

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 NORTH TOOELE CITY SPECIAL SERVICE DISTRICT, dated May 6, 2019, complying with Section 17D-1-403, 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 NORTH TOOELE CITY SPECIAL SERVICE DISTRICT 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 8<sup>th</sup> day of May, 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 Change

May 6, 2019

Lieutenant Governor Spencer J. Cox  
State Capitol Complex  
P.O. Box 142325  
Salt Lake City, UT 84114-2325  
Via email: [annexations@utah.gov](mailto:annexations@utah.gov)

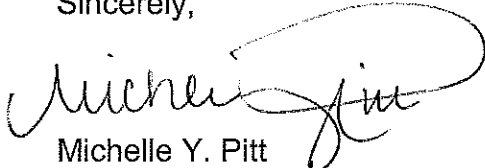
Dear Lieutenant Governor Cox:

This letter is to inform you of the annexation of area into the North Tooele City Special Service District. Such annexations are governed by U.C.A. Chapter 17D-1 Parts 2 and 4. Section 17D-1-403 regards the notice to the Lieutenant Governor. This letter is also intended to serve as a Notice of Impending Boundary Change. I certify that all actions applicable to this boundary change have been met. Enclosed you will find copies of the following documents:

- municipal body resolution approving and re-approving the annexation
- approved final local entity plat

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

Sincerely,



Michelle Y. Pitt  
Tooele City Recorder

## TOOELE CITY CORPORATION

### RESOLUTION 2019-34

#### **A RESOLUTION OF THE TOOELE CITY COUNCIL RE-APPROVING AND RE-ADOPTING RESOLUTION 2017-18 APPROVING THE ANNEXATION OF 49 ACRES OF ADDITIONAL SUNSET ESTATES PROPERTY INTO THE NORTH TOOELE CITY SPECIAL SERVICE DISTRICT.**

WHEREAS, on April 6, 2017, the City Council voted to approve Resolution 2017-18 annexing into the North Tooele City Special Service District certain land comprising the Sunset Estates existing and future subdivisions; and,

WHEREAS, Utah Code Section 17D-1-403 provides that within 30 days of the City Council passing a resolution to annex area into a special service district, the City must provide to the Lieutenant Governor a copy of the final local entity plan showing and describing the annexed area; and,

WHEREAS, Tooele City had only recently received the local entity plat for annexation of the Additional Property (see below; consisting of Sunset Estates phase 7+ subdivision property); therefore, it is necessary to readopt Resolution 2017-18 so that both the local entity plat and the annexation resolution can be submitted to the Lieutenant Governor; and,

WHEREAS, the creation of special service districts is governed by U.C.A. Chapter 17D-1 Part 2; the procedure for annexing additional property into an existing special service district is the same as for the existing special service district's original creation; and,

WHEREAS, on June 16, 1999, the City Council approved Resolution 1999-29 for the creation of the North Tooele City Special Service District ("District") for the purpose of maintaining several unique public amenity features of the Overlake subdivisions; and,

WHEREAS, on December 17, 2003, the City Council approved Resolution 2003-62 for the annexation into the District of 30.69 acres, which comprised portions of the Sunset Estates subdivisions; and,

WHEREAS, on January 7, 2015, the City Council approved Resolution 2015-06 for annexation into the District of an additional 5.42 acres into the District, which comprised Sunset Estates phase 5 subdivision; and,

WHEREAS, on August 19, 2015, the City Council approved Resolution 2015-36 for annexation into the District of an additional 10.31 acres into the District, which comprised Sunset Estates phase 6 subdivision; and,

WHEREAS, Tooele City has received a Petition from the Tom Nixon Family Partnership ("Petitioner") to annex an additional 48.69 acres into the District, which comprise Sunset Estates phase 7 and future Sunset Estates phases ("Additional Property"); and,

WHEREAS, because the Additional Property is held in common ownership by Petitioner, Tooele City and the Petitioner are relieved of complying with the Notice, Protest, and Public Hearing requirements of U.C.A. Sections 17D-1-205, 206, and 207, and the annexation may be approved simply by approving this Resolution, obtaining a Certificate of Incorporation from the Utah Lt. Governor, and recording the required documents with the Office of the Tooele County Recorder; and,

WHEREAS, the annexation of additional Sunset Estates property into the District, as proposed by this Resolution, has been requested not only by the Petitioner, but also by current and former members of the City Council, the Planning Commission, and the District's Administrative Control Board; and,

WHEREAS, the purpose of the District in annexing the Additional Property will be to maintain within the Additional Property special features and amenities related to the unique design of public street lighting, public signage, public drainage and flood control, public recreation properties, public street design and traffic calming features, and associated and integral public landscaping (the "Amenities"); and,

WHEREAS, in addition to the above purposes, annexation into the District will also allow Tooele City to impose upon and enforce with the Additional Property the construction and maintenance of Amenities design standards common to the District, including the privately-owned and privately-maintained privacy fence along 400 West Street right-of-way property line, rather than defaulting to Tooele City's regular design standards for such features and Amenities; and,

WHEREAS, the District will maintain only those Amenities formally accepted by and dedicated to Tooele City in the land use approval process; and,

WHEREAS, the City Council finds that it is in the best interest of the City in general and of District residents in particular, including the future residents of the Additional Property, to annex the Additional Property into the District; and,

WHEREAS, to the best of the City's knowledge, all requirements of the law precedent to the approval of this Resolution have been fully met:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that Resolution 2017-18 regarding the annexation of the Additional Property into the District is hereby re-approved and re-adopted, and that the City Recorder is hereby instructed to file and record the necessary documents with the Utah Lt. Governor and the Tooele County Recorder.

This Resolution shall become effective upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this 17<sup>th</sup> day of April, 2019.

TOOELE CITY COUNCIL

(For)

(Against)

*D. McCall*

\_\_\_\_\_

*Ben Smith*

\_\_\_\_\_

*Stacy*

\_\_\_\_\_

*Paul Pratt*

\_\_\_\_\_

*Melodi M. Archib*

\_\_\_\_\_

ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

*Debra E. ...*

\_\_\_\_\_

ATTEST:

*Michelle Y. Pitt*  
Michelle Y. Pitt, City Recorder

SEAL



Approved as to Form:

*Roger Evans Baker*  
Roger Evans Baker, City Attorney

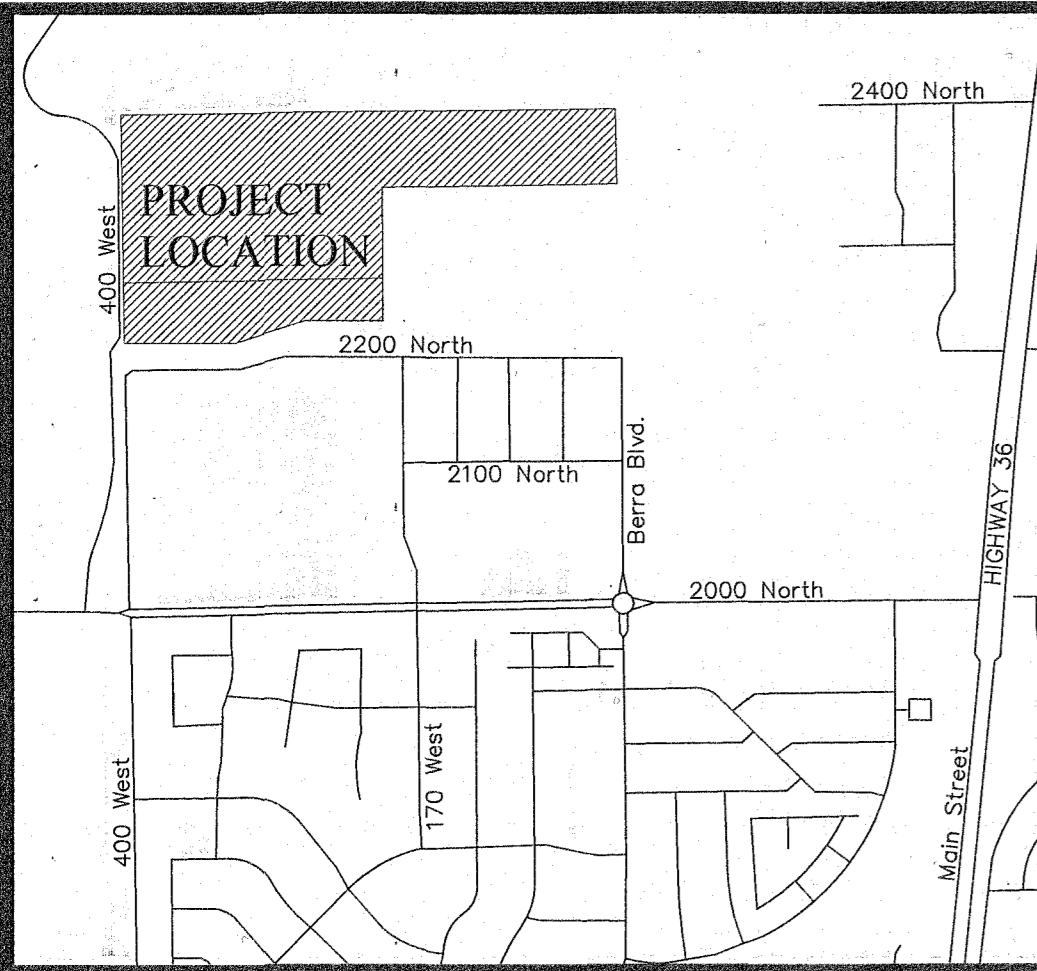


# FINAL LOCAL ENTITY PLAT

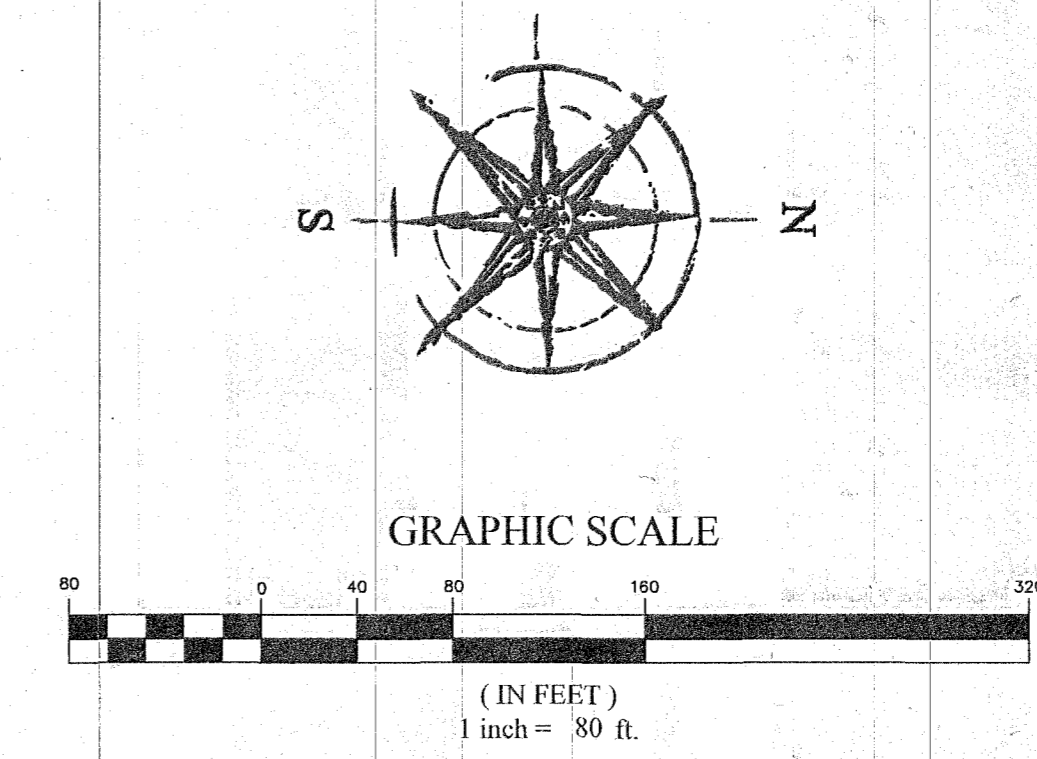
## ANNEXATION INTO THE NORTH TOOELE CITY SPECIAL SERVICE DISTRICT

### SUNSET ESTATES ANNEXATION

LOCATED IN THE SOUTHWEST 1/4 OF SECTION 9, T3S, R4W, SLB&M  
TOOELE, UTAH

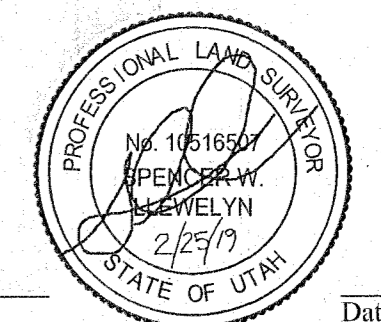


VICINITY MAP  
N.T.S.



**SURVEYOR'S CERTIFICATION**

I, SPENCER W. LLEWELYN, A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF UTAH UNDER TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT, HOLDING LICENSE #1051607, DO HEREBY CERTIFY THAT A FINAL LOCAL ENTITY PLAT, IN ACCORDANCE WITH SECTION 17-23-20, WAS MADE BY ME, OR UNDER MY DIRECTION, AND SHOWN HEREON, IS A TRUE AND CORRECT REPRESENTATION OF SAID FINAL LOCAL ENTITY PLAT.



Spencer W. Llewelyn  
Professional Land Surveyor  
Certificate No. 1051607  
Date 2/25/19

**ANNEXATION DESCRIPTION**

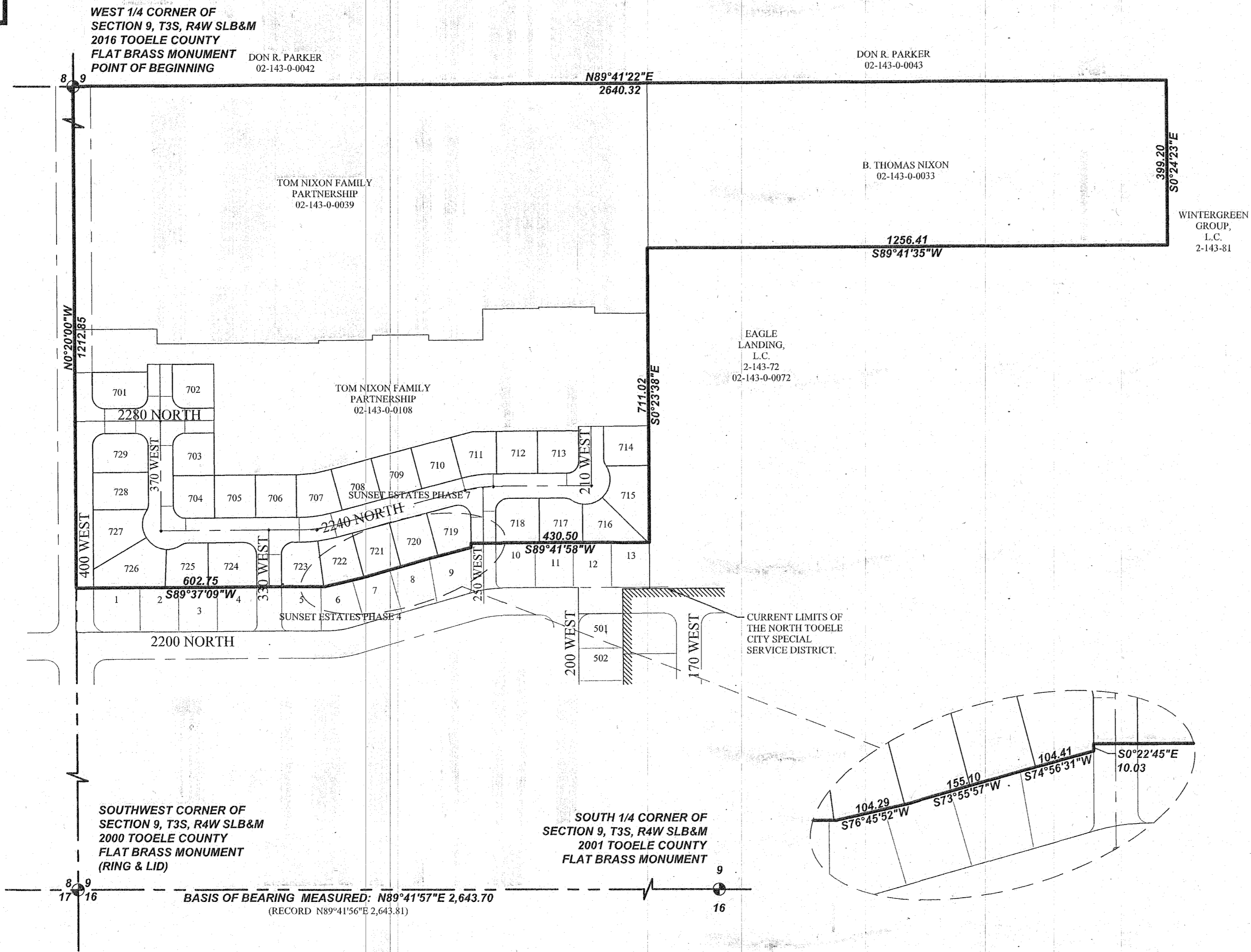
A PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE & MERIDIAN, BASIS OF BEARING BEING N89°41'57"E BETWEEN THE SOUTHWEST CORNER AND SOUTH QUARTER CORNER OF SECTION 9, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN BEING DESCRIBED AS:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 9, SAID QUARTER CORNER IS N00°20'00"W 2643.02 FEET FROM THE SOUTHWEST CORNER OF SECTION 9, RUNNING THENCE N89°41'22"E 2640.32 FEET ALONG THE CENTER LINE OF SECTION 9 BETWEEN THE FOUND WEST QUARTER CORNER AND THE FOUND EAST QUARTER CORNER OF SECTION 9; THENCE S00°24'23"E 399.20 FEET ALONG THE CENTER LINE OF SECTION 9 BETWEEN THE FOUND NORTH QUARTER CORNER AND THE FOUND SOUTH QUARTER CORNER OF SECTION 9; THENCE S89°41'35"W 1256.41 FEET; THENCE S00°23'38"E 711.02 FEET TO THE NORTHEAST CORNER LOT 13 SUNSET ESTATES SUBDIVISION PHASE 4 AS RECORDED WITH THE OFFICE OF THE TOOELE COUNTY RECORDER; THENCE ALONG THE BOUNDARY OF SAID SUBDIVISION THE FOLLOWING (6) COURSES; 1) S89°41'58"W 430.50 FEET; 2) S00°22'45"E 104.29 FEET; 3) S74°56'31"W 104.41 FEET; 4) S73°55'57"W 155.10 FEET; 5) S76°45'52"W 104.29 FEET; 6) S89°37'09"W 602.75 FEET TO A POINT ON THE WEST LINE OF SECTION 9; THENCE N00°20'00"W 1212.85 FEET, ALONG THE WEST LINE OF SECTION 9 TO THE POINT OF BEGINNING

CONTAINS: 48.68± ACRES

**SUNSET ESTATES PHASE 7 OWNERSHIP TABLE**

- 701 JOSEPH BARLOW
- 702 DGR INVESTMENTS LLC
- 703 HALLMARK HOMES & DEVELOPMENT LLC
- 704 HALLMARK HOMES & DEVELOPMENT LLC
- 705 HALLMARK HOMES & DEVELOPMENT LLC
- 706 HALLMARK HOMES & DEVELOPMENT LLC
- 707 ALLEN TERRY
- 708 HALLMARK HOMES & DEVELOPMENT LLC
- 709 HALLMARK HOMES & DEVELOPMENT LLC
- 710 HALLMARK HOMES & DEVELOPMENT LLC
- 711 REGGIE LEE FISHER
- 712 HALLMARK HOMES & DEVELOPMENT LLC
- 713 HALLMARK HOMES & DEVELOPMENT LLC
- 714 HALLMARK HOMES & DEVELOPMENT LLC
- 715 HALLMARK HOMES & DEVELOPMENT LLC
- 716 HALLMARK HOMES & DEVELOPMENT LLC
- 717 JASON MARKHAM
- 718 VICTOR GARCIA
- 719 ZACKARY EDWARDS
- 720 HALLMARK HOMES & DEVELOPMENT LLC
- 721 HALLMARK HOMES & DEVELOPMENT LLC
- 722 HALLMARK HOMES & DEVELOPMENT LLC
- 723 HALLMARK HOMES & DEVELOPMENT LLC
- 724 HALLMARK HOMES & DEVELOPMENT LLC
- 725 HALLMARK HOMES & DEVELOPMENT LLC
- 726 HALLMARK HOMES & DEVELOPMENT LLC
- 727 SUSAN HAWKINS
- 728 HALLMARK HOMES & DEVELOPMENT LLC
- 729 JAMES OSHLEY



**CITY COUNCIL**

APPROVED THIS 17 DAY OF April A.D. 2019 BY THE TOOELE CITY COUNCIL

- [Signature]*  
TOOELE CITY COUNCIL MEMBER
- [Signature]*  
TOOELE CITY COUNCIL MEMBER
- [Signature]*  
TOOELE CITY COUNCIL MEMBER
- [Signature]*  
TOOELE CITY COUNCIL MEMBER
- [Signature]*  
TOOELE CITY COUNCIL MEMBER
- [Signature]*  
TOOELE CITY COUNCIL MEMBER
- [Signature]*  
ATTTEST: CITY RECORDER

**NORTH TOOELE CITY SPECIAL SERVICE DISTRICT**

APPROVED THIS 17 DAY OF April A.D. 2019

*[Signature]*  
MAYOR

**TOOELE COUNTY SURVEYOR**

APPROVED THIS 3 DAY OF May A.D. 2019  
AS A FINAL LOCAL ENTITY PLAT

*[Signature]*  
TOOELE COUNTY SURVEYOR

**FINAL LOCAL ENTITY PLAT**  
ANNEXATION INTO THE NORTH TOOELE CITY SPECIAL SERVICE DISTRICT  
SUNSET ESTATES ANNEXATION  
A SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9, T3S, R4W, SLB&M TOOELE, UTAH

**TOOELE COUNTY RECORDER**

NO. \_\_\_\_\_  
STATE OF UTAH, COUNTY OF TOOELE, RECORDED & FILED AT THE REQUEST OF \_\_\_\_\_  
DATE \_\_\_\_\_ TIME \_\_\_\_\_

FEE \$ \_\_\_\_\_ TOOELE COUNTY RECORDER

PREPARED BY

ENGINEERING AND SURVEYING, LLC  
32 WEST CENTER STREET  
MIDVALE, UTAH 84047 PH: (801) 352-0075  
www.focusutah.com

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