

STATE OF UTAH

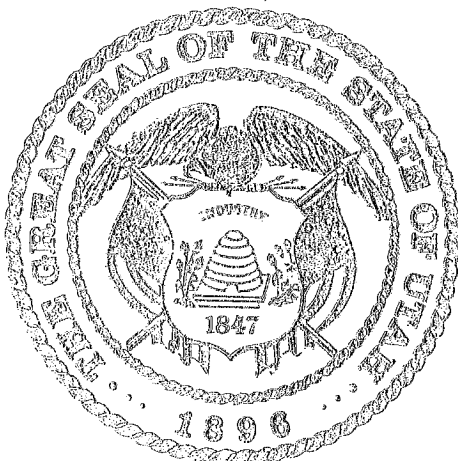


OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF BOUNDARY ADJUSTMENT

I, SPENCER J. COX, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT there has been filed in my office a notice of boundary adjustment between TOQUERVILLE CITY and LAVERKIN 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 boundary adjustment, referred to above, on file with the Office of the Lieutenant Governor pertaining to TOQUERVILLE CITY and LAVERKIN 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 3rd day of August, 2017 at Salt Lake City, Utah.

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

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

BINGHAM SNOW
CALDWELL LLP

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 28, 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 Municipal Boundary Adjustment*
Approving Authority: Toquerville City and LaVerkin City
Name of Boundary Adjustment: Bringhurst Boundary Adjustment
Adjusted Parcel: Approximately 0.69 acres of land in Washington County, Utah Transferred from LaVerkin City to Toquerville City Municipal Boundaries

Our File No.: 0650.12

Dear Ms. Gonzales & Lt. Governor Cox:

Please allow this letter to act as formal notice that the Toquerville City and LaVerkin City, by and through their respective City Councils, adopted the enclosed two Ordinances (Toquerville City Ordinance 2017.09, adopted on June 8, 2017 and LaVerkin City Ordinance 2017-07, adopted on June 7, 2017). Both Ordinances were adopted in compliance with Utah Code Ann. 10-2-419. The effect of the two enclosed Ordinances is to adjust a portion of these Cities' common boundaries, which results in the municipal boundaries of Toquerville City being increased by the adjusted parcel (0.69 Acres) and LaVerkin's municipal boundaries decreased by the same. Also enclosed with this letter and said Ordinances is a copy of the fully-executed final boundary line adjustment plat which complies with Utah Code Ann. §67-1a-6.5. Both Cities hereby request that your office issue a Certificate of Boundary Adjustment 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



Heath H. Snow, Esq., Toquerville City Attorney

HHS/em

Enclosures: (Toquerville City Ordinance 2017.09, LaVerkin City Ordinance 2017-07 & Bringhurst Municipal Boundary Adjustment Plat)

TOQUERVILLE CITY
ORDINANCE NO. 2017-09



AN ORDINANCE ADJUSTING A PORTION OF THE COMMON BOUNDARIES BETWEEN LAVERKIN CITY AND TOQUERVILLE CITY, WASHINGTON COUNTY, STATE OF UTAH

RECITALS

WHEREAS, Utah Code Annotated § 10-2-419 established a procedure and criteria for the adjustment of the common boundary between adjacent municipalities; and

WHEREAS, Toquerville City ("Toquerville"), a municipal corporation and political subdivision of the State of Utah, shares certain common boundaries with LaVerkin City ("LaVerkin"), a municipal corporation and political subdivision of the State of Utah;

WHEREAS, Toquerville is in better position to provide municipal services to certain parcels along the common boundaries with LaVerkin;

WHEREAS, LaVerkin and Toquerville desire to adjust their common boundaries to enable certain property owners to obtain municipal services;

WHEREAS, the specific parcel of property to be transferred into the municipal jurisdiction of Toquerville is depicted in the "Municipal Boundary Adjustment Plat" marked "Exhibit A," attached to this Ordinance, and incorporated herein by this reference, consisting of approximately .69 acres, described more fully as:

Commencing at the Southwest Corner of the Northeast Quarter of the Southeast Quarter (NE ¼ SE ¼) of Section 14, Township 41 South, Range 13 West, Salt Lake Base and Meridian; Thence North 00°05'50" East, along the 1/16th Section Line a distance of 370.66 feet; Thence North 90°00'00" East, a distance of 17.78 feet; Thence South 22°15'55" East, a distance of 216.50 feet; Thence South 31°09'48" East, a distance of 60.65 feet; Thence South 03°08'44" West, a distance of 30.70 feet; Thence South 40°19'22" West, a distance of 116.01 feet; Thence North 89°16'08" West, along the 1/16th line, a distance of 55.08 feet to the Point of Beginning. (*Containing 30,004 square feet or 0.69 acres, more or less*)

("Adjusted Parcel").

WHEREAS, on the 5th day of April, 2017, the LaVerkin City Council adopted LaVerkin Resolution No. 2017-07 indicating its intent to adjust its common boundaries with Toquerville and transfer the Adjusted Parcel into the municipal jurisdiction of Toquerville;

WHEREAS, on the 13th day of April, 2017, the Toquerville City Council adopted Toquerville Resolution No. 2017-08 indicating its intent to adjust its common boundaries with LaVerkin and accept the transfer of the Adjusted Parcel into its municipal jurisdiction; and

WHEREAS, the Toquerville City Council held a public hearing on June 8, 2017 to consider approving said boundary adjustment and to receive public comment; and

WHEREAS, no protests were received which require Toquerville to disapprove the proposed boundary adjustment.

ORDINANCE

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

1. The common boundary between LaVerkin and Toquerville be hereby adjusted, as depicted in Exhibit A and described above.
2. In accordance with the terms and provisions of Utah Code Annotated § 10-2-419, the Adjusted Parcel is hereby removed from the municipal jurisdiction of LaVerkin and transferred to the municipal jurisdiction of Toquerville.
3. The Municipal Boundary Adjustment Plat attached as Exhibit A is hereby approved and the Mayor and Recorder are instructed execute the same.
4. Toquerville Staff is directed to file and record copies of this Ordinance and other required documents and plats with LaVerkin, the Utah Lieutenant Governor's Office and Washington County, pursuant to the requirements of Utah Code Annotated §§ 10-2-419 and 10-2-425.
5. This Ordinance shall repeal and supersede all prior ordinances and resolutions governing the same.
6. The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any section, paragraph, sentence, clause or phrase of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.
7. This Ordinance shall take effect immediately upon approval and passage by the Toquerville City Council and a similar ordinance is adopted by LaVerkin.

(Signature Page to Follow)

VOTE TALLY

Keen Ellsworth	Aye <u>X</u>	Nay _____
Brad Langston	Aye <u>X</u>	Nay _____
Ty Bringhurst	Aye _____	Nay <u>absent</u>
Paul Heideman	Aye <u>X</u>	Nay _____
Mark Fahrenkamp	Aye <u>X</u>	Nay _____

TOQUERVILLE CITY
a Utah municipal corporation

Date:



M. Darrin LeFevre, Mayor

June 8, 2017

Attest:


Dana M. Mckin, City Recorder

June 8, 2017





LAVERKIN CITY

RANDY REEVE
RICHARD HIRSCHI
CHANTELLE BROWNING
KEN HOOTEN
MICAH GUBLER
COUNCIL MEMBERS

KYLE GUBLER KYLE T. GUBLER
CITY ADMINISTRATOR MAYOR

ORDINANCE NO. 2017-07

AN ORDINANCE ADJUSTING A PORTION OF THE COMMON BOUNDARIES BETWEEN LAVERKIN CITY AND TOQUERVILLE CITY, WASHINGTON COUNTY, STATE OF UTAH

RECITALS

WHEREAS, Utah Code Annotated § 10-2-419 established a procedure and criteria for the adjustment of the common boundary between adjacent municipalities; and

WHEREAS, LaVerkin City ("LaVerkin"), a municipal corporation and political subdivision of the State of Utah, shares certain common boundaries with Toquerville City ("Toquerville"), a municipal corporation and political subdivision of the State of Utah;

WHEREAS, Toquerville is in better position to provide municipal services to certain parcels along the common boundaries with LaVerkin;

WHEREAS, LaVerkin and Toquerville desire to adjust their common boundaries to enable certain property owners to obtain municipal services;

WHEREAS, the specific parcel of property to be transferred into the municipal jurisdiction of Toquerville is depicted in the "Municipal Boundary Adjustment Plat" marked "Exhibit A," attached to this Ordinance, and incorporated herein by this reference, consisting of approximately .69 acres, described more fully as:

Commencing at the Southwest Corner of the Northeast Quarter of the Southeast Quarter (NE ¼ SE ¼) of Section 14, Township 41 South, Range 13 West, Salt Lake Base and Meridian; Thence North 00°05'50" East, along the 1/16th Section Line a distance of 370.66 feet; Thence North 90°00'00" East, a distance of 17.78 feet; Thence South 22°15'55" East, a distance of 216.50 feet; Thence South 31°09'48" East, a distance of 60.65 feet; Thence South 03°08'44" West, a distance of 30.70 feet; Thence South 40°19'22" West, a distance of 116.01 feet; Thence North 89°16'08" West, along the 1/16th line, a distance of 55.08 feet to the Point of Beginning. (*Containing 30,004 square feet or 0.69 acres, more or less*)

("Adjusted Parcel").

ORDINANCE NO. 2017-07

WHEREAS, on the 5th day of April, 2017, the LaVerkin City Council adopted LaVerkin Resolution No. 2017-07 indicating its intent to adjust its common boundaries with Toquerville and transfer the Adjusted Parcel into the municipal jurisdiction of Toquerville; and

WHEREAS, on the 13th day of April, 2017, the Toquerville City Council adopted Toquerville Resolution No. 2017-08 indicating its intent to adjust its common boundaries with LaVerkin and accept the transfer of the Adjusted Parcel into its municipal jurisdiction; and

WHEREAS, the LaVerkin City Council held a public hearing on June 7, 2017 to consider approving said boundary adjustment and to receive public comment; and

WHEREAS, no protests were received which require LaVerkin to disapprove the proposed boundary adjustment.

ORDINANCE

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

1. The common boundary between LaVerkin and Toquerville be hereby adjusted, as depicted in **Exhibit A** and described above.
2. In accordance with the terms and provisions of Section 10-2-419 (UCA), the Adjusted Parcel is hereby removed from the municipal jurisdiction of LaVerkin and transferred to the municipal jurisdiction of Toquerville.
3. The Municipal Boundary Adjustment Plat attached as **Exhibit A** is hereby approved and the Mayor and Recorder are instructed to execute the same.
4. LaVerkin Staff is directed to file and record copies of this Ordinance and other required documents and plats with Toquerville, the Utah Lieutenant Governor's Office and Washington County, pursuant to the requirements of Sections 10-2-419 and 10-2-425 (UCA).
5. This Ordinance shall repeal and supersede all prior ordinances and resolutions governing the same.
6. The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any section, paragraph, sentence, clause or phrase of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

ORDINANCE NO. 2017-07

7. This Ordinance shall take effect immediately upon approval and passage by the LaVerkin City Council and a similar ordinance is adopted by Toquerville.

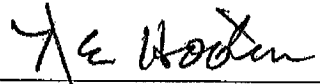
PASSED AND APPROVED AND MADE EFFECTIVE by the LaVerkin City Council this 7th day of June, 2017.

VOTE TALLY

Richard Hirschi	Aye <u>X</u>	Nay _____
Chantelle Browning	Aye <u>X</u>	Nay _____
Randy Reeve	Aye <u>X</u>	Nay _____
Micah Gubler	Aye <u>X</u>	Nay _____
<u>Steven Leavenworth</u>	Aye <u>X</u>	Nay _____

LAVERKIN CITY
a Utah municipal corporation

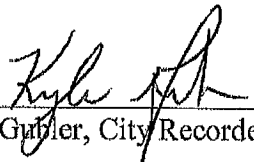
Date:



Ken Hooten, Mayor

June 7, 2017

Attest:



Kyle Gubler, City Recorder

June 7, 2017

EXHIBIT A
(LaVerkin) Ordinance No. 2017-07

(Municipal Boundary Adjustment Plat to Follow)

