

STATE OF UTAH

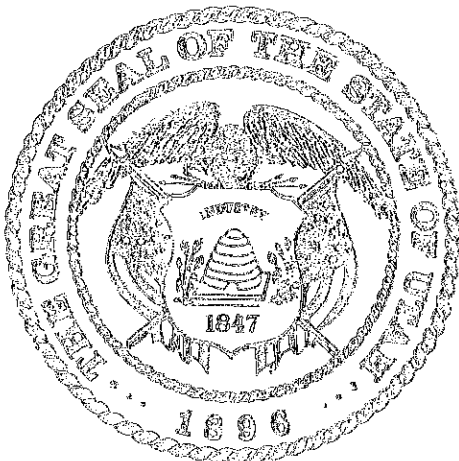


OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF ANNEXATION

I, SPENCER J. COX, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT there has been filed in my office a notice of annexation from the CITY OF SARATOGA SPRINGS, dated August 22th, 2017, 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 the CITY OF SARATOGA SPRINGS, located in Utah County, State of Utah.



IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 6th day of September, 2017 at Salt Lake City, Utah.

A handwritten signature in black ink, appearing to read "Spencer J. Cox".

SPENCER J. COX
Lieutenant Governor



CITY OF
SARATOGA SPRINGS

Received

AUG 10 2017

Spencer J. Cox
Lieutenant Governor

NOTICE OF IMPENDING BOUNDARY ACTION

August 7, 2017

The Honorable Spencer J. Cox
Lieutenant Governor of the State of Utah
Utah State Capitol Complex
PO Box 142325
Salt Lake City, Utah 84114-2325

RE: Notice of Impending Boundary Action – Annexation of 6.97 Acres of Land

Dear Lieutenant Governor Cox,

On June 20, 2017, the City Council of the City of Saratoga Springs, Utah adopted Ordinance 17-12 to annex 6.97 acres of undeveloped land situated outside of the current boundaries of the City of Saratoga Springs, Utah within portions of unincorporated Utah County, which property is contiguous to the boundaries of the City and identified in the City's Annexation Policy Plan. A copy of the Ordinance and supporting documents are provided with this Notice setting forth the revised boundaries of the City of Saratoga Springs, Utah. Also provided with this Notice is an Approved Final Local Entity Plat, as defined in Utah Code § 67-1a-6.5(1)(b) certified by the Utah County Surveyor.

In accordance with Utah Code § 67-1a-6.5(3)(e), I hereby certify that all requirements applicable to this annexation have been met. I also respectfully request that your office issue a Certificate of Annexation to the City of Saratoga Springs in accordance with Utah Code § 10-2-425.

If you have any questions or need additional information from me, please do not hesitate to contact me at any time.

Respectfully,

Jim Miller, Mayor

ORDINANCE NO. 17-23 (8-22-17)

AN ORDINANCE PURSUANT TO SECTION 10-2-418 OF THE UTAH CODE; APPROVING AN ANNEXATION PETITION RELATED TO APPROXIMATELY 6.97 ACRES OF LAND; ANNEXING SUCH LAND INTO THE CITY; AND RELATED MATTERS.

WHEREAS, Utah Code §§ 10-2-401 to - 428 (the “Act”) constitute the statutory framework for annexation of unincorporated areas of a county into an adjoining Utah municipality; and

WHEREAS, Utah Code § 10-2-418 provides that a municipality may annex an unincorporated area without an annexation petition if the area to be annexed consists of one or more unincorporated islands within, or unincorporated peninsulas contiguous to, the municipality, each of which has fewer than 800 residents and provided the municipality has provided one or more municipal-type services to the area for at least one year; and

WHEREAS, the property described in Exhibit A (“Property”), which consists of approximately 6.97 acres and is owned by the Utah Department of Transportation (“UDOT”), consists of unincorporated islands and peninsulas adjacent to the City of Saratoga Springs, Utah (“City”) with less than 800 residents and for which the City has provided police and fire protection services for at least one year; and

WHEREAS, the UDOT Property is situated within a portion of unincorporated Utah County included in the Annexation Policy Plan Map adopted by the City Council of the City of Saratoga Springs on June 19, 2012 as part of Ordinance No. 12-7 (6-19-12); and

WHEREAS, on May 1, 2017, the City filed a “Petition for Annexation” (the “Petition”), on file with the City Recorder, seeking to annex the Property into the City pursuant to Utah Code § 10-2-418; and

WHEREAS, in a letter dated March 21, 2017, which is on file with the City Recorder, UDOT indicated its support for the annexation of the Property; and

WHEREAS, on May 2, 2017, the City Council passed a resolution indicating its intent to annex and describing the UDOT Property; and

WHEREAS, the City caused notice of the proposed annexation to be published (a) for three consecutive weeks, on May 4, 2017, May 11, 2017, and May 18, 2017, in the Daily Herald, a newspaper of general circulation within the City and the UDOT Property, and (b) on the Utah Public Notice Website created in 63F-1-701 of the Utah Code at least three weeks; and

WHEREAS, on May 3, 2017, the City Recorder sent written notice of the proposed annexation to the Utah County Commission and the board of each local district and special service district whose boundaries contain some or all of the area proposed for annexation; and

WHEREAS, on June 20, 2017, not less than thirty (30) days after the City Council adopted the resolution indicating its intent to annex the UDOT Property, the City Council held a public hearing relating to the proposed annexation, at which public hearing all individuals desiring to express their views relating to the proposed annexation were given the opportunity to be heard on the matter; and

WHEREAS, no protests to the annexation have been filed pursuant to Utah Code § 10-2-418; and

WHEREAS, the City Council has given careful consideration to the views expressed by the public during the public hearing; and

WHEREAS, the City Council has carefully reviewed and considered the Petition and all materials submitted by the petitioner in connection therewith and in support thereof, including materials required to be submitted pursuant to the City's Annexation Policy Plan Statement and Annexation Petition Requirements and Procedures; and

WHEREAS, due to complications with the Plat Map, the receipt of the initial Ordinance 17-11 (6-20-17) approving the annexation petition by the Lt. Governor's office was after the 30-day deadline from time of approval. The Lt. Governor's office advised the Ordinance approving the annexation petition could be re-approved by the City Council and a signed copy of that Ordinance forwarded to the Lt. Governor's office for issuance of a Certificate of Annexation; and

WHEREAS; in light of the foregoing, and after due deliberation, the City Council desires to re-approve the Petition and proceed with the proposed annexation and other related matters.

NOW THEREFORE, it is hereby ordained by the City Council of the City of Saratoga Springs, Utah, as follows:

SECTION 1. Findings. The City Council does hereby find and determine that the annexation of the UDOT Property furthers the health, safety, and general welfare of the City and its residents.

SECTION 2. Approval of Annexation; Effective Date. The City Council approves the Petition, approves the annexation of the UDOT Property as described in the Petition, and does hereby annex the UDOT Property into the City. The effective date of such annexation shall be the date of issuance by the Utah Lieutenant Governor of the Certificate of Annexation, under Section 10-2-425 of the Utah Code.

SECTION 3. Zoning. The UDOT Property shall be subject to the Agricultural (A) zoning pursuant to Ordinance No. 17-12 (6-20-17).

SECTION 4. Authorized Actions. The Mayor, the City Recorder, the City Manager, and all other officers and employees of the City are hereby authorized and directed to take, in a timely

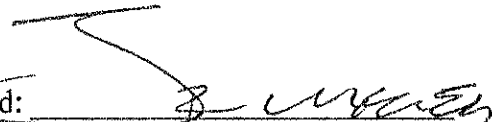
manner, any and all actions required or advisable to be taken to give effect to the annexation hereby approved; including, without limitation, the giving of all notices and the filing of all items required pursuant to Sections 10-2-401 et seq. of the Utah Code.

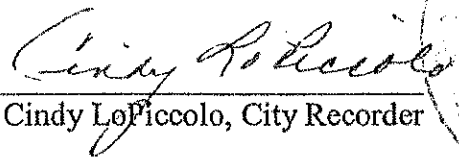
SECTION 5. Publication of Ordinance. A copy of this Ordinance shall be delivered to the City Recorder immediately upon execution by the Mayor, and the City Recorder is hereby authorized and directed to cause a summary thereof to be published on the earliest possible date in the Daily Herald. This Ordinance shall become effective immediately upon such publication.

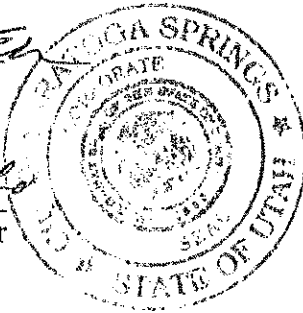
SECTION 6. Amendment of Conflicting Ordinances. If any ordinances, resolutions, policies, or zoning maps of the City of Saratoga Springs heretofore adopted are inconsistent herewith they are hereby amended to comply with the provisions hereof. If they cannot be amended to comply with the provisions hereof, they are hereby repealed.

SECTION 7. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

ADOPTED AND PASSED by the City Council of the City of Saratoga Springs, Utah, this 22nd day of August, 2017.

Signed: 
Jim Miller, Mayor

Attest: 
Cindy LoPiccolo, City Recorder



VOTE

Shellie Baertsch	<u>aye</u>
Michael McOmber	<u>aye</u>
Chris Porter	<u>aye</u>
Stephen Wilden	<u>aye</u>

SARATOGA SPRINGS ANNEXATION

UDOT Parcels: 58:036:0068, 13:029:0036, 13:029:0097, 13:029:0113 & 58:036:0080

Parcel 1:

COM S 89 DEG 54' 45" W 1329.29 FT & S 281.96 FT FR NE COR. SEC. 24, T5S, R1W, SLB&M.; N 89 DEG 57' 42" E 875.97 FT; S 89 DEG 16' 46" E 326.21 FT; S 0 DEG 28' 14" W 235.08 FT; N 89 DEG 27' 46" W 1200.38 FT; N 0 DEG 1' 30" E 227.33 FT TO BEG. AREA \pm 6.419 AC.

Utah County Parcel Number 58:036:0068

Parcel 2:

COM S 07'46"E 290.90 FT & E 244.69 FT FR NW COR SEC 19, T5S, R1E, SLM; S 28'14"W 22.50 FT; N 89 DEG 16'46"W 372.48 FT; N 28'17"E 22.50 FT; S 89 DEG 16'46"E 372.48 FT TO BEG. AREA \pm 0.19 ACRES.

Utah County Parcel Number 13:029:0036

Parcel 3:

COM N 89 DEG 36' 37" E 231.03 FT & S 315.78 FT FR NW COR. SEC. 19, T5S, R1E, SLB&M.; S 89 DEG 36' 37" E 14.15 FT; S 0 DEG 34' 40" E 72.46 FT; S 88 DEG 8' 30" W 14.81 FT; N 0 DEG 3' 30" W 73.04 FT TO BEG. AREA \pm 0.024 AC.

Utah County Parcel Number 13:029:0097

Parcel 4:

COM N 89 DEG 36' 37" E 244.56 FT & S 388.479 FT FR NW COR. SEC. 19, T5S, R1E, SLB&M.; S 0 DEG 14' 0" W 137.97 FT; N 89 DEG 42' 0" W 12.76 FT; N 0 DEG 3' 30" W 137.47 FT; N 88 DEG 8' 30" E 13.46 FT TO BEG. AREA \pm 0.041 AC.

Utah County Parcel Number 13:029:0113

Parcel 5: (new)

COM S 544.93 FT & W 129.24 FT FR NE COR. SEC. 24, T5S, R1W, SLB&M.; N 89 DEG 30' 13" W 340.96 FT; N 2 DEG 6' 59" E 18.33 FT; E 340.44 FT; S 0 DEG 28' 13" W 21.27 FT TO BEG. AREA \pm 0.155 AC.

Utah County Parcel Number 58:036:0080

Composite Legal Description:

A description of land, being comprised of the following five parcels 58:036:0068, 13:029:0036, 13:029:0097, 13:029:0113 & 58:036:0080, situate in the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 24, Township 5 South, Range 1 West, and the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of Section 19, Township 5 South, Range 1 East, Salt Lake Base and Meridian, and more particularly described as follows:

Beginning at a point which is 1327.37 feet South 89°54'11" West along the section line, and 277.47 feet South 00°05'49" East from the Northeast Corner of said Section 24, to a point on a northerly line of The Town of Saratoga Springs Incorporation Plat, filed as Entry No. 103823-1997, said point also being the **Point of Beginning**; thence along said northerly line the following two (2) calls; (1) South 89°37'16" East 1328.05 feet; (2) North 89°26'04" East 245.25 feet to a point on the westerly line of the Marvin Gray Annexation, filed as Entry No. 13180; thence South 00°36'46" West 239.05 feet along said westerly line; thence North 89°42'34" West 12.23 feet; thence North 00°04'04" West 137.47 feet; thence North 00°04'04" West 73.11 feet; thence North 89°17'28" West 358.02 feet; thence South 00°22'34" East 213.13 feet; thence South 89°59'26" West 2.16 feet; thence South 00°27'17" West 21.86 feet; thence North 89°44'27" West 341.02 feet; thence North 02°07'00" East 20.28 feet; thence North 89°39'34" West 858.53 feet to a point on a westerly line of said The Town of Saratoga Springs Incorporation Plat; thence North 00°07'23" West 238.40 feet along said westerly line to the **Point of Beginning**.

Containing 6.99 acres, more or less.



Memorandum

UTAH DEPARTMENT OF TRANSPORTATION

Region Three, 658 North 1500 West, Orem, UT 84057-3058 (801) 227-8000

DATE: March 21, 2017

TO: Kimber Gabryszak
Saratoga Springs City Planning Director
1307 N Commerce Drive, Suite 200
Saratoga Springs, Utah 84045

FROM: Jason Henley
Region Three Right of Way
Design and Surplus Coordinator

SUBJECT: Proposed 2300 W. Annexation

Kimber,

This letter is regarding the proposed Saratoga Springs 2300 W. Annexation (2300 W & Pioneer Crossing). This annexation proposal includes the Utah Department of Transportation properties, Tax ID #'s 58-036-0080, 58-036-0068, 13-029-0036, 13-029-0097, and 13-029-0013, containing approximately 6.82 acres which were acquired as part of the Pioneer Crossing project for drainage purposes.

I have discussed this proposed annexation with a couple of the Program Managers at Region 3 and we do not see any reason we would object to the requested annexation so long as it does not impede UDOT's use of the property for the purposes they were acquired or impose development improvement costs for UDOT being a land owner within the annexation limits.

Please consider this letter as UDOT's support of this annexation.

Sincerely,

Jason Henley/UDOT Region 3
Right of Way Design and Surplus Coordinator.
658 North 1500 West
Orem, UT 84057
Ph: 801-222-3432
jasonhenley@utah.gov