

STATE OF UTAH

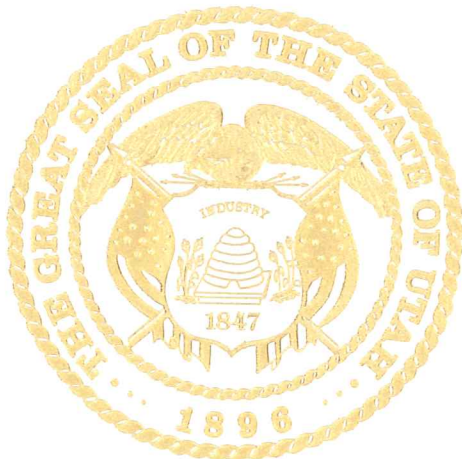


OFFICE OF THE LIEUTENANT GOVERNOR

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 TOWN OF OAK CITY, dated March 19<sup>th</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 TOWN OF OAK 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 5<sup>th</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

**Town Of Oak City, Utah**

30 West Center  
P. O. Box 217  
Oak City, Utah 84649  
Phone 435-846-2707



October 7, 2009

Lt. Governor's Office  
Attn: Justin  
Utah State Capitol  
Suite 220  
Salt Lake City, UT 84114

To Whom It May Concern:

The Town of Oak City, Millard County, Utah respectfully submits for your information and consideration the Annexation Petitions entitled the "Peterson Annexation", and Fred Nielson Annexation".

These petitions have been accepted and approved by the Town Council of Oak City in compliance with Utah Code Title 10-2.425.

Included is a copy of the ordinance approving the annexations and the plat map duly certified, signed, and reviewed by the Millard County surveyor.

Thank You,

A handwritten signature in black ink that reads "Michael J. Staheli".

Michael J Staheli  
Mayor, Town of Oak City

**Received**

OCT 19 2009

*My SAH 10/19*

Greg Bell  
Lieutenant Governor

Town of Oak City

ORDINANCE NO. 2009-01

AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF OAK CITY, UTAH PROVIDING FOR ANNEXATION OF CERTAIN TERRITORY INTO THE CORPORATE LIMITS OF THE TOWN OF OAK CITY AND ESTABLISHING ZONE DISTRICT CLASSIFICATION FOR THE ANNEXED TERRITORY IDENTIFIED AS THE "PETERSON ANNEXATION" AND THE "NIELSON ANNEXATION".

RECITALS

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

A. Oak 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 Oak City's decision as to whether it will favor annexation of territory into the corporate limits of Oak City and whether to grant future annexation petitions.

B. The owners of certain parcels of real property, described below, desire to annex such real property to the corporate limits of Oak City, Utah. Two annexation petitions have been presented to the Town, the Jess Peterson and Daniel Anderson petition for annexation (hereafter "Peterson annexation"), and the Fred Nielson petition for annexation (hereafter "Nielson annexation").

C. Said owners have caused two Petitions for Annexation to be filed with Oak City, each of which designates a contact sponsor. The petitions were accompanied by an accurate plat of the real property, which was prepared under the supervision of a licensed surveyor.

D. The real property in each annexation petition is a contiguous, unincorporated area contiguous to the boundaries of Oak City, and the annexation thereof will not leave or create an unincorporated island or peninsula.

E. Each 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. Each annexation petition contained the signatures of owners of private real property that is equal in value to at least one-third ( $\frac{1}{3}$ ) of the value of all private real property within the area proposed for annexation.

G. On January 15, 2009 the City Council accepted the petition for annexation for the Peterson annexation and the petition for annexation for the Nielson annexation.

H. On February 3, 2009, the City Recorder certified both the Peterson annexation petition and the Nielson annexation petition and mailed or delivered written notification thereof to the Oak City Council, the contact sponsors and the Millard County Commission certifying that the annexation petitions met the requirements of state law.

I. The City Council published Notice of Certification and mailed written Notice of Certification for the two petitions 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 March 19, 2009, the City Council held a public hearing after giving notice as required by law for the Peterson annexation and held a public hearing after giving notice as required by law for the Nielson annexation. The City Council has determined the referenced annexations are desirable and that a need exists to annex the territory described in the annexation petitions.

K. The City Council has determined that the annexation territory should be zoned in accordance with the Oak City General Plan. The City Council has therefore determined that the territory should be included within the Agricultural Zone.

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

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

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

PARCEL 1: ("Peterson annexation")

BEGINNING AT THE SOUTHWEST CORNER OF SE $\frac{1}{4}$ SE $\frac{1}{4}$  OF SECTION 36, T16S, R5W, SLM; THENCE NORTH 00°41'09" EAST 1344.54 FEET ALONG THE 1/16 LINE TO THE NW COR. OF SAID SE $\frac{1}{4}$ SE $\frac{1}{4}$ ; THENCE SOUTH 89°04'39" EAST 1338.15 FEET TO NE COR. OF SAID SE $\frac{1}{4}$ SE $\frac{1}{4}$ ; THENCE SOUTH 89°26'12" EAST 817.63 FEET TO AN EXISTING FENCE LINE; THENCE NORTH 00°13'48" EAST 732.76 FEET ALONG SAID FENCE LINE; THENCE CONTINUING ALONG SAID FENCE LINE NORTH 89°36'23" EAST 1348.62 FEET ALONG SAID FENCE LINE SOUTH 09°18'11" EAST 86.27 FEET; THENCE SOUTH 00°04'51" EAST 103.52 FEET; THENCE SOUTH 42°29'09" EAST 38.42 FEET; THENCE SOUTH 87°07'27" EAST 465.92 FEET TO THE QUARTER SECTION LINE; THENCE SOUTH 00°23'00" WEST 256.00 FEET ALONG SAID QUARTER LINE AND OAK CITY BOUNDARY TO SOUTHWEST COR. MOYLE S. ANDERSON; THENCE EAST 40.00 FEET; THENCE SOUTH 00°23'00" WEST 609.86 FEET ALONG EXISTING OAK CITY BOUNDARY; THENCE NORTH 89°25'07" WEST 550 FEET; THENCE SOUTH

00°23'00" WEST 600.00 FEET; THENCE NORTH 89°25'07" WEST 1351.67 FEET; THENCE SOUTH 10.00 FEET TO A POINT NORTH 390.00 FEET FROM THE SOUTH BOUNDARY OF SECTION 31, T16S, R4W, SLM; THENCE NORTH 89°25'07" WEST 818.40 FEET TO THE WEST BOUNDARY OF SAID SECTION 31; THENCE NORTH 89°04'32" WEST 660.00 FEET; THENCE SOUTH 390 FEET TO THE SOUTH BOUNDARY OF SAID SECTION 36; THENCE NORTH 89°04'32" WEST 679.00 FEET ALONG SAID SOUTH BOUNDARY TO THE POINT OF BEGINNING.

Parcel 2 ("Nielson annexation")

BEGINNING AT THE NORTHWEST CORNER OF SECTION 6, T17S, R4W, SLM; THENCE SOUTH 89°25'07" EAST 801.90 FEET ALONG SECTION LINE TO EXISTING OAK CITY BOUNDARY; THENCE SOUTH 00°18'48" WEST 627.00 FEET ALONG SAID BOUNDARY; THENCE NORTH 89°25'07" WEST 801.90 FEET TO WEST BOUNDARY OF SAID SECTION 6; THENCE NORTH 00°18'48" EAST 627.90 FEET ALONG SAID WEST BOUNDARY TO THE POINT OF BEGINNING.

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

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

b. File with the Lt. Governor of the State of Utah:

(i) A certified copy of this Ordinance approving the annexations, 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 Town of Oak City. 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 Town of Oak City. At the time this annexation becomes effective, the annexation areas will be entitled to municipal services rendered by the Town of Oak City and to the protections offered by Oak City ordinances and other benefits generally enjoyed by the present residents of the Town of Oak City, 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. The real property annexed will be within the boundaries of the Millard County Fire District, but it was also within those boundaries before the annexation.

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 Oak City Annexation Declaration.

Section 6. Zone Classification of Annexed Territory. Upon completion of the annexation of the territory described in this Ordinance into the Town of Oak City, 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 Agricultural, all as further established by the Zoning Ordinances of Oak City, Utah.

Section 7. Development Restrictions. All future development must be made in compliance with Oak City ordinances, resolutions, policies, rules, and regulations. Street access to the property annexed shall follow the grid pattern layout of existing streets where possible. Development of the real property annexed by this ordinance shall require recorded easement conveyances for all utility services and dedication of land as appropriate under Oak City ordinances to the Town for necessary streets. 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.

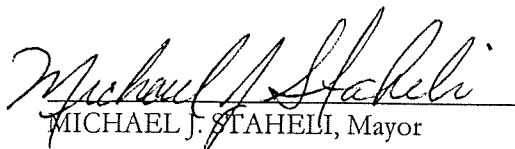
Section 9. Severability. If any section, paragraph, subsection or any portion of this Ordinance less than the entire ordinance, or the application thereof, is held to be invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 10. Effective Date of Annexation and 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 Oak 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 Town of Oak City, Utah.

Section 12. Effect on Related Ordinances. Any ordinance, resolution or policy of the Town of Oak City 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 19<sup>th</sup> day of March, 2009.

  
MICHAEL J. STAHELI, Mayor

Attest:   
KAREN K. LOVELL, Town Recorder

VOTING:

<u>Mayor Staheli</u>	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
<u>Bryant Anderson</u>	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
<u>Craig Dutton</u>	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
<u>Jeff Lyman</u>	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
<u>Dave Steele</u>	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent

