

STATE OF UTAH

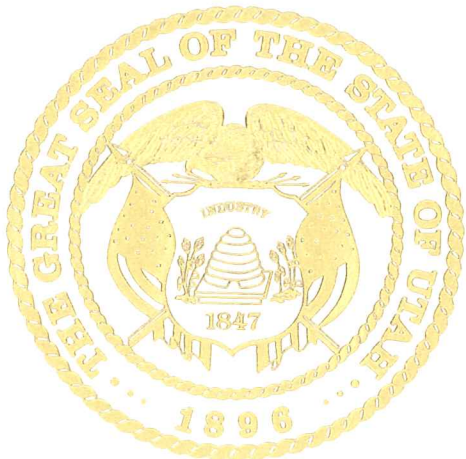


OFFICE OF THE LIEUTENANT GOVERNOR

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 MIDWAY CITY, dated July 27th, 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 are true and correct copy of the notice of annexation, referred to above, on file with the Office of the Lieutenant Governor pertaining to MIDWAY 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 11th day of September, 2008 at Salt Lake City, Utah.

Handwritten signature of Gary R. Herbert in black ink.

GARY R. HERBERT
Lieutenant Governor



Ent 339587 Bk 973 Pg 919-922
Date: 27-AUG-2008 4:32PM
Fee: None Filed By: MG
ELIZABETH PALMIER, Recorder
WASATCH COUNTY CORPORATION
For: MIDWAY CITY

ORDINANCE 2008-17

AN ORDINANCE PURSUANT TO TITLE 10, CHAPTER 2, PART 4 OF THE UTAH CODE ANNOTED, 1953 AS AMENDED, ANNEXING A PARCEL OF REAL PROPERTY, KNOWN AS THE TURNBERRY WOODS ANNEXATION, INTO MIDWAY CITY, WASATCH COUNTY, UTAH CORPORATE CITY LIMITS

WHEREAS, the owner(s) of certain real property, described below, desire to annex such real property into Midway City, Utah; and

WHEREAS, said real property is located within the area proposed for annexation and covers a majority of the private land within the area proposed for annexation; and

WHEREAS, said real property is equal in value to at least one-third (1/3) of the value of all private real property within the area proposed for annexation; and

WHEREAS, said real property is an unincorporated area contiguous to the boundaries of Midway City and the annexation thereof will not leave or create an unincorporated island or peninsula; and

WHEREAS, said owners have caused a Petition for Annexation to be filed with the city, together with an accurate plat of the real property which was made under the supervision of a competent, licensed surveyor; and

WHEREAS, on 17 June 2008 the Midway City Council received the required Notice of Certification from the City Recorder certifying that the annexation petition met the requirements of State Law; and

WHEREAS, the City Council published and mailed notice of the Certification, as required by law and no timely protests were filed in accordance with the provisions of Section 10-2-407, Utah Code Annotated, 1953, as amended; and

WHEREAS, the City Council held the required public hearing after giving notice as required by law, and has determined the referenced annexation is desirable;

NOW THEREFORE, pursuant of Section 10-2-407, Utah Code Annotated 1953, as amended the City Council of Midway City, Utah, hereby adopts, passes and publishes the following:

BE IT ORDAINED, by the City Council of Midway City, Wasatch County, State of Utah, as follows:

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1. The real property, more particularly described in Paragraph 2, below, is hereby annexed to Midway City, Utah, and the corporate limits of the City are hereby extended accordingly.

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

BEGINNING AT A POINT WHICH IS NORTH 1291.77 FEET AND WEST 206.69 FEET FROM THE EAST QUARTER CORNER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN;

AND RUNNING THENCE NORTH $26^{\circ}16'13''$ WEST 735.71 FEET;

THENCE NORTH $53^{\circ}43'50''$ EAST 6.74 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SNAKE CREEK ROAD WHICH RUNS PARALLEL TO AND IS OFFSET SOUTHWESTERLY 33.00 FEET FROM THE CENTER OF EXISTING PAVEMENT, SAID POINT ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT AND CONCAVE SOUTHWESTERLY WITH A RADIUS OF 1,378.98 FEET AND FROM WHICH A RADIAL LINE BEARS SOUTH $53^{\circ}43'50''$ WEST;

THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SNAKE CREEK ROAD AS ESTABLISHED THE FOLLOWING FOUR (4) COURSES: (1) THENCE SOUTHEASTERLY 65.84 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $02^{\circ}44'09''$ (CHORD BEARS SOUTH $34^{\circ}54'05''$ EAST 65.84 FEET); (2) THENCE SOUTH $33^{\circ}32'01''$ EAST 261.06 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT AND CONCAVE NORTHEASTERLY WITH A RADIUS OF 1,039.02 FEET AND FROM WHICH A RADIAL LINE BEARS NORTH $56^{\circ}27'59''$ EAST; (3) THENCE SOUTHEASTERLY 693.50 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $38^{\circ}14'33''$ (CHORD BEARS SOUTH $52^{\circ}39'18''$ EAST 680.70 FEET) TO THE BEGINNING OF A COMPOUND CURVE TO THE LEFT AND CONCAVE NORTHERLY WITH A RADIUS OF 520.50 FEET AND FROM WHICH A RADIAL LINE BEARS NORTH $18^{\circ}13'26''$ EAST; (4) THENCE EASTERLY 80.22 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $08^{\circ}49'50''$ (CHORD BEARS SOUTH $76^{\circ}11'29''$ EAST 80.14 FEET);

THENCE SOUTH $00^{\circ}56'48''$ EAST 10.71 FEET;

THENCE NORTH $88^{\circ}34'39''$ WEST 87.14 FEET;

THENCE NORTH $83^{\circ}04'18''$ WEST 368.66 FEET;

THENCE NORTH $81^{\circ}45'19''$ WEST 28.05 FEET TO THE POINT OF BEGINNING.

CONTAINING 78,249.31 SQUARE FEET OR 1.796 ACRES.

3. The real property described in Paragraph 2, above, shall be classified as being in the R-1-22 zone in accordance with the provisions of the Midway Municipal Code and the Zoning map of Midway City shall be amended to include the real property described above.

4. All proposals for development within the annexation boundaries will be required to process concept, preliminary and final plans through the City Planning Commission and Council under the Midway City Ordinances (as the same may be from time to time amended).

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5. All proposals for development within the annexation boundaries will be required to adhere to all City ordinances and codes and all other applicable city, county, state, and federal codes, as the same may be amended from time to time.

6. Owners and/or future owners of real property within the annexation boundaries, in order to develop their property, will be required to make improvements, at their own expense, for all onsite infrastructure and may be required to participate in offsite infrastructure improvements, either in whole or in part, that are shown by the City to be rationally related to the impact the development has on City infrastructure. Said infrastructure improvements may include any or all, but are not limited to, the following: water, sewer, road, trails, parks, and storm drain systems. These improvements may be in addition to impact fees that are currently assessed or may be assessed in the future. Currently, the City assesses impact fees at the time of building permit issuance.

7. Owners and/or future owners of real property within the annexation boundaries, in order to develop their property, will be required to turn over to Midway City water rights or water shares, or acceptable equivalent as determined by the City, to cover the water requirements of any proposed development for both indoor and outdoor water use.

8. Owners and/or future owners of real property within the annexation boundaries, in order to develop their property, will be required to submit appropriate documentation and designs relative to the roads within any proposed development, which will be built to the city standards at the time of construction, but which may remain private or public as detailed and approved by the City Council on the final plat.

9. The City has a Sensitive Lands Ordinance and other land use restriction ordinances which may affect parcels within this annexation and the development thereof.

10. Owners and/or future owners of real property within the annexation boundaries, in order to develop their property, will be required to align trail systems on their respective properties with trail system plans of Midway City, Wasatch County, Wasatch Mountain State Park, and other entities and cooperate with said entities, and with other property owners within the annexation, in trails planning. All trails within the annexation boundaries shall conform to the Midway City Trails Master Plan and Midway City Trails Standards. The alignment, trail width and type of trail will be determined during the development review process by the Midway Trails Committee and the City Council.

16. Upon development of any parcels within the annexation property, owners and/or future owners of real property will be required to pay such fees and service charges as are ordinarily assessed to other City properties.

17. The City may require any property owner who applies to develop any property within the annexation boundaries to execute and comply with a development agreement containing terms specified by the City.

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18. A certified copy of the Ordinance and an original plat describing the property so annexed shall be filed with the Utah Lieutenant Governor's Office within thirty (30) days after the date this Ordinance is adopted.

19. This ordinance shall be effective upon its posting in three (3) public places within the corporate limits of Midway City and publishing of a summary in a paper of local circulation.

PASSED AND ADOPTED by the Mayor and City Council of the City of Midway, Wasatch County, Utah, this 27th day of July, 2008.

	AYE	NAY
Council Member Gerald Hayward	<u> X </u>	<u> </u>
Council Member Don Huggard	<u> X </u>	<u> </u>
Council Member Colleen Bonner	<u> X </u>	<u> </u>
Council Member Doug Thacker	<u> X </u>	<u> </u>
Council Member Rick Tatton	<u> X </u>	<u> </u>

APPROVED:

Connie Tatton

Connie Tatton, Mayor

ATTEST:

Brad Wilson

Brad Wilson, City Recorder

APPROVED AS TO FORM:

Kraig Rowell
Kraig Rowell, Deputy City Attorney





Ent 339589 Bk 973 Pg 933-934
Date: 27-AUG-2008 4:43PM
Fee: None Filed By: MG
ELIZABETH PALMER, Recorder
WASATCH COUNTY CORPORATION
For: MIDWAY CITY

**AMENDED
ARTICLES OF INCORPORATION
OF
MIDWAY CITY**

Acting by its Mayor and approved by Ordinance 2008-17, Midway City hereby amends its original Articles of Incorporation and annexes the property included in the Turnberry Woods Annexation.

1. The name of the municipality is Midway City Corporation.
2. The geographical description of the Turnberry Woods Annexation is attached as Exhibit "A".
3. Midway City is a city of the fifth class as defined in 10-2-301, Utah Code Annotated, with a population of 1,000 or more but less than 10,000.

Dated this 25th day of August, 2008

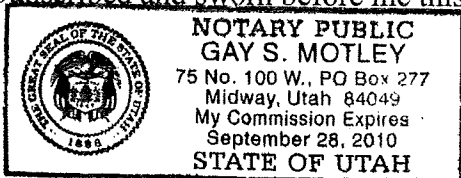
Midway City

Connie Tatton

Connie Tatton, Mayor

STATE OF UTAH)
 : SS
COUNTY OF WASATCH)

Subscribed and sworn before me this 25th day of August, 2008.



Gay S. Motley
Notary Public

My commission expires: Sept. 28, 2010

Residing at: Midway, Utah

Y000 339589 Bk 973 Pg 933-934
Date: 27-AUG-2008 4:43PM
Fee: None Filed By: MG
ELIZABETH PALMER, Recorder
WASATCH COUNTY CORPORATION
For: MIDWAY CITY

WASATCH COUNTY RECORDER

Exhibit "A"

Ent 339589 Bk 0973 Pg 0934

TURNBERRY WOODS ANNEXATION
BOUNDARY DESCRIPTION

BEGINNING AT A POINT WHICH IS NORTH 1291.77 FEET AND WEST 206.69 FEET FROM THE EAST QUARTER CORNER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN;

AND RUNNING THENCE NORTH 26°16'13" WEST 735.71 FEET;

THENCE NORTH 53°43'50" EAST 6.74 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SNAKE CREEK ROAD WHICH RUNS PARALLEL TO AND IS OFFSET SOUTHWESTERLY 33.00 FEET FROM THE CENTER OF EXISTING PAVEMENT, SAID POINT ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT AND CONCAVE SOUTHWESTERLY WITH A RADIUS OF 1,378.98 FEET AND FROM WHICH A RADIAL LINE BEARS SOUTH 53°43'50" WEST;

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