

STATE OF UTAH



OFFICE OF THE LIEUTENANT GOVERNOR
CERTIFICATE OF DISCONNECTION

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH,
HEREBY CERTIFY THAT there has been filed in my office a notice of disconnection
from TOOELE CITY, dated July 6th, 2011, complying with Section 10-2-507, 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 disconnection, 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 13th day of
December, 2011 at Salt Lake City, Utah.

GREG BELL
Lieutenant Governor



Legal

July 8, 2011

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

RE: Municipal Disconnection

Dear Lt. Governor Bell:

On July 6, 2011, pursuant to Utah Code Chapter 10-2 Part 5, the Tooele City Council passed Ordinance 2011-13 approving the disconnection of 0.956 acres of land from the Tooele City corporate limits. A copy of the signed Ordinance is enclosed, together with the Request for Municipal Disconnection, survey maps, and legal descriptions. Tooele City would appreciate receiving from your office a Certificate of Disconnection to record in the office of the Tooele County Recorder (see U.C.A. §10-2-507(2)(b)). Because Utah statutes require of a municipality only the approval of the Ordinance, Tooele City did not prepare a notice of impending boundary action or a final local entity plat.

Sincerely,

Roger Baker
Tooele City Attorney

enclosure

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

Phone: (435) 843-2120
Fax: (435) 843-2129
TDD: (435) 843-2108
www.tooelecity.org

TOOELE CITY CORPORATION

ORDINANCE 2011-13

AN ORDINANCE OF THE TOOELE CITY COUNCIL APPROVING THE DISCONNECTION OF PROPERTY FROM THE TOOELE CITY CORPORATE LIMITS.

WHEREAS, in February 2011, Tooele County, along with Jay Harwood and John Giles, filed a Request for Municipal Disconnection (the "Original Request"), under which a strip of property along Tooele City's northernmost boundary, comprising about 50 acres, would be removed from the Tooele City corporate limits (see the Original Request attached as Exhibit A); and,

WHEREAS, upon receiving the City's opposing comments, the County withdrew ceased to pursue the Original Request. The City's main concerns with the Original Request were (1) to maintain control over the design of roadways within and affecting the City, and (2) to not encourage economic development in areas of the County that would adversely affect economic development in the City; and,

WHEREAS, in April 2011, Harwood and Giles, this time without Tooele County, filed a new Request for Municipal Disconnection (the "New Request"), under which two small slivers of property comprising only 0.956 acres (the "Disconnection Area") would be removed from the Tooele City corporate limits (see the New Request attached as Exhibit B); and,

WHEREAS, the Disconnection Area within the City's limits came about by Tooele County realigning a future parkway and trading small slivers of property with Harwood, Giles, and Home Credit Corp.; and,

WHEREAS, matters of municipal disconnection (commonly called "de-annexation") are governed by U.C.A. §10-2-501 *et seq.* and the Utah Supreme Court opinion in the case of *Bluffdale Mountain Homes, LC v. Bluffdale City* 167 P.2d 1016 (Utah 2007) (see the *Bluffdale City* opinion attached as Exhibit C); and,

WHEREAS, the City Administration believes that approving the New Request will not materially adversely affect Tooele City, and, following the guidance of the *Bluffdale City* case, recommends approval of the New Request; and,

WHEREAS, Harwood and Giles have caused notice of the New Request to be published once a week for three consecutive weeks in the Tooele *Transcript-Bulletin*, newspaper of general circulation within the City; and,

WHEREAS, on July 6, 2011, the City Council convened a duly-noticed public hearing regarding the New Request:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that

1. the City Council makes the following findings of fact:
 - a. the disconnection is viable: due to its location and size, the Disconnection Area has not required municipal services and likely will not require municipal after its disconnection; tax differences are anticipated to be negligible and accepted by implication by Harwood and Giles;
 - b. justice and equity require the disconnection: consistent with the *Bluffdale* case, justice and equity favor the New Request because the Disconnection Area is adjacent to larger parcels owned by Harwood and Giles located outside the City;
 - c. the disconnection would not materially increase the City's burdens of providing municipal services to areas remaining in the City;
 - d. the disconnection would not make it economically unfeasible for the City to continue to function;
 - e. the disconnection would not create an island or peninsula of unincorporated territory;
 - f. it appears that the County would be able to provide municipal services to the Disconnected Area: this is implied by the County's signature on the Original Request and apparent due to the size and location of the Disconnection Area;
 - g. any adverse effect of the disconnection on the City would appear to be *de minimus* and speculative;
 - h. the disconnection would appear to have no adverse effect on adjoining property owners: Harwood, Giles, UDOT, and Home Credit Corp., which agreed to the trade creating the disconnection situation;
 - i. the disconnection would appear to have no adverse effect on existing or future streets, water lines, sewer lines, law enforcement, zoning, or other municipal services; and,
2. the Request for Municipal Disconnection filed by Harwood and Giles (Exhibit B) is hereby approved.

This Ordinance is necessary for the immediate preservation of the peace, health, safety, or welfare of Tooele City and shall become effective upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council
this 10th day of July, 2011.

TOOELE CITY COUNCIL

(For)

(Against)

Scott Nason
Debra McCall
[Signature]
[Signature]

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

[Signature]

ATTEST:

[Signature]
Michelle Pitt, City Recorder

SEAL

Approved as to Form:

[Signature]
Roger Baker, City Attorney

PETITION
REQUEST FOR MUNICIPAL DISCONNECTION

Pursuant to §10-2-501, Utah Code, the undersigned hereby petition the Tooele City legislative body to disconnect certain real property, as defined within this petition, from the municipal boundaries.

Reasons for disconnection:

1. Parcels proposed for disconnection are on the northern municipal boundary and are separated by a future county roadway called the "Parkway"; and
2. The new parcels were created due to the result of a realignment of the "Parkway"; and
3. The parcels once disconnected would not create an island, peninsula, or the like, creating a break in Tooele City's municipal boundary; and
4. Disconnecting the parcels (Disconnect 1 & 2) would allow the remaining parcels (See Exhibit A) owned by the property owners to be placed under one jurisdictional authority simplifying its implementation, construction, and maintenance.

Parcel Numbers and Descriptions:

Disconnect 1: 02-141-0-0030 (See Exhibit B1 & B2)

Disconnect 2: 02-141-0-0032 (See Exhibit C1 & C2)

Plat Map Provided:

A plat map and aerial map have been included identifying the proposed parcels for disconnection (Exhibit D & F).

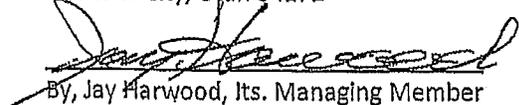
Designated Person with Authority to Act on Behalf of the Petitioners:

The Undersigned hereby designate the following individuals to act on behalf of all the owners signing this petition for the purposes of this petition.

Jay Harwood
1515 West 2200 S., Ste. C
Salt Lake City, UT 84119
801-580-4113

Property Owners within the petitioned area:

Cimmarron Investments, LLC
P.O. Box 711820
Salt Lake City, Utah 84171


By, Jay Harwood, Its. Managing Member

John K. Giles
224 East Cimmarron Way
Erda, Utah 84074

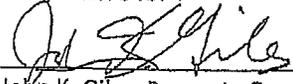

John K. Giles, Property Owner

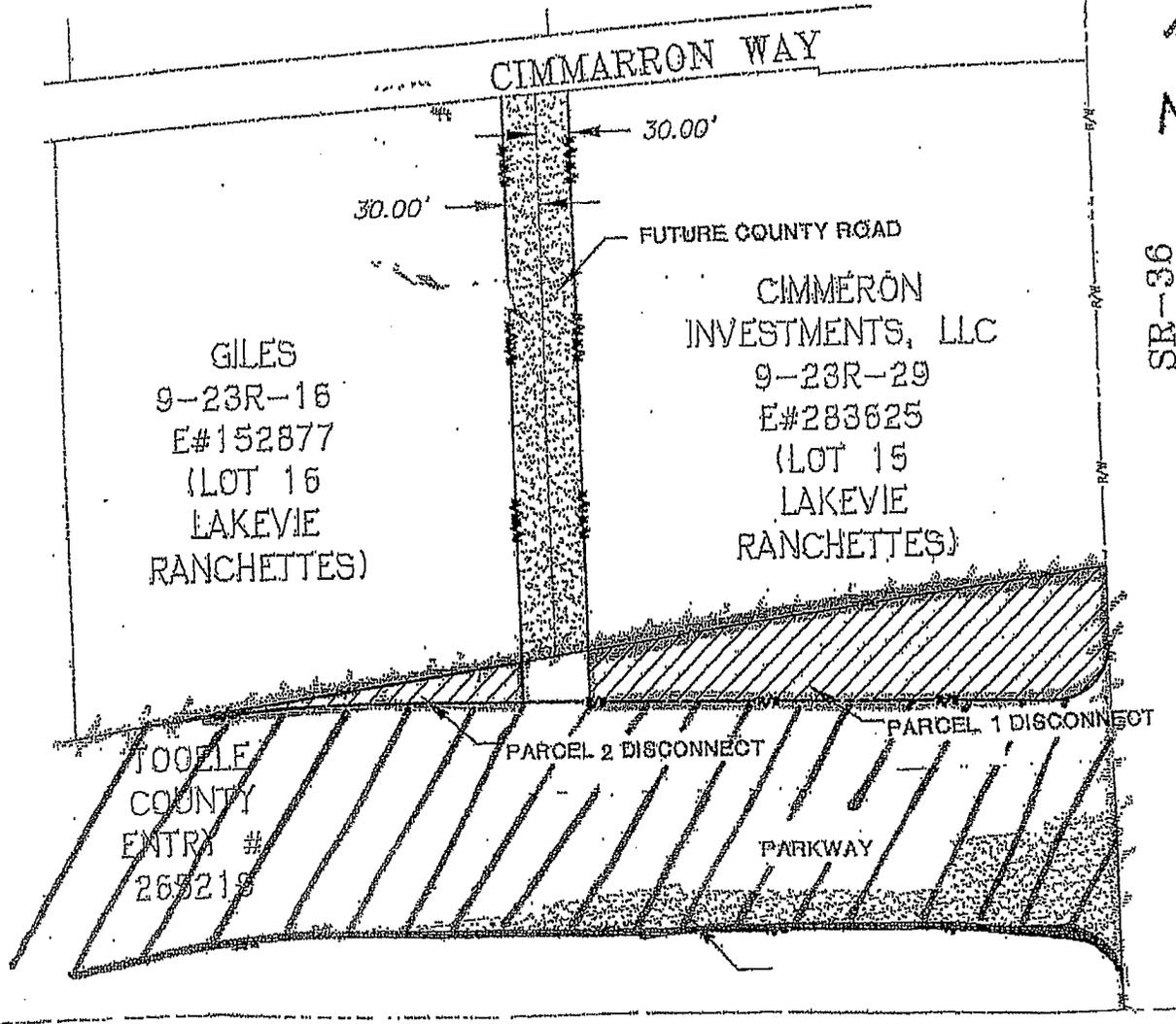
EXHIBIT A

SR 36/3400 N INTERSECTION

LOCATED IN THE NORTHEAST QUARTER OF SECTION 4 &
THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 4 WEST,
SALT LAKE BASE AND MERIDIAN

S89°41'08"W
68.88'

FOI
COI
9.8
NO.
OF



TOOELE CITY BOUNDARY

SR-36

EXHIBIT 'B-1'

Being a portion of the Tooele County right of way recorded as Entry No. 265219, Tooele County Recorder's office, located in the Northeast Quarter of Section 4 Township 3 South, Range 4 West, Salt Lake Base and Meridian, County of Tooele, State of Utah, being described as follows:

COMMENCING at the Northeast Corner of said Section 4, said corner bears NORTH 89°39'20" EAST 9.83 feet from a found Tooele County Witness Monument for said Northeast Corner; thence SOUTH 89°41'08" WEST 68.88 feet to a highway right of way marker on the westerly right of way of SR-36; thence along said right of way, SOUTH 00°25'13" EAST 975.44 feet to the intersection of said right of way with the north line of said Tooele County right of way, being the southeast corner of Lot 15 of the Lakeview Ranchettes Subdivision as recorded in the Tooele County Recorder's office, the **POINT OF BEGINNING**; thence along said Westerly right-of-way SOUTH 00°25'13" EAST 67.60 feet; thence along a tangent curve to the right, having a radius of 50.00 feet through a central angle of 91°25'00" an arc distance of 79.78 feet; thence NORTH 89°00'14" WEST 409.94 feet; thence NORTH 00°28'03" WEST 45.27 feet to the northerly line of said county right of way; thence along said northerly line NORTH 81°53'39" EAST 465.26 feet to the **POINT OF BEGINNING**.

Contains 37,269 square feet or 0.856 acres

The Basis of Bearing for this description is the bearing of SOUTH 00°25'43" EAST between the East Quarter Corner and Northeast Corner of said Section 4.

The attached exhibit drawing (Exhibit 'B-2') is made a part hereof and is to be recorded with this description.

This real property description has been prepared at Ward Engineering Group, by me or under my direction, in conformance with the laws of the State of Utah.

Bryan D. Westover
PLS 6638145

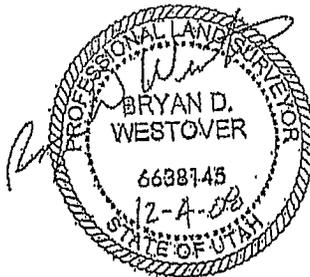
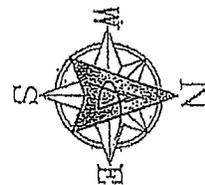


EXHIBIT "B-2"



GRAPHIC SCALE



(IN FEET)
1 Inch = 100 Ft.

NOTES:

1) THIS EXHIBIT IS FOR GRAPHIC PURPOSES ONLY. ANY ERRORS OR OMISSIONS SHALL NOT EFFECT THE DEED DESCRIPTION.

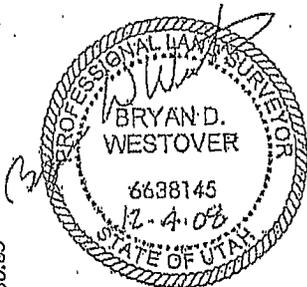
2) THIS EXHIBIT IS TO BE ATTACHED TO AND MADE APART OF THE WRITTEN DESCRIPTION.

TOOELE COUNTY ENTRY # 265219

GILES 9-23R-16 E#152877 (LOT 16 LAKEVIEW RANCHETTES SUBDIVISION)

BLUEWATER CO. LLC 9-23R-29 E#272665

CIMMERON INVESTMENTS, LLC 9-23R-29 E#283625 (LOT 15 LAKEVIEW RANCHETTES SUBDIVISION)



FOUND WITNESS CORNER N89°41'27"E 30.65' FROM THE EAST QUARTER CORNER OF S.4, T3S, R4W

SR-36

$\Delta = 91^{\circ}25'00''$
 $R = 50.00$
 $L = 79.78$

87.60' S89°41'08"W 68.88'

500°25'18"E 975.44'

P.O.B.

BASIS OF BEARING 500°25'43"E 2850.59' (R)

FOUND WITNESS CORNER S89°39'20"W 9.83' FROM THE NORTHEAST CORNER OF S.4, T3S, R4W

DRAWN BY: JEM
DESIGN BY: JEM
CHECKED BY: JEM
DATE: 12/8/08

ELUCHE Jay Headhead
9902 Laurel Road, Suite 100
200 West PAC-017



Ward Engineering Group
Planning • Engineering • Surveying

54th Lakeview Office
231 West 800 South, Suite A
Salt Lake City, Utah 84119

(801) 457-5429
Fax: (801) 457-8248

LOCATED IN THE NORTHEAST QUARTER OF SECTION 4, T3S, R4W SALT LAKE BASE AND MERIDIAN

SHEET 1 OF 1

EXHIBIT 'C-1'

Being a portion of a Tooele County right of way recorded as Entry No. 265219, Tooele County Recorder's Office, located in the Northeast Quarter of Section 4 Township 3 South, Range 4 West, Salt Lake Base and Meridian, County of Tooele, State of Utah, being described as follows:

COMMENCING at the Northeast Corner of said Section 4, said corner bears NORTH 89°39'20" EAST 9.83 feet from a found Tooele County Witness Monument for said Northeast Corner; thence SOUTH 89°41'08" WEST 68.88 feet to a highway right of way marker on the westerly right of way of SR-36; thence along said right of way, SOUTH 00°25'13" EAST 975.44 feet to the intersection of said right of way with the north line of said Tooele County right of way; thence along said north right of way SOUTH 81°53'59" WEST 525.79 feet to a point SOUTH 81°53'59" WEST 30.27 feet from the southeast corner of Lot 16 of the Lakeview Ranchettes Subdivision as recorded in the Tooele County Recorder's office, the **POINT OF BEGINNING**; thence SOUTH 00°28'03" EAST 35.70 feet; thence NORTH 89°00'14" WEST 108.14 feet; thence along a tangent curve to the left having a radius of 1454.00 feet through a central angle of 09°05'47" an arc distance of 230.84 feet to said north right of way; thence along said right of way NORTH 81°53'59" EAST 341.40 feet to the **POINT OF BEGINNING**.

Contains 4,347 square feet or 0.100 acres

The Basis of Bearing for this description is the bearing of SOUTH 00°25'43" EAST between the East Quarter Corner and Northeast Corner of said Section 4.

The attached exhibit drawing (Exhibit 'C-2') is made a part hereof and is to be recorded with this description.

This real property description has been prepared at Ward Engineering Group, by me or under my direction, in conformance with the laws of the State of Utah.

Bryan D. Westover
PLS-6638145

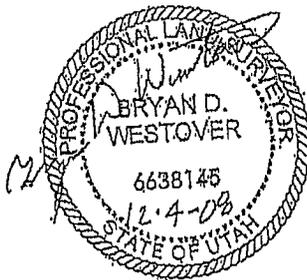
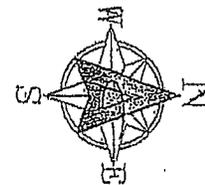


EXHIBIT "C-2"

NOTES:

- 1) THIS EXHIBIT IS FOR GRAPHIC PURPOSES ONLY. ANY ERRORS OR OMISSIONS SHALL NOT EFFECT THE DEED DESCRIPTION.
- 2) THIS EXHIBIT IS TO BE ATTACHED TO AND MADE APART OF THE WRITTEN DESCRIPTION.



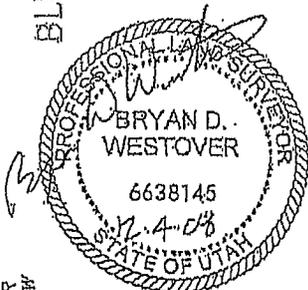
GRAPHIC SCALE



TOOELE COUNTY
ENTRY #
265219

GILES
9-23R-16
E#152877
(LOT 16 LAKEVIEW
RANCHETTES
SUBDIVISION)

BLUEWATER CO. LLC
9-23R-29
E#272655



FOUND WITNESS
CORNER N89°41'27"E 30.65'
FROM THE EAST
QUARTER CORNER
OF S.4. T3S. R4W

PROPOSED
RIGHT-OF-WAY

EXISTING
RIGHT-OF-WAY

P.O.H.

S00°28'08"E
36.70'

S01°50'59"W
30.27'

CIMMERON
INVESTMENTS, LLC
9-23R-29
E#283625
(LOT 15 LAKEVIEW
RANCHETTES
SUBDIVISION)

S00°25'13"E 976.44'

S89°41'08"W
68.88'

SR-36

BASIS OF BEARING
S00°26'45"E 2660.59' (R)

FOUND WITNESS CORNER S89°39'20"W
9.83' FROM THE NORTHEAST CORNER
OF S.4. T3S. R4W

DRAWN BY: JAI
CHECKED BY: JAI
DATE: 12/11/11

OWNER: Bluewater Co. LLC
DATE: 12/11/11



Ward Engineering Group
Planning • Engineering • Surveying

341 2nd St. Office
231 West 800 South, Suite 202
Salt Lake City, Utah 84119
Tel: (313) 447-6911
Fax: (313) 447-4728

LOCATED IN THE NORTHEAST QUARTER OF
SECTION 4, T3S. R4W
SALT LAKE BASE AND MERIDIAN

SHEET
1 OF 1

