

STATE OF UTAH

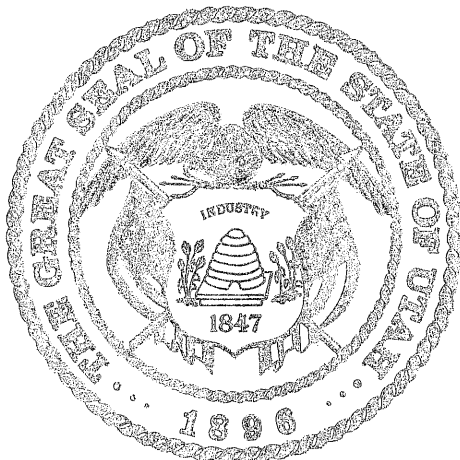


OFFICE OF THE LIEUTENANT GOVERNOR

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 TOQUERVILLE CITY, dated June 8th, 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 TOQUERVILLE CITY, located in Washington County, State of Utah.



IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 29th day of June, 2017 at Salt Lake City, Utah.

SPENCER J. COX
Lieutenant Governor

NEVADA OFFICE

840 Pinnacle Court, Ste. 202
Mesquite, Nevada 89027
(702) 346-7300 phone
(702) 346-7313 fax

Reply to Utah Office



www.binghamsnow.com

UTAH OFFICE

253 W. St. George Blvd., Ste. 100
St. George, Utah 84770
(435) 656-1900 phone
(435) 656-1963 fax

Email: heath@binghamsnow.com

June 27, 2017

Sent via email: annexations@utah.gov

Angela Chozo Gonzales
Spencer J. Cox, Utah Lieutenant Governor
Utah State Capitol Complex, Suite 220
PO Box 142325
Salt Lake City, UT 84114-2325

Re: *Notice of Impending Boundary Action*
Approving Authority: Toquerville City
Name of Annexation: Windsong Annexation
Annexation Area: Approximately 3156.59 acres of land North by
Northeast of Anderson Junction in Washington
County, Utah

Our File No.: 0650.00

Dear Ms. Gonzales & Lt. Governor Cox:

Please allow this letter to act as formal notice that the Toquerville City, by and through its City Council, adopted Toquerville City Ordinance 2017.06 on June 8, 2017 ("Annexation Ordinance 2017.6") which ratified and restated Toquerville City Ordinance 2015-01 adopted on February 12, 2015. The effect of the Annexation Ordinance 2017.06 is to re-approve what is called by the City and its sponsors as the "Windsong Annexation". Annexation Ordinance 2017.06 was adopted in compliance with the annexation procedures outlined in Title 10, Chapter 2, Section 4 of the Utah Code Annotated. Please see enclosed with this letter a copy of said Ordinance as well as a copy of the fully-executed final annexation plat which complies with Utah Code Ann. §67-1a-6.5. The City hereby requests that your office issue a Certificate of Annexation which complies with Utah Code Ann. §67-1a-6.5 to be recorded in the Official Records on file in the Office of the Recorder of Washington County, along with the plat and a copy of the enclosed Ordinance.

Should you have any questions, please feel free to contact me.

Sincerely,
BINGHAM SNOW & CALDWELL, LLP

A handwritten signature in black ink that reads "Heath Snow". The signature is written in a cursive style.

Heath H. Snow, Esq., Toquerville City Attorney

HHS/em

Enclosures: (Annexation Ordinance 2017.06 & Annexation Plat)

**TOQUERVILLE CITY
ORDINANCE 2017.06**



WINDSONG ANNEXATION

AN ORDINANCE OF TOQUERVILLE CITY, UTAH RATIFYING AND RESTATING TOQUERVILLE CITY ORDINANCE #2015-1 AND TOQUERVILLE CITY ORDINANCE #2016-11 ANNEXING CERTAIN PROPERTY TO BE KNOWN AS THE WIND SONG ANNEXATION LOCATED NORTH BY NORTH EAST OF ANDERSON JUNCTION, AND INCORPORATING THE SAME WITHIN THE CORPORATE BOUNDARIES OF TOQUERVILLE CITY PURSUANT TO THE PROVISIONS OF TITLE 10, CHAPTER 4 (ANNEXATION) OF THE TOQUERVILLE CITY CODE, AS AMENDED; SETTING THE ZONING CLASSIFICATION OF SAID PROPERTY IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE TOQUERVILLE CITY PLANNING COMMISSION; ADOPTING THE ANNEXATION PLAT MAP OF SAID PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, a petition for annexation ("Petition") has been submitted by private property owners requesting annexation of certain territory comprised 3157.96 acres of both private and public land ("Subject Property") into Toquerville City ("City");

WHEREAS, after referral to the Toquerville City Planning Commission ("Planning Commission") for a public hearing wherein the public and affected entities were given an opportunity to give input and feedback, the Planning Commission has recommended annexation of the Subject Property into the City; and,

WHEREAS, the general policy of the City with respect to the annexation of property will be satisfied by annexing the Subject Property as requested; and,

WHEREAS, the annexation of the Subject Property is deemed necessary for the welfare of the residents of the City, and the private property owners making the petition, and is in conformity with the general policy for Toquerville City annexations,

WHEREAS, in conformance with the provisions of Utah Code Ann. §10-9-401 the governing body of the City may enact a zoning ordinance establishing regulations for land use and development within the City; and,

WHEREAS, The City has previously adopted and promulgated a General Plan and a city wide zoning ordinance which is found in Title 10 of the Toquerville City Code; and,

WHEREAS, on February 24, 2015, the Toquerville City Council, after following all processes prescribed by law, adopted Toquerville City Ordinance 2015-1 annexing the Subject Property into the City ("Original Annexation Ordinance").

WHEREAS, because of delays outside of its control, the City determined that it was proper to re-approve and re-ratify the Original Annexation Ordinance by adopting a new ordinance with identical language in the body of the ordinance as the Original so that it could be provided to the Utah Lieutenant Governor's Office within 30 days of its adoption so that a Certificate of Annexation can be issued. This second ordinance was adopted the Toquerville City Council on December 8, 2016 as Toquerville City Ordinance 2016-11.

WHEREAS, again because of delays outside of its control, the City determined that it was proper to re-approve and re-ratify the Original Annexation Ordinance and Toquerville City Ordinance 2016-11 by adopting a new ordinance with identical language in the body of the both of the afore-mentioned ordinances so that it could be provided to the Utah Lieutenant Governor's Office within 30 days of its adoption so that a Certificate of Annexation can be issued.

ORDINANCE

NOW THEREFORE, BE IT RE-ORDAINED BY THE CITY COUNCIL OF TOQUERVILLE CITY, STATE OF UTAH, AS FOLLOWS:

1. ANNEXATION OF SUBJECT PROPERTY.

a. There is hereby annexed to Toquerville City, State of Utah, and incorporated within the corporate boundaries thereof, the following parcels of land located North by Northeast of Anderson Junction straddling both sides of Interstate 15, legally referred to as the Subject Property, and described as follows:

*A PROPOSED ANNEXATION LYING IN THE NORTH AREA OF TOWNSHIP 40 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN, WASHINGTON COUNTY, UTAH. MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTH QUARTER CORNER OF SECTION 3, TOWNSHIP 40 SOUTH, RANGE 13 WEST; THENCE S.89°58'00"E. A DISTANCE OF 2618.88 FEET ALONG THE SECTION LINE TO THE NORTHEAST CORNER OF SAID SECTION 3; THENCE S.89°56'01"E. A DISTANCE OF 2947.56 FEET ALONG THE SECTION LINE TO THE NORTH QUARTER CORNER OF SECTION 2 OF SAID TOWNSHIP AND RANGE; THENCE N.89°57'00"E. A DISTANCE OF 1316.70 FEET ALONG SECTION LINE; THENCE SOUTH A DISTANCE OF 3464.87 FEET; THENCE S.28°26'45"W. ALONG THE WESTERLY RIGHT OF WAY OF I-15 A DISTANCE OF 2103.47 FEET; THENCE WEST A DISTANCE OF 267.45 FEET; THENCE S.24°05'00"W. A DISTANCE OF 839.59 FEET; THENCE S.89°50'38"W. A DISTANCE OF 1322.05 FEET; THENCE S.00°04'12"E. A DISTANCE OF 2837.15 FEET; THENCE N.27°47'48"E. ALONG THE WESTERLY RIGHT OF WAY OF I-15 A DISTANCE OF 214.57 FEET; THENCE N.89°41'02"E. A DISTANCE OF 3852.80 FEET; THENCE S.00°01'00"E. A DISTANCE OF 7936.57 FEET TO THE SOUTHEAST CORNER SECTION 14;*

THENCE N.89°58'00"W. A DISTANCE OF 5283.96 FEET ALONG THE SECTION LINE TO THE NORTHEAST CORNER OF SECTION 22 OF SAID TOWNSHIP AND RANGE; THENCE S.00°01'00"E. A DISTANCE 5278.46 FEET ALONG THE SECTION LINE TO THE SOUTHEAST CORNER OF SAID SECTION 22 TO THE EXISTING TOQUERVILLE CITY BOUNDARY; THENCE N.89°58'00"W. A DISTANCE OF 1320.76 FEET ALONG SAID CITY BOUNDARY; THENCE N.00°15'00"W. A DISTANCE OF 1322.39 FEET; THENCE WEST A DISTANCE OF 1316.99 FEET; THENCE N.89°58'38"W. A DISTANCE OF 1321.35 FEET; THENCE S.00°10'49"E. A DISTANCE OF 1321.38 FEET; THENCE N.89°58'00"W. A DISTANCE OF 1320.61 FEET ALONG THE SECTION LINE TO THE SOUTHWEST CORNER OF SAID SECTION 22; THENCE N.00°02'43"W. A DISTANCE OF 5278.47 FEET ALONG THE SECTION LINE TO THE NORTHWEST CORNER OF SAID SECTION 22; THENCE S.89°58'00"E. A DISTANCE OF 2641.98 FEET ALONG THE SECTION LINE TO THE SOUTH QUARTER CORNER OF SECTION 15 OF SAID TOWNSHIP AND RANGE; THENCE N.00°00'17"E. A DISTANCE OF 5277.69 FEET ALONG THE QUARTER SECTION LINE TO THE NORTH QUARTER CORNER OF SAID SECTION 15; THENCE N.00°01'52"W. A DISTANCE OF 5279.23 FEET ALONG THE QUARTER SECTION LINE TO THE NORTH QUARTER CORNER OF SECTION 10 OF SAID TOWNSHIP AND RANGE; THENCE N.00°11'40"E. A DISTANCE OF 6089.42 FEET ALONG THE QUARTER SECTION LINE TO THE POINT OF BEGINNING.

CONTAINING 3,157.96 ACRES OF LAND MORE OR LESS

("Subject Property").

2. NEW CORPORATE LIMITS. The corporate limits of Toquerville City is hereby extended and increased so as to include and embrace within the corporate limits of the City, the Subject Property herein and such territory is hereby declared to be a part of Toquerville City.

3. ZONING DESIGNATION OF SUBJECT PROPERTY

Zoning for the Subject Property is hereby set at and the property is declared to be zoned as:

- a. Parcel 3126-LC (private property – 23.89 acres) – Agricultural (A), and
- b. All other parcels (public property – 3134.07 acres) Multiple Use 20 (MU-20).

4. ACCURACY OF ANNEXATION PLAT MAP. The annexation plat map to this Ordinance is an accurate map of the Subject Property being annexed and such map is hereby adopted as the official map of the territory annexed, and the Mayor of Toquerville, is hereby authorized and directed to certify the map as an accurate map of the Subject Property annexed under the provisions of this Ordinance, and to record in the Official Records on file in the Office

of the Recorder of Washington County, State of Utah, this Ordinance, together with a certified copy of the official annexation plat map attached.

5. PRIOR ORDINANCES AND RESOLUTIONS. The body and substance of any and all prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are hereby reaffirmed and readopted.

6. REPEALER OF CONFLICTING ENACTMENTS. All orders, ordinances and resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which are in conflict with any of the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

7. SAVINGS CLAUSE. If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Ordinance and the provisions of this Ordinance being deemed to be the separate independent and severable act of the City Council of Toquerville City.

8. EFFECTIVE DATE. This Ordinance shall be effective on the 8th day of June, 2017, and after publication or posting as required by law.

TOQUERVILLE CITY ORDINANCE #ORD. 2017.06, WAS PASSED AND ADOPTED BY THE TOQUERVILLE CITY COUNCIL, STATE OF UTAH, ON THIS 8th Day of June, 2017 BY THE FOLLOWING VOTE:

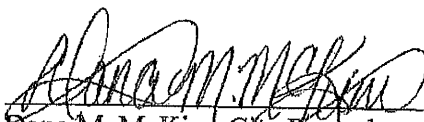
Councilperson:	Keen Ellsworth	AYE <u>X</u>	NAE <u> </u>
	Brad Langston	AYE <u>X</u>	NAE <u> </u>
	Ty Bringhurst	AYE <u> </u>	NAE <u>Absent</u>
	Paul Heideman	AYE <u>X</u>	NAE <u> </u>
	Mark Fahrenkamp	AYE <u>X</u>	NAE <u> </u>

TOQUERVILLE CITY
a Utah municipal corporation


M. Darrin LeFevre, Mayor

Date: 6.8.2017

ATTEST:


Dana M. McKim, City Recorder

Date: 6.8.2017

