

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 the CITY OF SARATOGA SPRINGS, dated April 22, 2019, 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 the CITY OF SARATOGA SPRINGS, located in Utah County, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 24th day of April 2019 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

April 22, 2019

The Honorable Spencer J. Cox
Lieutenant Governor of the State of Utah
Utah State Capitol Complex
PO Box 142325
Salt Lake City, Utah 84114-2325

Subject: Notice of Impending Boundary Action – Smith and Freeland Annexation - Annexation of 55.18 +/- Acres of Land

Dear Lieutenant Governor Cox,

On April 16, 2019, the City Council of the City of Saratoga Springs, Utah adopted Ordinance 19-12 (4-16-2019) to annex approximately 55.18 acres of land situated outside of the current boundaries of the City of Saratoga Springs, Utah within portions of unincorporated Utah County, which property is contiguous to the boundaries of the City and identified in the City's Annexation Policy Plan. A copy of the Ordinance and supporting documents are provided with this Notice setting forth the revised boundaries of the City of Saratoga Springs, Utah. Also provided with this Notice is an Approved Final Local Entity Plat, as defined in Utah Code § 67-1a-6.5(1)(b), certified by the Utah County Surveyor.

In accordance with Utah Code § 67-1a-6.5(3)(e), I hereby certify that all requirements applicable to this annexation have been met. I also respectfully request that your office issue a Certificate of Annexation to the City of Saratoga Springs in accordance with Utah Code § 10-2-425.

If you have any questions or need additional information from me, please do not hesitate to contact me at any time.

Respectfully,

Jim Miller, Mayor

ORDINANCE NO. 19-12 (4-16-19)

AN ORDINANCE ADOPTED PURSUANT TO SECTION 10-2-408(1)(b) OF THE UTAH CODE, APPROVING THE SMITH AND FREELAND ANNEXATION OF APPROXIMATELY 55.18 ACRES OF LAND; ANNEXING SUCH LAND INTO THE CITY; AND RELATED MATTERS.

WHEREAS, DR Horton, on behalf of Property Owners, Lee J. and Joy P. Smith and William A. Jr. and Mandalyn A. Freeland, has submitted to the City Recorder a Petition for Annexation (such Annexation, together with all attached and related materials, is referred to herein as the “Petition”), requesting that the City annex certain property into the City, which property is located within portions of unincorporated Utah County contiguous to the boundaries of the City, and which is more particularly described in Exhibit A (“Smith & Freeland Property); and

WHEREAS, the Smith & Freeland Property contains approximately 55.18 acres; and

WHEREAS, the Smith & Freeland Property is situated within the portion of unincorporated Utah County included in the Annexation Policy Plan Map adopted by the City Council of the City of Saratoga Springs on June 19, 2012 as part of Ordinance No. 12-7 (6-19-12) and amended in 2016 and 2017; and

WHEREAS, on October 18, 2018 the City Council accepted the Petition for further consideration; and

WHEREAS, on December 6, 2018 the City Recorder (a) certified the Petition, and (b) mailed or delivered written notification of such certification to the City Council, contact sponsor, and the Utah County Commission, in satisfaction of Section 10-2-405(2)(c) of the Utah Code, a copy of which certification and notification is attached hereto as Exhibit B; and

WHEREAS, following receipt of notice of such certification from the City Recorder on December 6, 2018, the City Council caused notice of the proposed annexation to be published (a) for three consecutive weeks on December 10, December 17, and December 24, 2018 in the Daily Herald, a newspaper of general circulation within (i) the area circumscribed by the Smith & Freeland Property, and (ii) the unincorporated area within ½ mile of the Smith & Freeland Property, and (b) at least three weeks starting on or about December 6, 2018 on the website established pursuant to Section 45-1-101 of the Utah Code, which notices, together with affidavits of publication thereof, are attached hereto as Exhibit C; and

WHEREAS, following receipt of notice of such certification from the City Recorder the City Council caused a notice thereof to be mailed on December 6, 2018 to affected entities, copies are of which notices are attached hereto as Exhibit D; and

WHEREAS, the notices identified the deadline of January 5, 2019 (the “Protest Deadline”), for the filing of protests under Section 10-2-407 of the Utah Code; and

WHEREAS, no protests were filed; and

WHEREAS, the City Council, at the regular meetings on March 19, 2019 and April 16, 2019, carefully reviewed and considered the Petition and all materials submitted by the petition sponsors in connection therewith and in support thereof, including materials required to be submitted pursuant to the City's Annexation Policy Plan; and

WHEREAS, in its March 19, 2019 and April 16, 2019 meetings, the City Council discussed the Annexation Agreement ("Agreement"), attached as Exhibit E, that specifies the conditions of annexation, Land Use Designation and Zoning on the Smith & Freeland Property, and conditions under which the Property can be developed in accordance with the zoning; and

WHEREAS, in light of the foregoing, and after due deliberation, the City Council desires to approve the Petition and proceed with the proposed annexation and other related matters.

NOW THEREFORE, it is hereby ordained by the City Council of the City of Saratoga Springs, Utah, as follows:

SECTION 1. Findings. The City Council does hereby find and determine that the annexation of the Smith & Freeland Property, as proposed in the Petition, furthers the health, safety, and general welfare of the City and its residents. The City Council also adopts herein by reference the findings and conditions contained in the staff reports filed in the office of the City Recorder.

SECTION 2. Approval of Annexation; Effective Date. The City Council approves the Petition, subject to the conditions in the Annexation Agreement, approves the annexation of the Smith & Freeland Property as described in the Petition, and does hereby annex the Smith & Freeland Property into the City. The effective date of such annexation shall be the date of issuance by the Utah Lieutenant Governor of the Certificate of Annexation, under Section 10-2-425 of the Utah Code.

SECTION 3. Land Use. The City Council adopted the Annexation Agreement ("Agreement") on April 16, 2019, filed in the office of the City Recorder. The General Plan Land Use designation of the Smith & Freeland shall be as specified in the Agreement. Specifically, the Land Use shall be Medium Density Residential and Neighborhood Commercial.

SECTION 4. Zoning. The City Council adopted the Annexation Agreement ("Agreement") on April 16, 2019, filed in the office of the City Recorder. The zoning designation of the Smith & Freeland shall be as specified in the Agreement. Specifically, the zoning shall be—subject to compliance with all required conditions per City regulations and the provisions of the Annexation Agreement—Mixed Residential and Rural Residential.

SECTION 5. Authorized Actions. The Mayor, the City Recorder, the City Manager, and all other officers and employees of the City are hereby authorized and directed to take, in a timely manner, any and all actions required or advisable to be taken to give effect to the annexation hereby

approved; including, without limitation, the giving of all notices and the filing of all items required pursuant to Sections 10-2-401 et seq. of the Utah Code.

SECTION 6. Publication of Ordinance. A copy of this Ordinance shall be delivered to the City Recorder immediately upon execution by the Mayor, and the City Recorder is hereby authorized and directed to cause a summary thereof to be published on the earliest possible date in the Daily Herald. This Ordinance shall become effective immediately upon such publication.

SECTION 7. Amendment of Conflicting Ordinances. If any ordinances, resolutions, policies, or zoning maps of the City of Saratoga Springs heretofore adopted are inconsistent herewith they are hereby amended to comply with the provisions hereof. If they cannot be amended to comply with the provisions hereof, they are hereby repealed.

SECTION 8. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

ADOPTED AND PASSED by the City Council of the City of Saratoga Springs, Utah, this 16th day of April, 2019.

Signed: _____

Jim Miller, Mayor

Attest: _____

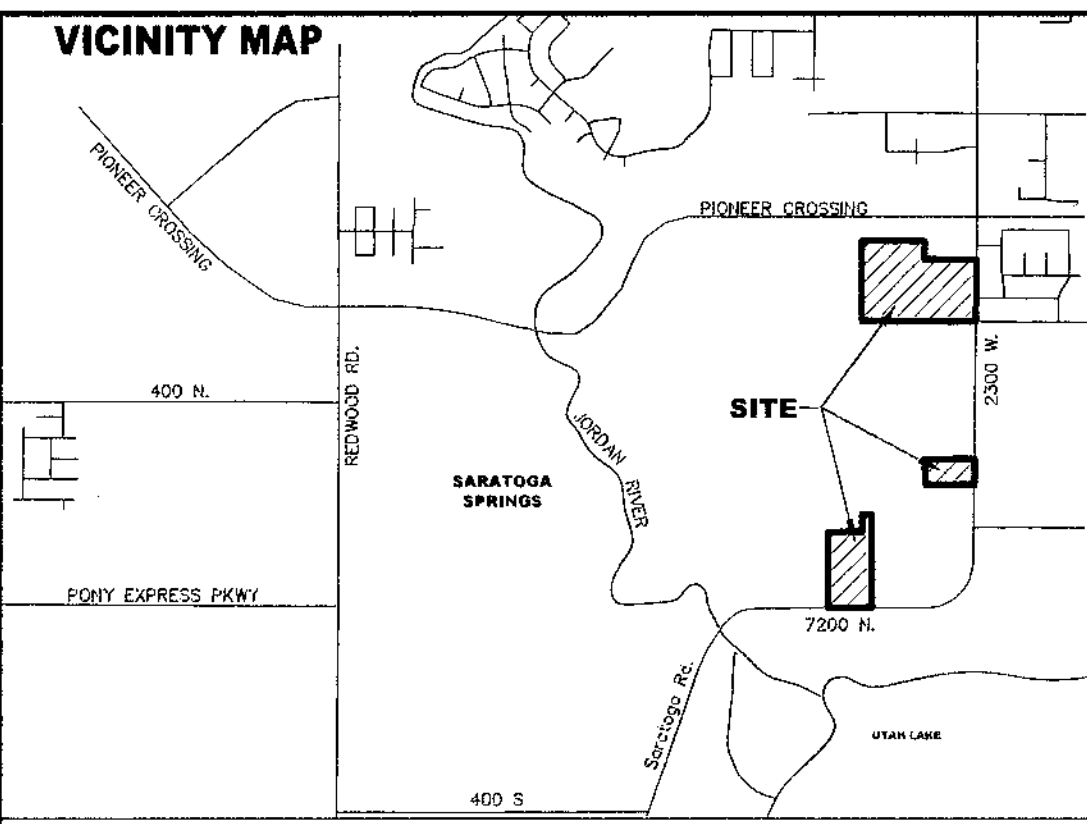
Cindy LoPiccolo, City Recorder



VOTE

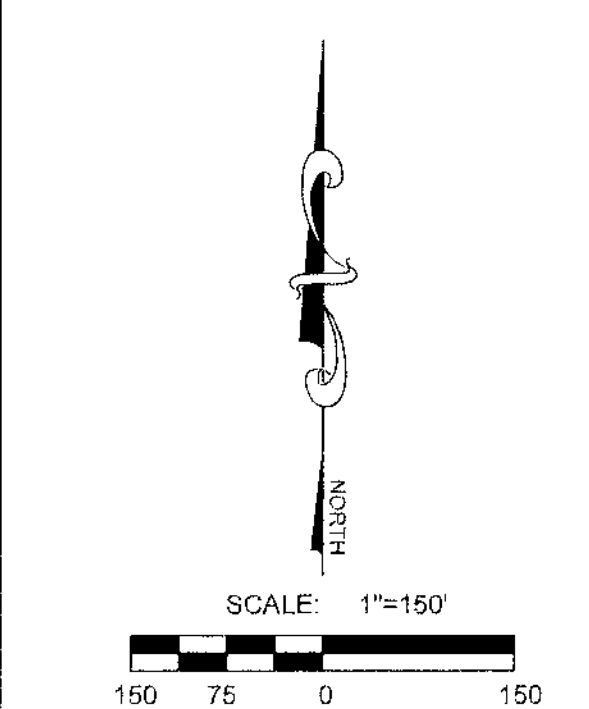
Shellie Baertsch
Chris Porter
Michael McOmber
Stephen Willden
Ryan Poduska

aye
aye
aye
aye
aye



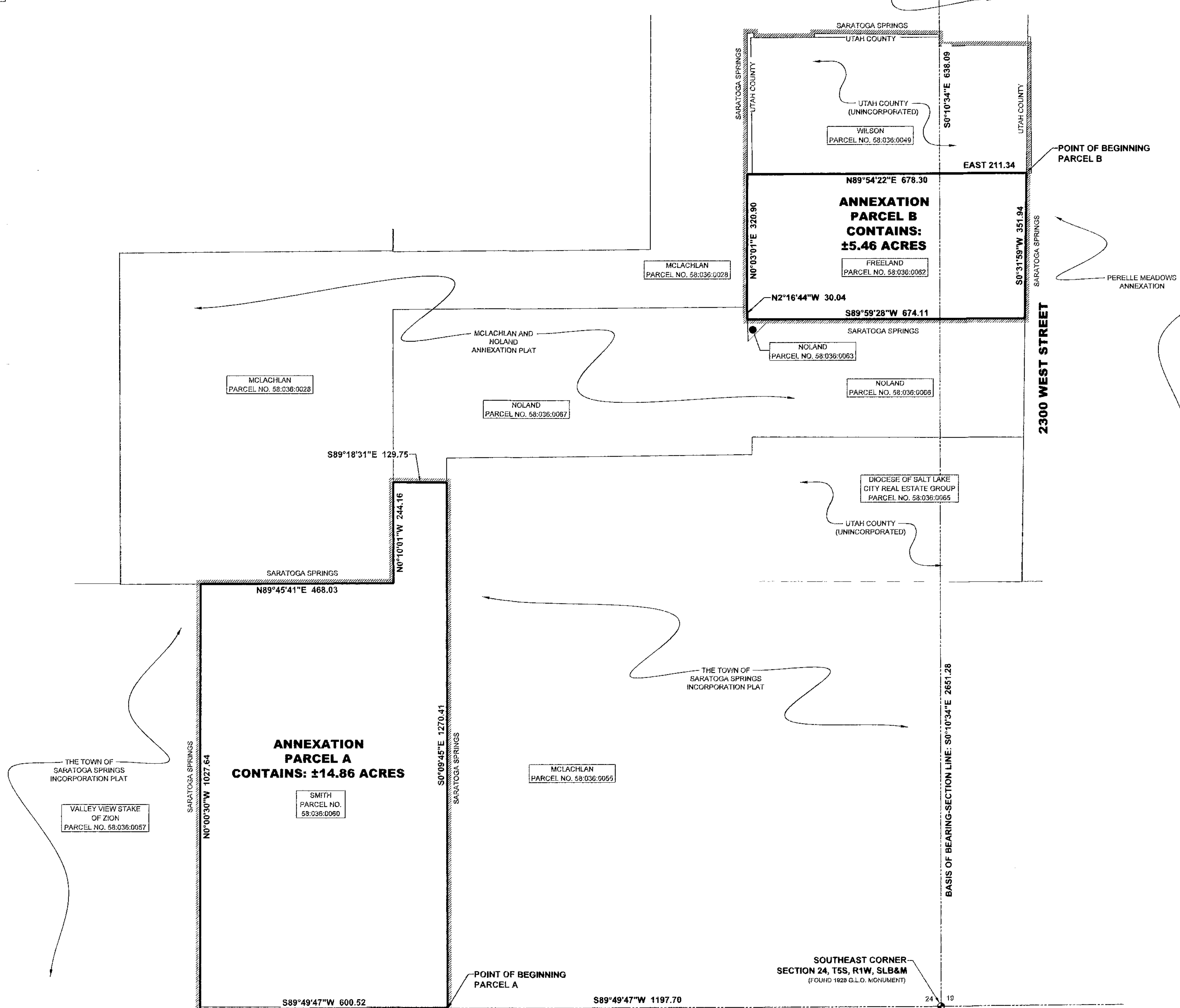
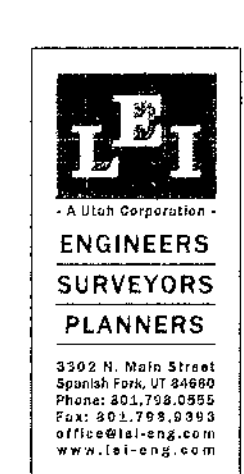
SMITH and FREELAND ANNEXATION

LOCATED IN THE NORTHEAST QUARTER (NE 1/4) AND THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 24, TOWNSHIP 5 SOUTH, RANGE 1 WEST AND THE NORTHWEST QUARTER (NW 1/4) AND THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 19, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN



LEGEND	
	SECTION CORNERS
	EXISTING CORPORATE LIMITS LINES
	ANNEXATION BOUNDARY LINE

- NOTES**
1. THE BASIS OF BEARING FOR THIS SURVEY IS S0°10'34"E BETWEEN THE EAST 1/4 CORNER AND THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN.
 2. ALL DEEDS, SUBDIVISION, & ANNEXATION PLATS HAVE BEEN ROTATED TO THE BASIS OF BEARING DESCRIBED ABOVE.



SURVEYOR'S CERTIFICATE

I, CHAD A. POULSEN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 501182 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT THIS PLAT OF ANNEXATION TO THE CORPORATE LIMITS OF SARATOGA SPRINGS, UTAH COUNTY, UTAH IS A TRUE AND CORRECT REPRESENTATION OF DATA COMPILED FROM RECORDS ON FILE IN THE OFFICE OF THE UTAH COUNTY RECORDER.

BOUNDARY DESCRIPTION

PARCEL A
A PORTION OF SECTION 24, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, LOCATED IN SARATOGA SPRINGS, UTAH, DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE EXISTING MUNICIPAL BOUNDARY OF SARATOGA SPRINGS CITY, BEING LOCATED S89°49'47"W ALONG THE SECTION LINE 1197.70 FEET FROM THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG SAID MUNICIPAL BOUNDARY THE FOLLOWING SIX (6) COURSES: S89°49'47"W ALONG THE SECTION LINE 500.52 FEET; THENCE N0°00'30"W 1027.64 FEET; THENCE N89°45'41"E 468.03 FEET; THENCE N0°10'01"W 244.16 FEET; THENCE S89°18'31"E 129.75 FEET; THENCE S0°09'45"E 1270.41 FEET TO THE POINT OF BEGINNING.
CONTAINS: 14.86 ACRES

PARCEL B
A PORTION OF SECTION 24, TOWNSHIP 5 SOUTH, RANGE 1 WEST, AND OF SECTION 19, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, LOCATED IN SARATOGA SPRINGS, UTAH, DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE EXISTING MUNICIPAL BOUNDARY OF SARATOGA SPRINGS CITY, BEING LOCATED S0°10'34"E ALONG THE SECTION LINE 638.09 FEET AND EAST 211.34 FEET FROM THE EAST 1/4 CORNER OF SECTION 24, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG SAID MUNICIPAL BOUNDARY THE FOLLOWING FOUR (4) COURSES: S0°10'34"E 638.09 FEET; THENCE N89°59'28"W 674.11 FEET; THENCE N2°16'44"W 30.04 FEET; THENCE N89°54'22"E 678.30 FEET TO THE POINT OF BEGINNING.
CONTAINS: 15.46 ACRES

PARCEL C
A PORTION OF SECTION 24, TOWNSHIP 5 SOUTH, RANGE 1 WEST, AND OF SECTION 19, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, LOCATED IN SARATOGA SPRINGS, UTAH, DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE EXISTING MUNICIPAL BOUNDARY OF LEAH CITY, BEING LOCATED S0°09'33"E ALONG THE SECTION LINE 773.05 FEET AND EAST 233.23 FEET FROM THE NORTHEAST CORNER OF SECTION 24, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENCE S0°36'42"W ALONG SAID MUNICIPAL BOUNDARY 638.71 FEET TO THE MUNICIPAL BOUNDARY OF SARATOGA SPRINGS CITY; THENCE ALONG SAID MUNICIPAL BOUNDARY THE FOLLOWING FIVE (5) COURSES: N89°40'30"W 1059.32 FEET; THENCE N0°03'30"W 1082.15 FEET; THENCE S0°36'42"W 638.71 FEET; THENCE S0°09'33"W 229.22 FEET; THENCE S89°40'30"E 4.77 FEET TO AN EXISTING FENCE LINE AND THE EASTERLY BOUNDARY OF THAT REAL PROPERTY DESCRIBED IN DEED ENTRY NO. 27395.2010 IN THE OFFICIAL RECORDS OF THE UTAH COUNTY RECORDER; THENCE ALONG SAID FENCE LINE AND REAL PROPERTY THE FOLLOWING THREE (3) COURSES: S2°13'55"W 223.58 FEET; THENCE S89°30'00"E 113.72 FEET TO THE POINT OF BEGINNING.
CONTAINS: 134.86 ACRES

CHAD A. POULSEN
PROFESSIONAL LAND SURVEYOR
REGISTRATION NO. 501182
APR 15 2019
DATE

ACCEPTANCE BY LEGISLATIVE BODY

WE, THE DULY ELECTED COUNCIL OF THE CITY OF SARATOGA SPRINGS, UTAH, HAVE RECEIVED A REQUEST TO INITIATE PROCEDURES FOR THE ANNEXATION OF THE TRACT OF LAND SHOWN HEREON, WHICH TRACT CONSTITUTES A PORTION OF AN EXISTING ISLAND OR PENINSULA WITHIN OR CONTIGUOUS TO THE CITY, AND DO HEREBY CERTIFY: (1) THE COUNCIL HAS ADOPTED A RESOLUTION SETTING FORTH ITS INTENT TO ANNEX THE TRACT, PROVIDED NOTICE AND CONDUCTED HEARINGS ON THE MATTER, AND ADOPTED AN ORDINANCE PROVIDING FOR THE ANNEXATION OF THE TRACT INTO THE CITY; ALL IN ACCORDANCE WITH THE PROVISIONS OF SECTION 10-2-4(1) UTAH CODE ANNOTATED, AS AMENDED; AND (2) THAT THE COUNCIL DOES HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT OF LAND SHOWN HEREON AS A PART OF THE CITY OF SARATOGA SPRINGS TO BE KNOWN HEREAFTER AS THE

SMITH AND FREELAND ANNEXATION ANNEXATION.

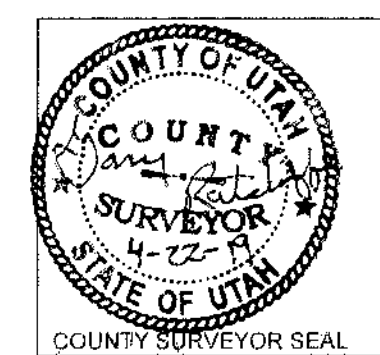
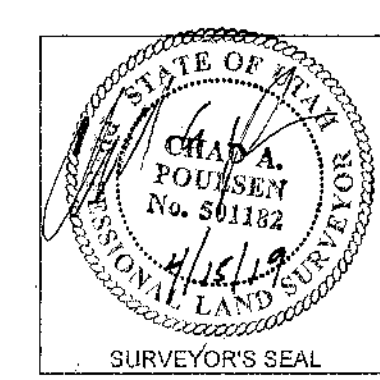
DATED THIS 16th DAY OF April, A.D. 20 19

[Signature]
RECORDER

ACCEPTANCE BY COUNTY SURVEYOR

THIS PLAT HAS BEEN REVIEWED BY THE COUNTY SURVEYOR AND IS HEREBY CERTIFIED AS A FINAL LOCAL ENTITY PLAT, PURSUANT TO UTAH CODE ANNOTATED 17-23-20 AMENDED.

[Signature] April 22, 2019
COUNTY SURVEYOR



ANNEXATION PLAT

SMITH and FREELAND ANNEXATION

SARATOGA SPRINGS CITY UTAH COUNTY, UTAH

SCALE: 1" = 150 FEET

SHEET: 1 of 2

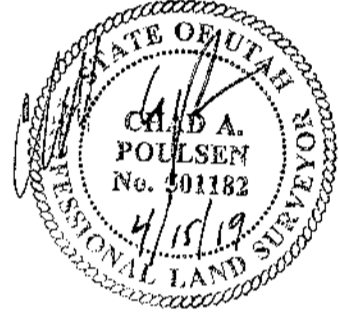
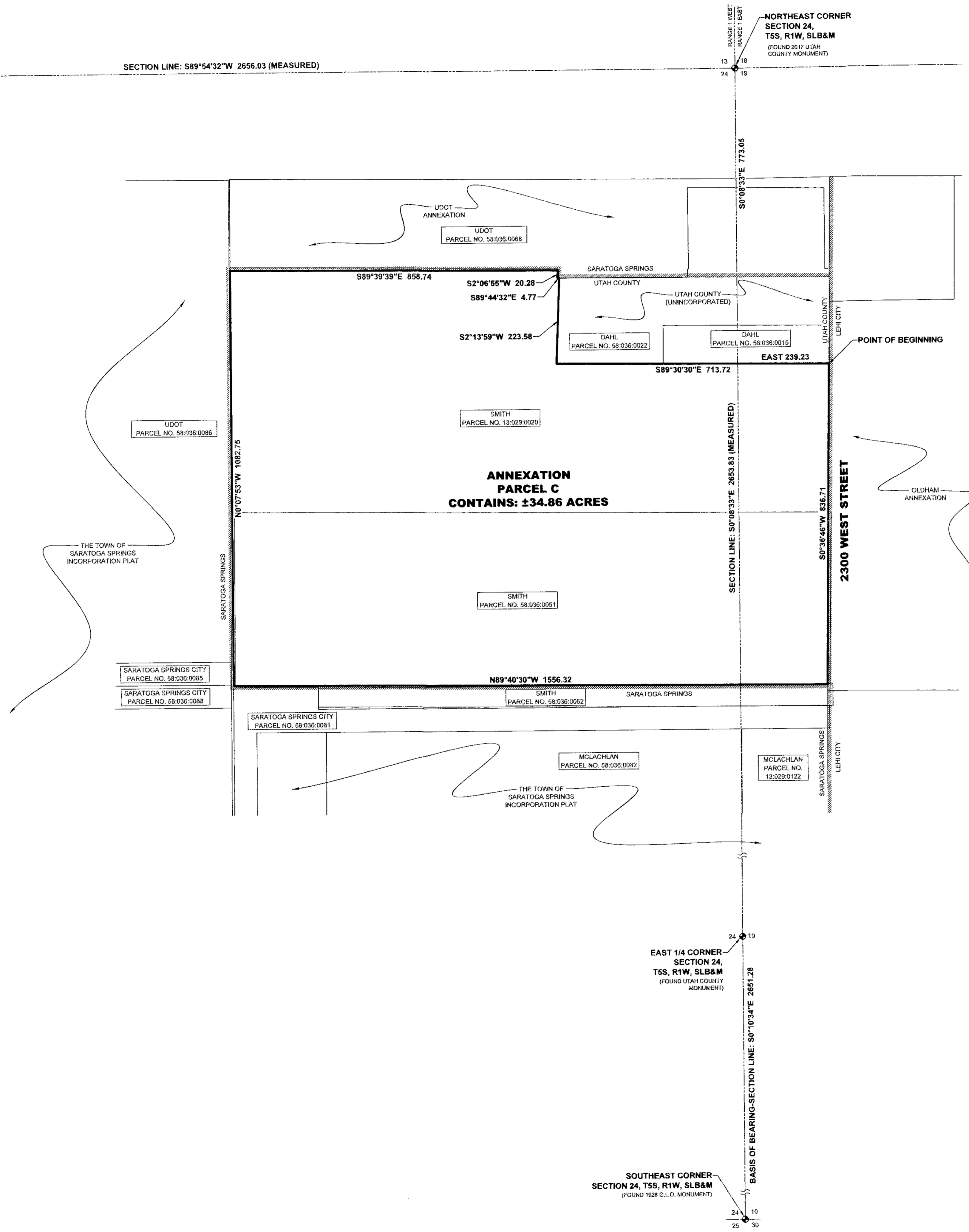
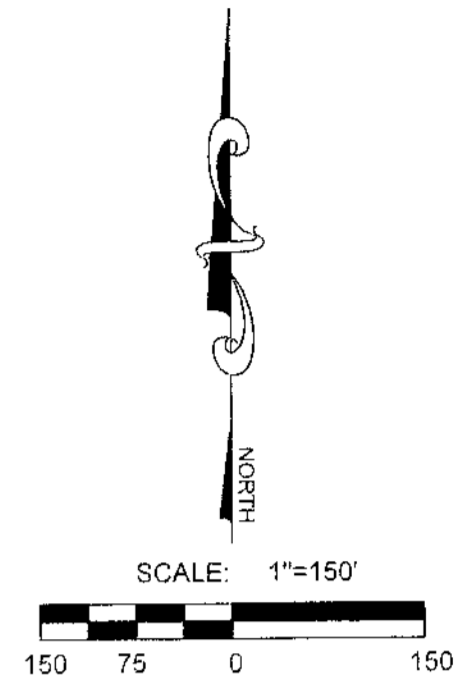
SMITH and FREELAND ANNEXATION

LOCATED IN THE NORTHEAST QUARTER (NE 1/4) AND THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 24, TOWNSHIP 5 SOUTH, RANGE 1 WEST AND THE NORTHWEST QUARTER (NW 1/4) AND THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 19, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN

NORTH 1/4 CORNER
SECTION 24, T5S, R1W, SLB&M
(FOUND 1953 UTAH COUNTY MONUMENT)

SECTION LINE: S89°54'32"W 2656.03 (MEASURED)

NORTHEAST CORNER
SECTION 24,
T5S, R1W, SLB&M
(FOUND 2017 UTAH
COUNTY MONUMENT)



LEGEND	
	SECTION CORNERS
	EXISTING CORPORATE LIMITS LINES
	ANNEXATION BOUNDARY LINE

NOTES

1. THE BASIS OF BEARING FOR THIS SURVEY IS N0°10'34"W BETWEEN THE EAST 1/4 CORNER AND THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN.
2. ALL DEEDS, SUBDIVISION, & ANNEXATION PLATS HAVE BEEN ROTATED TO THE BASIS OF BEARING DESCRIBED ABOVE.

EAST 1/4 CORNER
SECTION 24,
T5S, R1W, SLB&M
(FOUND UTAH COUNTY
MONUMENT)

SOUTHEAST CORNER
SECTION 24, T5S, R1W, SLB&M
(FOUND 1928 G.L.O. MONUMENT)

ANNEXATION PLAT	
SMITH and FREELAND ANNEXATION	
SARATOGA SPRINGS CITY	UTAH COUNTY, UTAH
SCALE: 1" = 150 FEET	
SHEET: 2 of 2	

UTAH COUNTY RECORDER

