a), the Town of Daniel shall send written notice of the boundary change resulting from this Ordinance to each affected entity within thirty (30) days after enacting this Ordinance;
3. Pursuant to Utah Code Ann. § 10-2-425(1)(b), the Town of Daniel shall file with the Lieutenant Governor of the State of Utah a certified copy of this Ordinance, together with a plat or map prepared by a licensed surveyor, approved by the Town of Daniel, and filed with the county surveyor in accordance with Utah Code Ann. § 17-23-17, showing the new boundaries of the affected area;
4. Pursuant to Utah Code Ann. § 10-2-425(1)(b)(ii)(A), the Town of Daniel shall amend its articles of incorporation reflecting the annexation adjustment, as provided in Utah Code Ann. § 10-1-117;
5. Pursuant to Utah Code Ann. § 10-2-425(1)(b) and (c), the Town of Daniel shall file the certified copy of this Ordinance, together with a plat or map prepared by a licensed surveyor, approved by the municipal legislative body, with the county recorder;

- 6. Pursuant to Utah Code Ann. §10-2-425(3), the Town of Aniel shall comply with the notice requirements of Utah Code Ann. § 10-1-116;
- 7. The mayor or the designee of the mayor is authorized to notify and implement this annexation with respect to local, county, and state governmental entities;
- 8. Pursuant to Utah Code Ann. § 10-2-425(5)(b)(ii), this ordinance shall be effective upon the issuance by the Lieutenant Governor of the State of Utah a certification of amended articles under Utah Code Ann. § 10-1-117(3).

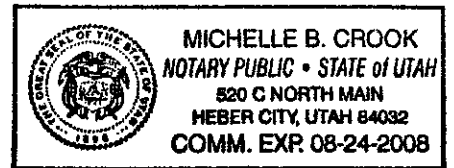
ADOPTED by the Town Council of the Town of Daniel, this 7<sup>th</sup> day of April, 2008.

**TOWN COUNCIL OF THE TOWN OF DANIEL**

(For)

*E. B. [unclear]*  
*Jonathan B. [unclear]*  
*M. [unclear]*  
*Say Watton*

(Against)



**MAYOR OF TOWN OF DANIEL**

(Disapproved)  
(Approved)

*M. [unclear]*  
*Michael [unclear]*

*Michelle B. Crook*

ATTEST:

*[Signature]*  
 Mariou Hall, Town Recorder

Town of Daniel  
Recorder's Office

Date:

*April 7, 2008*

**Exhibit A**

**LEGAL DESCRIPTION PARRY-3600 SOUTH ANNEXATION**

BEGINNING ON THE WEST RIGHT-OF-WAY OF U.S. HIGHWAY 40, SAID RIGHT-OF-WAY LINE IS ALSO THE EAST BOUNDARY LINE OF THE TOWN OF DANIEL, AT A POINT BEING NORTH 89°53'23" EAST 633.42 FEET ALONG THE SECTION LINE FROM THE NORTH QUARTER CORNER OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SLB&M; RUNNING THENCE NORTH 89°53'23" EAST 1102.96 FEET ALONG SAID SECTION LINE TO A POINT ON THE EAST PROPERTY LINE OF KATHY GLAZE, RECORDED AS ENTRY NUMBER 274713 IN THE WASATCH COUNTY RECORDERS OFFICE; THENCE ALONG SAID PROPERTY LINE THE FOLLOWING THREE (3) CALLS; (1) SOUTH 00°06'38" EAST 231.00 FEET; (2) SOUTH 89°53'23" WEST 177.00 FEET (3) NORTH 00°06'37" WEST 74.25 FEET TO A POINT ON THE SOUTH PROPERTY LINE OF CHADD AND KENDRA GILES, RECORDED AS ENTRY NUMBERS 198416, AND 284463 IN THE WASATCH COUNTY RECORDERS OFFICE; THENCE SOUTH 89°53'23" WEST 274.00 FEET ALONG SAID SOUTH PROPERTY LINE OF CORDELL AND JULIE PETERS, RECORDED AS ENTRY NUMBER 317550 IN THE WASATCH COUNTY RECORDERS OFFICE; THENCE ALONG SAID PROPERTY LINE THE FOLLOWING TWO (2) CALLS; (1) SOUTH 00°06'37" EAST 42.57 FEET; (2) SOUTH 89°53'23" WEST 212.36 FEET TO A POINT ON THE EAST PROPERTY LINE OF SCOTT AND FRANCIS PARRY, RECORDED AS ENTRY NUMBER 179686 IN THE WASATCH COUNTY RECORDERS OFFICE; THENCE ALONG SAID PROPERTY LINE THE FOLLOWING TWO (2) CALLS; (1) SOUTH 00°07'15" EAST 42.90 FEET; (2) SOUTH 89°52'45" WEST 123.16 FEET TO THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 40; THENCE SOUTH 52°00'21" WEST 101.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID HIGHWAY; THENCE NORTH 37°59'39" WEST 385.51 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

STATE OF UTAH



OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT there has been filed in my office amended articles of incorporation from DANIEL TOWN, dated April 14<sup>th</sup>, 2008, complying with Section 10-1-117, 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 amended articles of incorporation, referred to above, on file with the Office of the Lieutenant Governor pertaining to DANIEL TOWN, located in Wasatch County, State of Utah.



IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 6<sup>th</sup> day of May, 2008 at Salt Lake City, Utah.

Handwritten signature of Gary R. Herbert in black ink.

GARY R. HERBERT  
Lieutenant Governor

SECOND AMENDED AND RESTATED  
ARTICLES OF INCORPORATION  
OF DANIEL

The undersigned, Michael Duggin, as the duly appointed Mayor of Daniel under the provisions of the Utah Municipal Code (hereinafter referred to as the "Act"), adopt the following Second Amended and Restated Articles of Incorporation:

ARTICLE I  
NAME

The name of the municipal corporation is Daniel.

ARTICLE II  
GEOGRAPHICAL BOUNDARIES OF THE MUNICIPAL CORPORATION

Pursuant to the Act section 10-2-119(2), and accurate map or plat (attached hereto as Exhibit A and incorporated herein) has been prepared by a licensed surveyor and has been approved by the legislative body of the town, which shows the boundaries of the town of Daniel.

ARTICLE III  
CLASS OF MUNICIPAL CORPORATION

Pursuant to the Act section 10-2-301, Daniel shall be classified as a town for purposes of the Utah Municipal Code.

IN WITNESS WHEREOF, the undersigned, Michael D. Duggin, having been duly appointed as the Mayor of Daniel, executes these Second Amended and Restated Articles of Incorporation and certifies to the truth of the facts herein stated, this

Dated this 14 day of APRIL, 2008

*Michael Duggin*  
MAYOR

SUBSCRIBED AND SWORN to before me this 14 day of April, 2008

Received

APR 28 2008

Gary R. Herbert  
Lieutenant Governor

*Michelle B. Crook*  
NOTARY PUBLIC

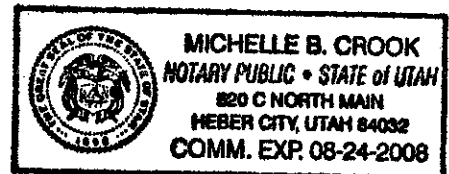


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