

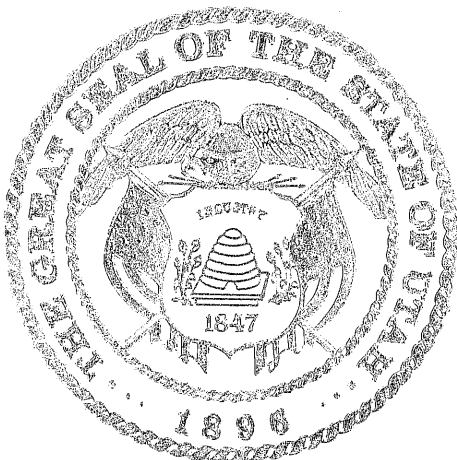
STATE OF UTAH



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
TOOELE CITY, dated January 5th, 2011, 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 TOOELE CITY, located in
Tooele County, State of Utah.



IN TESTIMONY WHEREOF, I have
hereunto set my hand, and affixed the Great
Seal of the State of Utah this 11th day of
January, 2011 at Salt Lake City, Utah.

A handwritten signature in cursive script that reads "Greg Bell".

GREG BELL
Lieutenant Governor



Administration

Notice of Impending Boundary Action: Annexation

January 7, 2011

Lieutenant Governor Greg Bell
State Capitol Complex
PO Box 142325
Salt Lake City, UT 84114-2325

Dear Lieutenant Governor Bell:

This letter constitutes a Notice of Impending Boundary Action pursuant to U.C.A. §67-1a-6.5, indicating that Tooele City Corporation has taken all necessary actions to annex 1,556.89 acres of Tooele City-owned open space property into the Tooele City corporate limits. All annexation requirements have been met, evidenced by the enclosed Tooele City Ordinance 2011-02 and its exhibits. Exhibits to the Ordinance include the Annexation Petition, Plat Map, Survey Map, Resolution 2010-53 (accepting petition), Certification of Annexation Petition, and Notice of Certification. Also enclosed is a copy of the fully-executed Annexation Plat.

Tooele City would appreciate receiving a Certificate of annexation from your office as soon as possible.

Sincerely,

Sharon Dawson
Tooele City Recorder

Received

JAN 11 2011

**Greg Bell
Lieutenant Governor**

Tooele City Hall
90 North Main Street
Tooele, Utah 84074-2191

Phone: (435) 843-2100
Fax: (435) 843-2109
TDD: (435) 843-2108
www.tooelecity.org

TOOELE CITY CORPORATION

ORDINANCE 2011-02

AN ORDINANCE OF THE TOOELE CITY COUNCIL APPROVING THE ANNEXATION PETITION OF MAYOR PATRICK DUNLAVY, ANNEXING THE CITY-OWNED PROPERTY DESCRIBED IN THE PETITION, AND ASSIGNING THE OPEN SPACE (OS) ZONING DISTRICT TO THE ANNEXED PROPERTY.

WHEREAS, on October 6, 2010, the City Council adopted the 2010 Annexation Policy Plan for Tooele City (reference Ordinance 2010-15); and,

WHEREAS, upon recommendation of Mayor Patrick Dunlavy and at the request of the City Council, Mayor Dunlavy filed an Annexation Petition with the City Recorder, in accordance with U.C.A. §10-2-403, seeking to annex approximately 1,600 acres of City-owned open space property into the Tooele City corporate limits (see the Petition, attached as Exhibit A); and,

WHEREAS, on December 9, 2010, the City Council approved Resolution 2010-53, which accepted the Petition for further consideration as prescribed by U.C.A. §10-2-405(1) (see Resolution 2010-53, without exhibits, attached as Exhibit B); and,

WHEREAS, on December 9, 2010, the City Recorder certified the Petition as required by U.C.A. §10-2-405(2) (see the Certification, attached as Exhibit C); and,

WHEREAS, beginning December 14, 2010, the Tooele *Transcript-Bulletin* advertized the Notice of Certification required by U.C.A. §10-4-406 (see text of Notice, attached as Exhibit D); and,

WHEREAS, the Petition and annexation proposed therein do not involve any Affected Entity as defined in U.C.A. §10-2-401. Therefore, no person is entitled by statute to protest the Petition (see U.C.A. §10-2-407(1)(a)); and,

WHEREAS, the City Council convened a duly-noticed public hearing on January 5, 2011;

WHEREAS, the Mayor and City Council find that annexation of the City-owned property identified in the Petition is in the best interest of Tooele City and will further the legitimate public purposes referenced in the 2010 Annexation Policy Plan, the Tooele City General Plan, and various ordinances and resolutions of Tooele City regarding the protection of viewshed, watershed, open space, scenic views, wildlife habitat, and non-motorized recreation:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that:

1. The Annexation Petition (Exhibit A) is hereby approved;
2. No qualifying protests were received;

3. The City Recorder is hereby directed to file with the Utah Lieutenant Governor a Notice of Impending Boundary Action meeting the requirements of U.C.A. §67-1a-6.5(3), together with a copy of the survey map attached to the Petition;
4. The property annexed under this Ordinance, as described in the Petition, shall receive the Open Space (OS) land use plan and zoning designations under authority of Tooele City Code §7-24-2;
5. For purposes of Tooele City Code §7-13a-13, the property annexed under this Ordinance is maintained for viewshed, scenic vista, open space, watershed, and wildlife habitat protection;
6. The annexation approved by this Ordinance shall take effect, according to U.C.A. §10-2-425(4), on the date of the Lieutenant Governor's issuance of a Certificate of Annexation; and,
7. All aspects of this Ordinance, with the exception of the effective date of the annexation for State of Utah purposes under U.C.A. §10-2-425(4), shall take effect immediately upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council
this 5 day of January, 2011.

TOOELE CITY COUNCIL

(For)

(Against)

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

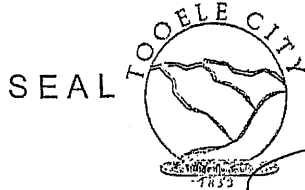
(Disapproved)

[Signature]

ATTEST:

[Signature]

Sharon Dawson, City Recorder



Approved as to Form:

[Signature]

Roger Baker, City Attorney

Exhibit A

Annexation Petition

ANNEXATION PETITION

Filed With: Sharon Dawson, Tooele City Recorder

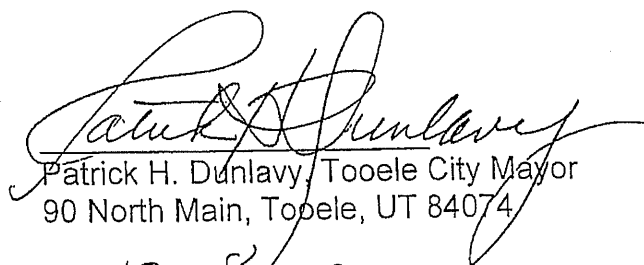
Filed on: 12/8/10 SD

I, Patrick H. Dunlavy, Mayor of Tooele City, being authorized to act on behalf of Tooele City Corporation as its chief executive and administrative officer, hereby petition the Tooele City Council to annex the following City-owned parcels (the "Property"), comprising approximately 1,600 acres and identified by their tax identification numbers—6-6-2, 6-6-3, 6-6-4, 6-5-3, 6-5-4, 6-5-6, 6-5-12, 6-6-9—and by the plat map and survey map attached hereto.

The Property is included in the 2010 Annexation Policy Plan for Tooele City, duly adopted by Ordinance 2010-15 on October 6, 2010 (see U.C.A. §10-2-401.5). The Property is contiguous to the existing Tooele City corporate boundary (see U.C.A. §10-2-402(1)). The boundaries of the Property have been drawn as required by statute (see U.C.A. §10-2-403(6)). The Property is owned entirely by Tooele City. This Petition does not include property owned by anyone other than Tooele City. My signature, below, satisfies the signature requirements of U.C.A. §10-2-403(3). The purpose for annexing the Property is not solely to acquire municipal revenue or to retard the capacity of another municipality to annex it (see U.C.A. §10-2-402(4)), but rather to further the legitimate public purposes referenced in the 2010 Annexation Policy Plan, the Tooele City General Plan, and the various ordinances and resolutions of Tooele City regarding the protection of viewshed, watershed, open space, scenic views, wildlife habitat, and non-motorized recreation. The Property is not located within a township, another municipality, another county, the expansion area of another municipality, or the project area plan of a military installation development authority (see U.C.A. §10-2-402(5)-(9)). I am both the sole sponsor and the contact sponsor for purposes of this Petition (see U.C.A. §10-2-403(6)). The Property does not include residents or commercial or industrial development, and the Petition creates no "affected entity" (see U.C.A. §10-2-401).

I request immediate certification of this Petition by the City Recorder and City Attorney, and immediate consideration of this Petition by the Tooele City Council.

Signed:


Patrick H. Dunlavy, Tooele City Mayor
90 North Main, Tooele, UT 84074

Date:

12-8-10

cc: Marilyn Gillette, Tooele County Clerk (see U.C.A. 10-2-403(7))

Exhibits:

Plat Map of Property
Survey Map of Property

THIS PLAT IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING THE LAND, AND THE RECORDER ASSUMES NO LIABILITY FOR ERRORS OR OMISSIONS, IF ANY, WITH AN ACTUAL SURVEY.

SECTION 1,2,11,12 T 4 S R 4 W S.L.B.&M.

38 37

(SEE BK.3 PG.37)

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SECTION 3,4,9,10 T 4 S R 4 W S.L.B.&M.

38

(SEE BK.2 PG.12)

THIS PLAT IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING THE LAND, AND THE RECORDER ASSUMES NO LIABILITY FOR ERRORS OR OMISSIONS, IF ANY, WITH AN ACTUAL SURVEY.

SECTION 3,4,9,10 T 4 S R 4 W S.L.B.&M.

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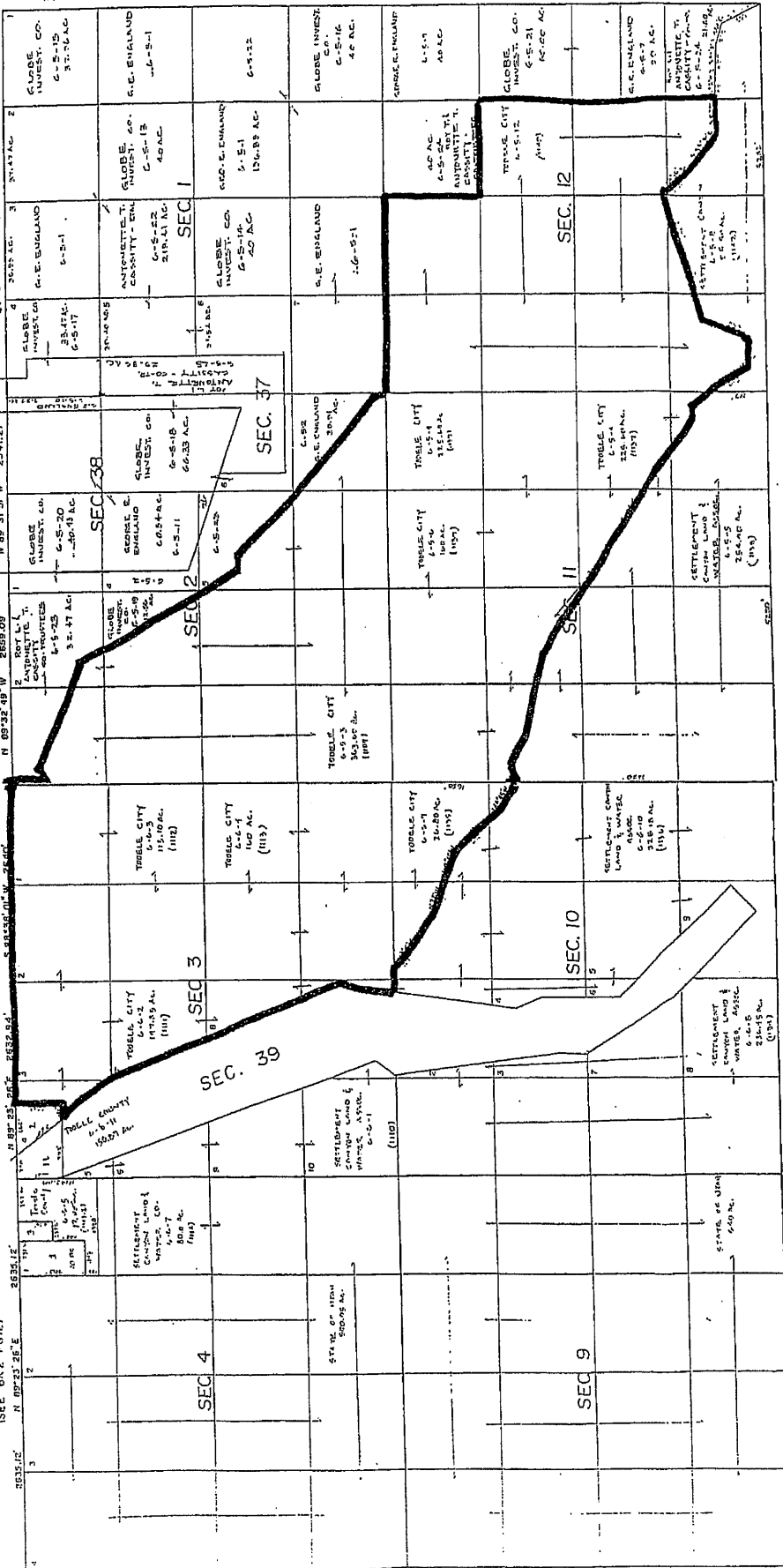
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Exhibit B

Resolution 2010-53

12-9-10
4-0 (Johnson
by phone)

TOOELE CITY CORPORATION

RESOLUTION 2010-53

A RESOLUTION OF THE TOOELE CITY COUNCIL ACCEPTING FOR FURTHER CONSIDERATION THE ANNEXATION PETITION OF MAYOR PATRICK DUNLAVY.

WHEREAS, upon recommendation of Mayor Patrick Dunlavy and at the request of the City Council, Mayor Dunlavy has filed an Annexation Petition with the City Recorder, in accordance with U.C.A. §10-2-401 et seq. (see copy of Petition attached as Exhibit 1), seeking to annex approximately 1,600 acres of City-owned open space property into the Tooele City corporate limits; and,

WHEREAS, the Mayor and City Council find that annexation of the City-owned property identified in the Petition is in the best interest of Tooele City and will further the legitimate public purposes referenced in the 2010 Annexation Policy Plan, the Tooele City General Plan, and various ordinances and resolutions of Tooele City regarding the protection of viewshed, watershed, open space, scenic views, wildlife habitat, and non-motorized recreation:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that:

1. The Annexation Petition is hereby accepted for further consideration;
2. The City Recorder is hereby directed to prepare the certification required by U.C.A. §10-2-405(2)(c);
3. The City Recorder is hereby directed to deliver notice of the certification as required by U.C.A. §10-2-405(2)(c);
4. The City Recorder is hereby directed to publish the notice required by U.C.A. §10-2-406; and,
5. The City Attorney is hereby directed to prepare an annexation approval resolution.

This Resolution shall become effective upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this ____ day of _____, 2010.

Exhibit C

Certification of Annexation Petition

CERTIFICATION OF ANNEXATION PETITION

To: Patrick H. Dunlavy, Tooele City Mayor and Petition Contact Sponsor
Tooele City Council
Tooele County Commission

I, Sharon Dawson, Tooele City Recorder, have received a copy of the attached Annexation Petition, which was accepted for further consideration by Tooele City Resolution 2010-53, and have reviewed the same with Roger Baker, Tooele City Attorney. I hereby certify that the Petition meets the requirements of U.C.A. §10-2-403(3), (4), and (5).

Signed: Sharon Dawson 12/9/10

Seal:



Exhibit D

Notice of Certification

NOTICE

To be published in the Tooele *Transcript-Bulletin* once per week for three successive weeks beginning December 14, 2010.

Tooele City has initiated a petition to annex into Tooele City approximately 1,600 acres of City-owned property located adjacent to the southern city boundary. The petition was certified on December 9, 2010, by the City Recorder, and a notice of certification was delivered to the City Council and Mayor. The complete petition is available for inspection and copying in the office of the City Recorder. The City Council may grant the petition and annex the city-owned property unless a written protest is filed by an Affected Entity no later than January 4, 2011, with the Local Boundary Commission and County Clerk at 47 South Main Street, Tooele. A copy of any protest shall be delivered to the City Recorder at 90 North Main Street, Tooele. The property proposed for annexation is not located within any local district providing fire protection, paramedic, emergency, or law enforcement service.