

STATE OF UTAH

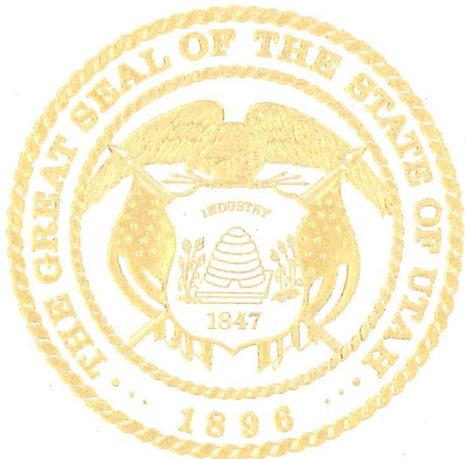


OFFICE OF THE LIEUTENANT GOVERNOR

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 OGDEN CITY, dated April 21st, 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 OGDEN CITY, located in Weber County, State of Utah.



IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 18th day of May, 2009 at Salt Lake City, Utah.

Handwritten signature of Gary R. Herbert in black ink.

GARY R. HERBERT
Lieutenant Governor



Management Services
Recorder's Office

May 4, 2009

Lieutenant Governor's Office
Attn: Phillip Matthews
Utah State Capitol Complex
East Office Building, Suite E325
PO Box 142220
Salt Lake City, Utah 84114-2220

Re: Notice of Annexation

Dear Phillip:

I am submitting a 8.5x11 copiable version of the annexation plat map of property generally located at approximately 3171 Midland Drive and containing 10.70 acres, more or less. This is to be utilized to amend Ogden City's Articles of Incorporation to reflect the approved annexation.

I am including a certified copy of the ordinance approving the annexation, together with a plat prepared by a licensed surveyor, approved by the City Council, and filed with the county surveyor in accordance with Section 17-23-17, U.C.A. showing the new boundaries of the affected area.

Please provide a certified copy of the amended articles to my attention at the Ogden City Recorder's Office. Should you have any questions, please contact our office at 801-629-8152.

Sincerely,

Cindi Mansell, MMC/CRM
City Recorder

Enc.

Received

MAY 07 2009

Gary R. Herbert
Lieutenant Governor



W2408990

EH 2408990 PG 1 OF 4
ERNEST D ROWLEY, WEBER COUNTY RECORDER
04-MAY-09 1027 AM FEE \$1.00 DEP SPY
REC FOR: OGDEN CITY

ORDINANCE NO. 2009-22

AN ORDINANCE OF OGDEN CITY, UTAH PROVIDING FOR THE ANNEXATION TO OGDEN CITY OF 10.70 ACRES OF LAND CONTIGUOUS TO THE CORPORATE LIMITS OF SAID CITY, WHICH LAND ANNEXED IS GENERALLY LOCATED AT 3171 MIDLAND DRIVE; AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PART OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN.

BEGINNING AT A POINT NORTH 00°50'15" EAST 658.73 FEET AND SOUTH 89°09'45" EAST 422.40 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 36, RUNNING THENCE NORTH 34°22'33" EAST 471.54 FEET ALONG THE OLD DENVER AND RIO GRANDE EASTERLY RIGHT OF WAY, THENCE SOUTH 89°38'58" EAST 838.59 FEET TO THE WESTERLY RIGHT OF WAY OF MIDLAND DRIVE, THENCE SOUTH 43°26'02" WEST 175.32 FEET, THENCE SOUTH 46°33'58" EAST 33.00 FEET TO THE CENTERLINE OF MIDLAND DRIVE, THENCE THE FOLLOWING TWO (2) COURSES ALONG THE CENTERLINE OF MIDLAND DRIVE: (1) SOUTH 43°26'02" WEST 461.51 FEET, (2) 471.26 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1146.30 FEET AND A CENTRAL ANGLE OF 23°33'19" (CHORD BEARS SOUTH 54°41'56" WEST 467.95 FEET, THENCE NORTH 23°31'24" WEST 332.07 FEET, THENCE SOUTH 64°54'49" WEST 163.08 FEET, THENCE NORTH 11°56'46" WEST 139.17 FEET TO THE POINT OF BEGINNING

CONTAINS 10.70 ACRES

DECLARING THE ANNEXATION THEREOF AND EXTENSION OF THE CORPORATE LIMITS OF SAID CITY ACCORDINGLY; AND CLASSIFYING SAID LAND FOR ZONING AS MANUFACTURING AND INDUSTRIAL ZONE (M-2); AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON PUBLICATION AFTER FINAL PASSAGE.

WHEREAS, the owners of all of the property located generally at 3171 Midland Drive, and more particularly described in Section 3 of this ordinance, have petitioned the Ogden City Council to annex such property to Ogden City; and

WHEREAS, the Planning Commission has reviewed the annexation petition with respect to the property described in the petition and has recommended that such property be annexed to Ogden City and that the property in question should be zoned as manufacturing and industrial zone (M-2); and

WHEREAS, the property proposed for annexation has been previously identified for inclusion in the city by the general plan and the Annexation Policy Plan Map; and

WHEREAS, no protests have been timely filed which would restrict the City from proceeding with such annexation.

NOW, THEREFORE, the Council of Ogden City hereby ordains:

SECTION 1. Petition and plat accepted and approved: The Council of Ogden City hereby accepts and approves the written petition for the annexation to Ogden City of the territory hereinafter described and finds that said petition has been filed in the office of the City Recorder of Ogden City, and that the same meets the standards of annexation set forth in Chapter 2, Title 10, Utah Code Annotated. The Council further accepts and approves the copy of the map of said territory certified by Dallas K. Buttars, a registered professional land surveyor of the State of Utah, License No. 187594, and finds that it is an accurate and recordable map of said territory in said petition and hereinafter described, and that it was made under the supervision of said Dallas K. Buttars, a registered professional land surveyor of the State of Utah.

SECTION 2. Territory annexed. The territory hereinafter particularly described and situated, lying and being immediately contiguous to Ogden City, Utah, boundaries and the same is hereby declared to be annexed to Ogden City, Utah; and the corporate limits of said city are hereby declared to be and they are extended accordingly to include and embrace said territory.

SECTION 3. Annexed territory described. The territory hereinafter referred to and hereby annexed to Ogden City and generally located at 3171 Midland Drive in Weber County, State of Utah, consisting of about 10.70 acres, is more particularly described as follows:

A PART OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN.

BEGINNING AT A POINT NORTH 00°50'15" EAST 658.73 FEET AND SOUTH 89°09'45" EAST 422.40 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 36, RUNNING THENCE NORTH 34°22'33" EAST 471.54 FEET ALONG THE OLD DENVER AND RIO GRANDE EASTERLY RIGHT OF WAY, THENCE SOUTH 89°38'58" EAST 838.59 FEET TO THE WESTERLY RIGHT OF WAY OF MIDLAND DRIVE, THENCE SOUTH 43°26'02" WEST 175.32 FEET, THENCE SOUTH 46°33'58" EAST 33.00 FEET TO THE CENTERLINE OF MIDLAND DRIVE, THENCE THE FOLLOWING TWO (2) COURSES ALONG THE CENTERLINE OF MIDLAND DRIVE: (1) SOUTH 43°26'02" WEST 461.51 FEET, (2) 471.26 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF

1146.30 FEET AND A CENTRAL ANGLE OF 23°33'19" (CHORD BEARS SOUTH 54°41'56" WEST 467.95 FEET, THENCE NORTH 23°31'24" WEST 332.07 FEET, THENCE SOUTH 64°54'49" WEST 163.08 FEET, THENCE NORTH 11°56'46" WEST 139.17 FEET TO THE POINT OF BEGINNING

CONTAINS 10.70 ACRES

SECTION 4. Plat and ordinance to be recorded. The map with the certification thereof of Dallas K. Buttars, a registered land surveyor, as aforesaid and duly certified by the Ogden City Recorder to be a full, true and correct copy of said map so filed and deposited with the City Recorder, shall be forthwith filed and recorded by the City Recorder in the office of the County Recorder of Weber County, Utah, together with a copy of this ordinance duly certified by the Ogden City Recorder. The City Recorder is also directed to file amended articles of incorporation reflecting such annexation with the lieutenant governor of the State of Utah as required by ordinance and state law.

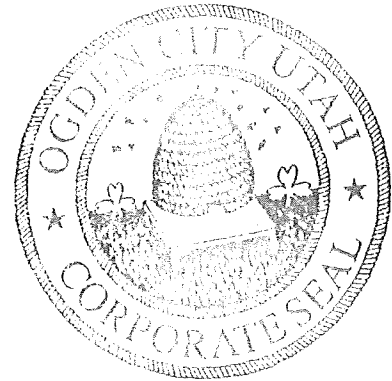
SECTION 5. Zoning classification. The land hereby annexed is hereby classified as manufacturing and industrial zone (M-2).

SECTION 6. Effective date. This ordinance shall become effective immediately upon publication after final passage.

PASSED, ADOPTED AND ORDERED PUBLISHED this 21st day of April, 2008⁹.

Amy L. Wick
CHAIR

ATTEST:
Lee Ann Peterson
Cindi-Mansell, City Recorder - Acting



Transmitted to the Mayor on: 4-22-09

Mayor's Action: Approved Vetoed

Matthew R. Godfrey
Matthew R. Godfrey, Mayor

ATTEST:

Lee Ann Peterson
Gindi-Mansell, City Recorder *-acting*

Publication Date: 4-29-09

Effective Date: 4-29-09

APPROVED AS TO FORM: mf 12/4/2008
LEGAL DATE



**AMENDED ARTICLES OF INCORPORATION
OF THE
CITY OF OGDEN**

Pursuant to Utah Code Ann. § 10-1-117, the City of Ogden, Weber County, Utah, acting by its Mayor, after approval of the Ogden City Council pursuant to an ordinance of annexation, hereby amends its Articles of Incorporation, insofar as the geographical description of the City is hereby amended to include the described property attached hereto as Exhibit "A".

DATED this 4th day of May, 2009.

CITY OF OGDEN

Matthew R. Godfrey
Matthew R. Godfrey, Mayor

ATTEST:

Cindi Mansell
City Recorder

APPROVED AS TO FORM:

Matthew R. Godfrey
City Attorney



STATE OF UTAH)
 :SS
COUNTY OF WEBER)

I, Matthew R. Godfrey, being first duly sworn upon oath, deposes and says: that I am the Mayor of the City of Ogden and the foregoing Amended Articles of Incorporation of the City of Ogden are truthful and accurate to the best of my knowledge and information.

Matthew R. Godfrey
Mayor

Subscribed and sworn before me this 4th day of May, 2009.



Michelle Scrip
Notary Public

EXHIBIT A

Property generally located at 3171 Midland Drive, Ogden City, Weber County, State of Utah, and more particularly described as follows:

A PART OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN.

BEGINNING AT A POINT NORTH 00°50'15" EAST 658.73 FEET AND SOUTH 89°09'45" EAST 422.40 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 36, RUNNING THENCE NORTH 34°22'33" EAST 471.54 FEET ALONG THE OLD DENVER AND RIO GRANDE EASTERLY RIGHT OF WAY, THENCE SOUTH 89°38'58" EAST 838.59 FEET TO THE WESTERLY RIGHT OF WAY OF MIDLAND DRIVE, THENCE SOUTH 43°26'02" WEST 175.32 FEET, THENCE SOUTH 46°33'58" EAST 33.00 FEET TO THE CENTERLINE OF MIDLAND DRIVE, THENCE THE FOLLOWING TWO (2) COURSES ALONG THE CENTERLINE OF MIDLAND DRIVE: (1) SOUTH 43°26'02" WEST 461.51 FEET, (2) 471.26 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1146.30 FEET AND A CENTRAL ANGLE OF 23°33'19" (CHORD BEARS SOUTH 54°41'56" WEST 467.95 FEET, THENCE NORTH 23°31'24" WEST 332.07 FEET, THENCE SOUTH 64°54'49" WEST 163.08 FEET, THENCE NORTH 11°56'46" WEST 139.17 FEET TO THE POINT OF BEGINNING

CONTAINS 10.70 ACRES