

STATE OF UTAH

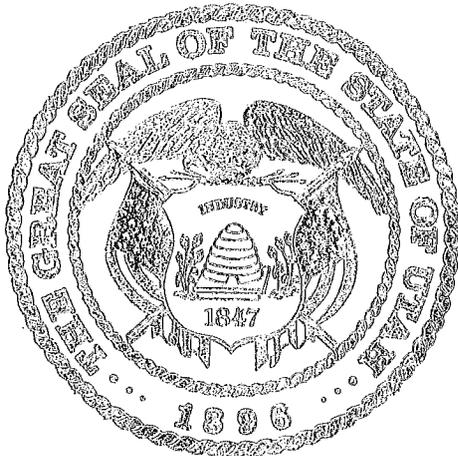


OFFICE OF THE LIEUTENANT GOVERNOR

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 TOOELE CITY, dated November 5th, 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 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 4th day of December, 2014 at Salt Lake City, Utah.

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

SPENCER J. COX
Lieutenant Governor

Notice of Impending Boundary Action: Annexation

December 2, 2014

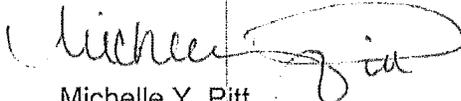
Lieutenant Governor Spencer J. Cox
State Capitol Complex
PO Box 142325
Salt Lake City, UT 84114-2325
Via email: jaclynburt@utah.gov

Dear Lieutenant Governor Cox:

This letter constitutes a Notice of Impending Boundary Action pursuant to U.C.A. §67-1a-6.5, indicating that Tooele City Corporation has taken all necessary actions to annex approximately 38 acres of land into the Tooele City corporate limits. All annexation requirements have been met evidenced by the enclosed Tooele City Ordinance 2014-16 and its exhibits. Also enclosed is a copy of the Annexation Plat map.

We look forward to receiving a Certificate of Annexation from your office.

Sincerely,



Michelle Y. Pitt
Tooele City Recorder

TOOELE CITY CORPORATION

ORDINANCE 2014-16

AN ORDINANCE OF THE TOOELE CITY COUNCIL APPROVING THE ANNEXATION PETITION OF TOM BUZIANIS, PETER L. BUZIANIS, AND MATHEW ARBSHAY FOR THE GREEN MEADOWS ANNEXATION, ANNEXING APPROXIMATELY 38 ACRES OF LAND INTO THE TOOELE CITY CORPORATE LIMIT, APPROVING AN ANNEXATION AGREEMENT, AND ASSIGNING THE R1-14 ZONING DISTRICT TO THE ANNEXED PROPERTY.

WHEREAS, Tooele City has received the annexation petition ("Petition") of Mathew R. Arbshay, Tom Buzianis, and Peter L. Buzianis ("Petitioners") dated May 20, 2014, in accordance with U.C.A. §10-2-403, seeking to annex approximately 38 acres of property (the "Property") located on Skyline Drive and east of the Loma Vista subdivision into the Tooele City corporate limits (see the Petition, including maps, attached as **Exhibit A**); and,

WHEREAS, the Petitioners proposed a rural 25-lot subdivision for the Property, with each lot consisting of one or more acres, and requested one-acre zoning with large animal rights (see the conceptual Green Meadows Subdivision drawing attached as **Exhibit B**); and,

WHEREAS, following public discussion on June 4, 2014, the City Council approved Resolution 2014-30, which accepted the Petition for further consideration, as provided in U.C.A. §10-2-405(1), and which Resolution communicated to the Petitioners what further measures would be required of the Petitioners in order for the Petition to be acceptable for final approval (see Resolution 2014-30 attached as **Exhibit C**); and,

WHEREAS, by letter dated July 28, 2014, the Petitioners transmitted to Tooele City reports studying the anticipated water, sewer, storm water, and transportation impacts of the proposed annexation upon Tooele City (see the letter and reports attached as **Exhibit D**); and,

WHEREAS, on October 6, 2010, the City Council adopted the 2010 Annexation Policy Plan ("Annexation Plan") for Tooele City (reference Ordinance 2010-15), and the Property falls within Option C of Figure 1 to the Annexation Plan (see Figure 1 attached as **Exhibit E**); and,

WHEREAS, additional correspondence between the City and the Petitioners, on the subjects of zoning, large animals, water rights, an existing well, a development plan, slope protection, an annexation agreement, and Middle Canyon Road, is attached as **Exhibit F**; and,

WHEREAS, on October 6, 2014, the City Recorder certified the Petition as required by U.C.A. §10-2-405(2) (see the Certification, attached as **Exhibit G**); and,

TOOELE CITY CORPORATION

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WHEREAS, on October 6, 2014, the City Recorder certified the Petition as required by U.C.A. §10-2-405(2) (see the Certification, attached as **Exhibit G**); and,

WHEREAS, as far as has been determined, the Petition and the annexation proposed therein do not involve any Affected Entity as defined in U.C.A. §10-2-401; therefore, no person is entitled by statute to protest the Petition (see U.C.A. §10-2-407(1)(a)), thereby mooted the publication of a notice of protest period otherwise required by U.C.A. §10-2-406; and,

WHEREAS, as required by T.C.C. §7-24-1(d), the Tooele City Planning Commission held a public meeting on October 22, 2014, to consider the Petition and voted to forward a favorable recommendation to the City Council (see Planning Commission minutes attached as **Exhibit H**); and,

WHEREAS, as required by U.C.A. §10-2-407(3)(b)(ii)(A), the City Council convened a duly-noticed public hearing on November 5, 2014; and,

WHEREAS, pursuant to T.C.C. 7-24-3, any annexation approval is conditioned upon all annexation petitioners executing an annexation agreement with the City, which draft annexation agreement is attached as **Exhibit I**; and,

WHEREAS, the proposed Green Meadows Annexation plat is attached as **Exhibit J**; and,

WHEREAS, three conceptual subdivision layouts are attached as **Exhibit K**, although subdivision approval is not part of the annexation approval:

WHEREAS, pursuant to Tooele City Code §7-24-1(1)(f), a successful annexation petition must be approved by a two-thirds (2/3) vote of the City Council; and,

NOW, THEREFORE, BE IT RESOLVED BY THE TOOEELE CITY COUNCIL that:

1. The Annexation Petition (Exhibit A) is hereby approved, subject to the conditions stated herein
 - a. Existing Well. The Petitioners shall abandon the existing water well on the property, at their cost, in full compliance with State Drinking Water standards, as contained in Rules 309-515 and 309-516 of the Utah Administrative Code. The well shall be abandoned by the deadline established in the Annexation Agreement; and,
 - b. Skyline Drive. The Petitioners shall construct improvements to the currently unpaved Skyline Drive fronting the Property, to include full travel pavement width (no less than 29 feet of asphalt), curb and gutter on the north side, utilities, lighting, signage, etc., consistent with Tooele City ordinance and policy, such improvements being necessary for public safety and to lengthen the life of the roadway; and,
 - c. Water Rights. As provided by existing Tooele City Code and State of Utah regulations, the Petitioners shall convey to the Tooele City Water Special Service District sufficient municipal water rights to supply each single-

family residence and to fully landscape all lots. Each residence will require 0.45 acre-feet of municipal water rights. All pervious lot areas will require water rights at the duty of 4 acre-feet per acre. The water rights shall be conveyed by the deadline established in the Annexation Agreement; and,

- d. Slope. For the perpetual protection of the 7-acre steep slope area, the Petitioners will be required to deed this area to Tooele City Corporation or to convey to Tooele City Corporation a perpetual conservation easement for this area. The Petitioners may choose whether to convey a warranty deed or a conservation easement. The deed or easement shall be conveyed by the deadline established in the Annexation Agreement; and,
2. As far as can be determined, the Petition and the annexation proposed therein do not involve any Affected Entity as defined in U.C.A. §10-2-401; thus, no Notice of Certification inviting protests was required or published;
3. The City Recorder is hereby directed to file electronically with the Utah Lieutenant Governor a Notice of Impending Boundary Action meeting the requirements of U.C.A. §67-1a-6.5(3), together with a copy of the survey map attached to the Petition;
4. The property annexed under this Ordinance, as described in the Petition, shall receive the Low Density Residential (LDR) land use plan designation and the R1-14 residential zoning district designation under authority of Tooele City Code §7-24-2;
5. The annexation approved by this Ordinance shall take effect, according to U.C.A. §10-2-425(4), on the date of the Lieutenant Governor's issuance of a Certificate of Annexation; and,
6. All aspects of this Ordinance, with the exception of the effective date of the annexation for State of Utah purposes under U.C.A. §10-2-425(4), shall take effect immediately upon passage, without further publication, by authority of the Tooele City Charter; and,
7. The annexation approved by this Ordinance shall not include any portion of the Middle Canyon Road right-of-way, being a Tooele County Road; and,
8. The Mayor is hereby authorized to execute on behalf of Tooele City the Annexation Agreement attached hereto as **Exhibit I**; and,
9. The City Recorder is hereby authorized and instructed to record the Green Meadows Annexation Plat with the Tooele County Recorder's Office.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this 5th day of November, 2014.

TOOELE CITY COUNCIL

(For)

(Against)

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

[Signature]

ATTEST:

[Signature]
Michelle Y. Pitt, City Recorder

SEAL



Approved as to Form:

[Signature]
Roger Baker, City Attorney

May 20, 2014

From: Tom Buzianis, Pete Buzianis, and Mathew Arbshay representing Jesse Lassly

To: Tooele City Planning and Zoning Board and City Council
90 North Main Street
Tooele, Utah 84074

Dear Ladies and Gentlemen:

We would like to annex the properties of Green Meadows Minor Subdivision (as per attached plat) to Tooele City. We are aware of the necessity of including some water rights to the land. On that, we need your guidance. We would also like to know if we can have a meeting with some of the City authorities to be guided through this process.

Thanking you,

Tom Buzianis, Pete Buzianis, and Mathew Arbshay

For Tom Buzianis Peter J Buzianis Mathew R. Arbshay

For any communication call Mathew Arbshay at 435-840-1336 or email mrarbshay@gmail.com

