

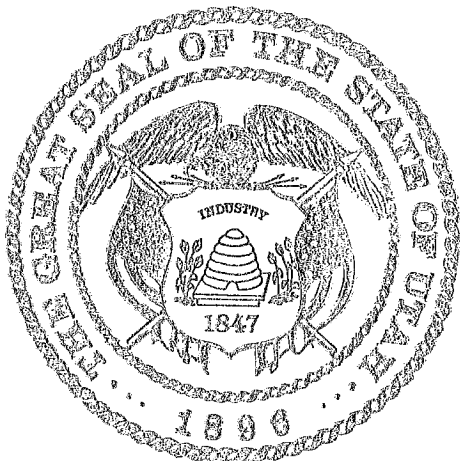
STATE OF UTAH



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 OAK CITY TOWN, dated April 29th, 2015, 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 OAK CITY TOWN, 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 15th day of May, 2015 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
BY OAK CITY TOWN, IN MILLARD COUNTY

Spencer J. Cox, Utah Lieutenant Governor
Utah State Capitol Complex
Suite 220
P.O. Box 14235
Salt Lake City, Utah 84114-2325

Received
MAY 12 2015
Spencer J. Cox
Lieutenant Governor

Lieutenant Governor Cox,

1. This notice is directed to you to meet the requirements of Utah Code Annotated §67-1a-6.5.
2. Oak City Town is the local entity whose boundary is affected by this boundary action.
3. The type of boundary action for which Oak City Town is seeking the applicable certificate from your office is an annexation.
4. Oak City Town certifies that all requirements of state law applicable to the annexation have been met.

SIGNATURES AND VERIFICATION

STATE OF UTAH)
 : ss.
COUNTY OF MILLARD)

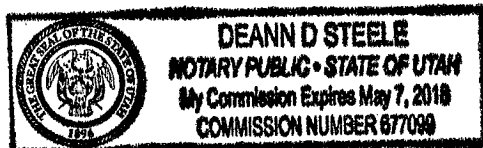
Mayor, KENNETH S. CHRISTENSEN, being sworn, says that the facts set forth in the above Notice of Impending Boundary Action are true, accurate, and complete to the best of his knowledge and belief.



KENNETH S. CHRISTENSEN, Mayor

SUBSCRIBED AND SWORN to before me by KENNETH S. CHRISTENSEN, this 28th day of April, 2015.





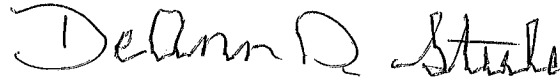
STATE OF UTAH)
 : ss.
COUNTY OF MILLARD)

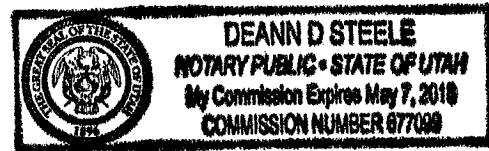
Town Recorder, KAREN K. LOVELL, being sworn, says that the facts set forth in the above Notice of Impending Boundary Action are true, accurate, and complete to the best of her knowledge and belief.

Attest: 
KAREN K. LOVELL, Town Recorder

SUBSCRIBED AND SWORN to before me by KAREN K. LOVELL, this 29th day of April, 2015.

DeAnn D Steele
Commission No. 677099
Notary Public - State of Utah
Commission Expiration May 7, 2018





Town of Oak City

ORDINANCE NO. 2015-03

AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF OAK CITY, UTAH PROVIDING FOR ANNEXATION OF CERTAIN TERRITORY INTO THE CORPORATE LIMITS OF THE TOWN OF OAK CITY AND ESTABLISHING ZONE DISTRICT CLASSIFICATION FOR THE ANNEXED TERRITORY IDENTIFIED AS THE "PLAT H ANNEXATION":(Matt Finlinson)

RECITALS

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

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

B. The owners of a certain parcel of real property, described below, desire to annex such real property to the corporate limits of Oak City, Utah. An annexation petition has been presented to the Town, the Matt Finlinson petition for annexation (hereafter "PLAT H annexation").

C. Said owners have caused a Petition for Annexation to be filed with Oak City, which 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.

D. The real property in each annexation petition is a contiguous, unincorporated area contiguous to the boundaries of Oak City, and the annexation thereof will not leave or create an unincorporated island or peninsula.

E. Each 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.

F. Each 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.

G. On January 15, 2015 the City Council accepted the petition for annexation for the PLAT H Annexation.

H. On January 16, 2015, the City Recorder certified the PLAT H annexation petition and mailed or delivered written notification thereof to the Oak City Council, the contact sponsors and the Millard County Commission certifying that the annexation petition met the requirements of state law.

I. The City Council published Notice of Certification and mailed written Notice of Certification for the petitions 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*.

J. On February 19, 2015, the City Council held a public hearing after giving notice as required by law for the PLAT H annexation and held a public hearing after giving notice as required by law for the PLAT H annexation. The City Council has determined the referenced annexation is desirable and that a need exists to annex the territory described in the annexation petition.

K. The City Council has determined that the annexation territory should be zoned in accordance with the Oak City General Plan. The City Council has determined that the territory should be included within the Rural Residential District-2 (RR-2) Zone.

L. On February 19, 2015, the City Council of the Town of Oak City adopted Ordinance 2015-02 to annex the property contained in Plat H. Ordinance 2015-02 did not comply with current State Law on Annexation.

M. The Town of Oak City desires to fully comply with Utah State Law on annexation procedures.

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

Section 1. Repeal and Adoption. In order to comply with Utah State Law Ordinance no. 2015-02 is repealed and this Ordinance 2015-03 is adopted by the Town of Oak City.

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

Section 3. Property Description. The real property, which is the subject of this annexation Ordinance, is described as follows:

PARCEL: ("PLAT H annexation")

BEGINNING AT THE WEST ONE QUARTER CORNER OF SECTION 5, T17S, R4W, SLM. THENCE NORTH 89 DEGREES 13' 14" WEST 325.01 FEET ALONG THE QUARTER SECTION LINE; THENCE SOUTH 00 DEGREES 23' 39" WEST 1000.185 FEET; THENCE SOUTH 89 DEGREES 36' 21" EAST 325.00 FEET TO THE SECTION LINE; THENCE SOUTH 00 DEGREES 23' 39" WEST 389.51 FEET TO THE 1/16 CORNER; THENCE SOUTH 89 DEGREES 59' 04" EAST 990.23 FEET ALONG SOUTH BOUNDARY OF NW1/4SW1/4 OF SAID SECTION 5; THENCE NORTH 00 DEGREES 23' 39" EAST 1023.76 FEET TO THE SOUTH BOUNDARY OF ANNEXATION PLAT D; THENCE NORTH 61 DEGREES 14' 22" WEST 546.67 FEET ALONG SAID SOUTH BOUNDARY; THENCE NORTH 40 DEGREES 34' 05" WEST 675.00 FEET ALONG SAID SOUTH BOUNDARY TO THE EAST BOUNDARY OF COUNTY ROAD; THENCE SOUTH 00 DEGREES 04' 05" EAST 412.69 FEET ALONG SAID EAST BOUNDARY TO THE QUARTER SECTION LINE; THENCE NORTH 89 DEGREES 14' 50" WEST 70.00 FEET ALONG SAID QUARTER SECTION LINE TO THE POINT OF BEGINNING.

Containing 38.00 Acres More or Less

Section 4. Filing with Lt. Governor. Within thirty (30) days after enacting this ordinance, Oak City shall file with the Lt. Governor of the State of Utah:

- (a) A certified copy of this Ordinance approving the annexation;
- (b) A notice of impending boundary action meeting the requirements of Utah Code Annotated §67-1a-6.5; and
- (c) a copy of an approved final local entity plat, as defined in Utah Code Annotated §67-1a-6.5.

Section 5. Filing with Millard County Recorder. Upon the Lt. Governor's issuance of a certificate of annexation under Utah Code Annotated §67-1a-6.5 Oak City shall submit to the Millard County Recorder:

- (a) the original notice of an impending boundary action;
- (b) certificate of annexation;
- (c) the approved final local entity plat; and
- (d) a certified copy of this Ordinance.

Section 6. Notice to Affected Entities. Upon the Lt. Governor's issuance of a certificate of annexation under Utah Code Annotated §67-1a-6.5 Oak City shall send notice of the annexation to each affected entity.

Section 7. 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 Town of Oak City. 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 Town of Oak City. At the time this annexation becomes effective, the annexation areas will be entitled to municipal services rendered by the Town of Oak City and to the protections offered by Oak City ordinances and other benefits generally enjoyed by the present residents of the Town of Oak City, 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. The real property annexed will be within the boundaries of the Millard County Fire District, but it was also within those boundaries before the annexation.

Section 8. 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 Oak City Annexation Declaration.

Section 9. Zone Classification of Annexed Territory. Upon completion of the annexation of the territory described in this Ordinance into the Town of Oak City, 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 annexed territory to be Rural Residential RR2, all as further established by the Zoning Ordinances of Oak City, Utah.

Section 10. Development Restrictions. All future development must be made in compliance with Oak City ordinances, resolutions, policies, rules, and regulations. Street access to the property annexed shall follow the grid pattern layout of existing streets where possible. Development of the real property annexed by this ordinance shall require recorded easement conveyances for all utility services and dedication of land as appropriate under Oak City ordinances to the Town for necessary streets. 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 11. 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 12. 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 13. Effective Date of Annexation and 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 Oak City a Certification of Amended Articles of Incorporation.

Section 14. 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 Town of Oak City, Utah.

Section 15. Effect on Related Ordinances. Any ordinance, resolution or policy of the Town of Oak City 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 29 day of April, 2015.


KENNETH S. CHRISTENSEN, Mayor

Attest: 
KAREN K. LOVELL, Town Recorder

VOTING:

<u>David Steele</u>	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
<u>Craig Dutton</u>	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
<u>Jeff Lyman</u>	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
<u>Gary LeBaron</u>	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
<u>Kenneth Christensen</u>	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent

