

STATE OF UTAH

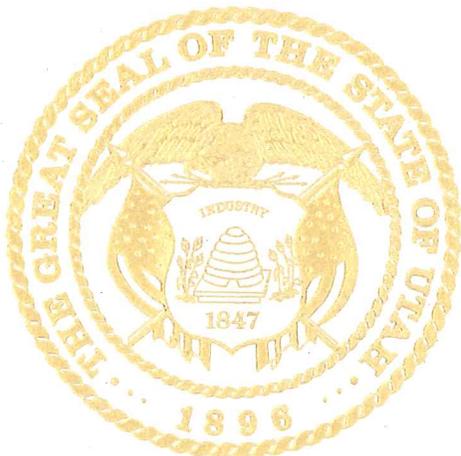


OFFICE OF THE LIEUTENANT GOVERNOR

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 BRIAN HEAD TOWN, dated March 25th, 2009, 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 BRIAN HEAD TOWN, located in Iron County, State of Utah.



IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 18th day of May, 2009 at Salt Lake City, Utah.

Handwritten signature of Gary R. Herbert in black ink.

GARY R. HERBERT
Lieutenant Governor



P.O. Box 190068
Brian Head, UT 84719
435-677-2029
www.brianheadtown.utah.gov

Mayor
Town Council

H.C. Deutschlander
Hans Schwob
Stewart Fausett
James Ortler
Anthony Cocchia

Town Manager
Town Recorder/Clerk
Town Treasurer
Public Works Director
Public Safety Director

Bryce Haderlie
Nancy Leigh
Cecilia Johnson
Tom Stratton
Gary Bulloch

May 1, 2009

Lt. Governor's Office
Utah State Capitol Complex
P.O. Box 142325
Salt Lake City, UT 84114-2325

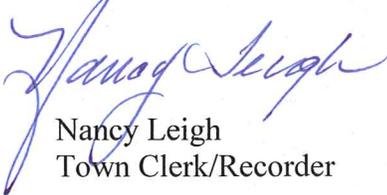
Subject: Brian Head Town Annexation

Dear Lt. Governor:

Enclosed you will find a notice of adoption of an Ordinance annexing peninsula area into the Town of Brian Head, Utah.

If you have any questions or should need additional information, please do not hesitate to contact me at nleigh@bhtown.utah.gov or my phone number is 435-677-2029.

Respectfully,
Brian Head Town



Nancy Leigh
Town Clerk/Recorder

Enclosures

Pc: file

Received

MAY 11 2009

**Gary R. Herbert
Lieutenant Governor**

Exhibit A

BRIAN HEAD TOWN

NOTICE OF ADOPTION OF ORDINANCE ANNEXING PENINSULA AREA INTO THE TOWN OF
BRIAN HEAD

AND REQUESTING CERTIFICATE OF ANNEXATION

Pursuant to the provisions of Utah Code Ann. §10-1-116 and § 10-2-425, the Town of Brian Head, Utah, a body corporate and politic of the State of Utah hereby gives notice to the Utah Lieutenant Governor, that on March 24, 2009, the Town Council of the Town of Brian Head, Utah adopted an ordinance annexing Lot 12 of the Brian Head Unit 3 Subdivision into the Town of Brian Head, Utah.

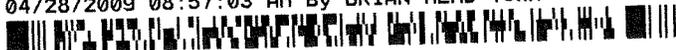
Accompanying this Notice is a copy of the Ordinance, hereby certified, annexing the property, together with a map showing the boundaries of the approximately 0.63 acres so annexed, prepared and certified by a licensed surveyor. A copy of the map has been filed with the Iron County Surveyor in accordance with Utah Code Ann. §§17-23-17 and 10-2-425.

I hereby certify that the Town of Brian Head, Utah has provided appropriate notices, held a public hearing, and completed all of the legal requirements necessary for the annexation of Lot 12 of the Brian Head Unit 3 Subdivision, including publication in the newspaper, with notice of the ordinance provided to: (A) Iron County addressed to the County Clerk; (B) Any local district or special district whose boundaries include any part of the annexed area; (C) the Iron County School District; (D) any municipality whose boundaries are within one-half mile of the annexed area, which the Town Council finds to be none. The annexation ordinance has been recorded

with the Iron County Recorder.
4847-1538-1762/BR093-003

00588172

B: 1163 P: 721 Fee \$0.00
Debbie B. Johnson, Iron County Recorder Page 10 of 12
04/28/2009 08:57:03 AM By BRIAN HEAD TOWN



The Town of Brian Head hereby requests the issuance of a certificate of annexation from the office of the Lieutenant Governor.

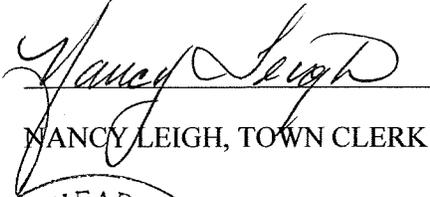
Dated: March 25, 2009.

TOWN OF BRIAN HEAD



H.C. DEUTSCHLANDER, MAYOR

ATTEST



NANCY LEIGH, TOWN CLERK



[ATTACH CERTIFIED MAP AND BOUNDARY DESCRIPTION].

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B: 1163 P: 722 Fee \$0.00
Debbie B. Johnson, Iron County Recorder Page 11 of 12
04/28/2009 08:57:03 AM By BRIAN HEAD TOWN



**TOWN OF BRIAN HEAD, UTAH
TOWN COUNCIL**

**ORDINANCE NO. 09-003
ANNEXING LOT 12 OF THE
BRIAN HEAD UNIT 3 SUBDIVISION,
APPROXIMATELY 0.63 ACRES**

March 24, 2009

**AN ORDINANCE AUTHORIZING THE ANNEXATION OF LOT 12 OF THE
BRIAN HEAD UNIT 3 SUBDIVISION, UINCORPORATED PROPERTY
CONTIGUOUS TO BRIAN HEAD, UTAH; AND RELATED MATTERS.**

WHEREAS, an intent to annex has been submitted to the Iron County Clerk requesting annexation of Lot 12 of the Brian Head Unit 3 Subdivision and the Iron County Clerk has submitted a certification of notice to the affected property owners of the proposed annexation on January 15, 2009 as per Utah State Code; and

WHEREAS, the proposed annexed property is contiguous to the Town of Brian Head, Utah; the area will not leave or create an island or peninsula and the area is within the Brian Head Annexation Declaration policy; and

WHEREAS, the proposed annexation area is in need of additional municipal services which the Town is capable of efficiently providing; and

WHEREAS, the Brian Head Town Council reviewed and considered the petition to annex during their January 27, 2009 Town Council meeting and, it being determined that the petition to annex has met all the requirements of Utah State Code, the Town Council therefore approved the petition to annex Lot 12 of the Brian Head Unit 3 Subdivision; and

WHEREAS, the Town Clerk has notified all affected entities of the petition to annex and gave notice that Brian Head Town may grant the petition and annex the area unless by March 16, 2009 written protests were filed with the Iron County Boundary Commission. The Iron County Clerk reported that no written protests were received by March 16, 2009; and

WHEREAS, on March 24, 2009, the Town Council held a public hearing on the proposed annexation and protests did not exceed a majority of the total private land area within the entire area proposed for annexation or one-half of the value of all private real property within the entire area proposed for annexation:

00588172



IT IS HEREBY ORDAINED by the Town Council of the Town of Brian Head, Utah as follows:

Section 1. Town Council held a public hearing on the proposed annexation of Lot 12, Brian Head Unit 3 Subdivision, and protests did not exceed a majority of the total private land area within the entire area proposed for annexation or one-half of the value of all private real property within the entire area proposed for annexation.

Section 2. The Town Council hereby annexes Lot 12 of the Brian Head Unit 3 Subdivision, an unincorporated property that is contiguous to the Town of Brian Head, Utah. The annexation area consists of Lot 12, Block A, Brian Head Subdivision, Unit 3, with the legal description as follows: BEGINNING AT A POINT N00°03'43"W ALONG THE EAST LINE OF SECTION 10, 1082.47 FEET, AND S89°56'17"W 948.60' FROM THE EAST 1/4 CORNER, SECTION 10, T36S-R9W S.L.B.&M. SAID POINT BEING THE NE CORNER OF LOT 12 BLOCK A BRIAN HEAD SUBDIVISION, UNIT 3; RUNNING THENCE S01°06'44"E 123.17 FEET; THENCE S01°26'31"E 106.94 FEET; THENCE N64°41'44"W 174.92 FEET TO A POINT ON A NON-TANGENT CURVE NORTHWESTERLY TO THE RIGHT, CURVE DATA, D=100°52'04", T=39.94', R=33.00', CHORD BEARING=N40°32'53"W 50.88', THENCE ALONG THE ARC OF SAID CURVE 58.10 FEET; THENCE N02°17'25"W 49.16 FEET; THENCE N70°15'17"E 199.84 FEET TO THE POINT OF BEGINNING, CONTAINING 0.63 ACRES..

Section 3. The Town Council determines that the proposed annexation area is in need of municipal-type services and that the Town is capable of providing those services.

Section 4. The Town Council finds that the annexed area is not currently serviced by another emergency services provider licensed under Title 26, Chapter 8a of the Utah Code, and therefore the notice requirements of Section 26-8a-414 do not apply to this annexation.

Section 5. The Town Council hereby directs the Town Clerk to send notice of this annexation ordinance to all of the following within 30 days of the adoption of the annexation ordinance: (A) Iron County addressed to the County Clerk; (B) Any local district or special district whose boundaries include any part of the annexed area; (C) the Iron County School District; and (D) any municipality whose boundaries are within one-half mile of the annexed area, which the Town Council finds to be none.

Section 6. The Town Council further directs the Town Clerk to file with the Utah Lieutenant Governor's office (1) a certified copy of this annexation ordinance, and (2) a plat or map of the annexed property prepared and certified by a licensed surveyor that has been filed with the Iron County Surveyor, (3) a written notice of the adopting of this annexation ordinance together with a copy of this annexation ordinance, and (4) evidence that the foregoing information has been recorded with the Iron County Recorder



Section 7. This annexation ordinance shall be effective immediately upon publication in the Spectrum, a newspaper of general circulation in the Town.

Section 8. The Town Clerk is directed to publish a copy of this annexation ordinance in the Spectrum, a newspaper of general circulation in the Town and to attach an affidavit of publication of the same to this ordinance and the Town Clerk is directed to post this annexation ordinance in three public places within the Town.

Section 9. The Town Clerk is directed to deposit a copy of this annexation ordinance in the office of the Town Clerk.

Section 10. The Mayor or in the Mayor's absence the Mayor Pro Tem is authorized to sign this annexation ordinance and the Town Clerk or in the Town Clerk's absence, the Deputy Town Clerk is authorized to attest to such signature and to apply the Town Seal.

Section 11. The Mayor, or in the Mayor's absence the Mayor Pro Tem is authorized to sign the attached certificate of the Town Council that all necessary legal requirements relating to the annexation have been completed and the Town Clerk or in the Town Clerk's absence, the Deputy Town Clerk is authorized to attest to such signature and to apply the Town Seal.

Section 12. All acts, ordinances and resolutions in conflict with any part of this annexation ordinance are hereby superseded and replaced.

APPROVED AND ADOPTED by the Town Council of the Town of Brian Head, Utah, this March 24, 2009

Brian Head Town


H. C. Deutschlander, Mayor

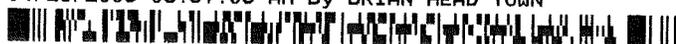
ATTEST:


Nancy Leigh, Town Clerk



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B: 1163 P: 714 Fee \$0.00
Debbie B. Johnson, Iron County Recorder Page 3 of 12
04/28/2009 08:57:03 AM By BRIAN HEAD TOWN



RECORD OF PROCEEDINGS

The Town Council of Brian Head, Utah, met in public session at its regular meeting place at 56 N. Hwy 143 in Brian Head, Utah, at 1:00 p.m. or as soon thereafter as feasible, on March 24, 2009, with the following members present:

H.C. Deutschlander	Mayor
Stewart Fausett	Councilmember
Hans Schwob	Councilmember
Jim Ortler	Councilmember
Anthony Cochia	Councilmember

Also present:

Nancy Leigh	Town Clerk
Bryce Haderlie	Town Manager

Absent:

After the meeting had been duly called to order and the minutes of the preceding meeting read and approved, and after other matters not pertinent to this ordinance and associated public hearing had been discussed, the Town Clerk presented to the Town Council a Certificate of Compliance With Open Meeting Law with respect to March 24, 2009 meeting, a copy of which is attached.

Councilmember Jim Ortler then introduced and moved the adoption of the foregoing ordinance, which motion was seconded by Councilmember Tony Cocchia and the motion was passed as follow:

YES:	Mayor Deutschlander
	Council Member Ortler
	Council Member Fausett
	Council Member Schwob
	Council Member Cocchia
NO:	None
ABSTAIN:	None



CERTIFICATE OF TOWN CLERK

I, Nancy Leigh, hereby certify that I am the duly qualified and acting Town Clerk of the Town of Brian Head, Utah.

I further certify that the above and foregoing constitutes a true and correct copy of the minutes of a public hearing of the Town Council and an ordinance adopted at said meeting held on March 24, 2009, as said minutes and ordinance are officially of record in my possession.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and affixed the seal of the Town this March 24, 2009.

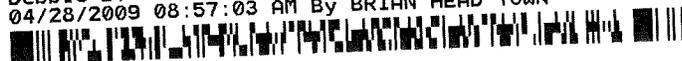


Nancy Leigh

Nancy Leigh, Town Clerk

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B: 1163 P: 716 Fee \$0.00
Debbie B. Johnson, Iron County Recorder Page 5 of 12
04/28/2009 08:57:03 AM By BRIAN HEAD TOWN



CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Nancy Leigh, the undersigned Town Clerk of the Town, do hereby certify, according to the records of the Town in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202(1), Utah Code Annotated 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the March 24, 2009 public meeting, held by the Town as follows:

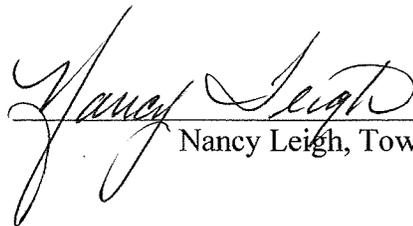
By causing a Meeting Notice, in the form attached, to be posted at the Town's principal offices at least twenty-four (24) hours prior to the convening of the meeting, the Meeting Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

By causing a copy of the Meeting Notice to be delivered to the Spectrum, a newspaper of general circulation in the Town at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2009 Annual Meeting Schedule for the Town, attached, specifying the date, time and place of the regular meetings of the governing body of the Town to be held during the calendar year 2009 was posted on December 23, 2008, at the principal offices of the Town and provided to at least one newspaper of general circulation within the geographic jurisdiction of the Town on January 6, 2009.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this

March 24, 2009



Nancy Leigh, Town Clerk

[Attach "Meeting Notice"]
[Attach "Notice of 2008 Annual Meeting Schedule"]
[Attach "Affidavit of Publication"]





**BRIAN HEAD TOWN COUNCIL
REGULAR MEETING SCHEDULE**

2009

**BRIAN HEAD TOWN COUNCIL CHAMBERS
56 NORTHY HIGHWAY 143, BRIAN HEAD, UT 84719**

**ALL MEETINGS WILL BEGIN AT 1:00 P.M. (MST) UNLESS OTHERWISE
NOTICED.**

**ALL MEETINGS OF THE BRIAN HEAD TOWN COUNCIL
ARE SCHEDULED FOR THE
SECOND AND FOURTH TUESDAY OF EACH MONTH
(unless noticed otherwise)**

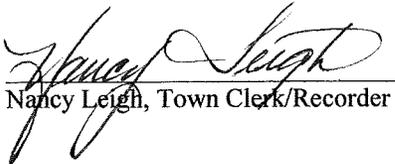
****DECEMBER 2009 WILL HAVE ONE**
TOWN COUNCIL MEETING FOR THE MONTH:
DECEMBER 08, 2009**

Dated this 23rd day of December, 2008

In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call the Brian Head Town Hall @ 435-677-2029 giving at least 72 hours notice.

CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this 2009 Town Council Meeting Schedule in three public and conspicuous places within the Town limits of Brian Head, to wit: Town Hall, Post Office and the Mountain View Café this 23rd day of December, 2008 and have caused a copy of this notice to be delivered to the Daily Spectrum.


Nancy Leigh, Town Clerk/Recorder

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B: 1163 P: 718 Fee \$0.00
Debbie B. Johnson, Iron County Recorder Page 7 of 12
04/28/2009 08:57:03 AM By BRIAN HEAD TOWN





The Regular Meeting of the
Brian Head Town Council
Town Hall Council Chambers
56 N. Hwy 143, Brian Head, UT 84719
Tuesday, March 24, 2009 @ 1:00 p.m.

AGENDA

- A. CALL TO ORDER** **1:00 p.m.**
- B. PLEDGE OF ALLEGIANCE**
- C. DISCLOSURES**
- D. APPROVAL OF:**
- March 10, 2009 Town Council Minutes
 - March 10, 2009 Town Council/Planning Commission Special Meeting
 - March 10, 2009 Town Council Executive Session
- E. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items**
- F. AGENDA TOPICS:**
- 1. INTRODUCTION TO PUBLIC HEARING FOR ANNEXATION OF LOT 12 OF THE BRIAN HEAD UNIT 3 SUBDIVISION** – Bryce Haderlie, Town Manager - A brief explanation of the proposed annexation of Lot 12 of the Brian Head Unit 3 Subdivision.
 - 2. PUBLIC HEARING FOR A REQUEST TO ANNEX LOT 12 OF THE BRIAN HEAD UNIT 3 SUBDIVISION** – The Council will hold a public hearing to receive public input on a request to annex Lot 12 of the Brian Head Unit 3 Subdivision into the Town of Brian Head. Comments will be limited to 3 minutes. Those wishing to submit a written comment may submit their comment to the Town Clerk no later than 4:30 pm on March 23, 2009.
 - 3. PROPOSED ORDINANCE AUTHORIZING THE ANNEXATION OF LOT 12 OF THE BRIAN HEAD UNIT 3 SUBDIVISION, UINCORPORATED PROPERTY CONTIGUOUS TO BRIAN HEAD, UTAH; AND RELATED MATTERS.** - The Council will consider an Ordinance that would annex Lot 12 of the Brian Head Unit 3 Subdivision into the Town of Brian Head.
 - 4. REVERSE 911 INTERLOCAL AGREEMENT DISCUSSION** – Mayor Deutschlander & Gary Bulloch, Public Safety Director – The Council will hold discussion on a draft 911 inter-local agreement between Brian Head and Iron County.
 - 5. RECYCLING DISCUSSION** – Tom Stratton, Public Works Director
The Council will hold discussion regarding recycling for Brian Head.
 - 6. INTRODUCTION TO PUBLIC HEARING FOR VASELS ROAD VACATION AND DEDICATION**– Bryce Haderlie, Town Manager – There will be a brief explanation of the request to vacate a portion of Vasels Road in front of the Fire Station and dedicate the new road extending from the Fire Station.
 - 7. PUBLIC HEARING FOR: 1) VACATION OF A PORTION OF VASELS ROAD IN FRONT OF THE FIRE STATION. 2) DEDICATION OF THE NEW PORTION OF VASELS ROAD EXTENDING FROM THE FIRE STATION.** - The Council will receive public input on the request to vacate and dedicate a portion of Vasels Road.

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B: 1163 P: 719 Fee \$0.00
Debbie B. Johnson, Iron County Recorder Page 8 of 12
04/28/2009 08:57:03 AM By BRIAN HEAD TOWN



8. **PROPOSED ORDINANCE VACATING A PORTION OF VASELS ROAD.** – Bryce Haderlie, Town Manager - The Council will consider adopting an Ordinance that would vacate a portion of Vasels Road in order to accept the newly developed road extending from the Fire Station.
9. **PROPOSED ORDINANCE DEDICATING A PORTION OF VASELS ROAD.** – Bryce Haderlie, Town Manager – The Council will consider a proposed Ordinance that will dedicate the new portion of road extending from the Fire Station that will connect the right-of-way on Vasels Road.
10. **BRISTLECONE SPECIAL ASSESSMENT AREA (SAA)** – Bryce Haderlie, Town Manager
The Council will review and consider the Bristlecone Special Assessment Area, previously known as the Bristlecone Special Improvement District (SID).
11. **WATER AND SEWER GRANT DISCUSSION** – Tom Stratton, Public Works Director – The Council will hold discussion regarding the water and sewer grants that the Town has applied for and any potential grants that the Town may be interested in applying for and any associated costs to the Town for applying for the grants.

G. EXECUTIVE SESSION TO DISCUSS:

- Strategy session of the Council to discuss pending or imminent litigation.
- Strategy session of the Council to discuss the purchase, exchange or lease of real property
- Personnel - to discuss the character, professional competence, or physical or mental health of an individual

H. ADJOURNMENT

Dated the 20th day of March, 2009

In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029 at least three days in advance of the meeting.

CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this agenda in three public and conspicuous places within the Town Limits of Brian Head; to wit, Town Hall, Post Office and Cedar Breaks Lodge on this 20th day of March, 2009 and have caused a copy of this notice to be delivered to the Daily Spectrum.


Nancy Leigh, Town Clerk

00588172

B: 1163 P: 720 Fee \$0.00
Debbie B. Johnson, Iron County Recorder Page 9 of 12
04/28/2009 08:57:03 AM By BRIAN HEAD TOWN

