

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 FILLMORE CITY, dated November 1st, 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 FILLMORE 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 21st day of December, 2016 at Salt Lake City, Utah.

A handwritten signature in cursive script, reading "Spencer J. Cox".

SPENCER J. COX
Lieutenant Governor

NOTICE OF IMPENDING BOUNDARY ACTION
BY FILLMORE CITY, 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
NOV 28 2016
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. Fillmore City (also known as "City of Fillmore") is the local entity whose boundary is affected by this boundary action.
3. The type of boundary action for which Fillmore City is seeking the applicable certificate from your office is an annexation.
4. Fillmore City certifies that all requirements applicable to the annexation have been met.

SIGNATURES AND VERIFICATION


STATE OF UTAH)
 : ss.
COUNTY OF MILLARD)

Mayor, Eugene R. Larsen, 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.

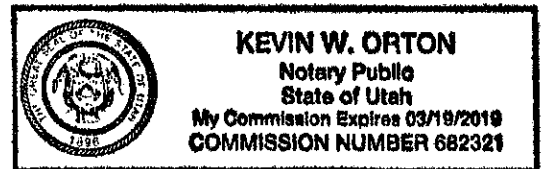


EUGENE R. LARSEN, Mayor

23rd SUBSCRIBED AND SWORN to before me by EUGENE R. LARSEN, this
day of November, 2016.



NOTARY PUBLIC

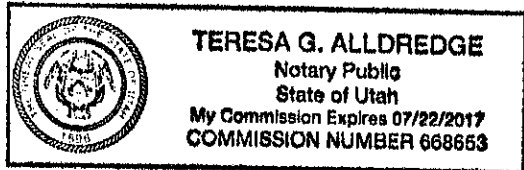


STATE OF UTAH)
 : ss.
COUNTY OF MILLARD)

City Recorder, KEVIN W. ORTON, 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.

Attest: Kevin W. Orton
KEVIN W. ORTON, City Recorder

SUBSCRIBED AND SWORN to before me by KEVIN W. ORTON, this 23rd day of November, 2015.



Teresa G. Alldredge
NOTARY PUBLIC

City of Fillmore

ORDINANCE NO. 16-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FILLMORE, UTAH PROVIDING FOR ANNEXATION OF CERTAIN TERRITORY INTO THE CORPORATE LIMITS OF THE CITY OF FILLMORE AND ESTABLISHING ZONE DISTRICT CLASSIFICATION FOR THE ANNEXED TERRITORY IDENTIFIED AS THE "DEARDEN ANNEXATION"; THE BOUNDARY DESCRIPTION IS AS FOLLOWS:

Beginning at the center of Section 28, Township 21 South, Range 4 West, Salt Lake Meridian; thence South 00°31'20" West 1324.32 feet to the Southeast Corner of the Northeast Quarter of the Southwest Quarter of said Section 28; thence North 89°38'16" West 1110.72 feet along the sixteenth section line to the Southeast corner of record parcel 7036-3; thence North 00°33'07" East 17.30 feet along the East line of record parcel 7036-3 to the Northeast corner of said record parcel; thence North 89°38'16" West 15.46 feet along the North line of record parcel 7036-3 to a point on the Easterly line of record parcel F7036-2; thence North 00°41'37" East 617.32 feet along the East line of record parcel F7036-2 to the Northeast corner of said record parcel; thence North 89°26'53" West 202.07 feet along the North line of record parcel F7036-2 to a point on the West line of the Northeast Quarter of the Southwest Quarter of said Section 28; thence North 00°33'07" East 691.76 feet along the sixteenth section line to the Northwest corner of the Northeast Quarter of the Southwest Quarter of said Section 28; thence South 89°31'14" East 1326.02 feet along the quarter section line to the Point of Beginning.

RECITALS

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

- A. Fillmore 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 Fillmore 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 Fillmore, Utah. An annexation petition has been presented to the City, identified as the Dearden Annexation.
- C. Said owners have caused a Petition for Annexation to be filed with Fillmore, 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 Fillmore, and the annexation thereof will not leave or create an unincorporated island or peninsula.
- E. The 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. The 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 September 6, 2016 the City Council accepted the petition for annexation for further consideration.

H. On September 28, 2016, the City Recorder certified the Dearden annexation petition and mailed or delivered written notification thereof to the Fillmore 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 November 1, 2016, the City Council held a public hearing after giving notice as required by law for the Dearden 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 Fillmore General Plan. The City Council has determined that the territory should be included within the Rural Residential District Zone.

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

Section 1. Adoption. This Ordinance 16-05 is adopted by the City of Fillmore in order to approve the Dearden Annexation.

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

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

PARCEL: ("Dearden Annexation");

Section 4. Filing with Lt. Governor. Within thirty (30) days after enacting this ordinance, Fillmore 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 Fillmore 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 Fillmore 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 City of Fillmore. 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 City of Fillmore. At the time this annexation becomes effective, the annexation areas will be entitled to municipal services rendered by the City of Fillmore and to the protections offered by Fillmore ordinances and other benefits generally enjoyed by the present residents of City of Fillmore, 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.

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 Fillmore's Annexation Declaration.

Section 9. Zone Classification of Annexed Territory. Upon completion of the annexation of the territory described in this Ordinance into the City of Fillmore, 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, as further established by the Zoning Ordinances of Fillmore, Utah.

Section 10. Development Restrictions. All future development must be made in compliance with Fillmore 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 Fillmore ordinances to the City 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 Fillmore a Certification of Annexation.

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 City of Fillmore, Utah.

Section 15. Effect on Related Ordinances. Any ordinance, resolution or policy of the City of Fillmore 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 1st Day of November, 2016.



EUGENE R. LARSEN, Mayor

Attest: 

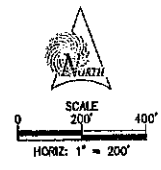
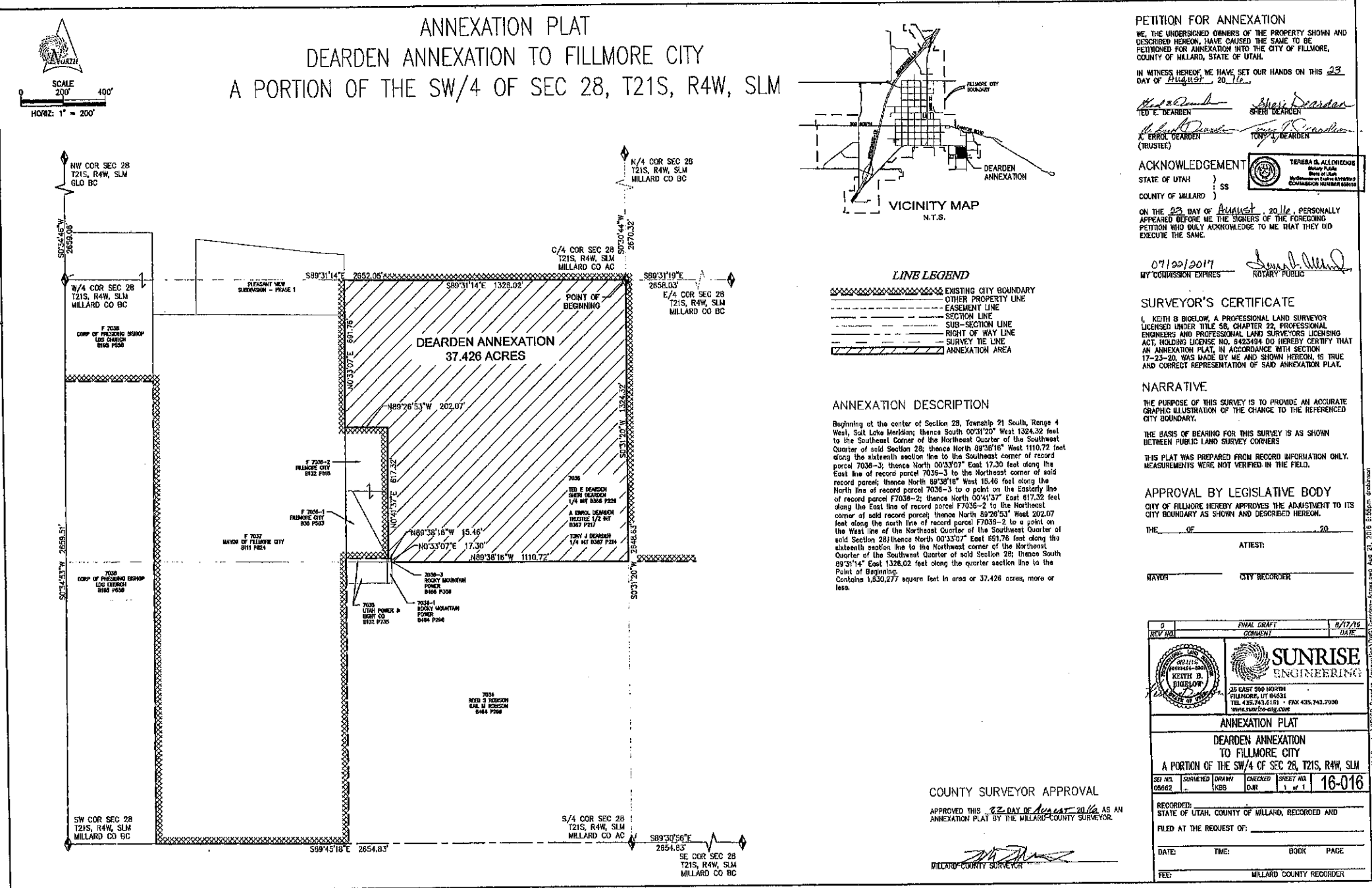
KEVIN ORTON, City Recorder

I certify that this is a true and correct copy of the adopted ordinance.

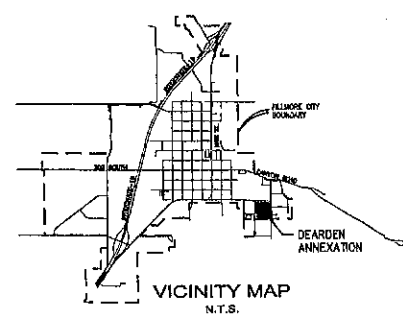
VOTING:

Ian E. Adams	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
Michael D. Holt	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
Eric R. Jenson	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
Jeffrey D. Mitchell	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
Michael K. Rhinehart	<input type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input checked="" type="checkbox"/> Absent





ANNEXATION PLAT
DEARDEN ANNEXATION TO FILLMORE CITY
A PORTION OF THE SW/4 OF SEC 28, T21S, R4W, SLM



LINE LEGEND

	EXISTING CITY BOUNDARY
	OTHER PROPERTY LINE
	EASEMENT LINE
	SECTION LINE
	SUB-SECTION LINE
	RIGHT OF WAY LINE
	SURVEY TIE LINE
	ANNEXATION AREA

ANNEXATION DESCRIPTION

Beginning at the center of Section 28, Township 21 South, Range 4 West, Salt Lake Meridian; thence South 00°31'20" West 1324.32 feet to the Southeast Corner of the Northeast Quarter of the Southwest Quarter of said Section 28; thence North 89°38'18" West 1110.72 feet along the sixteenth section line to the Southeast corner of record parcel 7036-2; thence North 00°41'37" East 817.32 feet along the East line of record parcel 7036-2 to the Northeast corner of said record parcel; thence North 89°38'18" West 15.46 feet along the North line of record parcel 7036-3 to a point on the Eastern line of record parcel 7036-2; thence North 00°41'37" East 817.32 feet along the East line of record parcel 7036-2 to the Northeast corner of said record parcel; thence North 89°29'53" West 202.07 feet along the north line of record parcel 7036-2 to a point on the West line of the Northeast Quarter of the Southwest Quarter of said Section 28; thence North 00°33'07" East 891.76 feet along the sixteenth section line to the Northwest corner of the Northeast Quarter of the Southwest Quarter of said Section 28; thence South 89°31'14" East 1326.02 feet along the quarter section line to the Point of Beginning.

Contains 1,850,277 square feet in area or 37.426 acres, more or less.

PETITION FOR ANNEXATION

WE, THE UNDERSIGNED OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, HAVE CAUSED THE SAME TO BE PETITIONED FOR ANNEXATION INTO THE CITY OF FILLMORE, COUNTY OF MILLARD, STATE OF UTAH.

IN WITNESS WHEREOF, WE HAVE SET OUR HANDS ON THIS 23 DAY OF August, 2016.

Ted E. Dearden
TED E. DEARDEN

Shari Dearden
SHARI DEARDEN

Errol Dearden
ERROL DEARDEN (TRUSTEE)

Tony J. Dearden
TONY J. DEARDEN

ACKNOWLEDGEMENT

STATE OF UTAH)
) SS
 COUNTY OF MILLARD)

ON THE 23 DAY OF August, 2016, PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING PETITION WHO DULY ACKNOWLEDGE TO ME THAT THEY DID EXECUTE THE SAME.

07/22/2017
 MY COMMISSION EXPIRES _____

Shari Dearden
NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I, KEITH B. BIGELOW, A PROFESSIONAL LAND SURVEYOR LICENSED UNDER TITLE 56, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT, HOLDING LICENSE NO. 8423494 DO HEREBY CERTIFY THAT AN ANNEXATION PLAT, IN ACCORDANCE WITH SECTION 17-23-20, WAS MADE BY ME AND SHOWN HEREON, IS TRUE AND CORRECT REPRESENTATION OF SAID ANNEXATION PLAT.

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO PROVIDE AN ACCURATE GRAPHIC ILLUSTRATION OF THE CHANGE TO THE REFERENCED CITY BOUNDARY.

THE BASIS OF BEARING FOR THIS SURVEY IS AS SHOWN BETWEEN PUBLIC LAND SURVEY CORNERS.

THIS PLAT WAS PREPARED FROM RECORD INFORMATION ONLY. MEASUREMENTS WERE NOT VERIFIED IN THE FIELD.

APPROVAL BY LEGISLATIVE BODY

CITY OF FILLMORE HEREBY APPROVES THE ADJUSTMENT TO ITS CITY BOUNDARY AS SHOWN AND DESCRIBED HEREON.

THE _____ OF _____ 20____

ATTEST:

MAYOR _____ CITY RECORDER _____

0	FINAL DRAFT	8/17/16
REV NO	COMMENT	DATE
SUNRISE ENGINEERING 25 EAST 500 NORTH FILLMORE, UT 84631 TEL 435.743.6181 • FAX 435.743.7900 WWW.SUNRISE-ENG.COM		
ANNEXATION PLAT DEARDEN ANNEXATION TO FILLMORE CITY A PORTION OF THE SW/4 OF SEC 28, T21S, R4W, SLM		
SD NO	SURVEYED	DRAWN
08662	KBB	DKR
CHECKED	SHEET NO	
DKR	1 of 1	16-016
RECORDED: STATE OF UTAH, COUNTY OF MILLARD, RECORDED AND FILED AT THE REQUEST OF:		
DATE:	TIME:	BOOK PAGE
FEES:	MILLARD COUNTY RECORDER	

COUNTY SURVEYOR APPROVAL

APPROVED THIS 23 DAY OF August, 2016 AS AN ANNEXATION PLAT BY THE MILLARD COUNTY SURVEYOR.

Keith B. Bigelow
MILLARD COUNTY SURVEYOR