

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
FILLMORE CITY, dated July 16th, 2013 in substantial compliance 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 FILLMORE 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 26th day of
August, 2013 at Salt Lake City, Utah.

GREG BELL
Lieutenant Governor

ORDINANCE NO. 13-03

**AN ORDINANCE OF THE CITY OF FILLMORE, UTAH PROVIDING FOR
ANNEXATION OF CERTAIN TERRITORY INTO THE CORPORATE LIMITS
OF FILLMORE CITY AND ESTABLISHING THE ZONE DISTRICT
CLASSIFICATION FOR THE ANNEXED TERRITORY IDENTIFIED AS
"PLAT W JARDINE ANNEXATION"**

RECITALS

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

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

WHEREAS, the owners of certain real property described below, desires to annex such real property to the corporate limits of Fillmore City, Utah (Jardine Annexation).

WHEREAS, said owners have caused a Petition for Annexation to be filed with Fillmore City, which petition designates a contact sponsor. The petition was accompanied by an accurate plat of the real property, which was prepared under the supervision of a licensed surveyor.

WHEREAS, said real property is a contiguous, unincorporated area contiguous to the boundaries of Fillmore City and the annexation thereof will not leave or create an unincorporated island or peninsula.

WHEREAS, the 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.

WHEREAS, the annexation petition contained the signatures of owners of private real property that 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.

WHEREAS, on April 27, 2013, the City accepted the petition for annexation for the Jardine Annexation.

WHEREAS, on May 3, 2011 the City Recorder certified the petition and mailed or delivered written notification thereof to the Fillmore City Council, the contact sponsor

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and the Millard County Commission, the Millard County legislative body, certifying that the annexation petition meets the requirements of State law.

WHEREAS, the City Council published notice of Certification and mailed written notice of Certification 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.

WHEREAS, on May 28, 2013, the Planning Commission heard the petition and forwarded a recommendation to the City Council to approve the petition.

WHEREAS, on June 16, 2013, the City Council held a public hearing after giving notice as required by law, and has determined the referenced annexation is desirable and that a need exists to annex the territory described in the annexation petition.

WHEREAS, the City Council has determined that the annexation territory should be zoned in accordance with the Fillmore City General Plan. The City Council has therefore determined that the territory containing approximately 161.7 acres should be included in the Light Industrial Zone.

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

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

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

BEGINNING AT THE NORTHWEST CORNER OF SECTION 31, TOWNSHIP 21 S, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, SAID POINT BEING THE SOUTHWEST CORNER OF THE ANNEXATION TO FILLMORE CITY SURVEY, PLAT F; THENCE ALONG SAID ANNEXATION BOUNDARY S89°54'30"E 1765.16 FEET MORE OR LESS TO THE WESTERNLY BOUNDARY OF ANNEXATION PLAT O; THENCE ALONG SAID ANNEXATION BOUNDARY S08°19'48"E 659.48 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF SAID ANNEXATION; THENCE S42°58'20"W 958.63 FEET TO THE NORTHWEST CORNER OF ANNEXATION PLAT Q; THENCE ALONG SAID ANNEXATION BOUNDARY S43°13'47" W 1051.48 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 11,587.19 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 1695.39 FEET, THROUGH A CENTRAL ANGLE OF 8°23'00" CHORD OF SAID CURVE BEARS S33°28'09" W 1693.88 FEET TO A POINT ON THE EASTERLY LINE OF ANNEXATION PLAT R; THENCE ALONG SAID ANNEXATION BOUNDARY N00°15'49" E 850.58 FEET TO THE WEST ¼ CORNER OF SAID SECTION 31; THENCE N00°15'04"E 1792.58 FEET TO THE NORTHWEST CORNER OF LOT 5 OF SAID SECTION 31; THENCE N89°45'18"E 433.58 FEET TO THE SOUTHWEST CORNER OF LOT 4 OF SAID SECTION 31; THENCE N00°06'44" E 890.91 FEET MORE OR LESS TO THE POINT OF BEGINNING. CONTAINING 95.06 ACRES, MORE OR LESS.

Having a combined total of 95.06 acres

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

- a. Send notice of the enactment to each affected entity pursuant to the notice requirements set forth in Section 10-2-425, Utah annotated (1953 edition), *as amended*; and
- b. File with the Lt. Governor of the State of Utah:
 - (i) A notice of the impending annexation that meets the requirements of Section 67-1a-6.5(3) Utah Code Annotated (1953 edition), *as amended*; and
 - (ii) A certified copy of this ordinance approving the annexation, together with a plat or map prepared by a licensed surveyor, approved by the City Council, and filed with the Millard County Recorder, (who also acts as Millard County Surveyor) at the time required by the Lieutenant Governor and /or State Law showing the new boundaries of the affected area; and
 - (iii) A copy of an approved final local entity plat.

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 City of Fillmore. 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 City of Fillmore. At the time this annexation becomes effective, the annexation area will be entitled to municipal services rendered by the City of Fillmore and to the protections offered by Fillmore City ordinances and other benefits generally enjoyed by the present residents of the City of Fillmore, 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.

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 Fillmore City Annexation Declaration.

Section 6. Zone Classification of Annexed Territory. Upon completion of the annexation of the territory described in this ordinance into the City of Fillmore, 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

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annexed territory to the west, southwest, of the south I-15/Highway 99 intersection to be zoned Light Industrial as further established by the Zoning Ordinances of Fillmore, Utah.

Section 7. Development Restrictions. All future development must be made in compliance with Fillmore City ordinances, resolutions, policies, rules and regulations. 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 & 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 Fillmore City a Certificate of Annexation.

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 City of Fillmore, Utah.

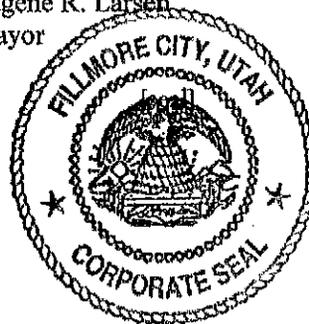
Section 12. Effect on Related Ordinances. Any ordinance, resolution or policy of the City of Fillmore in conflict with this ordinance shall hereby be deemed amended to the extent necessary to conform to the provisions of this ordinance as they relate to the annexed territory.

PASSED AND ADOPTED this 16th day of July, 2013.

Eugene R. Larsen

Eugene R. Larsen
Mayor

Attest: *Marlene Cummings*
Marlene Cummings
City Recorder



VOTE:

Michael D. Holt	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
Josephine F. Huntsman	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
N. Wayne Jackson	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
Eric R. Jensen	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
Deborah S. Oeppinger	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent

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