

STATE OF UTAH

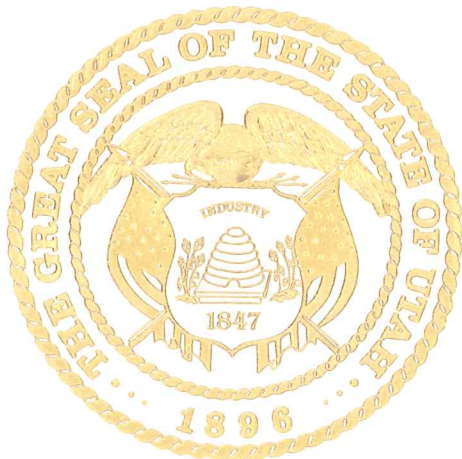


OFFICE OF THE LIEUTENANT GOVERNOR

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 TREMONTON CITY, dated May 19th, 2009, 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 TREMONTON CITY, located in Box Elder County, State of Utah.



IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 25th day of June, 2009 at Salt Lake City, Utah.

Handwritten signature of Gary R. Herbert in black ink.

GARY R. HERBERT
Lieutenant Governor



MAYOR: Max Weese **COUNCIL:** David Deakin | Roger Fridal | Lyle Holmgren | Jeff Reese | Byron Wood

June 5, 2009

Lt. Governor Gary R. Herbert
210 State Capitol
Salt Lake City, UT 84114

Utah State Tax Commission
Property Tax Division - Terri Chidester
210 North 1950 West
Salt Lake City, UT 84134

Re: Notice of enactment of the Brough Annexation to Tremont City Corporation

Tremont City Council has passed Ordinance 09-14 annexing certain real property and extending the corporate limits of Tremont. The real property hereby annexed is owned by Carmen Andreasen, Robert Max Brough, Brough Properties, L.L.C., Benjamin C. Brough, Jay R. Hirschi, Theda P. Hirschi, Manual Misrasi, Shannon J. Misrasi, Dot Bjorn, Todd Kay, Vernon Seth Kay, Luella Kay, Ronald G. Kay, Mable C. Kay, Sterle Wesley Christensen, Carrol K. Christensen (Box Elder Tax Nos. 05-039-0002, 05-039-0111, 05-039-0005, 05-039-0104, 05-039-0007, 05-039-0008, 05-039-0009, 05-164-0020, 05-164-0019, 05-164-0025, 05-164-0039, 05-164-0003, 05-164-0022, 05-164-0021) located at approximately contiguous to the present boundary of Tremont City's

Received
JUN 10 2009
Gary R. Herbert
Lieutenant Governor

CITY OFFICERS:

City Manager
(435) 257-2628

City Recorder
Darlene S. Hess, CMC
(435) 257-2627
dshess@tremontcity.com

Treasurer
Sharri Oyler, CMFA
(435) 257-2626
soyler@tremontcity.com

DEPARTMENTS:

Building Inspector
Steve Bench
(435) 257-2631
sbench@tremontcity.com

Community Food Pantry
Cathy Newman
(435) 257-2650
foodpantry@frontiernet.net

Fire Chief
Steve Batis
(435) 257-2640
sbatis@tremontcity.com

Library
Kim Griffiths
(435) 257-2690
kgriffiths@tremontcity.com

Parks & Recreation
Marc Christensen
(435) 257-2691
mchristensen@tremontcity.com

Police Chief
David Nance
(435) 257-3131
dnance@tremontcity.com

Public Works
Paul Fulgham
(435) 257-2676
pfulgham@tremontcity.com

Senior Center
Marion Layne
(435) 257-2639
mlayne@tremontcity.com

corporate limits 4400 West to 5200 West and 12000 North which is within the areas defined in the Master Policy Declaration for future expansion by Tremonton City. The Zone R1-20 will be applied. The complete legal description is available for review at the Tremonton City Recorder's Office, 102 South Tremont Street, Tremonton, Utah.

Cordially,



Darlene S. Hess
City Recorder

ORDINANCE 09-14

**ORDINANCE ANNEXING SPECIFIC
PROPERTY TO TREMONTON, UTAH**

Ent 279262 Bk 1094 Pg 1459
Date 5-Jun-2009 1:29PM Fee \$0.00
LuAnn Adams - Filed Bu wy
Box Elder Co., UT
For TREMONTON CITY CORP
05-089-0002, 5, 7, 8, 9, 0104
05-164-0003, 19, 20, 21, 22, 28
14,

WHEREAS, a majority of the owners of certain real property described below, desire to annex such real property to Tremonton, Utah, said owners being the owners of at least one-third (1/3) in value of said real property as shown by the last assessment roll; and

WHEREAS, said real property owned by Carmen Andreasen, Robert Max Brough, Brough Properties, L.L.C., Benjamin C. Brough, Jay R. Hirschi, Theda P. Hirschi, Manual Misrasi, Shannon J. Misrasi, Dot Bjorn, Todd Kay, Vernon Seth Kay, Luella Kay, Ronald G. Kay, Mable C. Kay, Sterle Wesley Christensen, Carrol K. Christensen consists of approximately one hundred two and seventy-three hundredths (102.73) acres and lies contiguous to the corporate boundaries of Tremonton, Utah; and

WHEREAS, said owners have caused a petition to be filed with the City Recorder together with an accurate plat of the real property which was made under the supervision of a licensed surveyor; and

WHEREAS, Tremonton City Council accepted the petition for annexation; and within 30 days the City Recorder reviewed the petition and certified that the petition meets the requirements for annexation as provided by Utah State Law (Subsections 10-2-403(2),(3), and (4)); and

WHEREAS, a notice was published once a week for three successive weeks, beginning no later than ten days after receipt of the notice of certification, in a newspaper of general circulation in the area proposed for annexation and the unincorporated area within 1/2 mile of the area proposed for annexation as provided by Utah State Law (Subsection 10-2-406); and

WHEREAS, within 20 days of receipt of the notice of certification, written notices were mailed to the affected entities as provided by Utah State Law (Subsections 10-2-406(1)(b)); and

WHEREAS, two letters of concern filed by Carmen Andreasen and William Morris and North Elwood Ditch Company were filed with the Tremonton City Recorder; and

WHEREAS, the aforementioned letters were submitted to the Box Elder County Boundary Commission for review, and

WHEREAS, the Box Elder County Boundary Commission held a public hearing to hear arguments from NEDC and Curtis Brough as well as allow input from the public; and

WHEREAS, the decision of the Box Elder County Boundary Commission is as follows:

Based on the foregoing Findings of Fact and Conclusions of law, the protests of North Elwood Ditch Company, Carmen Andreasen and William Morris to the Annexation Petition are hereby dismissed with prejudice.

NOW, THEREFORE, pursuant to Section 10-2-407, Utah Code, the City Council of Tremonton, Utah, hereby adopts and passes the following:

BE IT ORDAINED BY THE CITY COUNCIL OF TREMONTON, UTAH, AS FOLLOWS:

ORDINANCE ANNEXING CERTAIN REAL PROPERTY AND EXTENDING THE CORPORATE LIMITS OF TREMONTON, UTAH.

1. The real property more particularly described in Paragraph 2, below, is hereby annexed to Tremonton, Utah, and the corporate limits of Tremonton, Utah, are hereby extended accordingly.

2. The real property which is the subject of this Ordinance is described as follows:

A PART OF THE NORTH HALF OF THE NORTH HALF OF SECTION 1, TOWNSHIP 11 NORTH, RANGE 3 WEST OF THE SALT LAKE BASE AND MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID SECTION 1, SAID POINT IS THE NORTHWEST CORNER OF PARCEL 05-039-0002, SAID POINT BEING LOCATED SOUTH 01°11'28" EAST 617.00 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 1, RUNNING THENCE NORTH 88°54'07" EAST 245.15 FEET TO THE EAST LINE OF AN EXISTING CANAL; THENCE SOUTH 09°22'03" WEST 134.53 FEET ALONG SAID EAST LINE TO THE NORTHWEST CORNER OF PARCEL 05-039-0111; THENCE ALONG THE NORTH LINE OF SAID PARCEL 05-039-0111 NORTH 88°54'07" EAST 838.21 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 05-039-0111; THENCE SOUTH 01°05'18" EAST 299.48 FEET TO THE SOUTHWEST CORNER OF PARCEL 05-039-0109; THENCE NORTH 88°54'42" EAST 263.69 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 05-039-0109; THENCE ALONG THE EAST LINE OF SAID PARCEL 05-039-0109 NORTH 01°05'18" WEST 717.50 FEET; THENCE NORTH 88°49'44" EAST 1324.18 FEET TO THE CENTER SECTION LINE; THENCE NORTH 88°49'29" EAST 22.08 FEET TO THE WEST LINE OF PARCEL 05-164-0030; THENCE SOUTH 01°09'42" EAST 328.33 FEET ALONG SAID WEST LINE OF PARCEL 05-164-0030 TO THE SOUTHWEST CORNER OF PARCEL 05-164-0031; THENCE ALONG THE SOUTH LINE OF SAID PARCEL 05-164-0031 NORTH 88°51'44" EAST 643.24 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 05-164-0031; THENCE NORTH 01°07'43" WEST 328.75 FEET; THENCE NORTH 88°49'29" EAST 2029.53 FEET TO THE EAST RIGHT-OF-WAY LINE OF 4400 WEST STREET; THENCE SOUTH 01°01'33" EAST 993.20 FEET ALONG THE SAID EAST RIGHT-OF-WAY LINE; THENCE ALONG THE SOUTH LINE OF THE NORTH HALF OF SAID NORTH HALF THE FOLLOWING TWO COURSES; (1) SOUTH 88°54'00" WEST 2692.68 FEET TO THE CENTER SECTION LINE; (2) SOUTH 88°54'07" WEST 2646.83 FEET TO THE SOUTHWEST CORNER OF THE NORTH HALF OF SAID NORTH HALF; THENCE NORTH 01°11'28" WEST 702.29 FEET ALONG THE WEST LINE OF SAID SECTION 1 TO THE POINT OF BEGINNING.
CONTAINING 102.73 ACRES.

3. The zoning map of Tremonton City shall be amended to include the real property described above in Paragraph 2.


4. The real property, described in Paragraph 2, above, shall be classified as being in the Rural Residential District, R1-20 Zone in accordance with the provisions of Chapter 14 of the City's Zoning Code and Section 10-9-406(1) of the Utah Code Annotated, 1953, as amended.

5. A certified copy of this Ordinance and an original plat setting forth the property so annexed shall be filed with the County Recorder of Box Elder County, Utah by the City Recorder.


6. This Ordinance shall become effective upon adoption and passage by the City Council. A copy of the Ordinance and plat shall be deposited in the Office of the City Recorder.

ADOPTED AND PASSED by the City Council of the City of Tremonton, Utah, this 19th of May 2009.

TREMONTON CITY CORPORATION

By 
Mayor

ATTEST:


City Recorder



Petition for Annexation

We the undersigned owners of certain real property lying contiguous to the present municipal limits of Tremonton City hereby submit this Petition for Annexation and respectfully represent the following:

1. That this petition is made pursuant to the requirements of Section 10-2-403, Utah Code Annotated, 1953, as amended (U.C.A.);
2. That the property subject to this petition is a contiguous, unincorporated area contiguous to the boundaries of Tremonton City and the annexation thereof will not leave or create an unincorporated island or peninsula;
3. That the signatures affixed hereto are those of the owners of private real property that:
 - a. Is located within the area proposed for annexation;
 - b. covers a majority of the private land area within the area proposed for annexation;
 - c. is equal in value to at least 1/3 of the value of all private real property within the area proposed for annexation; and
 - d. is described as follows:

The property subject of this petition lies contiguous to the present boundary of Tremonton City's corporate limits 4400 West to 5200 West and 12000 North more specifically described as follows (legal description):

A PART OF THE NORTH HALF OF THE NORTH HALF OF SECTION 1, TOWNSHIP 11 NORTH, RANGE 3 WEST OF THE SALT LAKE BASE AND MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID SECTION 1, SAID POINT IS THE NORTHWEST CORNER OF PARCEL 05-039-0002, SAID POINT BEING LOCATED SOUTH 01°11'28" EAST 617.00 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 1, RUNNING THENCE NORTH 88°54'07" EAST 245.15 FEET TO THE EAST LINE OF AN EXISTING CANAL; THENCE SOUTH 09°22'03" WEST 134.53 FEET ALONG SAID EAST LINE TO THE NORTHWEST CORNER OF PARCEL 05-039-0111; THENCE ALONG THE NORTH LINE OF SAID PARCEL 05-039-0111 NORTH 88°54'07" EAST 838.21 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 05-039-0111; THENCE SOUTH 01°05'18" EAST 299.48 FEET TO THE SOUTHWEST CORNER OF PARCEL 05-039-0109; THENCE NORTH 88°54'42" EAST 263.69 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 05-039-0109; THENCE ALONG THE EAST LINE OF SAID PARCEL 05-039-0109 NORTH 01°05'18" WEST 717.50 FEET; THENCE NORTH 88°49'44" EAST 1324.18 FEET TO THE CENTER SECTION LINE; THENCE NORTH 88°49'29" EAST 22.08 FEET TO THE WEST LINE OF PARCEL 05-164-0030; THENCE SOUTH 01°09'42" EAST 328.33 FEET ALONG SAID WEST LINE OF PARCEL 05-164-0030 TO THE SOUTHWEST CORNER OF PARCEL 05-164-0031; THENCE ALONG THE SOUTH LINE OF SAID PARCEL 05-164-0031 NORTH 88°51'44" EAST 643.24 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 05-164-0031; THENCE NORTH 01°07'43" WEST 328.75 FEET; THENCE NORTH 88°49'29" EAST 2029.53 FEET TO THE EAST RIGHT-OF-WAY LINE OF 4400 WEST STREET; THENCE SOUTH 01°01'33" EAST 993.20 FEET ALONG THE SAID EAST RIGHT-OF-WAY LINE; THENCE ALONG THE SOUTH LINE OF THE NORTH HALF OF SAID NORTH HALF THE FOLLOWING TWO COURSES; (1) SOUTH 88°54'00" WEST 2692.68 FEET TO THE CENTER SECTION LINE; (2) SOUTH 88°54'07" WEST 2646.83 FEET TO THE SOUTHWEST CORNER OF THE NORTH HALF OF SAID NORTH HALF; THENCE NORTH 01°11'28" WEST 702.29 FEET ALONG THE WEST LINE OF SAID SECTION 1 TO THE POINT OF BEGINNING.
CONTAINING 102.73 ACRES.

4. That up to five of the signers of this petition have been designated as sponsors, one of whom is designated as the "Contact Sponsor", with the mailing address of each sponsor being indicated:

5. That this petition does not propose annexation of all or a part of an area proposed for annexation in a previously filed petition that has not been denied, rejected, or granted;
6. That this petition does not propose annexation of an area that includes some or all of an area proposed to be incorporated in a request for a feasibility study under Section 10-2-103 U.C.A. or a petition under Section 10-2-125

10-2-103 U.C.A. or a petition under Section 10-2-125 U.C.A. if:

- a. the request for petition was filed before the filing of the annexation petition; and
- b. the request, a petition under Section 10-2-109 based on that request, or a petition under Section 10-2-125 is still pending on the date the annexation petition is filed;

7. That the petitioners have caused an accurate plat or map of the above-described property to be prepared by a licensed surveyor, which plat or map is filed herewith

8. That the property _____ (does or does not) have any improvements whatsoever on it; and

9. That the petitioners request the property, if annexed, be zoned ~~R-120~~ R1-20

WHEREFORE, THE Petitioners hereby request that this petition be considered by the governing body at its next regular meeting, or as soon thereafter as possible; that a resolution be adopted as required by law accepting this Petition for Annexation for further consideration; and that the governing body take such steps as required by law to complete the annexation herein petitioned.

DATED this 13 Day of August, 2008.

PETITIONER(S) (name(s) as it/they appear(s) on county tax roles):

ADDRESS/TELEPHONE NO.

CS: Ben Brough (managing member of Brough Properties L.L.c.) 4655 w. 12000 n.
Tremonton, Ut 84337
435-230-0681






S: Manuel Misrasi 1465 e. main
Tremonton, Ut 84337
435-257-7332



S: Ronald G. Kay 868 n. 100 w.
Tremonton, Ut 84337
435-257-5774



CS - Contact Sponsor

S - Sponsor

RECORD OWNER # OF ACRES ASSESSED VALUE BOX ELDER TAX NO. SIGNATURES

✓ Carmen Andreasen	2.00	\$125,435	7750.00	05-039-0002	
✓ Robert Max Brough					
✓ Robert Max Brough	13.13	\$105,100	9190.00	05-039-0111	
✓ Brough Properties, L.L.C.	18.39	\$133,900	1500 as 05-164-0002	05-164-0039	
✓ Benjamin C. Brough					

✓ Jay R. Hirschi	11.10	\$88,800	7770.00	05-039-0104	
✓ Theda P. Hirschi					

✓ Manual Misrasi	9.00	\$72,000	6300.00	05-039-0005	
✓ Shannon J. Misrasi					
✓ Manual Misrasi	9.50	\$76,000	6650.00	05-039-0007	
✓ Manual Misrasi	3.40	\$27,200	2300.00	05-039-0008	
✓ Manual Misrasi	5.00	\$40,000	3500.00	05-039-0009	

L



<u>RECORD OWNER</u>	<u># OF ACRES</u>	<u>ASSESSED VALUE</u>	<u>BOX ELDER TAX NO.</u>	<u>SIGNATURES</u>
Duane E. Bjorn	5.00	\$40,000 3500	05-164-0020 ✓	<i>Duane E. Bjorn</i>
Dot K. Bjorn				<i>Dot K. Bjorn</i>
Duane E. Bjorn	3.00	\$24,000 2100	05-164-0025 ✓	<i>Duane E. Bjorn</i>
Todd Kay	1.88	\$126,130 725000.00	05-164-0019 ✓	<i>Todd Kay</i>
Vernon Seth Kay	9.24	\$73,900 6470	05-164-0021 ✓	<i>Vernon Seth Kay</i>
Luella Kay				
1/2 - Ronald G. Kay	18.50	\$148,000 1/2 10950	05-164-0003	<i>Ronald G. Kay TRUSTEE</i>
Mable C. Kay				<i>Mable C. Kay</i>
Sterle Wesley Christensen	9.66	\$77,300 6760	05-164-0022 ✓	<i>Ronald G. Kay</i>
Carrol K. Christensen				<i>Ronald Kay</i>

RESOLUTION NO. 09-18

**A RESOLUTION OF TREMONTON CITY AMENDING ITS
ARTICLES OF INCORPORATION**

WHEREAS, The City of Tremonton, a Utah Municipal Corporation, was incorporated by Resolution on July 9, 1918; and

WHEREAS, The City of Tremonton is a "City of the Fifth Class" as defined in §10-2-301, Utah Code Annotated, having a population of more than 1000 inhabitants, but less than 10,000 inhabitants; and

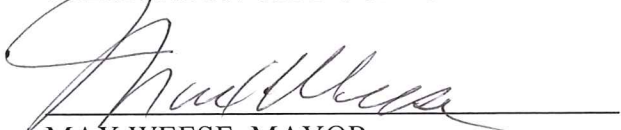
WHEREAS, since its incorporation the City of Tremonton has annexed additional parcels of property into its incorporated area; and

WHEREAS, the Lieutenant Governor's Office of the State of Utah now requires that a city's Articles of Incorporation be amended whenever property is annexed into the city.


NOW, THEREFORE, we hereby resolve that the geographical description of the city of Tremonton, Box Elder County, Utah and its Articles of Incorporation are hereby amended as described in the attached Amended Articles of Incorporation dated May 19, 2009.

Adopted and passed by the governing body of Tremonton City Corporation this 19th day of May, 2009.

TREMONTON CITY CORPORATION


MAX WEESE, MAYOR

ATTEST:


DARLENE S. HESS, CITY RECORDER



**AMENDED ARTICLES OF INCORPORATION
OF THE
CITY OF TREMONTON**

Pursuant to provisions of the "Utah Municipal Code," the City of Tremonton in Box Elder County, Utah, acting by its Mayor and approved by Resolution of the City Council during a Public Meeting held on September 7, 2004, hereby amends its original Articles of Incorporation, dated the 9th day of July, 1918, and states the following as its Amended Articles of Incorporation:

1. The name of the municipality is the Municipal Corporation of Tremonton, also known as Tremonton City Corporation or the City of Tremonton.
2. The geographical description of the annexed property is as follows:

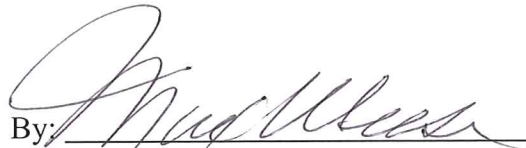
Description

BEGINNING AT A POINT ON THE WEST LINE OF SAID SECTION 1, SAID POINT IS THE NORTHWEST CORNER OF PARCEL 05-039-0002, SAID POINT BEING LOCATED SOUTH 01°11'28" EAST 617.00 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 1, RUNNING THENCE NORTH 88°54'07" EAST 245.15 FEET TO THE EAST LINE OF AN EXISTING CANAL; THENCE SOUTH 09°22'03" WEST 134.53 FEET ALONG SAID EAST LINE TO THE NORTHWEST CORNER OF PARCEL 05-039-0111; THENCE ALONG THE NORTH LINE OF SAID PARCEL 05-039-0111 NORTH 88°54'07" EAST 838.21 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 05-039-0111; THENCE SOUTH 01°05'18" EAST 299.48 FEET TO THE SOUTHWEST CORNER OF PARCEL 05-039-0109; THENCE NORTH 88°54'42" EAST 263.69 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 05-039-0109; THENCE ALONG THE EAST LINE OF SAID PARCEL 05-039-0109 NORTH 01°05'18" WEST 717.50 FEET; THENCE NORTH 88°49'44" EAST 1324.18 FEET TO THE CENTER SECTION LINE; THENCE NORTH 88°49'29" EAST 22.08 FEET TO THE WEST LINE OF PARCEL 05-164-0030; THENCE SOUTH 01°09'42" EAST 328.33 FEET ALONG SAID WEST LINE OF PARCEL 05-164-0030 TO THE SOUTHWEST CORNER OF PARCEL 05-164-0031; THENCE ALONG THE SOUTH LINE OF SAID PARCEL 05-164-0031 NORTH 88°51'44" EAST 643.24 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 05-164-0031; THENCE NORTH 01°07'43" WEST 328.75 FEET; THENCE NORTH 88°49'29" EAST 2029.53 FEET TO THE EAST RIGHT-OF-WAY LINE OF 4400 WEST STREET; THENCE SOUTH 01°01'33" EAST 993.20 FEET ALONG THE SAID EAST RIGHT-OF-WAY LINE; THENCE ALONG THE SOUTH LINE OF THE NORTH HALF OF SAID NORTH HALF THE FOLLOWING TWO COURSES; (1) SOUTH 88°54'00" WEST 2692.68 FEET TO THE CENTER SECTION LINE; (2) SOUTH 88°54'07" WEST 2646.83 FEET TO THE SOUTHWEST CORNER OF THE NORTH HALF OF SAID NORTH HALF; THENCE NORTH 01°11'28" WEST 702.29 FEET ALONG THE WEST LINE OF SAID SECTION 1 TO THE POINT OF BEGINNING.
CONTAINING 102.73 ACRES.


The City of Tremonton is a "City of the Fifth Class" as defined in §10-2-301, Utah Code Annotated, having a population of more than 1000 inhabitants, but less than 10,000 inhabitants.

DATED this 19th day of May, 2009 .

TREMONTON CITY CORPORATION

By: 
Max Weese, Mayor

ATTEST:


Darlene S. Hess, Recorder



