

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
SMITHFIELD CITY, dated January 23rd, 2013, 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 SMITHFIELD CITY, located in
Cache County, State of Utah.



IN TESTIMONY WHEREOF, I have
hereunto set my hand, and affixed the Great
Seal of the State of Utah this 21st day of
March, 2013 at Salt Lake City, Utah.

A handwritten signature in black ink, appearing to read "G Bell".

GREG BELL
Lieutenant Governor

SMITHFIELD CITY CORPORATION

96 South Main Street - P.O. Box 96
Smithfield, Utah 84335
Phone (435) 563-6226
FAX (435) 563-6228

OFFICIALS

DARRELL G. SIMMONS
MAYOR
O. DEAN CLEGG
RECORDER
JANE PRICE
TREASURER
JAMES P. GASS, P.E.
CITY MANAGER
TERRY K. MOORE
COURT JUSTICE

COUNCIL MEMBERS

BRENT C. BUTTARS
BARBARA S. KENT
KRIS MONSON
MICHAEL G. OLIVERSON
WILLIAM "DEE" WOOD

Smithfield City, Cache County Utah

Notice of Impending Boundary Action

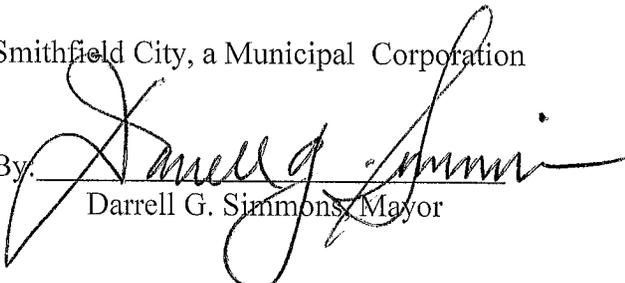
To: The Utah Lieutenant Governor
Utah State Capitol Complex, Suite 220
P.O. Box 14235
Salt Lake city, UT 84114-2325

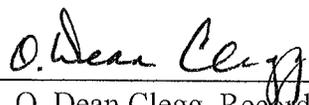
1. Notice is hereby given that Smithfield City, Cache County, Utah intends to annex certain real property and extend its corporate limits, the property to be annexed is owned by Pitcher Family Farms LLC, LaVoyle Crossley, Successor Trustee
2. A copy of the Approved Final Local Entity Plan (Annexation Plat) is included.
3. The undersign, Darrell G. Simmons, Mayor, and O. Dean Clegg, City Recorder, hereby certify that all requirements to be completed by Smithfield City which are applicable to the annexation of the Pitcher Family Farms, LLC real property have been met.

DATED: 13th day of March, 2013.

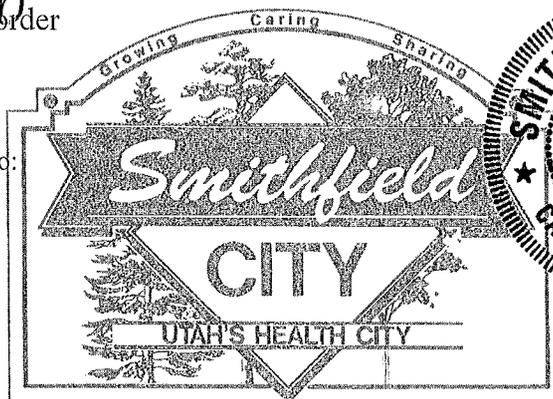
Attested & Verified:

Smithfield City, a Municipal Corporation

By: 
Darrell G. Simmons, Mayor

By: 
O. Dean Clegg, Recorder

Please Return the Documents and
the Certification of Annexation To:
O. Dean Clegg, Recorder
P.O. Box 96
Smithfield, Utah 84335



ORDINANCE 13-04

(Pitcher Family Annexation)

WHEREAS, the owners of certain real property, described below, desire to annex such real property to the corporate limits of Smithfield City, Utah; and

WHEREAS, said real property is located within the area proposed for annexation and covers a majority of the private land area 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 a contiguous, unincorporated area contiguous to the boundaries of Smithfield City and the annexation thereof will not leave or create an unincorporated island or peninsula; and

WHEREAS, said property is undeveloped and covers an area that is equivalent to less than five percent (5%) of the total land mass of all private real property within Smithfield City; 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 the 11th day of November, 2012, the Smithfield City Council received the required Notice of Certification from the City Recorder certifying that the annexation petition meets 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 have been 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 to Section 10-2-407, Utah Code Annotated 1953, as amended, the City Council of Smithfield City, Utah, hereby adopts, passes, and publishes the following:

**AN ORDINANCE AMENDING THE MUNICIPAL ZONING MAP,
ANNEXING CERTAIN REAL PROPERTY AND EXTENDING THE
CORPORATE LIMITS OF SMITHFIELD CITY, UTAH.**

BE IT ORDAINED, by the City Council of Smithfield City, Cache County, State of Utah, as follows:

1. The real property, more particularly described in Paragraph 2, below, is hereby annexed to Smithfield 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 tract of land to be included in the corporate limits of Smithfield, Utah located in the Southwest Quarter of Section 34, Township 13 North, Range 1 East of the Salt Lake Baseline and Meridian described as follows:

The Property is located at: 600 South to 800 South and East of 250 East.

Cache County tax Parcels: **08-117-0004**

A tract of land situate in the south half of section 34, Township 13 North, Range 1 East, Salt Lake base and meridian, U.S. Survey, more particularly described as follows.

Beginning at the grantor's northeast property corner as described in entry number 1040055 of the official records of Cache County, being on the existing Smithfield City Corporate boundary at a point located north 89°51'45" west 2632.56 feet along the north line of said south half and south 00°08'15" west 33.00 feet from the east quarter corner of said section and running thence along the perimeter of said grantor's land the following seven (7) courses: (1) south 01°48'25" west 627.13 feet (south 610.50 feet by record); (2) south 89°51'07" east 297.00 feet (east by record) to an existing rebar marking the property corner; (3) south 02°04'43" west 349.89 feet (southerly by record) to a Knighton and Crow rebar establishing the boundary line; (4) south 01°41'21" west 329.65 feet (southerly by record) to an existing rebar marking the property corner; (5) north 89°19'50" west 684.10 feet (west by record) to said existing corporate boundary; (6) north 01°01'26" east 1299.94 feet (northerly 1341.03 feet by record) along said corporate boundary; (7) south 89°51'45" east 406.01 feet along said corporate boundary to the point of beginning. Containing 16.47 acres

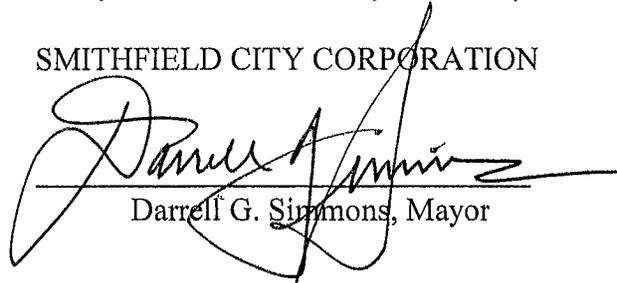
The basis of bearings for this plat is a line from the south quarter corner of said section 34, to the east quarter corner of said section 34, which bears north 43°44'32" east Utah North NAD83 State Plane Grid bearing.

3. The real property described in Paragraph 2, above, shall be classified as being in the A-10 District of the Agricultural zone in accordance with the provision of Section 17.08.050 of the Smithfield Municipal Code, and the Zoning Map of Smithfield City shall be amended to include the real property described above.
4. A certified copy of this Ordinance and an original plat describing the property so annexed shall be filed with the Cache County Recorder within thirty (30) days after the date this Ordinance is adopted.

5. This ordinance shall be effective upon the posting of three (3) copies in each of three (3) public places within the corporate limits of Smithfield City.

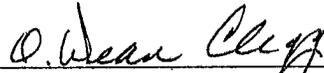
ADOPTED AND PASSED by the Smithfield City Council this 23rd day of January, 2013.

SMITHFIELD CITY CORPORATION

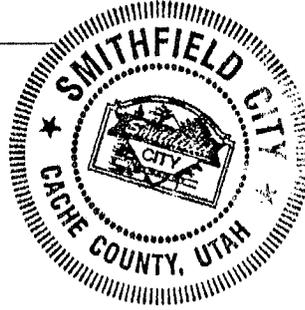


Darrell G. Simmons, Mayor

ATTEST:



O. Dean Clegg, City Recorder



AGREEMENT

THIS AGREEMENT is made and entered into as of the 21 day of February, 2013, by and between SMITHFIELD CITY, a Utah municipal corporation (hereinafter referred to as "City") and LAVOYLE CROSSLEY, Successor Trustee of the Pitcher Family Land, L.L.C. (hereinafter referred to as "Owner").

Witnesseth:

WHEREAS, the City, will consider a request for annexation by the owners of real property in response to a properly filed petition for annexation as described in Section 10-2-403, UCA.; and

WHEREAS, the Owner filed such a petition for annexation with the City for property identified by tax number 08-117-0004 on October 04, 2012; and

WHEREAS, the City adopted Resolution No. 12-11 accepting said petition on October 24, 2012; and

WHEREAS, the City has met with the Owner of the property proposed for annexation and outlined the conditions that must be met prior to the annexation.

THIS AGREEMENT is entered into for the purpose of setting forth the terms and conditions whereunder the above described property may be annexed into the corporate limits of Smithfield City.

NOW THEREFORE, it is agreed by and between the parties hereto as follows:

Prior to or in conjunction with the adoption of Ordinance No. 13-04 by the Smithfield City Council, annexing the above described property into the corporate limits of Smithfield, the Owner shall:

1. Dedicate to Smithfield City Corporation a right-of-way of sufficient width to establish a full right-of-way width of 66' for 250 East Street from 600 South Street to the Owner's south property line.
2. Dedicate to Smithfield City Corporation a right-of-way of sufficient width to establish a full right-of-way width of 80' for 600 South Street from 250 East Street to the Owner's east property line.
3. Dedicate to Smithfield City Corporation that portion of a right-of-way to allow for the extension of 800 South Street along the Owner's south property line from 250 East Street to the Owner's east property line.
4. Identify, by certificate number, those water shares in the Logan and Northern Canal Company currently being used to water the above described property. Execute an affidavit approved by the Logan and Northern Canal restricting those shares of water to the above described property and/or all future lots within the property.

5. AMENDMENTS: This Agreement constitutes and represents the entire agreement of the

parties hereto and all other prior agreements, covenants, promises and conditions, verbal or written, between these parties are incorporated herein.

6. ATTORNEY'S FEES: Should either of the parties default in any of the covenants or agreements contained herein, the defaulting party shall pay all costs and expenses, including a reasonable attorney's fee which may arise or accrue from enforcing this Agreement or in pursuing any remedy provided herein or by the laws of the State of Utah, whether such remedy is pursued by filing suit or otherwise.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.



ATTEST:

O. Dean Cleary
City Recorder

SMITHFIELD CITY CORPORATION

By: _____

Mayor

Samuel J. Summers

OWNER

LaVoyle P. Crossley
LaVoyle P. Crossley, Successor Trustee of the
Pitcher Family Land, L.L.C.

SMITHFIELD CITY CORPORATION

96 South Main Street - P.O. Box 96
Smithfield, Utah 84335
Phone (435) 563-6226
FAX (435) 563-6228

OFFICIALS

DARRELL G. SIMMONS
MAYOR
O. DEAN CLEGG
RECORDER
JANE PRICE
TREASURER
JAMES P. GASS, P.E.
CITY MANAGER
TERRY K. MOORE
COURT JUSTICE

COUNCIL MEMBERS

JEFFREY H. BARNES
BRENT C. BUTTARS
BARBARA S. KENT
KRIS MONSON
DENNIS WATKINS

February 13, 2013

We, the undersigned, certify that the Smithfield City Council did follow all the legal requirements for annexation as requested from owners of property located at approximately 600 South to 800 South, East of 250 East

Cache County Tax Parcels: 08-117-0004 Containing 16.47 Acres

Those requirements are:

Reviewed and accepted a formal petition by **Resolution 12-11** on October 24th, 2012.

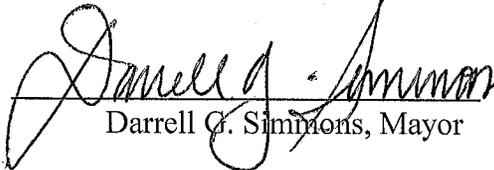
Accepted the petition as certified by the City Recorder on November 14th, 2012

Ordered a Notice of Certification be published in the Herald Journal for three consecutive weeks on Nov 21, Nov 28, and Dec 5, 2012.

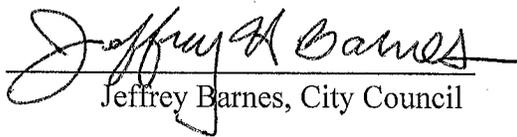
No protest was filed.

A public hearing was held to receive public comment on the 23rd day of January, 2013.

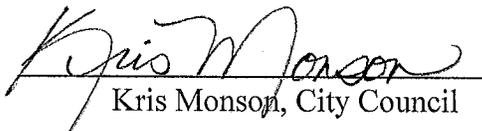
Accepted the annexation by **Ordinance 13-04** on the 23rd day of January, 2013.


Darrell G. Simmons, Mayor


Brent Buttars, City Council


Jeffrey Barnes, City Council

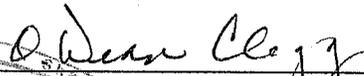

Barbara Kent, City Council


Kris Monson, City Council

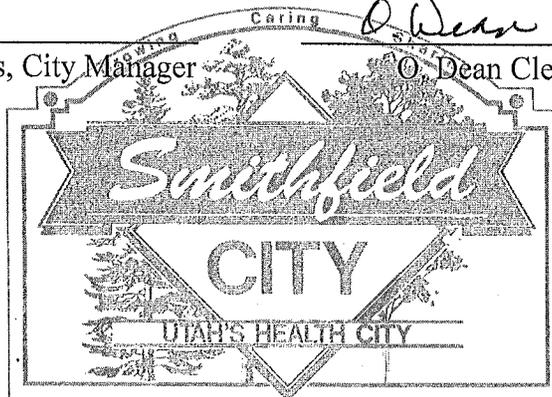

Dennis Watkins, City Council



James P. Gass, City Manager



O. Dean Clegg, Recorder



SURVEYOR'S CERTIFICATE

I, **DAVID L. HANSON**, Surveyor for the State of Utah, do hereby certify that the foregoing plat was prepared by me or under my direct supervision and that I am a duly licensed Surveyor for the State of Utah. I am a member of the Utah Surveyors Association and the National Society of Professional Surveyors. I am a resident of the State of Utah and have been practicing as a Surveyor for the State of Utah for the past 15 years. I am a member of the Utah Surveyors Association and the National Society of Professional Surveyors. I am a resident of the State of Utah and have been practicing as a Surveyor for the State of Utah for the past 15 years.

ANNEXATION BOUNDARY DESCRIPTION

A TRACT OF LAND KNOWN AS THE SOUTH HALF OF SECTION 34, TOWNSHIP 13 NORTH, RANGE 12 EAST, SALT LAKE MERIDIAN, U.S. SURVEY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 13 NORTH, RANGE 12 EAST, SALT LAKE MERIDIAN, U.S. SURVEY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 13 NORTH, RANGE 12 EAST, SALT LAKE MERIDIAN, U.S. SURVEY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 13 NORTH, RANGE 12 EAST, SALT LAKE MERIDIAN, U.S. SURVEY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:



DATE: 8/23/12

ACCEPTANCE BY LEGISLATIVE BODY

THE BOARD OF COUNTY COMMISSIONERS OF CACHE COUNTY, UTAH, HAS REVIEWED THE FOREGOING PLAT AND HAS APPROVED THE SAME AS SHOWN ON THE ATTACHED PLAT. THE BOARD OF COUNTY COMMISSIONERS OF CACHE COUNTY, UTAH, HAS REVIEWED THE FOREGOING PLAT AND HAS APPROVED THE SAME AS SHOWN ON THE ATTACHED PLAT.



ANNEXATION PLAT

PLAT OF ADDITION TO THE CORPORATE LIMITS OF

SUNNED CITY, CACHE COUNTY, UTAH

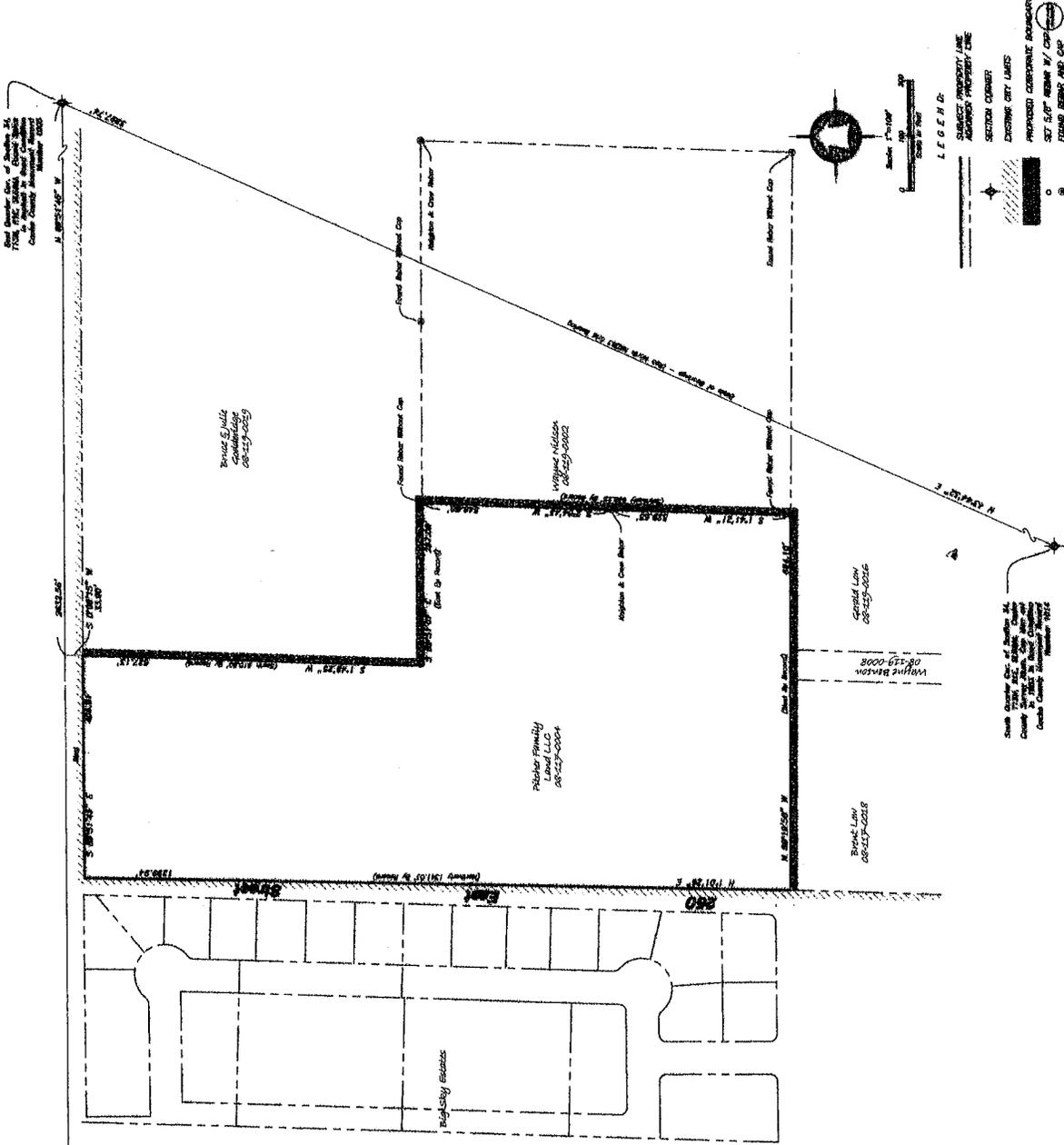
AUGUST, 2012

A PART OF THE SOUTH HALF OF SECTION 34, TOWNSHIP 13 NORTH, RANGE 12 EAST, SALT LAKE MERIDIAN, U.S. SURVEY.

COUNTY RECORDER NO. _____

STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED FOR PUBLIC RECORDS.

FILED IN FILE OF THIS _____ CACHE COUNTY RECORDER



CACHE COUNTY SURVEYOR APPROVAL

THIS PLAT HAS BEEN EXAMINED AND APPROVED BY THE CACHE COUNTY SURVEYOR.



DATE: 8-13-2012

HANSON & ASSOCIATES, INC.
 David L. Hanson, Surveyor
 200 North Main Street, Suite 200
 P.O. Box 1000, Provo, Utah 84602
 Phone: 801-734-1111 Fax: 801-734-1112
 Email: david@hanson-surveyors.com