

STATE OF UTAH



OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF ANNEXATION

I, SPENCER J. COX, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT there has been filed in my office a notice of annexation from COTTONWOOD HEIGHTS CITY, dated September 10<sup>th</sup>, 2014, 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 COTTONWOOD HEIGHTS CITY, located in Salt Lake County, State of Utah.



IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 16<sup>th</sup> day of September, 2014 at Salt Lake City, Utah.

A handwritten signature in black ink, appearing to read "Spencer J. Cox".

SPENCER J. COX  
Lieutenant Governor

# COTTONWOOD HEIGHTS

## NOTICE TO THE UTAH LIEUTENANT GOVERNOR OF IMPENDING BOUNDARY ACTION

("GRANITE OAKS" ANNEXATION)

**PLEASE TAKE NOTICE** that:

A. Effective 26 August 2014, the city council of the city of Cottonwood Heights ("*Cottonwood Heights*") enacted its ordinance no. 226 annexing approximately 210 acres located near 9300 South Wasatch Boulevard; and

B. An approved final local entity plat showing such annexation (the "*Annexation*") has been or soon will be filed with the office of the Utah Lieutenant Governor by the office of the Salt Lake County Surveyor, and all other requirements applicable to the Annexation have been met; and

C. Pursuant to UTAH CODE ANN. 67-1a-6.5(3)(e)(i), Cottonwood Heights certifies that all requirements applicable to the Annexation have been met.

D. Pursuant to UTAH CODE ANN. 10-2-425(4), the Annexation will be effective 1 January 2014.

DATED 10 September 2014.

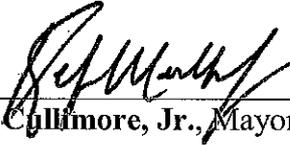
COTTONWOOD HEIGHTS



ATTEST:

  
Kory Solorio, Recorder

By

  
Kelvyn H. Cullimore, Jr., Mayor

Received

SEP 10 2014

Spencer J. Cox  
Lieutenant Governor

VERIFICATION

STATE OF UTAH )  
 )  
 :ss.  
COUNTY OF SALT LAKE )

**Kelvyn H. Cullimore, Jr.** and **Kory Solorio**, being sworn, say that they are the mayor and the recorder, respectively, of **COTTONWOOD HEIGHTS**, a Utah municipality, and that the facts set forth in the foregoing "Notice of Impending Boundary Action" are true, accurate, and complete to the best of their knowledge and belief.

 *[Signature]*  
Kelvyn H. Cullimore, Jr., Mayor  
*[Signature]*  
Kory Solorio, Recorder

SUBSCRIBED AND SWORN to before me this 10 day of September 2014.

 **GINA KIRKWOOD**  
NOTARY PUBLIC-STATE OF UTAH  
COMMISSION# 677917  
COMM. EXP. 06-24-2018

*[Signature]*  
Gina Kirkwood  
Notary Public

# COTTONWOOD HEIGHTS

## ORDINANCE NO. 226

### AN ORDINANCE ANNEXING APPROXIMATELY 210 ACRES LOCATED NEAR 9300 SOUTH WASATCH BOULEVARD ( GRANITE OAKS ANNEXATION)

**WHEREAS**, the city council (the "*Council*") of the city of Cottonwood Heights, Utah (the "*City*") met in regular session on 26 August 2014 to consider, among other things, annexing an area of approximately 210 acres (the "*Property*") located near 9300 South Wasatch Boulevard, commonly known as the Granite Oaks annexation; and

**WHEREAS**, various owners of the Property caused a petition for annexation (the "*Petition*") to be filed with the City, together with an accurate plat of the Property which was prepared by a licensed surveyor; and

**WHEREAS**, the Council accepted the Petition for further consideration; and

**WHEREAS**, on 19 June 2014, the Council received a notice of certification (the "*Certification*") from the City Recorder certifying that the Petition meets the requirements of state law; and

**WHEREAS**, the Council caused notice of the proposed annexation to be published in the Salt Lake Tribune and the Deseret News on 22 June 2014, 6 July 2014 and 13 July 2014; to be timely posted on the Utah Public Notice Website; and to be timely mailed to all "affected entities," all as required by applicable law, and no timely protests were filed; and

**WHEREAS**, the Council caused notice of a public hearing regarding the proposed annexation to be published in the Salt Lake Tribune and the Deseret News on 3 August 2014, and to be timely posted on the Utah Public Notice Website, all as required by applicable law;

**WHEREAS**, on 12 August 2014, the Council held the required public hearing regarding the proposed annexation; and

**WHEREAS**, after public comment and careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the City and its residents to annex the Property and to grant the Petition.

**NOW, THEREFORE, BE IT ORDAINED** by the city council of the city of Cottonwood Heights as follows:

Section 1. ***Annexation of the Property.*** Pursuant to UTAH CODE ANN. §10-2-407(3)(b) and/or §10-2-408, the real property described on the attached exhibits is hereby annexed to the City and the corporate limits of the City are hereby extended accordingly.

Section 2. **Notices and Filings.** The City shall provide all required notices and make all required filings concerning this annexation, including, without limitation, those required by UTAH CODE ANN. §10-2-425.

Section 3. **Zoning.** Pursuant to UTAH CODE ANN. §10-9a-504, the Council hereby finds that the Property may be unregulated as of the effective date of its annexation into the City, which the Council deems to be of compelling, countervailing public interest. Based upon such finding, the Council (a) establishes temporary zoning regulations for the annexed Property to be effective immediately upon the effective date of this annexation under UTAH CODE ANN. §10-2-425(4), which is anticipated to be 1 January 2015, and (b) pursuant to such temporary zoning regulations, imposes on the Property the zoning designations specified on the attached exhibit, except that any planned unit development conditional use under those zoning designations shall not be available to the Property during the pendency of such temporary zoning regulations; and (c) also imposes on the Property zoning conditions that are identical to any zoning conditions currently imposed on the Property by Salt Lake County. Such zoning designations and zoning conditions shall remain in effect until the first to occur of (y) re-zone of the annexed Property by the Council, or (z) six months from the effective date of the annexation, which is assumed to be 1 July 2015 (i.e., six months after the anticipated 1 January 2015 effective date of this annexation).

Section 4. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 5. **Severability.** All parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

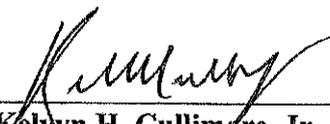
Section 6. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 7. **Effective Date.** This Ordinance, assigned no. 226, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's Recorder, or such later date as may be required by Utah statute; provided, however, that (a) the annexation effected hereby shall take effect as required by UTAH CODE ANN. §10-2-425(4), as amended; and (b) Section 3 of this Ordinance shall take effect upon the effective date of this annexation under UTAH CODE ANN. §10-2-425(4), as amended.

**PASSED AND APPROVED** this 26<sup>th</sup> day of August 2014.

**COTTONWOOD HEIGHTS CITY COUNCIL**

By

  
\_\_\_\_\_  
Kelvyn H. Cullimore, Jr., Mayor

ATTEST:



*Kory Solorio*  
Kory Solorio, Recorder

**VOTING:**

Kelvyn H. Cullimore, Jr.	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael L. Shelton	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael J. Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tee W. Tyler	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

**DEPOSITED** in the Recorder's office this 26<sup>th</sup> day of August 2014.

**POSTED** this 26<sup>th</sup> day of August 2014.

# EXHIBIT

(Attach Map Showing Annexation Property's  
Zoning Designations Under Temporary Zoning Regulations)



# Proposed Granite Annexation Proposed Cottonwood Heights Zoning

**DISCLAIMER**  
This map is provided as a guide. No one other than the user should rely on this map for any legal or financial purpose. Cottonwood Heights reserves the right to make zoning changes to this information at any time without notice. Cottonwood Heights makes no warranty, expressed or implied as to the accuracy of the information provided. Errors have been made to correct the information. Cottonwood Heights does not warrant the accuracy of the information provided. Cottonwood Heights reserves the right to make zoning changes to this information at any time without notice. Cottonwood Heights makes no warranty, expressed or implied as to the accuracy of the information provided. Errors have been made to correct the information. Cottonwood Heights does not warrant the accuracy of the information provided.

**- Map Legend -**

	Non Wilderness Forest Areas
	R-1-15 Residential Single Family
	RR-1-21 Rural Residential
	RR-1-43 Rural Residential
	F-1-43 Foothill Residential
	F-20 Forestry
	City Boundary
	Parcels

**Cottonwood Heights**  
1265 E. Fort Union Blvd.,  
Suite 250  
Cottonwood Heights, UT 84047  
(801) 944-7000

Published: 26 August 2014  
Source: Utah State AGRC  
Cottonwood Heights Planning Department

Scale: 0 0.0325 0.065 0.13 Miles







Spencer Hadley <spencerhadley@utah.gov>

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## Cottonwood Heights--Notices of Impending Boundary Action

1 message

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**Shane Topham** <wstopham@cnmlaw.com>  
To: Spencer Hadley <spencerhadley@utah.gov>

Tue, Sep 16, 2014 at 4:04 PM

Spencer—

Thank you for alerting me that the two notices of impending boundary action filed a few days ago by Cottonwood Heights concerning two pending annexations each contain the same "typo:" specifically, they state that the annexations will be effective January 1, 2014 rather than January 1, 2015. The correct effective date for both annexations is January 1, 2015. Please consider both notices of impending boundary action to be amended accordingly.

Please contact me if you need anything further to evidence the subject correction.

Kind regards--

Shane Topham  
Cottonwood Heights City Attorney

**Wm. Shane Topham**  
Attorney At Law



**CALLISTER NEBEKER  
& McCULLOUGH**  
*Attorneys at Law*