

STATE OF UTAH

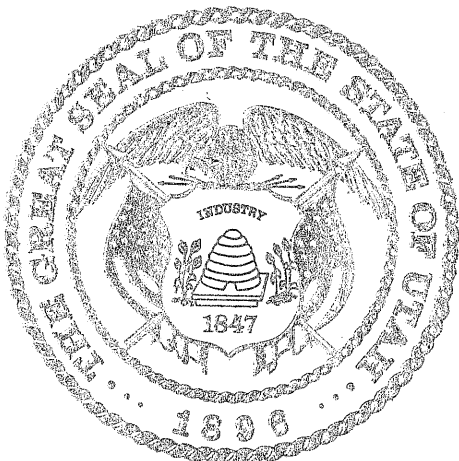


OFFICE OF THE LIEUTENANT GOVERNOR

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 MIDWAY CITY, dated May 25th, 2010, 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 MIDWAY CITY, located in Utah County, State of Utah.



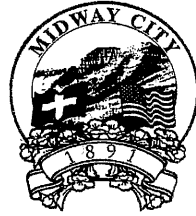
IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 7th day of June, 2010 at Salt Lake City, Utah.

A handwritten signature in black ink that reads "Greg Bell".

GREG BELL
Lieutenant Governor

Midway City Corporation

Mayor: Connie Tatton
City Council Members:
Don Huggard • Colleen Bonner
Doug Thacker • Rick Tatton
Steve Ashton



75 North 100 West
P.O. Box 277
Midway, Utah 84049
Phone: 435-654-3223
Fax: 435-654-4120
midwaycityut.com

25 May 2010

The Honorable Greg Bell
Lieutenant Governor of the State of Utah
Utah State Capitol Complex
P.O. Box 142325
Salt Lake City, Utah 84114-2325

Dear Lieutenant Governor Bell:

This is a written notice of an impending boundary action. The action is an annexation into Midway City of 4.27 acres of land currently in Wasatch County.

All requirements applicable to the boundary action have been met.

Enclosed are a certified copy of the ordinance that effectuated the boundary change and a copy of the approved final annexation plat.

Please contact me if you have any questions. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Connie Tatton".

Connie Tatton
Midway City Mayor

Enclosures

Cc: File

Received

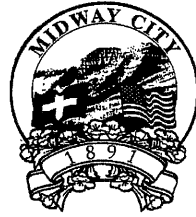
MAY 27 2010

Greg Bell
Lieutenant Governor

Our vision for the City of Midway is to be a place where citizens, businesses and civic leaders are partners in building a city that is family-oriented, aesthetically pleasing, safe, walkable and visitor friendly. A community that proudly enhances its small town Swiss character and natural environment, as well as remaining fiscally responsible.

Midway City Corporation

Mayor: Connie Tatton
City Council Members:
Don Huggard • Colleen Bonner
Doug Thacker • Rick Tatton
Steve Ashton

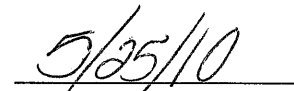


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Certification

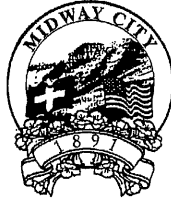
I certify that the attached document (Ordinance 2008-04) is a full, true and correct copy.


Brad Wilson, City Recorder


Date



Our vision for the City of Midway is to be a place where citizens, businesses and civic leaders are partners in building a city that is family-oriented, aesthetically pleasing, safe, walkable and visitor friendly. A community that proudly enhances its small town Swiss character and natural environment, as well as remaining fiscally responsible.



ORDINANCE 2008-04

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 SCANDIA INVESTMENTS 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 9 January 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:

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:

A parcel of land located in the Northwest Quarter of Section 27, Township 3 South, Range 4 East, Salt Lake Base and Meridian, and being more particularly described as follows:

Beginning at a point on the existing Midway City Boundary Line, said point being also on the Northeasterly Boundary Line of Plat "A" Cottages on the Green, said point being also N00°33'45"W 735.77 feet, along the West Section Line, and East 1015.76 feet from the West Quarter Corner of said Section 27, and running thence, along said existing Midway City Boundary Line per a record Clark Condie Annexation Plat, Book 201, Page 637 and said Northeasterly Boundary Line of Plat "A" Cottages on the Green, per record plat, Entry Number 177354, Book 292, Page 13-102 the following five (5) courses: (1) N00°36'55"E 174.98 feet, (2) N24°28'23"W 48.38 feet, (3) N29°38'57"W 202.81 feet, (4) N58°01'10"W 125.33 feet, (5) N75°00'18"W 139.15 feet; thence N01°00'00"E 53.01 feet to the Southwest corner of the Kenneth and Edith Farrell Parcel; thence, along the Southerly Boundary Lines of said Farrell Parcel, and the Gary and Deanne Hanson Parcel, and the Wayne and Cheri Mitchell Parcels as per a record Boundary Line Agreement, Book 385, Page 678-689, the following nine (9) courses: (1) S87°06'23"E 84.91 feet, (2) S84°51'48"E 13.46 feet (3) S89°11'34"E 1.71 feet, (4) S89°12'49"E 30.54 feet, (5) S83°19'35"E 66.40 feet, (6) S85°12'41"E 3.50 feet, (7) S85°40'00"E 67.48 feet, (8) S81°27'25"E 32.81 feet, (9) S81°27'11"E 74.92 feet to the Northwest corner of Scandia Investment, LLC, Parcel 3; thence, along the Northerly Boundary Line of said Parcel 3, the following two (2) courses: (1) N85°23'36"E 125.86 feet, (2) N89°25'50"E 110.32 feet to the Northeast corner of said Parcel 3; thence, along the Easterly Boundary Line of said Parcel 3, the following four (4) courses: (1) S00°00'24"W 297.36 feet, (2) S12°31'47"E 55.46 feet to a point on the existing Midway City Boundary Line per a record Johnson Annexation Plat, Book 485, Page 400-409, (3) continuing along said Easterly Boundary Line of Parcel 3 and the existing Midway City Boundary Line, S12°24'38"E 11.19 feet, (4) S13°30'57"E 169.05 feet to the Southeast Corner of said Parcel 3; thence, along the Southerly Boundary Line, and the extension thereof, of said Parcel 3, and continuing along the existing Midway City Boundary Line, West 305.11 feet to the Point of Beginning.

Contains: 4.27 Acres.

3. The real property described in Paragraph 2, above, shall be classified as being in the R-1-15 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).

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.

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 26th day of March, 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 Powell
Kraig Powell, Deputy City Attorney





Certificate of Passage, Posting and Publication

I certify that on 26 March 2008 the Midway City Council adopted Ordinance 2008-04 (The ordinance annexed a parcel of real property, known as the Scandia Investments Annexation, into Midway City).

I certify that a full, true and correct copy of the ordinance was posted on 10 April 2008 at the following locations:

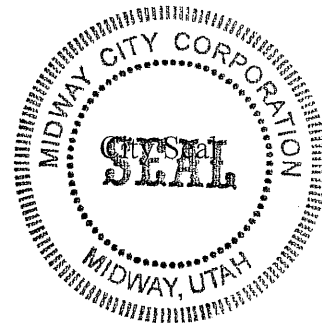
Midway City Office Building
The Main Street Station
7-11 (Midway)

I further certify that a summary of the ordinance was published in The Wasatch Wave on 9 April 2008.

A handwritten signature in cursive script, appearing to read "Brad Wilson".

Brad Wilson, Midway City Recorder

Dated 10 April 2008



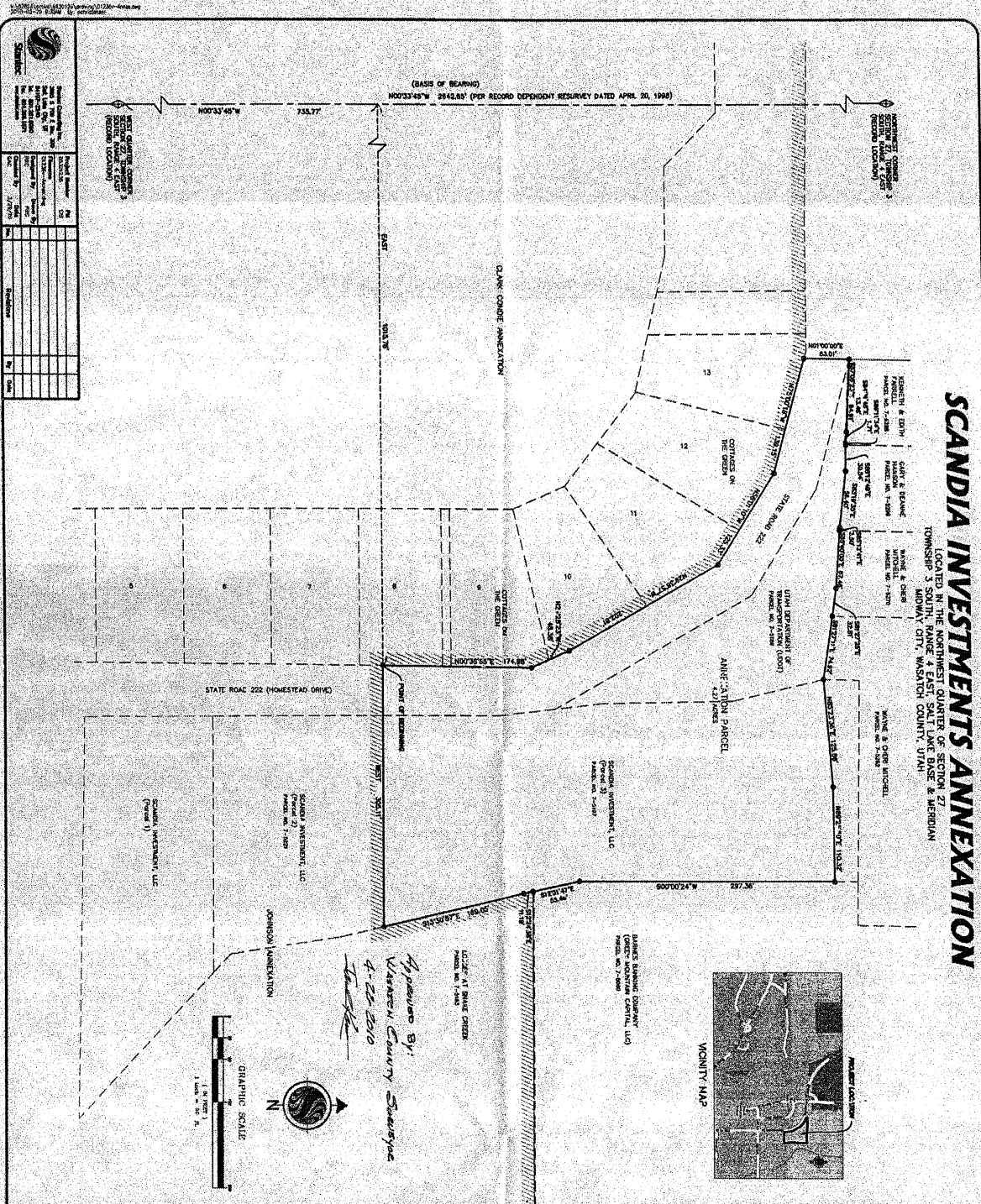
MIDWAY CITY CORPORATION

75 North 100 West, P.O. Box 277
Midway, Utah 84049

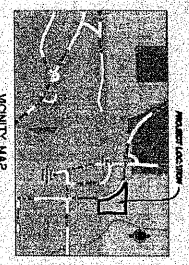
Phone: 435-654-3223 Fax: 435-654-4120

SCANDIA INVESTMENTS ANNEXATION

ANNEXATION OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, MIDWAY CITY, WASHCO COUNTY, UTAH



NO.	DESCRIPTION	DATE	BY
1	RECORD		
2	RECORD		
3	RECORD		
4	RECORD		
5	RECORD		
6	RECORD		
7	RECORD		
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19	RECORD		
20	RECORD		



SURVEYOR'S CERTIFICATE
 I, the undersigned, a duly licensed and sworn Surveyor of the State of Utah, do hereby certify that the foregoing plat is a true and correct copy of the original plat on file in my office, and that the same has been duly recorded in the public records of the County of Washco, State of Utah, in accordance with the provisions of the laws of the State of Utah relating to the recording of surveys.

BOUNDARY DESCRIPTION
 A parcel of land located in the Northwest Quarter of Section 27, Township 3 South, Range 4 East, Salt Lake Base and Meridian, and being more particularly described as follows: ...

ACCEPTANCE BY LEGISLATIVE BODY
 I, the undersigned, the Mayor of the City of Midway, do hereby certify that the foregoing plat is a true and correct copy of the original plat on file in my office, and that the same has been duly recorded in the public records of the County of Washco, State of Utah, in accordance with the provisions of the laws of the State of Utah relating to the recording of surveys.

RECORDED &
 STATE OF UTAH, COUNTY OF WASHCO, RECORD AND FILED AT THE
 REGISTRY OF _____ DATE _____ PAGE _____
 WASHCO COUNTY RECORDER