

STATE OF UTAH

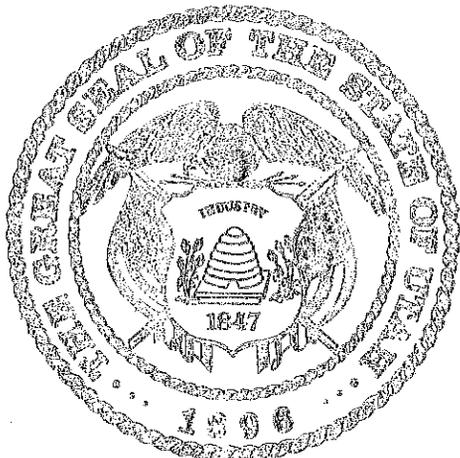


OFFICE OF THE LIEUTENANT GOVERNOR

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 DELTA CITY, dated March 17th, 2016, 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 DELTA 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 9th day of June, 2016 at Salt Lake City, Utah.

SPENCER J. COX
Lieutenant Governor



DELTA CITY
76 North 200 West
Delta, UT 84624
(435) 864-2759 FAX (435) 864-4313
www.delta.utah.gov

May 16, 2016

Lieutenant Governor Spencer J. Cox
Utah Lieutenant Governor's Office
Utah State Capitol Complex, Suite 220
PO BOX 142325
Salt Lake City, UT 84114-2325

RE: Droubay Annexation 2016

Dear Lieutenant Governor Cox:

I would like to express my sincere apology that this notice of an impending boundary action was not submitted within thirty days of the passage of the enacting ordinance accepting the annexation of real property into the legal boundaries of Delta City. My office was awaiting the completion of a suitable map for submission to your office, to which we later learned, via a call from your colleague Angela Chozo-Gonzales was already in your possession and had bypassed us.

I certify to you that the requirements of Utah Code Annotated (1953), as amended, § 10-2-425 have been met with regard to the parties who brought forth approximately seventy-three acres of unimproved ground into Delta City which will be ultimately subdivided for residential living.

Please find accompanying herewith the enacting Delta City Ordinance No. 16-267 adopted at a regular City Council Meeting on Thursday, March 17, 2016; along with my certification of passage.

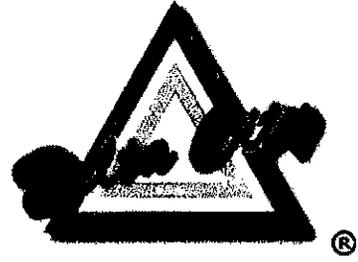
Should your office need anything else, please feel free to contact me and I will gladly help you.

Respectfully,

Gregory Jay Schafer, MMC
Administrative Officer/City Recorder

Enclosures

Delta City
76 N 200 W
Delta UT 84624-9440
435 864 2759
435 864 4313 FAX
www.delta.utah.gov



Certificate of Ordinance Passage

STATE OF UTAH)
)
CITY OF DELTA) SS.

I, GREGORY J. SCHAFER, as the duly appointed, sworn and acting Delta City Recorder, do hereby certify that the attached, numbered as City of Delta Ordinance Number 16-267 was duly adopted by the necessary quorum of the Delta City Council on March 17, 2016.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the corporate seal of said City.


GREGORY JAY SCHAFER, MMC
Delta City Recorder





ORDINANCE

NUMBER 16-267

AN ORDINANCE ANNEXING REAL PROPERTY NORTH OF EXISTING DELTA CITY LIMITS OWNED BY NOTCH PEAK VIEW, LLC AND CONSISTING OF APPROXIMATELY 73 ACRES.

The City Council of the City of Delta, Utah (referred to herein as the "City Council"), recites the following as the basis for enacting this Ordinance:

- A. The owner of property north of existing Delta City limits caused a petition for annexation (the "Petition") to be filed with the City, together with an accurate and recordable map, prepared by a licensed surveyor, of the area proposed for annexation;
- B. The Council adopted the Petition for further consideration;
- C. The proposed annexation will leave or create an unincorporated island or peninsula;
- D. On January 7, 2016; the City Council considered and discussed the question of whether, pursuant to Utah Code Ann § 10-2-402(1)(b)(iii)(B), Delta City would agree and approve annexation of an unincorporated area that will leave or create an unincorporated island, and determined that, as presented in the Petition, that it would;
- E. pursuant to Utah Code Ann § 10-2-402(1)(b)(iii)(B), on or about January 5, 2016, the Board of Millard County Commissioners agreed and approved the annexation of an unincorporated area that will leave or create an unincorporated island as presented in the Petition;
- F. On or about January 25, 2016, the City Council received notice of certification (the "Certification") from the City Recorder certifying that the Petition meets the requirements of state law;
- G. The City Council caused Notice of Certification of Annexation Petition to be published in the Millard County Chronicle-Progress, a newspaper of general circulation, on February 3, February 10 and February 17, 2016; to be timely posted on the Utah Public Notice Website as required by Utah Code Ann. § 10-2-406 and

other applicable law;

- H. No timely protests were filed in accordance with Utah Code Ann. § 10-2-407;
- I. Pursuant to Utah Code Ann. § 10-2-407, the City Council caused a notice of a public hearing in the Millard County Chronicle Progress, a newspaper of general circulation, on February 3, 2016, and to be timely posed on the Utah Public Notice Website;
- J. Pursuant to Utah Code Ann. § 10-2-407, the City Council held the required public hearing regarding the proposed annexation;
- K. After receiving public comment and careful consideration, the Council has determined that it is in the best interest for the health, safety and welfare of the City and its residents to annex the Property and to grant the Petition.
- L. The City Council has determined it to be in the best interest of the residents of Delta City to better define what type of animals are allowed to be kept within City limits, the circumstance by which animals should be housed and maintained, and remedies that should be applied for violations of Delta City animal regulations; and
- M. The City Council finds this ordinance to be in the best interest of the public health, safety and welfare of Delta City.

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

Section 1. Annexation of the Property. Pursuant to Utah Code Ann. § 10-2-407(3)(b) and § 10-2-408, the real property described on the map ("Exhibit A") is hereby annexed to Delta City and the corporate limits of the City are hereby extended accordingly.

Section 2. Notices and Filing. The City shall provide all required noticed and make all required filings concerning this annexation, including, without limitation, those required by Utah Code Ann. § 10-2-425.

Section 3. Zoning. All of the area being annexed shall be and is hereby classified and zoned as RR-NM (Rural Residential Non-Modular).

Section 4. Effective Date. This ordinance shall become effective upon publication.

Section 5. Action of Officers. All actions of the officers, agents and employees of the City 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.

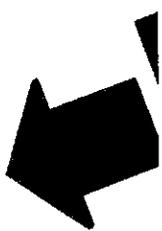
Section 6. Publication. This ordinance, or a summary thereof, is ordered published in the Millard County Chronicle-Progress, a newspaper having general circulation within the city of Delta, Utah.

Section 7. Severability. In the event that any provision of this ordinance less than the entire ordinance is held invalid by a court of competent jurisdiction, this ordinance shall be deemed severable and such finding of invalidity shall not affect the remaining portions of this ordinance.

Section 8. Repeal of Conflicting Ordinances. To the extent that any ordinances, resolutions or policies of the City of Delta conflict with the provisions of this ordinance, it is hereby amended to be in accordance with the provisions hereof.

PASSED AND ADOPTED by the City Council of the City of Delta, State of Utah on the 17th day of March, 2016, by the following Vote:

	Aye	Nay	Abstain	Absent
Robert W. Banks	X	_____	_____	_____
Kiley J. Chase	X	_____	_____	_____
John W. Niles	X	_____	_____	_____
J. Travis Keel	X	_____	_____	_____
Betty J. Western	X	_____	_____	_____



Gayle K. Bunker

 GAYLE K. BUNKER
 MAYOR

Gregory Jay Schaefer

 GREGORY JAY SCHAEFER, MMC
 CITY RECORDER

