

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 HEBER CITY, dated January 5<sup>th</sup>, 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 HEBER CITY, 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 27<sup>th</sup> day of January, 2017 at Salt Lake City, Utah.

A handwritten signature in cursive script, appearing to read "Spencer J. Cox".

SPENCER J. COX  
Lieutenant Governor

Mayor: Alan W. McDonald  
Council: Jeffery M. Bradshaw  
Heidi Franco  
Kelleen L. Potter  
Jeffrey W. Smith  
Ronald R. Crittenden

## HEBER CITY CORPORATION

75 North Main  
Heber City, Utah 84032

Phone (435) 654-0757  
Fax (435) 657-2543

January 23, 2017

Spencer Cox, Lieutenant Governor  
Lieutenant Governor's Office  
Utah State Capitol Complex, Suite 200  
350 North State Street  
Salt Lake City, UT 84114

Re: Red Ledges Northwest Annexation

Dear Lieutenant Governor Cox:

The legislative body of Heber City Corporation is filing the following documents with the Lieutenant Governor for the above-reference annexation:

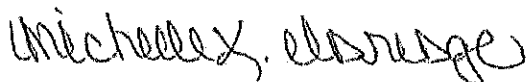
1. a notice of an impending boundary action, as defined in Section 61-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(a); and
2. a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.

As per instructions from your office, the local entity plat has been reduced in size, and we have also attached a copy of Ordinance No. 2017-1 annexing the area.

We understand that within ten days, as per Subsection 61-1a-6.5(2), you will issue the annexation certificate if you determine the notice of the impending boundary action meets the requirements of Subsection 67-1a-6.5(3), and the notice is accompanied by an approved local entity plat.

If you are unable to issue the annexation certificate, please notify us as soon as possible.

Best regards,  
HEBER CITY CORPORATION



Michelle Eldredge  
City Recorder

Attachments: Ordinance 2017-1; Annexation Agreement; Signed Plat; Boundary Description

ORDINANCE 2017-01

AN ORDINANCE ANNEXING PROPERTY KNOWN AS THE RED LEDGES NORTHWEST ANNEXATION LOCATED AT 1925 N LOOKOUT PEAK CIRCLE, HEBER CITY, WASATCH COUNTY, STATE OF UTAH.

BE IT ORDAINED BY THE CITY COUNCIL OF HEBER CITY, UTAH:

**Section 1.** That the 6.35 +/- acres, described in the attached Exhibit A of this Ordinance is hereby assigned to the Planned Community (PC) Zone, consistent with the Heber City General Plan, County of Wasatch, State of Utah.

**Section 2.** This Ordinance shall take effect and be in force from and after (a) its adoption, (b) a copy has been deposited in the office of the City Recorder, (c) a short summary of it has been published in the Wasatch Wave or a complete copy has been posted in three public places within Heber City, (d) the execution and recording of an annexation Agreement and Covenant Running With the Land in substantially the form attached hereto as Exhibit C, and (e) the respective changes have been properly noted and attested to in the official zone map as required per Section 18.20.010 of the Heber City Municipal Code.

ADOPTED AND PASSED by the City Council of Heber City, Utah, this 5<sup>th</sup> day of January, 2017, by the following vote:

	AYE	NAY
Council Member Jeffery M. Bradshaw	<u>X</u>	_____
Council Member Heidi Franco	<u>X</u>	_____
Council Member Kelleen L. Potter	<u>X</u>	_____
Council Member Jeffrey Smith	<u>X</u>	_____
Council Member Ronald R. Crittenden	<u>X</u>	_____

APPROVED:



*Alan McDonald*  
Alan McDonald, Mayor

ATTEST:

*Michelle Y. Osborne*  
RECORDER  
(Seal)

Date of First Publishing: January 11, 2017

**EXHIBIT A: DESCRIPTION**

BEGINNING AT A POINT NORTH 00°25'09" EAST 2708.84 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 20°29'03" EAST 1018.03 FEET; THENCE NORTH 35°35'53" EAST 216.25 FEET, THENCE NORTH 73°08'21" EAST 526.45 FEET; THENCE SOUTH 37°33'32" WEST 1617.45 FEET TO THE POINT OF BEGINNING.

**PROPERTY SERIAL NUMBERS**

OWC-0605-0-028-035

OWC-0606-0-028-035

**EXHIBIT B: ANNEXATION AGREEMENT**

ANNEXATION AGREEMENT  
AND  
COVENANT RUNNING WITH THE LAND  
(Red Ledges North West Annexation)

THIS AGREEMENT entered into this 19<sup>TH</sup> day of JANUARY, 2017, by and between Heber City, hereinafter referred to as "City" and the undersigned petitioners, as "Petitioner".

WHEREAS, the Petitioners have proposed annexation of 6.35 acres into Heber City; and

WHEREAS, the Planning Commission has reviewed the proposed annexation and has recommended approval of the proposed annexation with conditions.

NOW, THEREFORE, the parties hereby agree as follows:

1. Properties within the annexation area shall be zoned Planned Community (PC), consistent with the Heber City General Plan Land Use Map;
2. The annexation area shall be added and subject to the Red Ledges Master Plan.
3. The annexation area is subject to all agreements of the Red Ledges Master Plan, including but not limited to, the Inter-Local Agreement and associated amendments.
4. This Agreement contains the entire agreement between the parties, and no statement, promise or inducement made by either party hereto, or agent of either party hereto which is not contained in this written Agreement shall be valid or binding; and this Agreement may not be enlarged, modified or altered except in writing approved by the parties;
5. This Agreement shall be a covenant running with the land, and shall be binding upon the parties and their assigns and successors in interest. This Agreement shall be recorded with the Wasatch County Recorder;
6. In the event there is a failure to perform under this Agreement and it becomes reasonably necessary for either party to employ the services of an attorney in connection therewith (whether such attorney be in-house or outside counsel), either with or without litigation, on appeal or otherwise, the prevailing party in the controversy shall be entitled to recover its reasonable attorney's fees incurred

by such party and, in addition, such reasonable costs and expenses as are incurred in enforcing this Agreement.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year this agreement was first above written.

DATED this 19<sup>TH</sup> day of JANUARY, 2017.

HEBER CITY:

By: [Signature]  
Alan McDonald, Mayor



ATTEST:

[Signature]  
Heber City Recorder

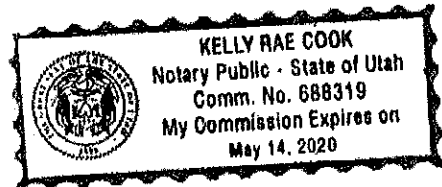
OWNER, RED LEDGES LAND DEVELOPMENT, INC.

By: [Signature]  
Todd Cates, VP

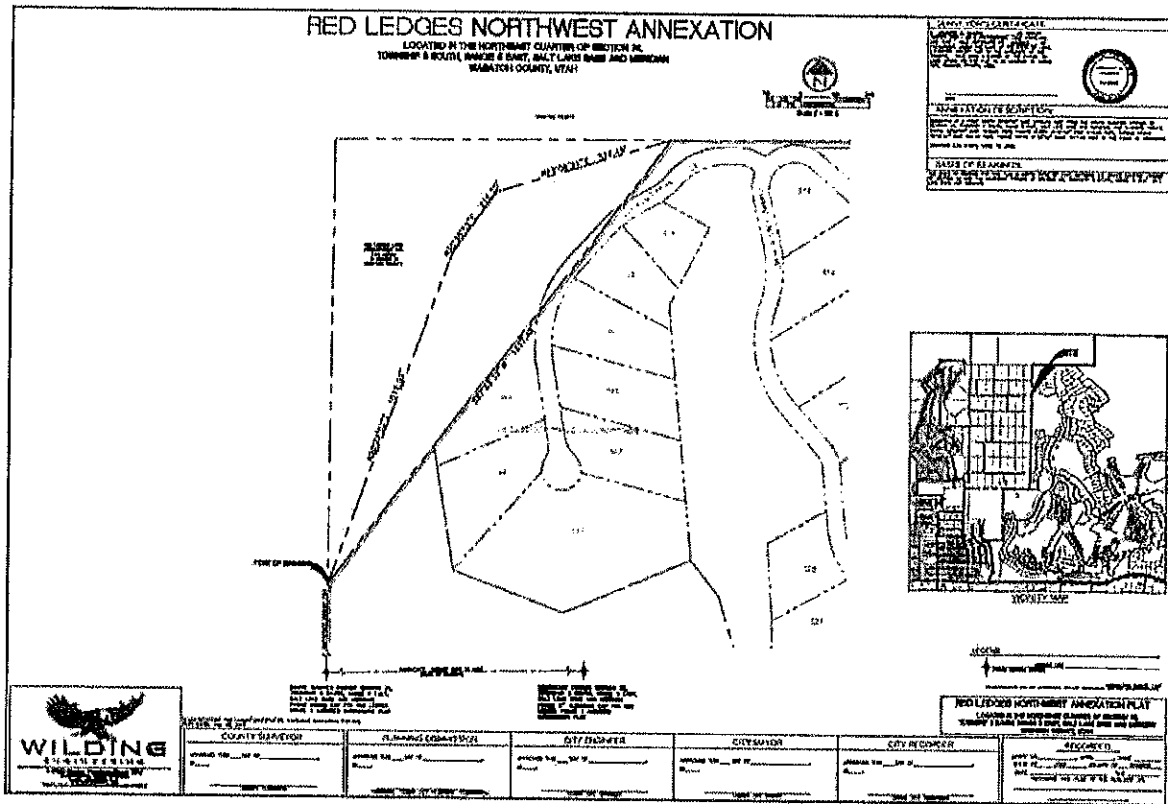
STATE OF UTAH            )  
  : ss.  
COUNTY OF WASATCH    )

On this 19 day of January, 2017, personally appeared before me the above named Owner, who duly acknowledged to me that he is the owner in fee and executed the same as such.

[Signature]  
NOTARY PUBLIC



# EXHIBIT A: PROPOSED ANNEXATION PLAT



# EXHIBIT B: LEGAL DESCRIPTION

BEGINNING AT A POINT NORTH 00°25'09" EAST 2708.84 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 20°29'03" EAST 1018.03 FEET; THENCE NORTH 35°35'53" EAST 216.25 FEET, THENCE NORTH 73°08'21" EAST 526.45 FEET; THENCE SOUTH 37°33'32" WEST 1617.45 FEET TO THE POINT OF BEGINNING.

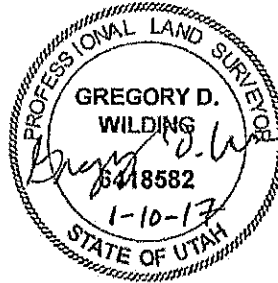
# EXHIBIT C: PROPERTY SERIAL NUMBERS

OWC-0605-0-028-035  
 OWC-0606-0-028-035



# SURVEYOR'S CERTIFICATE

I, GREGORY D. WILDING, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 6418582 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE PARCEL OF LAND SHOWN ON THIS PLAT TO BE ANNEXED TO HEBER CITY, WASATCH COUNTY, UTAH.



January 10, 2017  
DATE

## ANNEXATION DESCRIPTION:

BEGINNING AT A POINT NORTH 00°25'09" EAST 2708.84 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 20°29'03" EAST 1018.03 FEET; THENCE NORTH 35°35'53" EAST 216.25 FEET, THENCE NORTH 73°08'21" EAST 526.45 FEET; THENCE SOUTH 37°33'32" WEST 1617.45 FEET TO THE POINT OF BEGINNING. CONTAINS 6.35 ACRES, MORE OR LESS.

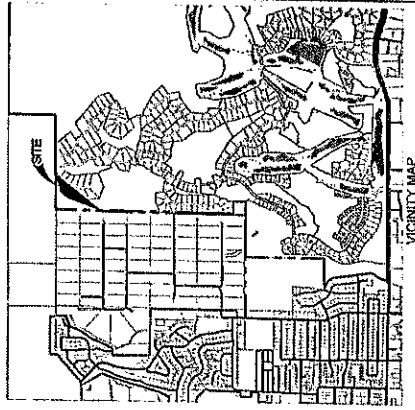
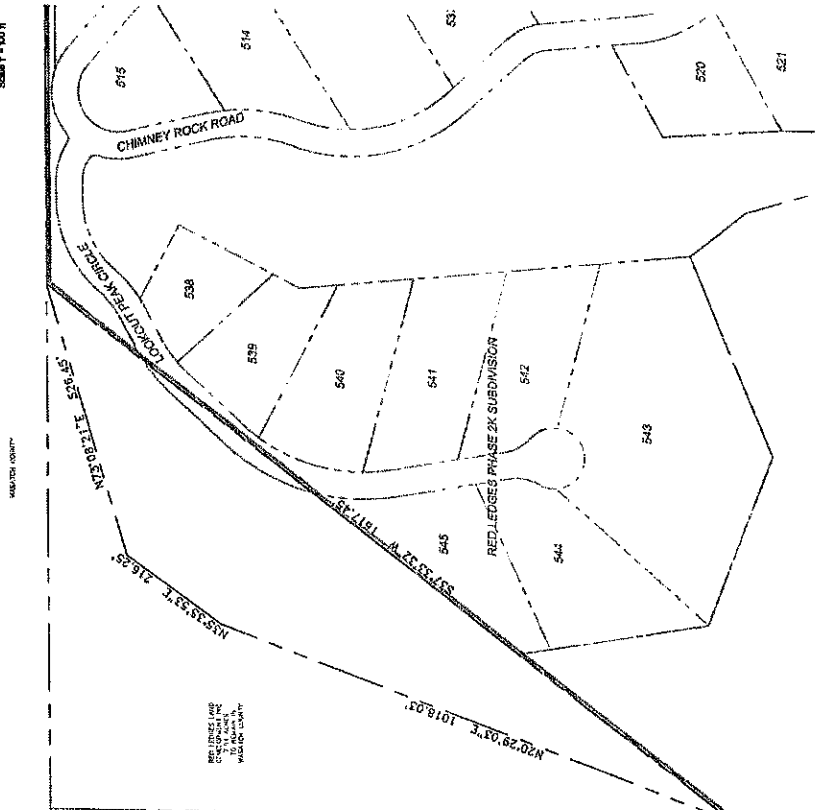
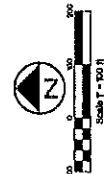
## BASIS OF BEARINGS:

THE BASIS OF BEARING FOR THIS PLAT IS NORTH 89°02'38" EAST BETWEEN THE SOUTH QUARTER CORNER OF SECTION 28 AND THE SOUTHEAST CORNER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN.

 SITE

# RED LEDGES NORTHWEST ANNEXATION

LOCATED IN THE NORTH-EAST QUARTER OF SECTION 28,  
TOWNSHIP 3 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN  
WASATCH COUNTY, UTAH



### SURVEYOR'S CERTIFICATE

I, the undersigned, being a duly qualified and licensed surveyor under the laws of the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the applicant, and that the same conforms to the requirements of the laws of the State of Utah, and that the same is a true and correct copy of the original survey as shown to me by the applicant, and that the same conforms to the requirements of the laws of the State of Utah, and that the same is a true and correct copy of the original survey as shown to me by the applicant, and that the same conforms to the requirements of the laws of the State of Utah.

### ANNEXATION DESCRIPTION:

THE ANNEXATION IS A SUBDIVISION OF LAND IN THE NORTH-EAST QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, WASATCH COUNTY, UTAH, AS SHOWN ON THE ATTACHED MAP, AND IS BEING ANNEXED TO THE CITY OF RED LEDGES, WASATCH COUNTY, UTAH.

### BASIS OF BEARINGS:

THE BEARINGS AND DISTANCES SHOWN ON THE ATTACHED MAP WERE OBTAINED BY MEASUREMENTS MADE BY ME OR BY OTHER SURVEYORS UNDER MY SUPERVISION AND CONTROL, AND ARE TRUE AND CORRECT.

1475 N. 2000 W. SUITE 100, RED LEDGES, UT 84403  
WWW.WILDINGENGINEERING.COM

**COUNTY SURVEYOR**  
APPROVED THIS 12th DAY OF January, 2011.  
*[Signature]*  
COUNTY SURVEYOR

**PLANNING COMMISSION**  
APPROVED THIS 12th DAY OF January, 2011.  
*[Signature]*  
CHAIRMAN, RED LEDGES PLANNING COMMISSION

**CITY ENGINEER**  
APPROVED THIS 12th DAY OF January, 2011.  
*[Signature]*  
CITY ENGINEER

**CITY MAYOR**  
APPROVED THIS 12th DAY OF January, 2011.  
*[Signature]*  
CITY MAYOR

**CITY RECORDER**  
APPROVED THIS 12th DAY OF January, 2011.  
*[Signature]*  
CITY RECORDER

**RECORDED**  
ENTRY NO. \_\_\_\_\_ IN THE COUNTY OF \_\_\_\_\_ STATE OF \_\_\_\_\_ DATE RECORDED AND FILED AT THE REGISTER OF \_\_\_\_\_

**RED LEDGES NORTHWEST ANNEXATION PLAT**  
LOCATED IN THE NORTH-EAST QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, WASATCH COUNTY, UTAH