

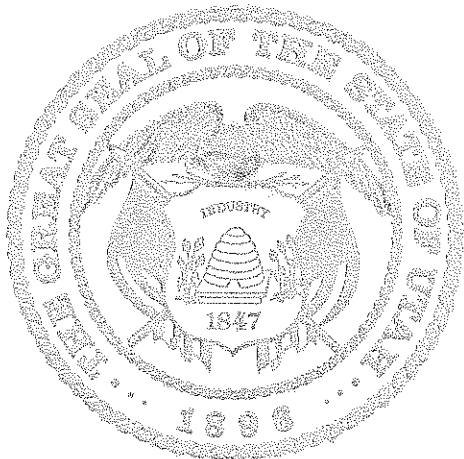


OFFICE OF THE LIEUTENANT GOVERNOR

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 PLYMOUTH TOWN, dated May 28th, 2008, 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 PLYMOUTH TOWN, located in Box Elder County, State of Utah.



IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 27th day of June, 2008 at Salt Lake City, Utah.

A handwritten signature of Gary R. Herbert in black ink.

GARY R. HERBERT
Lieutenant Governor

ORDINANCE NO. 08-01

ORDINANCE AMENDING THE
PLYMOUTH TOWN ZONING ORDINANCES
AND ANNEXING SPECIFIC REAL PROPERTY TO PLYMOUTH, UTAH

07-038-0082, 0083, 0084, 0085, 0096, 0097 ^B into 0100
0101

WHEREAS, the owners of a majority of the private land area within an area proposed for annexation, as described below, desire to annex such real property to Plymouth, Utah, said owners being the owners of the least one-third (1/3) in value of all private real property proposed for annexation as shown by the last assessment roll; and

WHEREAS, said real property lies contiguous to the corporate boundaries of Plymouth, Utah; and

WHEREAS, said owners have caused a Petition For Annexation to be filed with the Town together with an accurate plat of the real property which was made by a licensed surveyor; and

WHEREAS, the Plymouth Town Council received a Certification of Annexation Petition from the Town Recorder on April 10, 2008, and provided a Notice of Certification of Annexation Petition to the *Leader-Garland Times*, a newspaper with general circulation within Plymouth Town, which Notice was duly published in accordance with the applicable laws of the State of Utah; and

WHEREAS, said Notice of Certification of Annexation Petition also included and published a Notice of a Public Hearing to be held on Thursday, May 15, 2008, at 7:00 p.m., which hearing was held and no legally sufficient objections to the proposed annexation were received by the deadline stated in said Notice of May 12, 2008; and

WHEREAS, the Plymouth Town Council has determined that the proposed annexation, subject to certain conditions and agreements by the owners of the real property to be annexed, will promote the general welfare of the Town, and that such action will be in compliance with the Town's Annexation Policy Plan as previously adopted by the Town;

NOW, THEREFORE, pursuant to Sections 10-2-407(3)(b)(i) and 10-9A-506 Utah Code Annotated 1953, as amended, and Section 1.4 of the Town Zoning Ordinances, the Town Council of Plymouth, Utah, hereby adopts, passes and publishes the following:

BE IT ORDAINED BY THE TOWN COUNCIL OF PLYMOUTH, UTAH, AS FOLLOWS:

AN ORDINANCE AMENDING THE PLYMOUTH TOWN ZONING ORDINANCES AND ANNEXING SPECIFIC REAL PROPERTY TO PLYMOUTH, UTAH

Received

JUN 16 2008
Map 264710 6/17/08
Gary R. Herbert
Lieutenant Governor

1. The real property more particularly described in Paragraph 2, below, is hereby annexed to Plymouth, Utah, and the corporate limits of Plymouth, Utah, are hereby extended accordingly, subject to certain express terms and conditions which are more fully set forth in Paragraph 6, below.

2. The real property which is the subject of this Ordinance is described as follows:

A PART OF THE SOUTHEAST QUARTER OF SECTION 12, T 13 N, R 3 W, SLB&M, described as follows:

Beginning on the present Corporate Limit Line of Plymouth City at a point 333.00 feet EAST along the section line and 66.00 NORTH and 70.00 EAST from the South Quarter Corner of Section 12, T 13 M, R 3W, SLB&M as presently monumented and RUNNING THENCE: thence N 00° 06'48" W (Record N 00° 13'04" W) 435.60 feet: thence WEST 400.00 feet to the Quarter Section Line; thence N 00° 05'54" W (Record N 00° 13' 09" W) 435.60 feet along said Quarter Section Line; thence EAST 2397.69 feet; thence SOUTH 871.19 feet; thence WEST 1996.08 feet to the point of beginning.

Containing 43.93 acres, more or less.

3. The zoning map of Plymouth Town shall be amended to include the real property described above in Paragraph 2.

4. The real property described in Paragraph 2, above, shall be classified as being in the R-1 Residential Zone, subject to the terms, conditions and restrictions contained in Paragraph 6, below.

5. A certified copy of this Ordinance and the original plat depicting and describing the property so annexed shall be filed with the County Recorder of Box Elder County, Utah, by the Town Recorder, who shall also send Notice to each affected entity, and file required certified copies of this Ordinance and a copy of the Annexation Plat with the Lt. Governor's and County Surveyor's offices and complete all other action, all within thirty (30) days of the date of this Ordinance.

6. Property Owners' Agreement.

A. The annexation of the real property described in Paragraph 2, above, is expressly made subject to the terms and conditions of the Plymouth Town Policy Plan adopted on April 10, 2008, and in particular those contained in Section C, requiring the annexors, Property Owners and/or developers (Property Owners, hereafter) to assume and pay all expenses for construction and extension of roads, storm water retention easements and basins, water lines and all other required improvements and public utilities, including gas, electrical and telephone lines.

B. The annexation of the real property described in Paragraph 2, above, is further expressly made subject to the following terms and conditions, to which the Property Owners agree, and bind and commit themselves.

(1) The terms, provisions and conditions of this Ordinance, specifically including this Paragraph 6, shall attach to the above-described parcel of real property, shall become binding thereon and shall be covenants which run with said real property. In addition, the terms, provisions and conditions expressed herein shall be binding upon and shall inure to the benefit of the undersigned Property Owners and to their respective heirs, representatives, successors and assigns.

(2) By the execution of this Ordinance and Agreement, the undersigned Property Owners acknowledge that they have read the terms and provisions of this Ordinance and Agreement, and particularly of this Paragraph 6, and that they understand the contents hereof and, specifically agree to be bound by and to comply with said terms, provisions and conditions.

(3) It is understood and agreed that but for the Property Owners' agreement to the terms and conditions of this Ordinance and Agreement and their performance of the same, said real property would be not annexed to Plymouth Town.

(4) It is understood that the above-described real property is being annexed for purposes of the development of said real property for residential purposes. Said development shall be in accordance with all applicable City, State and Federal laws, rules and regulations.

(5) Any subdivision of said real property shall be completed in accordance with the applicable Land Use Laws for Plymouth Town, and the Land Use Laws for the State of Utah, including the requirement for the approval of a plat or plats when required, the approval of construction plans and/or drawings for all public improvements, including extension of the Town culinary water system, roads, sidewalks, storm water retention easements and ponds, utility easements and all other public utilities, as required. All extensions of municipal services must comply with Town ordinances and other applicable laws, policy criteria and as approved by the Town Council. The Property Owners shall be responsible for all costs associated with said improvements, holding the Town harmless from and indemnifying the Town against any such costs.

(6) At the time of annexation, the only approved and improved street which will provide the required frontage on an existing or dedicated public street or on a right-of-way which has been approved by the Town Council is 20000 North Street, which is located along and adjacent to the south boundary of the Real Property which is to be annexed by this Ordinance. No building permits or development approvals shall be requested nor approved for any of the annexed

Real Property which does not have the required frontage on 20000 North Street until the required frontage on a dedicated public street or on a right-of-way which has been approved by the Town Council, has been provided.

(7) This Ordinance, with the provisions of this Paragraph 6 shall constitute the Annexation Agreement between said Property Owners and Plymouth Town.

(8) The platting prepared for any development on said real property shall conform to the requirements for the R-1 Zone under the provisions of the Plymouth Town Zoning Ordinances, including a minimum lot area of one (1) acre, a minimum lot width of two hundred (200) feet, setbacks, accessory uses, and all other provisions and requirements of said Ordinance for said zone.

(9) The Property Owners understand and agree that the Plymouth Town Council has determined not to issue more than five (5) building permits per calendar year within the Town, for residential structures or dwellings including the area annexed by this Ordinance, and said restriction shall continue, until such time as the Plymouth Town Council determines that a greater number of permits can be accommodated by its municipal water system and the other resources of the Town and those agencies which provide services to Town residents.

(10) It is agreed that said real property shall be developed primarily for one (1) family dwellings with no multiple family or larger dwelling units, including apartment complexes to be applied for nor allowed.

(11) Upon annexation, the newly annexed area shall receive fire protection, snow removal on public streets, police protection and other municipal services, as are currently provided for the real property and public property, within the current corporate limits of Plymouth Town.

(12) The Town Council has determined the need to adopt a Town Subdivision Ordinance, together with other development ordinances that are associated with the development process. The Property Owners hereby expressly agree to be bound by and comply with the Subdivision Ordinance adopted by Plymouth Town and all other ordinances associated with the development process which will be adopted.

(13) Should the Town or Property Owners, or any Property Owner, default in any of the covenants or agreements contained in this Agreement, the defaulting party shall pay all costs and expenses, including a reasonable attorney's fee, which may arise or accrue from enforcing this Agreement or in pursuing any remedy provided for by the laws of the State of Utah, whether such remedy is provided by filing a suit or otherwise. In the event of default of any party, as herein stated, in addition to all other remedies otherwise provided by this Ordinance and Agreement and by law, any party is entitled to seek a remedy of

specific performance, and the Town shall have the right to issue stop orders, decline to give development approvals of any kind and/or to issue building permits.

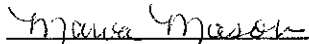
7. This Ordinance shall become effective after posting as required by law and on the date of the lieutenant governor's issuance of a Certificate of Annexation under Section 10-2-425, UCA. A copy of the Ordinance and plat shall be deposited in the Office of the Town Recorder prior to posting.

ADOPTED AND PASSED by the Town Council of the Town of Plymouth, Utah, this 22 day of May, 2008.

PLYMOUTH TOWN

By: 
Arnold Lamb, Mayor

ATTEST:


Marva Mason, Town Recorder

POSTING DATE: May 23, 2008

CERTIFICATION

STATE OF UTAH)
 : ss.
County of Box Elder)

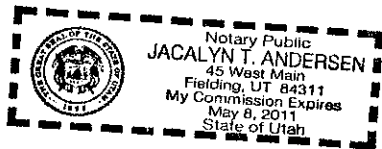
I, MARVA MASON, the Town Recorder of Plymouth, Utah, do hereby certify that the above and foregoing is a full and correct copy of Ordinance No. 08-01, entitled Ordinance Amending the Plymouth Town Zoning Ordinances and Annexing Specific Real Property To Plymouth, Utah, adopted and passed by the Town Council of Plymouth, Utah, at a regular meeting thereof on the 22 day of May, 2008, which appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Town, this _____ day of _____, 2008.


MARVA MASON, Town Recorder

STATE OF UTAH)
 :SS
County of Box Elder)

On the 28 day of May, 2008, personally appeared before me Cleve Steed and Susan L. Steed, two of the signers of the within instrument, who duly acknowledged to me that they executed the same.

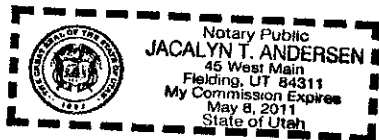


Jacalyn T. Andersen

Notary Public

STATE OF UTAH)
 :SS
County of Box Elder)

On the 28 day of May, 2008, personally appeared before me James Owen and Tami Owen, two of the signers of the within instrument, who duly acknowledged to me that they executed the same.



Jacalyn T. Andersen

Notary Public

