

# STATE OF UTAH

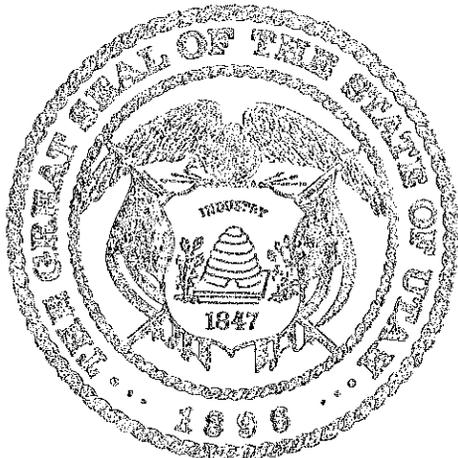


OFFICE OF THE LIEUTENANT GOVERNOR

## 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 AMERICAN FORK CITY, dated January 24<sup>th</sup>, 2012, 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 AMERICAN FORK 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 9<sup>th</sup> day of July, 2013 at Salt Lake City, Utah.

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

---

GREG BELL  
Lieutenant Governor





51 East Main, American Fork, UT 84003  
(801) 763-3000 Fax (801) 763-3033

\*\*\*\*\*NOTICE OF IMPENDING BOUNDARY ADJUSTMENT\*\*\*\*\*

July 8, 2013

Lt. Governor's Office  
Utah State Capitol Complex  
P.O. Box 142325  
Salt Lake City, Utah 84114-2325

Emailed to: spencerhadley@utah.gov

RE: Dan Frandsen Plat A Annexation into American Fork City

To Whom It May Concern:

At the January 24, 2012, City Council meeting, the Mayor and City Council approved Ordinance No. 2012-01-02, which approved the Dan Frandsen Plat A Annexation into American Fork City.

Enclosed you will find a copy of our Ordinance of Annexation, which includes the boundary description of the annexation, and a copy of the annexation map. The above referenced annexation meets the requirements of annexation.

If approved, please send the Certificate of Annexation to:

American Fork City  
Terilyn Lurker, Deputy Recorder  
51 East Main  
American Fork, UT 84003

If you have any questions or need further information, please call me at 801-763-3000 ext. 501.

Sincerely,

Terilyn Lurker  
Deputy Recorder

enclosures

Mayor James H. Hadfield

Brad Frost, Craig Nielsen, Heidi Rodeback, Robert Shelton, Clark Taylor

AN ORDINANCE

AN ORDINANCE AMENDING SECTION 1.12.010 OF THE REVISED ORDINANCES OF AMERICAN FORK CITY 1985, AS AMENDED, ANNEXING CERTAIN PROPERTIES TO AMERICAN FORK CITY AND ESTABLISHING ZONING CLASSIFICATION FOR SAID PROPERTY.

BE IT ORDAINED BY THE CITY COUNCIL OF AMERICAN FORK CITY, UTAH:

SECTION I. THAT THE FOLLOWING DESCRIBED REAL PROPERTY BE, AND THE SAME IS HEREBY ANNEXED TO AMERICAN FORK CITY, UTAH, THE CORPORATE LIMITS OF SAID CITY ARE HEREBY EXTENDED TO INCLUDE SAID DESCRIBED PROPERTY, AND SAID PROPERTY IS HEREBY DECLARED TO BE PART OF AMERICAN FORK CITY AND SHALL HENCEFORTH BE SUBJECT TO ALL OF THE ORDINANCES AND REGULATIONS THEREOF, AND THAT THE DESCRIPTION OF THE BOUNDARIES OF AMERICAN FORK CITY AS SET FORTH IN SECTION 1.12.010 OF THE REVISED ORDINANCES BE AMENDED TO INCLUDE THE FOLLOWING DESCRIBED PROPERTY TO-WIT:

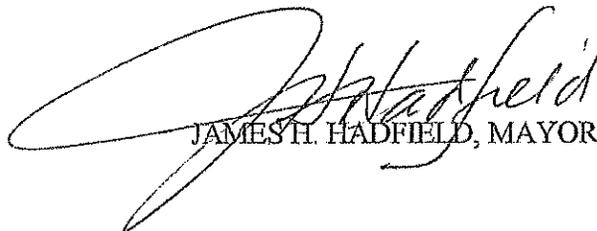
ORDINANCE NO. 2012-01-02

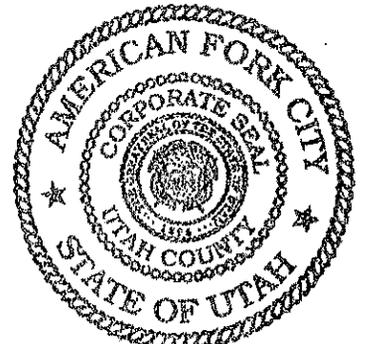
DAN FRANSEN PLAT A ANNEXATION (1200 SOUTH 100 EAST)

SEE ATTACHMENT 'A'

SECTION II. THAT THE TERRITORY ANNEXED UNDER SECTION I ABOVE, IS HEREBY CLASSIFIED INTO THE RA-5 ZONE AND SUBJECT TO THE TERMS AND CONDITIONS OF THE DAN FRANSEN PLAT A ANNEXATION AGREEMENT AS PROVIDED IN ATTACHMENT 'B'.

SECTION III. THIS ORDINANCE SHALL TAKE EFFECT UPON ITS PASSAGE AND FIRST PUBLICATION. PASSED BY THE CITY COUNCIL OF AMERICAN FORK, THIS 24 DAY OF JANUARY, 2012.

  
JAMES H. HADFIELD, MAYOR

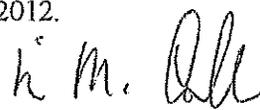


ATTEST:

STATE OF UTAH  
COUNTY OF UTAH

I, RICHARD M. COLBORN, RECORDER OF AMERICAN FORK CITY, UTAH, DO HEREBY CERTIFY THE ABOVE AND FOREGOING TO BE A FULL, TRUE AND CORRECT COPY OF AN ORDINANCE AMENDING SECTION 1.12.010 OF THE REVISED ORDINANCES OF AMERICAN FORK CITY 1985, AMENDED, ANNEXING CERTAIN PROPERTIES TO AMERICAN FORK CITY AND ESTABLISHING ZONING CLASSIFICATION FOR SAID PROPERTY.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND AFFIX THE CORPORATE SEAL OF AMERICAN FORK, UTAH THIS 24 DAY OF JANUARY, 2012.

  
RICHARD M. COLBORN, RECORDER

SURVEYOR'S CERTIFICATE

I DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. ~~6418790~~ AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT THIS IS A TRUE AND ACCURATE MAP OF THE TRACT OF LAND TO BE ANNEXED TO AMERICAN FORK CITY, UTAH COUNTY, UTAH.

**ATTACHMENT A**

**BOUNDARY DESCRIPTION**

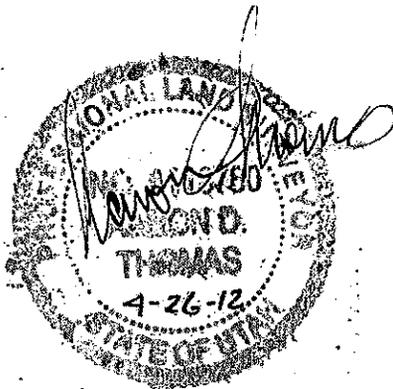
BEGINNING AT A POINT WHICH IS S 89°39'33" E 106.92 FEET FROM THE EAST 1/4 CORNER OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SAID POINT OF BEGINNING ALSO BEING THE NORTHWEST CORNER OF THE ANNEXATION BOUNDARY OF THE BEEHIVE MILLS ANNEXATION PLAT ON FILE WITH THE UTAH COUNTY RECORDER'S OFFICE;

RUNNING THENCE S 00°00'12" E 32.36 FEET ALONG THE BOUNDARY OF SAID BEEHIVE MILLS ANNEXATION; THENCE WEST 152.46 FEET; THENCE SOUTH 27.57 FEET; THENCE N 89°25'56" W 837.58 FEET; THENCE SOUTH 475.73 FEET; THENCE WEST 2.57 FEET; THENCE SOUTH 430.35 FEET; THENCE S 89°46'00" W 470.16 FEET; THENCE N 89°48'44" W 17.96 FEET; THENCE N 00°27'17" E 948.39 FEET; THENCE EAST 440.87 FEET; THENCE NORTH 47.19 FEET; THENCE N 89°59'58" E 925.38 FEET; THENCE SOUTH 2.34 FEET; THENCE N 89°59'54" E 106.92 FEET; THENCE S 00°00'12" E 33.64 FEET TO THE POINT OF BEGINNING.

ANNEXATION BOUNDARY CONTAINING 12.609 ACRES.  
BASIS OF BEARING: UTAH STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE.

  
\_\_\_\_\_  
SURVEYOR

APRIL 26, 2012  
DATE



**ACCEPTANCE BY LEGISLATIVE BODY**

WE, THE DULY ELECTED COUNCIL OF THE CITY OF AMERICAN FORK, UTAH, HAVE RECEIVED A REQUEST TO INITIATE PROCEDURES FOR THE ANNEXATION OF THE TRACT OF LAND SHOWN HEREON, WHICH TRACT CONSTITUTES A

# ATTACHMENT B

10-27-11  
Draft #1

## ANNEXATION AGREEMENT (Dan Frandsen Plat A Annexation)

This Agreement, made and entered into this 2 day of November 2011, by and between The City of American Fork, Utah, a Utah Municipal Corporation (hereafter referred to as "City") and Dan Frandsen (hereafter referred to as "Applicant"), is based on the following:

### RECITALS

**WHEREAS**, Applicant is the owner of a parcel of privately owned real property situated within the boundary of the Dan Frandsen Plat A Annexation, identified on Attachment 1 as the Frandsen Parcel", which parcel is located within the unincorporated territory of Utah County, but contiguous to the corporate boundary of City, and which constitute all of the lands requesting annexation to City under Dan Frandsen Plat A Annexation. An application requesting City to initiate proceedings for annexation of the territory within the Williamson Annexation together with a map showing the area included within the annexation (hereafter referred to as "Annexation Area") has been submitted to City. A copy of the *Request to Initiate Annexation of Land Within an Island or Peninsula* (Attachment 2) and the appurtenant annexation plat (Attachment 1) are attached hereto; and

**WHEREAS**, the Annexation Area constitutes a portion of an existing island as defined by Utah State Law; and

**WHEREAS**, in accordance with the provisions of UCA 10-2-418, the American Fork City Council has heretofore adopted Resolution No.2011-08-23R indicating its intent to annex the entire Annexation Area. Further, notice of hearing regarding the proposed annexation has been published and the public hearing thereon held. No protests to the annexation have been received; and

**WHEREAS**, The City Council has determined that annexation of the real property described on Attachment 1 is in the best interest of City and has indicated an intent to: (1) enact an ordinance of annexation relating thereto, following approval of this agreement by the City Council and execution by all parties, and (2) authorize the recording of the annexation plat at the office of the Utah County Recorder, subject to those certain understandings as are more fully set forth in this Agreement and completion of all outstanding tasks identified herein or otherwise required prior to annexation.

### TERMS AND CONDITIONS

**NOW THEREFORE**, based on the above recitals and in consideration of the annexation of the territory described in Attachment 1 to City, the parties covenant and agree as follows:

**SECTION 1. - Applicability of Agreement.** The real property to which the terms of this Agreement apply shall be the parcels of private property within the Annexation Area, identified on Attachment 1. Attachment 1 is hereby made part of this Agreement.

**SECTION 2 -Annexation a benefit to Applicant.** Applicant and City acknowledge that City is not required to approve the annexation and that the terms and conditions of annexation, as set forth herein, are reasonable and entered into freely and voluntarily. Further, Applicant hereby acknowledges and agrees that the benefit received from annexation of the property is equal to or

greater than the requirements and conditions of annexation as set forth in this Agreement and the conditions of development as set forth under the terms of the City's Development Code, Sensitive Lands Ordinance and Impact Fee Ordinance and does not constitute a taking as defined pursuant to the terms of UCA 10-9a-103(6), 1953, as amended.

**SECTION 3. Authority of Applicant.** Applicant hereby affirms that it is the current sole owner of the Dan Frandsen Parcel and has complete authority to enter into this Agreement and to bind the properties hereto.

**SECTION 4 - Compatibility with Land Use Plan and Initial Zone Classification.** The Land Use Element of the General Plan for the area shows the Dan Frandsen Parcel located in the future Very Low Density Residential classification. The Applicant has indicated that the primary purpose of the annexation is to allow the current dwelling to connect to the City Water System and that no further development of the property is proposed. Accordingly, the City has determined that the initial zone classification will be the RA-5 Residential Agricultural Zone district, which zone allows the continued use of the property for farming.

**SECTION 5 - Street Rights-of-way to be Conveyed.** City's Major Street Plan provides for the development of 1100 South Street and 100 East Street as a Major Collector Road. As a condition of annexation, Applicant hereby agrees to convey to City the right-of-way necessary for the widening of 1100 South and 100 East Streets. A copy of the deed conveying title to the parcels required for the public road is attached hereto (Attachment 3) and City hereby acknowledges receipt of the executed original.

**SECTION 6 - Water Rights to be Conveyed at Time of Development.** Current City annexation policies require that all signatories to the petition convey to City sufficient water right to meet the needs of the proposed development. Current City policy allows annexation of existing dwellings without conveyance of water right. Accordingly, no conveyance of water right will be required. Provided, however, any further development of the Annexation Area will require the conveyance of water right sufficient in amount to meet the demand for the future use. Applicant agrees to convey the water right to the City without cost in accordance with the City's water right conveyance policy in effect at that time.

**SECTION 7 - Compliance with Sensitive Lands Ordinance.** Applicant acknowledges that portions of the Annexation Area may have significant physical limitations for development including, but not necessarily limited to, wetland designation, high water table and the presence of historic open drains (sloughs) which require the need for more definitive studies to determine suitability of the area for development. In furtherance of securing annexation, at such time as the Annexation Area is proposed for further development approval Applicant agrees to provide a geotechnical study report and other documents covering the Annexation Area, identifying certain natural conditions, indicating the location of any wetland or any areas that may be unsuitable for development and providing recommendations for mitigation. All further submissions for development approval within the Annexation Area will incorporate impacts relating to natural condition identified in the geotechnical report and as set forth in the criteria for development as set forth in the Sensitive Lands Ordinance.

**SECTION 8 - Impact Fees.** No impact fees are required as a condition of annexation. However, nothing in this Agreement constitutes a waiver of any obligation that Applicant or any successor may have for the payment of impact fees required as a condition of connection to the City water and/or sewer systems or development of the Annexation Area or any portion thereof. Applicant acknowledges that no development approval or building permit shall be issued until all applicable fees required by City ordinance have been paid at the amount then in effect.

**SECTION 9 - Default.** Should any of the parties default in the performance of any of the terms of this Agreement, the parties shall first seek mediation to resolve any defaulting performance. The defaulting party shall pay all costs and expenses, including mediation fees and/or reasonable attorney's fee, which may arise from enforcing this Agreement, whether such remedy is pursued by mediation and/or filing suit or otherwise.

**SECTION 10 - Notice.** Any Notice to be given hereunder shall be given by certified mail, return receipt requested, addressed as follows:

- a. If to City, to the City of American Fork, 51 East Main Street, American Fork, Utah 84003.
- b. If to Applicant, to Dan S. Frandsen, 6755 North 5750 West, American Fork City, Utah 84003.

**SECTION 11 - Entire Agreement.** This Agreement constitutes the entire agreement between the parties and may be changed only in writing signed by all parties, and this agreement shall bind the heirs, assigns and successors in interest of the respective parties. If any party shall breach this Agreement, the other party shall be entitled to recover their attorneys fees and court costs in addition to other lawful damages resulting therefrom.

**IN WITNESS WHEREOF,** the parties have signed this agreement on the date first mentioned above.

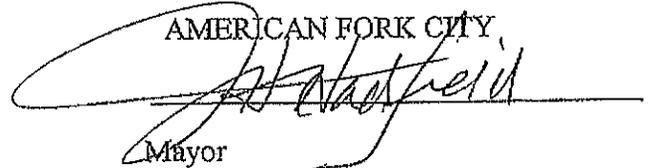
DAN FRANDBSEN

by:

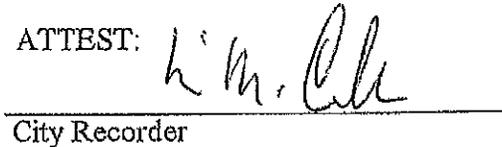
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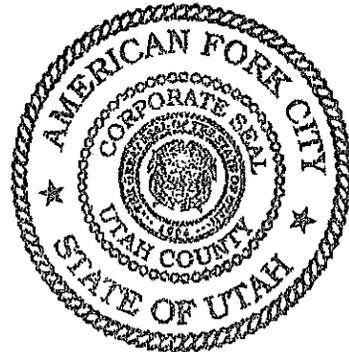


AMERICAN FORK CITY

  
Mayor

ATTEST:

  
City Recorder





## LIST OF ATTACHMENTS

- Attachment 1.** Copy of Annexation Plat
- Attachment 2.** Copy of Request to Initiate Annexation
- Attachment 3** Copy of deed conveying Road Dedication Plat showing the additional  
. right-of-way for widening of 1100 South 100 East Streets

# ATTACHMENT 2

## REQUEST TO INITIATE ANNEXATION OF LAND WITHIN AN ISLAND OR PENINSULA

DATE: 06/06/11

We the undersigned, by virtue of our signatures affixed hereto, do hereby request the City of American Fork, Utah, to annex the parcel(s) identified on the attached map, in accordance with the procedures for "Annexation Without Petition" as set forth under Section 10-2-418 of the Utah State Code.

We hereby further acknowledge and affirm as follows:

- A. The area qualifies as an unincorporated island within the City, or a peninsula contiguous to the City.
- B. The area to be annexed contains less than 500 residents.
- C. The City has provided one or more municipal-type services to the area for at least one year.

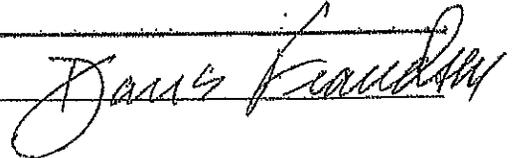
Tax I.D. Number

Name(s) of Owner(s)

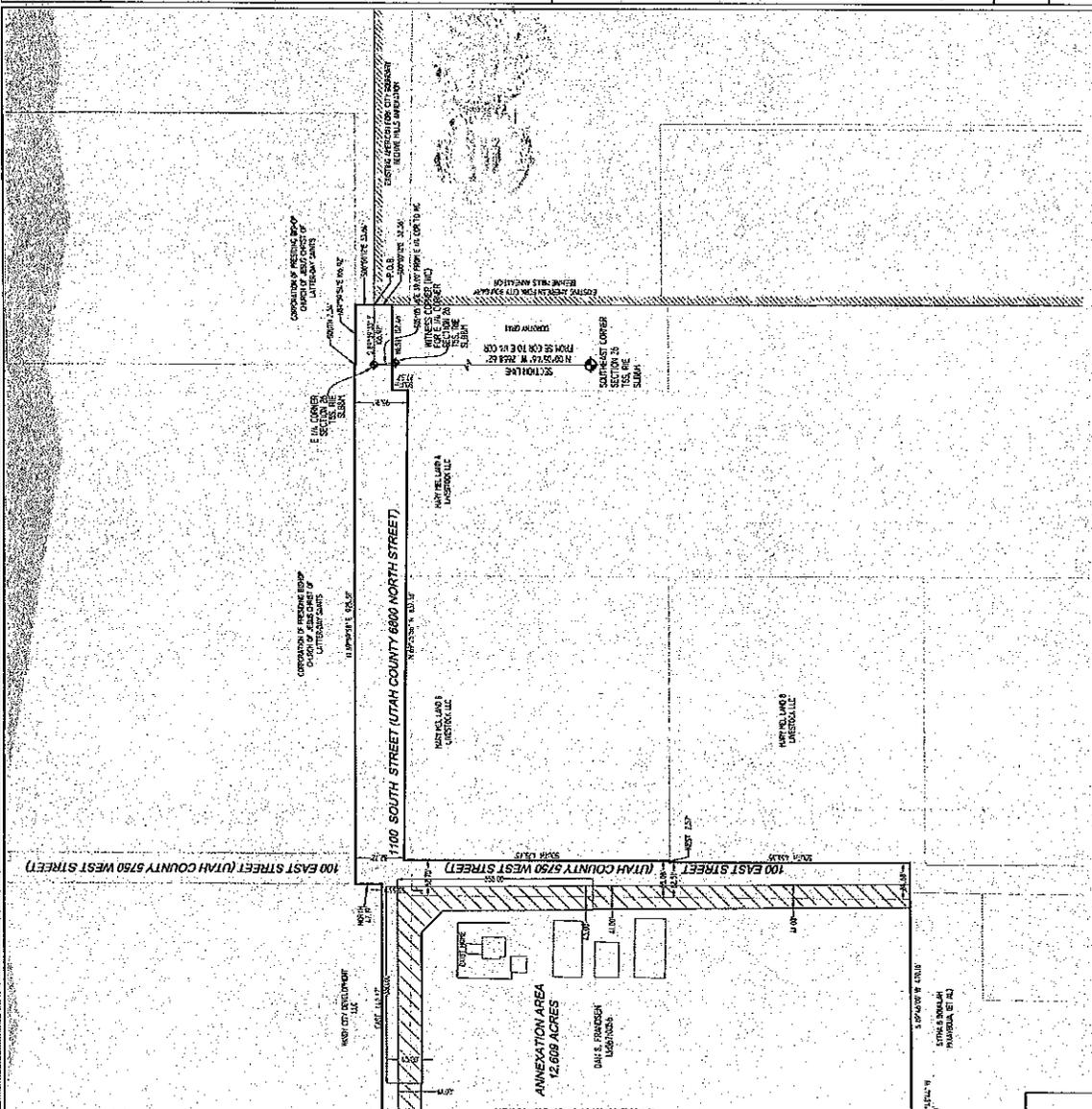
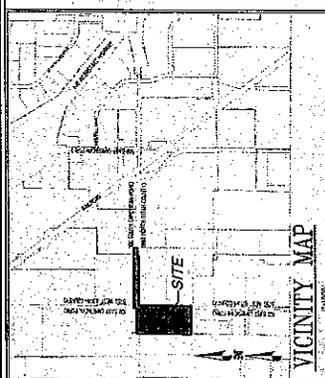
Signature of Owner(s)

13: 067:0056

DAN S FRANDSEN







**SURVEYOR'S CERTIFICATE**

I DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 64,222 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT THIS IS A TRUE AND ACCURATE MAP OF THE TRACT OF LAND TO BE ANNEXED TO AMERICAN FORK CITY, UTAH COUNTY, UTAH.

**BOUNDARY DESCRIPTION**

BEGINNING AT A POINT WHICH IS 575.00 FEET FROM THE EAST 1/4 CORNER OF SECTION 25, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND PERMANENT SOUTH POINT OF BEGINNING ALSO BEING THE POINT OF BEGINNING OF THE BURNING HILLS ANNEXATION PLAT, BY THE FOLLOWING COURSE:

THENCE NORTH 89°49'54" W 170.00 FEET; THENCE SOUTH 89°49'54" W 170.00 FEET; THENCE EAST 170.00 FEET; THENCE NORTH 89°49'54" W 170.00 FEET; THENCE SOUTH 89°49'54" W 170.00 FEET; THENCE EAST 170.00 FEET; THENCE SOUTH 89°49'54" W 170.00 FEET; THENCE EAST 170.00 FEET; THENCE SOUTH 89°49'54" W 170.00 FEET TO THE POINT OF BEGINNING.

ANNEXATION PLAT CONTAINING 12.609 ACRES, BASIS OF BEARING, UTM STATE PLANE COORDINATE SYSTEM, CONTROL ZONE

APRIL 21, 2012

*[Signature]*  
SURVEYOR

**ACCEPTANCE BY LEGISLATIVE BODY**

WE THE CITY COUNCIL OF THE CITY OF AMERICAN FORK, UTAH, DO HEREBY CERTIFY THAT WE HAVE REVIEWED THE ABOVE DESCRIBED ANNEXATION PLAT AND FIND THAT THE SAID ANNEXATION PLAT IS IN ACCORDANCE WITH THE LAWS OF THE STATE OF UTAH AND THE CHARTER OF THE CITY OF AMERICAN FORK, UTAH, AND WE HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT OF LAND SHOWN HEREON AS A PART OF AMERICAN FORK CITY, TO BE KNOWN HEREAFTER AS THE DAN FRANSDEN ANNEXATION PLAT "A".

DATED THIS 21st DAY OF JUNE, 2012.

*[Signature]*  
CITY CLERK

*[Signature]*  
CITY CLERK

*[Signature]*  
CITY CLERK

ATTEST: *[Signature]*  
RECORDED

**ANNEXATION PLAT**

**DAN FRANSDEN**

**PLAT "A"**

AMERICAN FORK CITY

LOCATED IN SECTION 25 & A PORTION OF SECTION 25, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND PERMANENT SOUTH POINT OF BEGINNING, UTAH COUNTY, UTAH.

SCALE: 1"=100'

THIS PLAT HAS BEEN SUBMITTED TO THE COUNTY CLERK AND IS HEREBY CERTIFIED AS A FINAL LOCAL ENTITY PLAT, ACCORDANT TO UTAH CODE ANNOTATED 19-2-26 AS AMENDED.

*[Signature]*  
UTAH COUNTY CLERK

DATE: \_\_\_\_\_



