

STATE OF UTAH

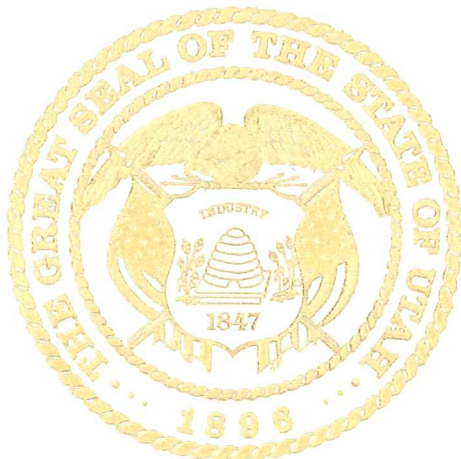


OFFICE OF THE LIEUTENANT GOVERNOR

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 FILLMORE CITY, dated March 3<sup>rd</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 FILLMORE 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 18<sup>th</sup> day of March, 2008 at Salt Lake City, Utah.

Handwritten signature of Gary R. Herbert in black ink.

GARY R. HERBERT  
Lieutenant Governor

*m. Maud*

## NOTICE OF BOUNDARY CHANGE

To: The Lieutenant Governor of the State of Utah

YOU ARE HEREBY NOTIFIED that on March 3, 2009, the Fillmore City Council adopted Ordinance No. 09-01, a certified copy of which accompanies this notice, providing for annexation of certain territory into the corporate limits of Fillmore City, Utah and establishing the zone classification for the annexed territory identified as the "Pentz, etal. Annexation".

Also enclosed is a copy of the plat that delineates a metes and bounds description of the annexed territory.

This annexation shall be completed and take effect upon the date of the Lt. Governor's issuance of a "Certification of Amended Articles of Incorporation".

### CERTIFICATION

The Fillmore City Council, by and through its Mayor, hereby certifies that all necessary legal requirements relating to the aforementioned annexation (boundary change) have been completed.

DATED this 6th day of March, 2009.

FILLMORE CITY, UTAH

*David L. Christensen*  
David L. Christensen, Mayor

ATTEST: *Marlene Cummings*  
Marlene Cummings, City Recorder



**Received**

**MAR 18 2009**

**Gary R. Herbert**  
Lieutenant Governor

CERTIFICATION

I, Marlene Cummings, the duly appointed and acting City Recorder, in and for the City of Fillmore, County of Millard, State of Utah, do hereby certify that the document identified below and attached herewith is a true and exact copy of the original document on file in the Office of the Fillmore City Recorder.

Document: Ordinance 09-01 providing for annexation of certain territory into the corporate limits of Fillmore City and establishing the zone district classification for the annexed territory identified as Plat "I" Pentz, etal. Annexation. The ordinance was duly adopted by the Fillmore City Council at its regular city council meeting on March 3, 2009.

IN WITNESS WHEREOF, I have hereto set my hand and the official seal of Fillmore City, this 12th day of March, 2009.



Marlene Cummings, CMC  
Fillmore City Recorder

[Seal]



## ORDINANCE NO. 09-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FILLMORE, UTAH PROVIDING FOR ANNEXATION OF CERTAIN TERRITORY INTO THE CORPORATE LIMITS OF FILLMORE CITY AND ESTABLISHING THE ZONE DISTRICT CLASSIFICATION FOR THE ANNEXED TERRITORY IDENTIFIED AS PLAT I "PENTZ, ETAL. ANNEXATION."

### RECITALS

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

A. Fillmore City has adopted an Annexation Policy Plan in accordance with the provisions of Part 4, Chapter 2, Title 10, Utah Code Annotated (1953) as amended, setting forth the specific criteria that will guide Fillmore City's decision as to whether it will favor annexation of territory into the corporate limits of Fillmore City and whether to grant future annexation petitions.

B. The owners of certain real property, described below, desires to annex such real property to the corporate limits of Fillmore City, Utah (Pentz, Etal. Annexation).

C. Said owners have caused a Petition for Annexation to be filed with Fillmore City, which petition designates a contact sponsor. The petition was accompanied by an accurate plat of the real property, which was prepared under the supervision of a licensed surveyor.

D. Said real property is a contiguous, unincorporated area contiguous to the boundaries of Fillmore City, and the annexation thereof will not leave or create an unincorporated island or peninsula.

E. The annexation petition contained the signatures of owners of private real property that covered a majority of the private land area within the area proposed for annexation.

F. The annexation petition contained the signatures of owners of private real property that 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.

G. On , December 1, 2008 the City Council accepted the petition for annexation for the Pentz, Etal. Annexation.

H. On December 16, 2008, the City Recorder certified the petition and mailed or delivered written notification thereof to the Fillmore City Council, the contact sponsor and the Millard County Commission certifying that the annexation petition meets the requirements of State law.

I. The City Council published notice of Certification and mailed written notice of Certification 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.

J. On February 17, 2009, the City Council held a public hearing after giving notice as required by law, and has determined the referenced annexation is desirable and that a need exists to annex the territory described in the annexation petition.

K. The City Council has determined that the annexation territory should be zoned in accordance with the Fillmore City General Plan. The City Council has therefore determined that the territory should be included within the R-2 Single and Multi Family Residential Zone.

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

Section 1. Territory Annexed. The real property, more particularly described in paragraph 2, below, is hereby annexed to Fillmore City, Utah, and the corporate limits of Fillmore City are hereby extended accordingly.

Section 2. Property Description. The real property, which is the subject of this annexation Ordinance, is described as follows:

All of the SE 1/4NW1/4 Section 28, T21S, R4W SLM. Also beginning at the SW corner of said SE1/4NW1/4 thence S00°15'23"W164.34 feet along the 1/16 line; thence S89°28'02" W694.70 feet to the southeast corner of Annexation Plat "K"; thence N00°34'41"E 351.83 feet along east boundary of said Plat "K"; thence N01°37'34"W99.71 feet along east boundary of said plat "K"; thence N04°31'51"W 86.66 feet along east boundary of said Plat "K"; thence N85°22'04" W 144.09 feet along north boundary of said Plat "K"; thence S85°28'09" W 50 feet along north boundary of said Plat "K"; thence N04°31'51" W 48.34 feet along north boundary of said Plat "K"; thence N89°26'09"W249.03 feet along north boundary of said Plat "K"; thence S00°34'41" W 14.58 feet along north boundary of said Plat "K"; thence N89°26'09" W 160 feet along north boundary to the point of beginning of said Plat "K"; thence N00°34'41"E 927.54 feet along section line to the NW corner of SW1/4 NW1/4 Section 28, T21S, R4W, SLM, thence S89°38'54" E 1304.60 feet to the NE corner of SW1/4NW1/4; thence S00°15'23"W 1331.90 feet to the SE corner of SW1/4NW1/4 which is the point of beginning. Total 78.17 acres.

Section 3. Filing of Annexation Plat and Ordinance. Within thirty (30) days after enacting this ordinance, Fillmore 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 annotated (1953 edition), *as amended*; and

- b. File with the Lt. 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. Upon recordation of the annexation plat provided for in Section 3 above, the residents of the annexed territory shall be extended all rights and privileges of the City of Fillmore. Also, the residents of the annexed territory shall then be subject to and required to comply with all ordinances, resolutions, policies, rules and regulations of the City of Fillmore. At the time this annexation becomes effective, the annexation area will be entitled to municipal services rendered by the City of Fillmore and to the protections offered by Fillmore City ordinances and other benefits generally enjoyed by the present residents of the City of Fillmore, Utah. 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. The annexation provided for herein complies with the statutory requirements set out in Part 4, Chapter 2, Title 10, Utah Code Annotated (1953) as amended, and the requirements set forth in Fillmore City Annexation Declaration.

Section 6. Zone Classification of Annexed Territory. Upon completion of the annexation of the territory described in this ordinance into the City of Fillmore, 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 R-2 Single and Multi Family Residential, all as further established by the Zoning Ordinances of Fillmore, Utah.

Section 7. Development Restrictions. All future development must be made in compliance with Fillmore City ordinances, resolutions, policies, rules and regulations. Any requirements of this paragraph or the municipal regulations incorporated herein not permissible under the laws of the State of Utah are deemed waived.

Section 8. Exhibits. All exhibits referred to in this ordinance shall be deemed incorporated herein by reference to the same effect as though fully set forth herein.

Section 9. 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 10. Effective Date of Annexation & Ordinance. This ordinance and the annexation provided thereby is completed and takes effect upon the publication of this


ordinance or a summary thereof and on the date the Lt. Governor of the State of Utah issues to Fillmore City a Certification of Amended Articles of Incorporation.

Section 11. 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 Fillmore, Utah.

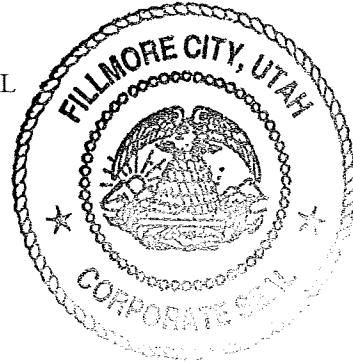
Section 12. Effect on Related Ordinances. Any ordinance, resolution or policy of the City of Fillmore in conflict with this ordinance shall hereby be deemed amended to the extent necessary to conform to the provisions of this ordinance as they relate to the annexed territory.

PASSED AND ADOPTED this 3rd day of March, 2009.

  
\_\_\_\_\_  
DAVID L. CHRISTENSEN  
Mayor

Attest:   
\_\_\_\_\_  
MARLENE CUMMINGS  
City Recorder

SEAL



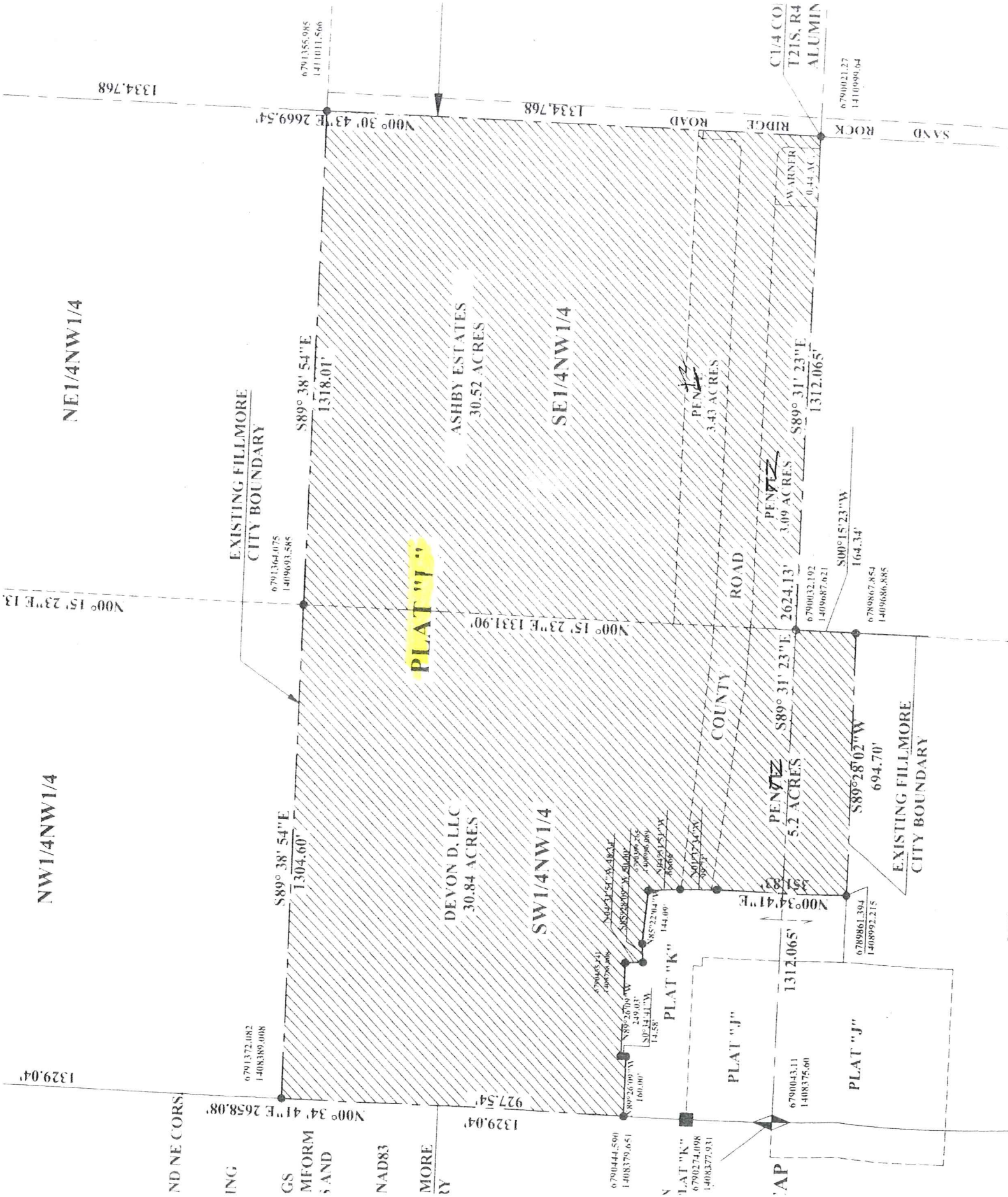
VOTING:

Eugene R. Larsen	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
Kenneth E. Martin	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
Daniel R. Rowley	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
Krista M. Iverson	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
Josephine F. Huntsman	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent



NW1/4NW1/4

NE1/4NW1/4



ND NE CORS.  
ING  
GS  
MFORM  
SAND  
NAD83  
MORE  
RY

1329.04'  
927.54'  
N00° 34' 41" E 2658.08'

6791372.082  
1408389.008

S89° 38' 54" E  
1304.60'

DEVON D, LLC  
30.84 ACRES

SW1/4NW1/4

ASHBY ESTATES  
30.52 ACRES

SE1/4NW1/4

PLAT "K"

PLAT "J"

PLAT "J"

PLAT "K"  
6790444.590  
1408379.651  
1329.04'

'AP  
6790043.11  
1408375.90

1312.065'  
N00° 34' 41" E

PENNYZ  
5.2 ACRES

S89° 28' 02" W  
694.70'

EXISTING FILLMORE  
CITY BOUNDARY

N00° 15' 23" E 1331.90'

PLAT "I"

EXISTING FILLMORE  
CITY BOUNDARY

S89° 38' 54" E  
1318.01'

ASHBY ESTATES  
30.52 ACRES

SE1/4NW1/4

PENNYZ  
3.43 ACRES

PENNYZ  
3.09 ACRES

S89° 31' 23" E  
1312.065'

S00° 15' 23" W  
164.34'

6790032.192  
1409687.621  
6790867.854  
1409686.885

ROAD  
RIDGE  
SAND  
ROCK

C1/4 CO  
T21S, R4  
ALUMIN

6790021.327  
1410090.64

1334.768

N00° 30' 43" E 2669.54'

6791355.985  
1411011.566