

STATE OF UTAH

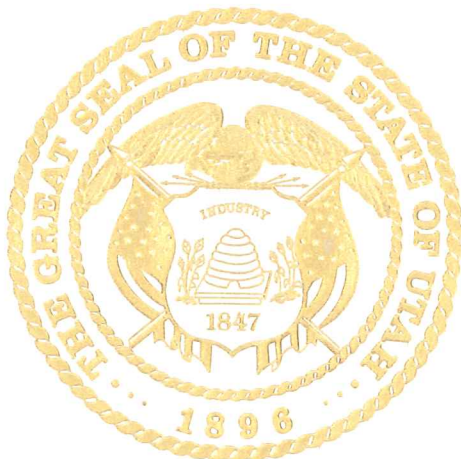


OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF ANNEXATION

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT there has been filed in my office a notice of annexation from DELTA CITY, dated October 22<sup>nd</sup>, 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 DELTA CITY, located in Millard County, State of Utah.



IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 2<sup>nd</sup> day of November, 2009 at Salt Lake City, Utah.

A handwritten signature in black ink, appearing to read "Greg Bell".

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GREG BELL  
Lieutenant Governor



**DELTA CITY**  
76 North 200 West  
Delta, UT 84624  
(435) 864-2759 FAX (435) 864-4313  
www.delta.utah.gov

October 22, 2009

**Received**

**OCT 26 2009**

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

**Greg Bell**  
**Lieutenant Governor**

Dear Sir / Madam:

Submitted herewith for your review are "Amended Articles of Incorporation of the City of Delta, Utah" ("Amended Articles") which sets forth the property description in the latest annexation by Delta, Utah, known as the "MG Interests, LLC Annexation 2009."

In addition, enclosed with the Amended Articles, is a certified copy of Ordinance No. 09-242 providing for annexation of the property identified as the "MG Interests, LLC Annexation 2009."

The amended plat of the Townsite was approved pursuant to a resolution of the Board of Trustees of the Town of Delta, County of Millard, State of Utah, on or about March 5, 1918, and further approved pursuant to a resolution of the Board of County Commissioners of the County of Millard, State of Utah, on or about March 5, 1918.

If you have any questions, please feel free to contact us.

Sincerely,

Karen Johnson  
Assistant City Recorder

Enclosures

**Received**

**OCT 26 2009**

**Greg Bell**  
**Lieutenant Governor**

Delta City  
76 North 200 West  
Delta, UT 84624

AMENDED ARTICLES OF INCORPORATION  
OF THE  
CITY OF DELTA, UTAH

The existing Delta City boundaries are contained in the descriptions attached hereto and incorporated herein by reference as Exhibits "A" through "O," inclusive. In addition thereto, the tract of land identified below, known as the "MG Interests, LLC Annexation 2009," was annexed on May 7, 2009 by Ordinance No. 09-242. Pursuant to provisions of the Utah Municipal Code, the City of Delta, Utah, acting by its Mayor with approval of the City Council hereby amends its Articles of Incorporation by including that property hereafter described in paragraph 2 below, to the boundaries of the Delta City, Utah municipal limits and states the following:

1. The name of the municipality is Delta City, Utah, also known as the City of Delta, Utah.
2. The geographical description of the land annexed to the City of Delta, Utah, known as the "MG Interests, LLC Annexation 2009," is as follows:

Plat #DO-4249-2

Acres 1.36

Beginning at a point South 0°23'00" West 180.69 feet along the Quarter Section line and North 89°37'00" West 30.00 feet to the West line of 500 West Street and South 0°23'00" West 513.32 feet along the West line of said street, from the North Quarter corner of Section 13, Township 17 South, Range 7 West, Salt Lake Base and Meridian; thence South 0°23'00" West, .72 feet along the West line of said 500 West Street, to an existing fence corner; thence South 89°30'46" West 115.74 feet along an existing fence line; thence South 88°49'04" West 129.65 feet along said existing fence line; thence North 89°48'01" West 200.97 feet along said existing fence line to an existing fence corner; thence North 1°12'47" West 69.85 feet along an existing fence line; thence North 89°37'00" West 191.06 feet; thence North 3°17'21" West 172.195 feet; thence South 89°37'00" East 295.33 feet; thence South 0°23'00" West 228.00 feet; thence South 89°37'00" East 210.00 feet; thence South 76°29'05" East 30.81 feet; thence South 89°37'00" East 115.00 feet to the point of beginning.

Plat #DO-4249-1

Acres 0.05

Beginning at a point South 0°23'00" West 386.20 feet along the Quarter Section line and North 89°37'00" West 685.00 feet from the North Quarter corner of Section 13, Township 17 South, Range 7 West, Salt Lake Base and Meridian; thence North 3°17'21" West 274.48 feet; thence South 29°59'30" East 34.77 feet; thence South 0°23'00" West 243.92 feet to the point of beginning.

3. The City of Delta, Utah is a "City of the Fifth Class" as defined in § 10-2-301, Utah Code Annotated (1953 edition) as amended, having a population of more than 1,000 inhabitants but less than 10,000 inhabitants.

4. All necessary legal requirements relating to the annexation (boundary change) have been completed.

DATED this 22<sup>nd</sup> day of October, 2009.

CITY OF DELTA, UTAH

By Gayle Bunker  
Gayle Bunker, Mayor

VERIFICATION

STATE OF UTAH            )  
                                      : ss.  
COUNTY OF MILLARD )

On this 22<sup>nd</sup> day of October, 2009, personally appeared before me Gayle Bunker who, being first duly sworn, did say that he is the Mayor of the City of Delta, a municipal corporation and political subdivision of the State of Utah, and that the within and foregoing instrument was signed on behalf of said City, and the said Gayle Bunker acknowledged to me that said City executed the same and the facts set forth in the foregoing Amendments are true, accurate and complete to the best of his knowledge and belief.

Judy W. Sabey  
Notary Public

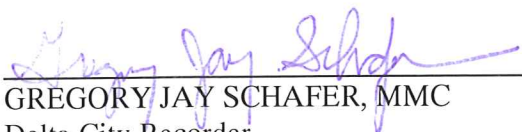


Delta City Corporation  
76 North 200 West  
Delta, UT 84624

STATE OF UTAH            )  
                                  ) ss.  
COUNTY OF MILLARD    )

I, Gregory Jay Schafer, do hereby certify that the attached is a true, correct and complete copy of Delta City Ordinance No. 09-242 as filed in the office of the Delta City Recorder.

IN WITNESS WHEREOF, I have hereunto set my official signature and seal this 22<sup>nd</sup> day of October, 2009.

  
\_\_\_\_\_  
GREGORY JAY SCHAFFER, MMC  
Delta City Recorder

Delta City Corporation  
76 N 200 W  
Delta UT 84624-9440  
435 864 2759  
435 864 4313 FAX

*Certificate of Ordinance Passage*

STATE OF UTAH            )  
                                  )  
CITY OF DELTA            )     ss.

I, GREGORY J. SCHAFER, as the duly appointed, sworn and acting Delta City Recorder, do hereby certify that the attached, numbered as City of Delta Ordinance Number 09-242 was duly adopted by the necessary quorum of the Delta City Council on May 7, 2009.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the corporate seal of said City.



  
\_\_\_\_\_  
GREGORY JAY SCHAFER, MMC  
Delta City Recorder

ORDINANCE NO. 09-242

OF THE CITY COUNCIL OF THE CITY OF DELTA, UTAH  
ANNEXATION PETITION AND PROVIDING FOR ANNEXATION OF  
CERTAIN TERRITORY INTO THE CORPORATE LIMITS OF DELTA CITY AND  
ESTABLISHING THE ZONE DISTRICT CLASSIFICATIONS FOR THE ANNEXED  
TERRITORY IDENTIFIED AS THE "MG INTERESTS, LLC ANNEXATION 2009."

RECITALS

The City Council of the City of Delta, Utah (referred to herein as the "City Council"), recites the following as the basis for adopting the following ordinance:

A. The owners of certain real property, described below, desire to annex such real property to the corporate limits of Delta City, Utah;

B. The real property is a contiguous, unincorporated area contiguous to the boundaries of Delta City, and the annexation thereof will not leave or create an unincorporated island or peninsula;

C. The real property is located within the area proposed for annexation and covers a majority of the private land area within the area proposed for annexation;

D. The 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;

E. The owners have caused a Petition for Annexation to be filed with the City, together with an accurate and recordable plat of the real property which was prepared by a licensed surveyor;

F. Upon determining that the petition met the requirements of state law, the Delta City Recorder certified the petition and mailed or delivered written notification of the certification to the City Council, the petition's contact sponsor and the Millard County Commission;

G. The City Council thereafter published notice and mailed notice of the proposed annexation to each affected entity, as required by law, and no timely protests have been filed in accordance with the provisions of Section 10-2-407, Utah Code Annotated, 1953, as amended;

H. On May 7, 2009, the City Council held a public hearing after giving notice as required by law, and has determined the referenced annexation is desirable;

I. The City Council has determined that a need exists to annex the territory described in the annexation petition to provide for delivery of municipal services and to promote the equitable distribution of municipal services; and

J. The City Council has determined that the annexation territory should be zoned in accordance with the Delta City General Plan. The City Council has therefore determined that the annexed territory should be included within the mobile home & recreational vehicle (MH) zone to facilitate the orderly expansion of growth.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Delta, Utah:

Section 1. Annexation Petition Granted - Territory Annexed. The Annexation Petition filed with Delta City providing for annexation of certain territory into the corporate limits of Delta City is identified as the "MG INTERESTS, LLC ANNEXATION 2009" and is hereby granted. The real property which is the subject of this annexation is located on the southwest corner of Del Park on Topaz Drive immediately southwest of the present Delta City municipal boundaries covering an area of approximately 1.41 acres, and is more particularly described in paragraph 2, below. Such real property is hereby annexed to Delta City, Utah, and the corporate limits of Delta City are hereby extended accordingly.

Section 2. Property Description. The real property which is the subject of this Ordinance is located west of Delta and more fully described below:

Plat #DO-4249-2

Acres 1.36

Beginning at a point South 0°23'00" West 180.69 feet along the Quarter Section line and North 89°37'00" West 30.00 feet to the West line of 500 West Street and South 0°23'00" West 513.32 feet along the West line of said street, from the North Quarter corner of Section 13, Township 17 South, Range 7 West, Salt Lake Base and Meridian; thence South 0°23'00" West, .72 feet along the West line of said 500 West Street, to an existing fence corner; thence South 89°30'46" West 115.74 feet along an existing fence line; thence South 88°49'04" West 129.65 feet along said existing fence line; thence North 89°48'01" West 200.97 feet along said existing fence line to an existing fence corner; thence North 1°12'47" West 69.85 feet along an existing fence line; thence North 89°37'00" West 191.06 feet; thence North 3°17'21" West 172.195 feet; thence South 89°37'00" East 295.33 feet; thence South 0°23'00" West 228.00 feet; thence South 89°37'00" East 210.00 feet; thence South 76°29'05" East 30.81 feet; thence South 89°37'00" East 115.00 feet to the point of beginning.



Plat #DO-4249-1

Acres 0.05

Beginning at a point South 0°23'00" West 386.20 feet along the Quarter Section line and North 89°37'00" West 685.00 feet from the North Quarter corner of Section 13, Township 17 South, Range 7 West, Salt Lake Base and Meridian; thence North 3°17'21" West 274.48 feet; thence South 29°59'30" East 34.77 feet; thence South 0°23'00" West 243.92 feet to the point of beginning.

Section 3. Filing of Annexation Plat and Ordinance. Within thirty (30) days after enacting this ordinance, Delta City shall:

a. Send notice of the enactment to each affected entity pursuant to the notice requirements set forth in Section 10-2-425, Utah Code Annotated (1953 edition), *as amended*; and

b. File with the lieutenant governor of the State of Utah:

(i) A certified copy of this ordinance approving the annexation, together with a plat or map prepared by a licensed surveyor, approved by the City Council, and filed with the Millard County Surveyor showing the new boundaries of the affected area; and

(ii) Amended Articles of Incorporation reflecting the annexation.

Section 4. Effect of Annexation on Annexed Territory. Delta City has the means and ability to benefit the annexed area by providing municipal services to the annexed area. Residents of the annexed territory shall then be extended all rights and privileges of the City of Delta. Those owners of real property within the annexed territory (together with improvements and personal property located thereon that are subject to property taxes and ad valorem taxes) shall be required to pay such additional taxes and assessments as may be levied by the City of Delta upon compliance with the requirements of Chapter 1 of Title 10, Utah Code Annotated (1953), as amended. At the time this annexation becomes effective, residents of the annexation area shall be subject to and required to comply with all ordinances, resolutions, regulations and policies of the City of Delta and will be entitled to the services and benefits generally enjoyed by the present residents of the City of Delta, Utah as further set forth in Delta City's Master Annexation Policy Declaration. This annexation will not affect any local district that may have been established in Millard County under Title 17B, Chapter 2, Utah Code Annotated.

Section 5. Statement of Compliance with Statutory Annexation Criteria and Delta City Master Annexation Policy Plan. The annexation provided for herein complies with the statutory require-

ments set out in Part 4, Chapter 2, Title 10, Utah Code Annotated (1953) as amended, and the requirements set forth in the Delta City Master Annexation Policy Plan.

Section 6. Conditions to Extension of Municipal Water and Sewer Service. The City of Delta shall not be required to extend municipal water and sewer service to the annexed territory except upon compliance with the following conditions precedent:

a. Water and sewer services shall be provided within areas annexed to Delta City, as the area is developed. In those areas where existing water and sewer facilities are adequate to provide service to the annexed territory, such facilities will be used. Otherwise, such services will only be extended upon installation of water lines and sewer lines as are necessary to service the annexed territory by the developers or property owners within the annexed territory or within improvements districts or other districts that may be organized by Delta City for the purpose of financing and constructing such improvements. All such utility extensions and facility constructions shall be constructed in accordance with Delta City standards as set out in the various ordinances and resolutions now in effect or which may hereafter be adopted by Delta City, and such improvements shall become the property of Delta City upon completion and acceptance by Delta City as provided in the applicable Delta City standards.

b. Water connections made to the Delta City municipal water system after annexation will be required to meet the same conditions as new water connections in other territories annexed into Delta City; namely, that a connection fee be paid, that any necessary water line extensions be made, and a water rights acquisition and development fee be paid by the water user. This requirement shall be met by providing Delta City with payment, in cash, in a sufficient amount to acquire water rights necessary to serve the property in question and to obtain approval of the right to use such water rights within the Delta City municipal water system. In addition thereto, Delta City may require improvements to the water system to assure adequate culinary water supply and fire flows in the annexed territory. Those who have current water connections on the Delta City water system shall not be required to pay costs for connection fees and water acquisition fees.

c. Sewer connections made to the Delta City municipal sewer system after annexation will be required to meet the same conditions as new sewer connections in other territories annexed into Delta City; namely, that a connection fee be paid and that any other conditions required by Delta City to provide such sewer services have been met.

d. The costs of installing and/or extending such water lines, sewer lines, and other improvements to those systems shall

be borne by the developers or property owners within the territory annexed or within improvement districts or other districts that may be organized by Delta City for the purpose of financing and constructing such improvements.

Section 7. Roads, Storm Drainage and Curb, Gutter and Sidewalk Improvements. Extension of new roads or enlargement of existing roads, and the installation of storm drains, and curb, gutter and sidewalk to serve territories annexed into the City of Delta shall be completed as the need arises from development of those areas. Such road improvements, installation of storm drains, and installation of curb, gutter and sidewalk shall be completed in accordance with Delta City development standards now in effect or hereafter adopted by Delta City. The cost of such improvements shall be borne by the developers or property owners within the territory annexed or within improvement districts or other districts that may be organized by Delta City for the purpose of financing and constructing such improvements.

Section 8. Zone Classification of Annexed Territory. Upon completion of the annexation of the territory described in this ordinance into the City of Delta, Utah, the annexed territory shall be classified and included as being in the zone district identified by the attached map copy, marked as Exhibit "A". Such map identifies the proposed annexed territory to be mobile home & recreational vehicle zone (MH).

Section 9. Development Restrictions. In order to assure the health, safety and welfare of the persons residing within the present corporate limits of Delta City and those residing within the annexed territory, the City Council hereby establishes the following development restrictions for development of the annexed territory:

a. Approval must be obtained from the appropriate municipal agencies for any development within the annexed territory and all development must be made in compliance with the guidelines, procedures and regulations adopted in the ordinances, resolutions and policies of Delta City. Any requirements of this paragraph or the municipal regulations incorporated herein not permissible under the laws of the State of Utah are deemed waived.

b. Development should be conducted within the annexed territory in a manner that is consistent with the rural character of the area.

Section 10. Severability. If any section, paragraph, subsection or any portion of this ordinance less than the entire ordinance, or the application thereof, is held to be invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 11. Effect on Previous Violations. This ordinance shall not be construed to be a waiver of any previous violation of any ordinance, restriction or regulation of the City of Delta as to the annexed territory or any other territory located within the present corporate limits of the City of Delta, Utah.

Section 12. Effective Date of Ordinance. This ordinance shall be deemed effective upon publication and completion of any other conditions set out in this ordinance.

Section 13. Effective Date of Annexation. The annexation under this ordinance is completed and takes effect on the date the lieutenant governor of the State of Utah issues to Delta City a Certification of Amended Articles of Incorporation.


Section 14. Publication. This ordinance, or a summary of this ordinance, is ordered published in the Millard County Chronicle-Progress, a newspaper having general circulation within the City of Delta, Utah.

Section 15. Effect on Related Ordinances. Any ordinance, resolution or policy of the City of Delta in conflict with this ordinance shall hereby be deemed amended to the extent necessary to conform to the provisions of this ordinance as they relate to the annexed territory.

PASSED AND ADOPTED this 7<sup>th</sup> day of May, 2009.

Attest:

  
GREGORY JAY SCHAFFER, MMC  
City Recorder

  
Gayle Bunker, Mayor

