

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 CEDAR CITY, dated January 23, 2020, 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 CEDAR CITY, located in Iron County, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 4th day of February 2020 at Salt Lake City, Utah.



A handwritten signature in black ink, appearing to read "Spencer J. Cox".

SPENCER J. COX
Lieutenant Governor



Cedar City

10 North Main Street • Cedar City, UT 84720
435-586-2950 • FAX 435-586-4362
www.cedarcity.org

Mayor
Maile Wilson-Edwards

Council Members
Ronald R. Adams
Terri W. Hartley
Craig E. Isom
W. Tyler Melling
R. Scott Phillips

City Manager
Paul Bittmenn

January 23, 2020

The Honorable Spencer J. Cox
Utah Lieutenant Governor
Utah State Capital Complex
Suite 220
P.O. Box 142325
Salt Lake City, Utah 84114-2325

Re: Notice of Impending Boundary Action

Dear Lt. Governor Cox:

In accordance with the terms of UCA §10-2-425 and UCA §67-1a-6.5 please accept this notice that Cedar City has passed an ordinance annexing approximately 40.74 acres of land into its municipal boundaries. Included herewith are duly executed copies of Cedar City's annexation ordinance and a copy of the final plat map.

Please accept this signed and verified statement certifying that all requirements applicable to this annexation have been completed. Please issue to Cedar City the appropriate certificate regarding this annexation.

If you have any questions or need anything, please contact me.

Sincerely,

Tyler Romeril
Cedar City Attorney

Administration
586-2953

Airport
867-9408

Building and Zoning
865-4519

Economic Development
586-2770

City Engineer
586-2963

Parks & Recreation
865-9223

Public Works
586-2912

CEDAR CITY ORDINANCE NO. 0115-20-1

AN ORDINANCE OF THE CEDAR CITY COUNCIL ANNEXING APPROXIMATELY 40.74 ACRES OF PROPERTY LOCATED IN THE VICINITY OF 1850 NORTH 3500 WEST INTO THE CORPORATE LIMITS OF CEDAR CITY, UTAH, AND AMENDING THE OFFICIAL ZONING MAP OF CEDAR CITY TO ZONE THE PROPERTY ANNEX TRANSITION (AT)

WHEREAS, on September 26, 2019, Darren Coughlin, the property owner of the Annexation, petitioned the City Council for approval of an annexation into the Cedar City limits. The petition and plat map are attached as Exhibit A; and

WHEREAS, the Property is approximately 40.74 acres in size and is located in the vicinity of 1850 North 3500 West. The legal description of the property is attached as Exhibit B; and

WHEREAS, the Property is included within the Cedar City Annexation Expansion Area, and is not included within any other municipal jurisdiction; and

WHEREAS, the Planning Commission, after proper notice, conducted a public hearing on September 17, 2019, and voted to forward a positive recommendation for this proposed annexation to the City Council; and

WHEREAS, the annexation application and submit documents are deemed complete; and

WHEREAS, the Cedar City Council accepted the Darren Coughlin petition for annexation on November 13, 2018; and

WHEREAS, the City reviewed the petition against the criteria stated in Sections 10-2-403(2), (3), and (4) of the Utah Code, annotated 1953 as amended, and found the petition complied with all applicable criteria of the Utah Code; and

WHEREAS, on November 16, 2019, the City Recorder had public notice posted in a newspaper of general circulation, giving notice that the petition had been certified and the required 30-day protest period had begun; and

WHEREAS, no protests were filed by an "affected entities" or other jurisdictions within the 30-day protest period and the petition was considered accepted on December 16, 2019; and

WHEREAS, an Annexation Memorandum of Understanding for the Availability and Providing of City Services, sets forth further terms and conditions of the Annexation, is herein included as Exhibit C; and

WHEREAS, the Council finds that the Property is zoned Annex Transition (AT); and

NOW THEREFORE BE IT ORDAINED by the City Council of Cedar City, State of Utah, that the Property is hereby annexed into the corporate limits of Cedar City, Utah. The Property so annexed shall enjoy the privileges of Cedar City and shall be subject to all City levies and assessments. The Property shall be subject to all City laws, rules and regulations upon the effective date of this ordinance. The City staff is hereby directed to make the necessary changes to the City's zoning map, zoning the property Annex Transition (AT).

This ordinance, Cedar City Ordinance No. 0115-20-1, shall become effective immediately upon passage by the City Council and published in accordance with State Law.

Dated this 22 day of January, 2020.



[SEAL]

ATTEST:

Renon Savage

RENON SAVAGE, RECORDER

Maile L. Wilson-Edwards

MAILE L. WILSON-EDWARDS, MAYOR

Exhibit A

Cedar City Ordinance 0115-20-1.

PETITION FOR ANNEXATION

TO THE CITY RECORDER OF CEDAR CITY, MUNICIPAL CORPORATION OF THE STATE OF UTAH:

The Petition of the undersigned owners of real property hereinafter more particularly described, do hereby present this Petition for Annexation of the said real property into the corporate limits of the City of Cedar City, Utah, and respectfully represent as follows:

1. That they are the owners of the real property in the territory lying contiguous to the present corporate limits of the city of Cedar City, in Iron County, State of Utah.
2. That the undersigned Petitioners constitute a majority of the owners of the said real property, and at least 1/3 of the value of all private real property within the area proposed for annexation, and that they desire to have such property annexed to the City of Cedar City, Utah and become a part thereof.
3. That attached hereto is an accurate plat or map of such territory to be so annexed, showing that such territory to be so annexed does actually lie contiguous to such existing boundaries of the city of Cedar City, Utah, and which plat or map has been prepared by Go Civil Engineering & Iron Ridge Land Surveying, competent and duly licensed engineers and surveyors.
4. That the territory to be so annexed is shown on the annexation plat attached hereto and is more particularly described as follows:

BEGINNING AT THE WEST 1/4 CORNER OF SECTION 32, T35S, R11W, SLB&M; THENCE ALONG THE 1/4 SECTION LINE S89°39'55"E, 1329.60 FEET TO THE 1/16TH SECTION CORNER; THENCE S0°08'28"W, 1334.53 FEET TO THE 1/16TH SECTION CORNER; THENCE N89°41'25"W, 1329.33 FEET TO THE 1/16TH SECTION CORNER; THENCE ALONG THE SECTION LINE N0°07'47"E, 1335.11 FEET TO THE POINT OF BEGINNING. CONTANING 40.739 ACRES

5. The petitioner designated as the contact sponsor is Go Civil Engineering
, at 590 North 800 West, Cedar City, Utah.

WHEREFORE, your Petitioners pray that the members of the City Council of the city of Cedar City, Utah accept the petition for further consideration and take appropriate action thereby declaring the annexation of such territory and real property and the extension of the corporate limits of the city of Cedar City, Utah, accordingly.

DATED this 26 day of September, 2019.

DocuSigned by:
Darren Coughlin
59E47A521B25404

(Please sign your name)

Darren Coughlin Managing Member

(Please print your name and the capacity in which you sign)

(Please sign your name)

(Please print your name and the capacity in which you sign)

(Please sign your name)

(Please print your name and the capacity in which you sign)

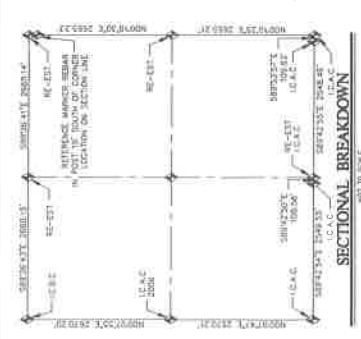
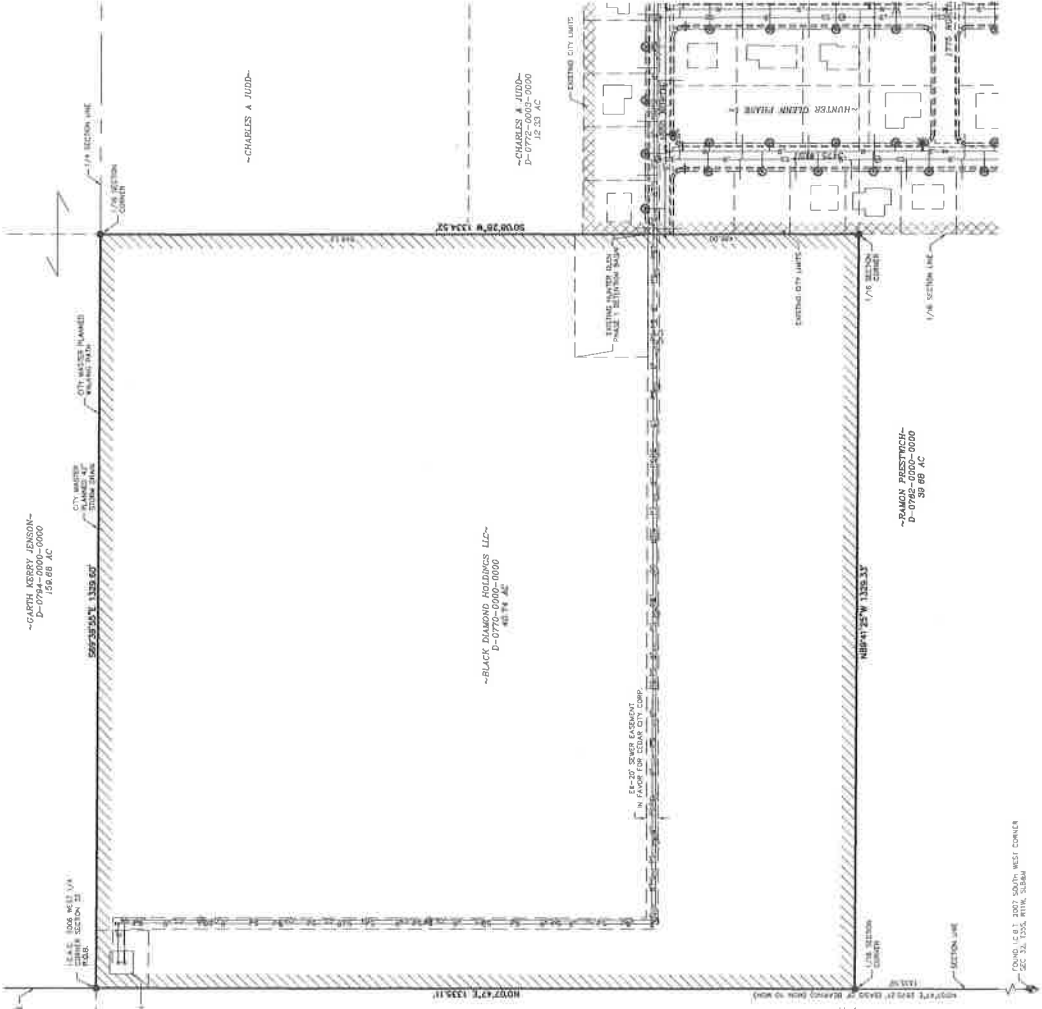
COTTONWOOD AREA ANNEXATION

FOR BLACK DIAMOND HOLDINGS LLC

LOCATED IN THE SOUTH WEST 1/4 OF SECTION 32 T35S, R11W, SLB&M, CEDAR CITY, UTAH
1850 NORTH 3500 WEST, CEDAR CITY, UTAH, 84721



SCALE IN FEET



NOTES

1. THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF GO CIVIL ENGINEERING AND SHOULD NOT BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF GO CIVIL ENGINEERING.

2. THE CLIENT HAS REPRESENTED THAT THE INFORMATION PROVIDED IS TRUE AND ACCURATE.

3. THE CLIENT HAS REPRESENTED THAT THE PROPERTY IS FREE OF ALL LIENS AND ENCUMBRANCES.

4. THE CLIENT HAS REPRESENTED THAT THE PROPERTY IS NOT SUBJECT TO ANY EASEMENTS OR RIGHTS OF WAY.

5. THE CLIENT HAS REPRESENTED THAT THE PROPERTY IS NOT SUBJECT TO ANY OTHER LEGAL RESTRICTIONS.

PROPOSED ANNEXATION DESCRIPTION (40.73 AC)

THE PROPERTY IS LOCATED IN THE SOUTH WEST 1/4 OF SECTION 32, T35S, R11W, SLB&M, CEDAR CITY, UTAH. THE PROPERTY IS CURRENTLY UNDEVELOPED AND IS BEING ANNEXED TO THE CITY OF CEDAR CITY.

SURVEYOR'S CERTIFICATE

I, CHARLES A. JUDD, A PROFESSIONAL SURVEYOR LICENSED IN THE STATE OF UTAH, HAVE SURVEYED THE ABOVE PROPERTY AND THE ADJACENT PROPERTY OWNERS HAVE CONSENTED TO THE ANNEXATION. I HAVE CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND THE ADJACENT PROPERTY AND HAVE FOUND NO DISCREPANCIES. I HAVE CONDUCTED ALL NECESSARY SURVEYING AND CALCULATIONS AND HAVE FOUND NO DISCREPANCIES. I HAVE CONDUCTED ALL NECESSARY SURVEYING AND CALCULATIONS AND HAVE FOUND NO DISCREPANCIES.

CERTIFICATE OF RECORDING

THIS ANNEXATION HAS BEEN RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF KANE, UTAH, IN BOOK _____, PAGE _____.

COUNTY CLERK: _____
 COUNTY CLERK'S OFFICE: _____
 COUNTY CLERK: _____



CITY PLANNING COMMISSION APPROVAL

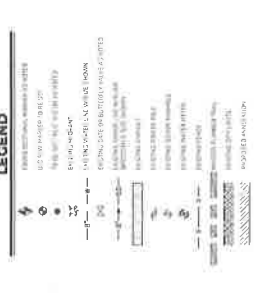
A RESOLUTION OF THE CITY PLANNING COMMISSION HAS BEEN PASSED APPROVING THE ANNEXATION OF THE ABOVE PROPERTY TO THE CITY OF CEDAR CITY, UTAH. THE RESOLUTION IS DATED _____, 20____.

CITY ENGINEER'S APPROVAL

A RESOLUTION OF THE CITY ENGINEER HAS BEEN PASSED APPROVING THE ANNEXATION OF THE ABOVE PROPERTY TO THE CITY OF CEDAR CITY, UTAH. THE RESOLUTION IS DATED _____, 20____.

CERTIFICATE OF ACCEPTANCE

THE STATE WATER CONTROL BOARD HAS ACCEPTED THE ANNEXATION OF THE ABOVE PROPERTY TO THE CITY OF CEDAR CITY, UTAH. THE ACCEPTANCE IS DATED _____, 20____.



BLACK DIAMOND HOLDINGS LLC
 FOR
COTTONWOOD AREA ANNEXATION

GO CIVIL ENGINEERING
 200 N. 400 W. CEDAR CITY, UT 84701
 (435) 566-9999 WWW.GO CIVIL.UT

LOCATED IN THE NORTH WEST 1/4 OF SECTION 27 T35N, R11W, SLB&M, CEDAR CITY, UTAH

PREPARED BY: _____
CHECKED BY: _____
DATE: _____
SHEET: _____
TOTAL SHEETS: _____

Exhibit B

Cedar City Ordinance 0115-20-1.

BEGINNING AT THE WEST 1/4 CORNER OF SECTION 32, T35S, R11W, SLB&M; THENCE ALONG THE 1/4 SECTION LINE S89°39'55"E, 1329.60 FEET TO THE 1/16TH SECTION CORNER; THENCE S0°08'28"W, 1334.53 FEET TO THE 1/16TH SECTION CORNER; THENCE N89°41'25"W, 1329.33 FEET TO THE 1/16TH SECTION CORNER; THENCE ALONG THE SECTION LINE N0°07'47"E, 1335.11 FEET TO THE POINT OF BEGINNING. CONTAINING 40.74 ACRES.

Exhibit C

Cedar City Ordinance 0115-20-1.

ANNEXATION
MEMORANDUM OF UNDERSTANDING
FOR
THE AVAILABILITY AND PROVIDING OF CITY SERVICES

ANNEXATION NAME: COTTONWOOD AREA

ANNEXATION AREA: 40.74 ACRES

ANNEXATION LOCATION: LOCATED IN A PORTION OF THE SOUTH WEST ¼ OF SECTION 32, TOWNSHIP 35 SOUTH, RANGE 11 WEST, SALT LAKE BASE & MERIDIAN. (APPROXIMATE ADDRESS: 1850 NORTH, 3500 WEST)

This memorandum of understanding describes the availability and requirements to provide the basic City services to the Annexation Area. It is clearly understood that this is a general statement of the availability and requirements to provide services relative to this annexation area. Cedar City Corporation may require additional improvements in the process of the development and reserves the right to do so.

DESCRIPTION OF SERVICES

1. WATER: There is an existing 8-inch city water main that is stubbed in 1850 North Street. The water line is directly east of the east line of the proposed annexation property.

2. SEWER: There is an existing sewer lift station on site in the north west corner of the parcel along with 10-inch gravity city sewer line that runs west from the intersection of Lund Highway and 1775 North street through Hunter Glenn Subdivision Phase 1. This 10-inch gravity sewer then runs north to said lift station thru an 8-inch pressure sewer line from the lift station and then to the east thru Hunter Glenn Subdivision Phase 1 and then to Lund Highway.

3. DRAINAGE: The existing terrain sheet flows from southeast to northwest through the property. There is an existing detention basin in the south east corner that detains the drainage from Hunter Glenn Subdivision Phase 1. Any future development will either need to maintain the existing detention basin as is and provide a second basin to detain the proposed increase of future development, Or provide a single basin on the parcel to handle the Hunter Glen Phase 1 and future development increase with the appropriate easements in place to service the drainage.

4. ACCESS: Access to the property will be from Lund Highway thru 1850 North and 1600 North Thru 3475 West to 1850 North.

5. FIRE: All development shall conform to the 2015 International Fire Code, NFPA 1141 and 1142. If the development included gated entrances the code official will be notified so proper modification can be made. A water supply with at least 1500 gpm for a 2-hour duration at not less than 20 psi shall be provided and hydrants shall be spaced at and not to exceed 500 feet of vehicle travel distance according to the International Fire Code. Roadways grade shall be less than 12% and widths have a minimum clear width of 12 feet of each lane of travel excluding shoulders and parking. Roadways shall be constructed of a hard, all weather surface designed to support the heaviest piece of fire apparatus likely to operate on the roadway. Those areas that border on a wild land interface shall conform to the urban Wild Land Interface Code.

If a development falls outside of the five-mile radius imposed by ISO it will be classified as class 10 unprotected. While the fire department will still provide fire protection, the insurance rates for these areas will be greater than the ISO class 4 the areas within the 5-mile radius.

5. POLICE: The annexed property in within the area presently served by the Cedar City Police Department.

APPROVALS:

DocuSigned by:
Mike Shurtz
C6AEABACE78E49B...
CEDAR CITY FIRE DEPARTMENT

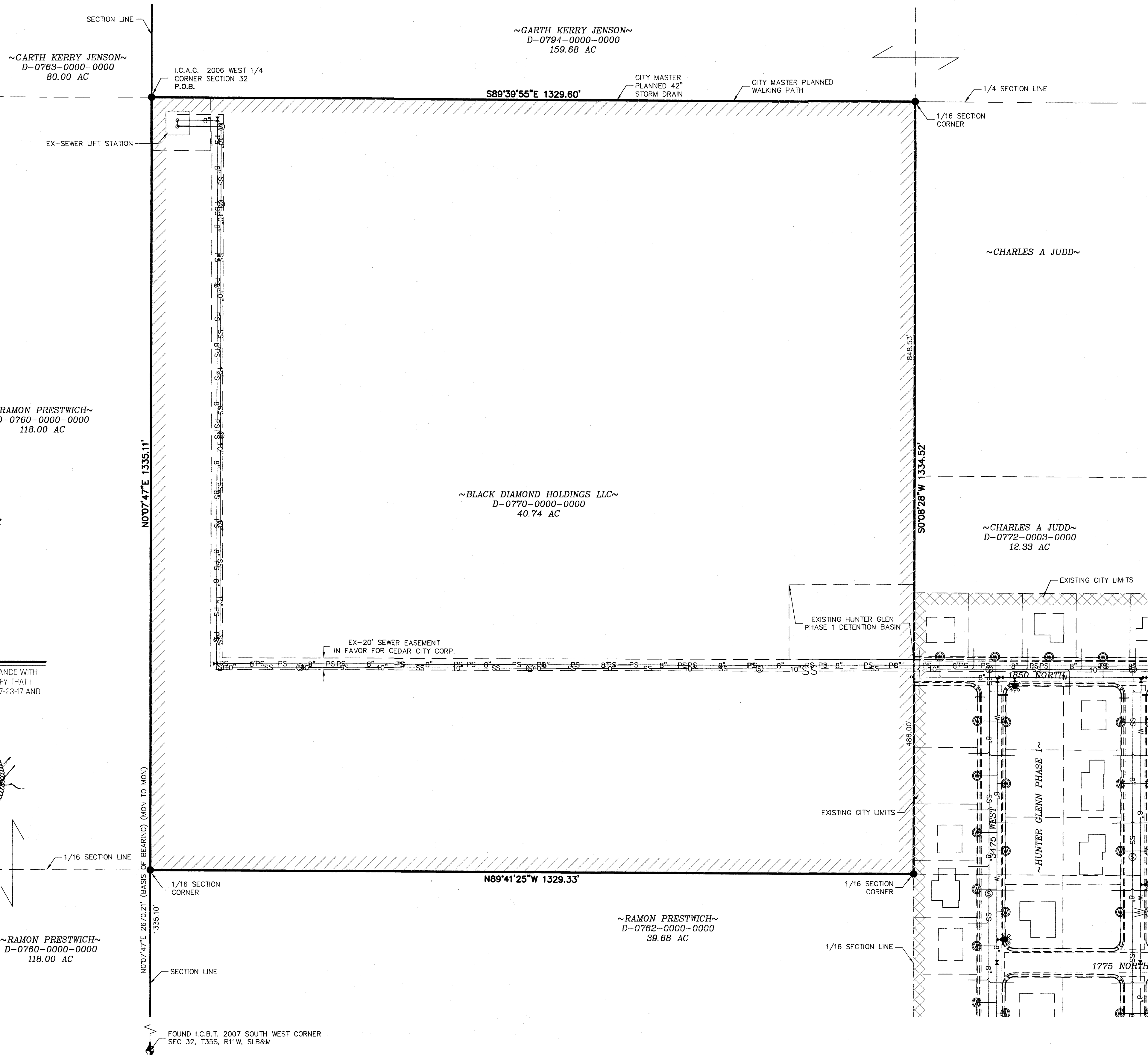
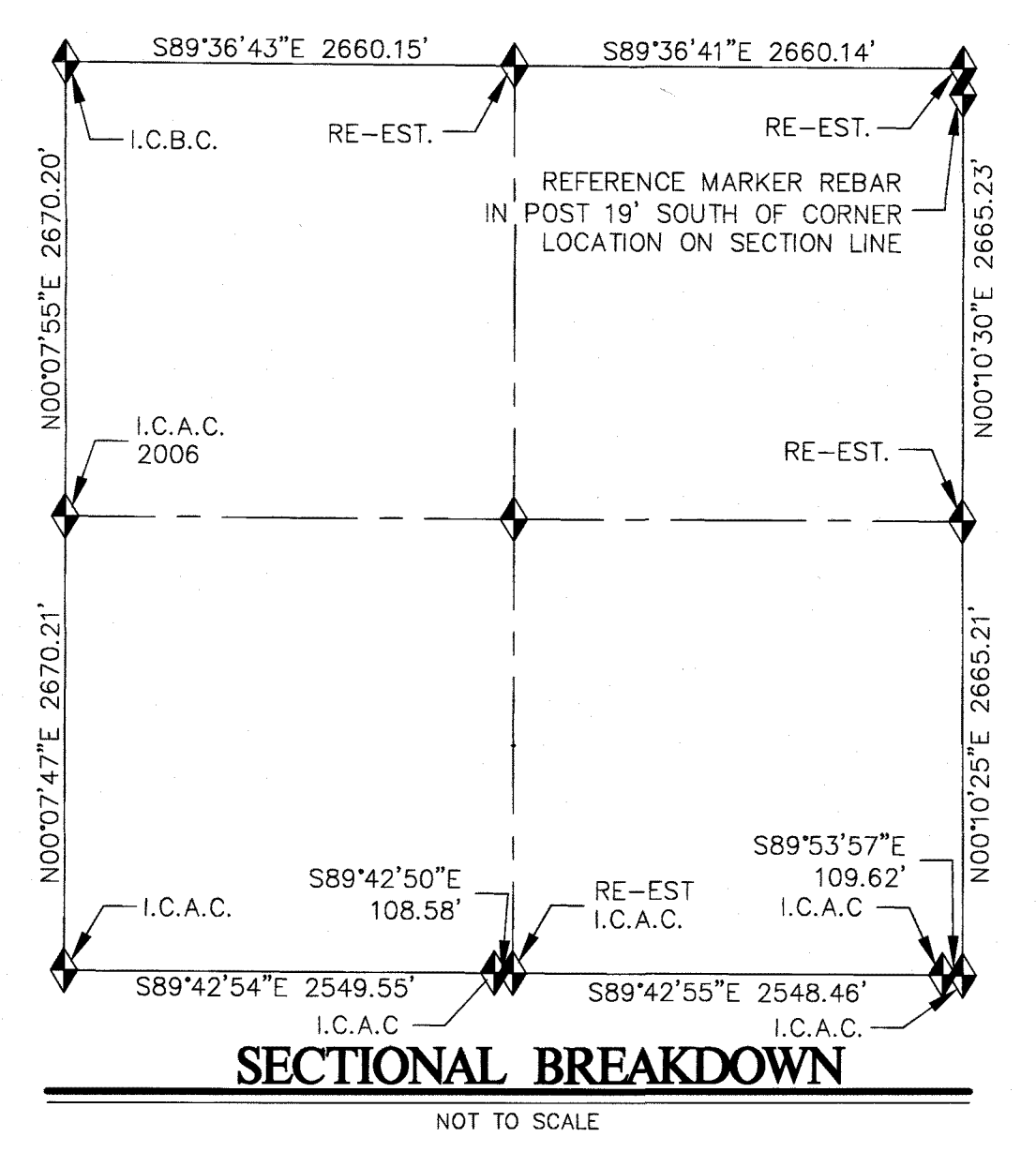
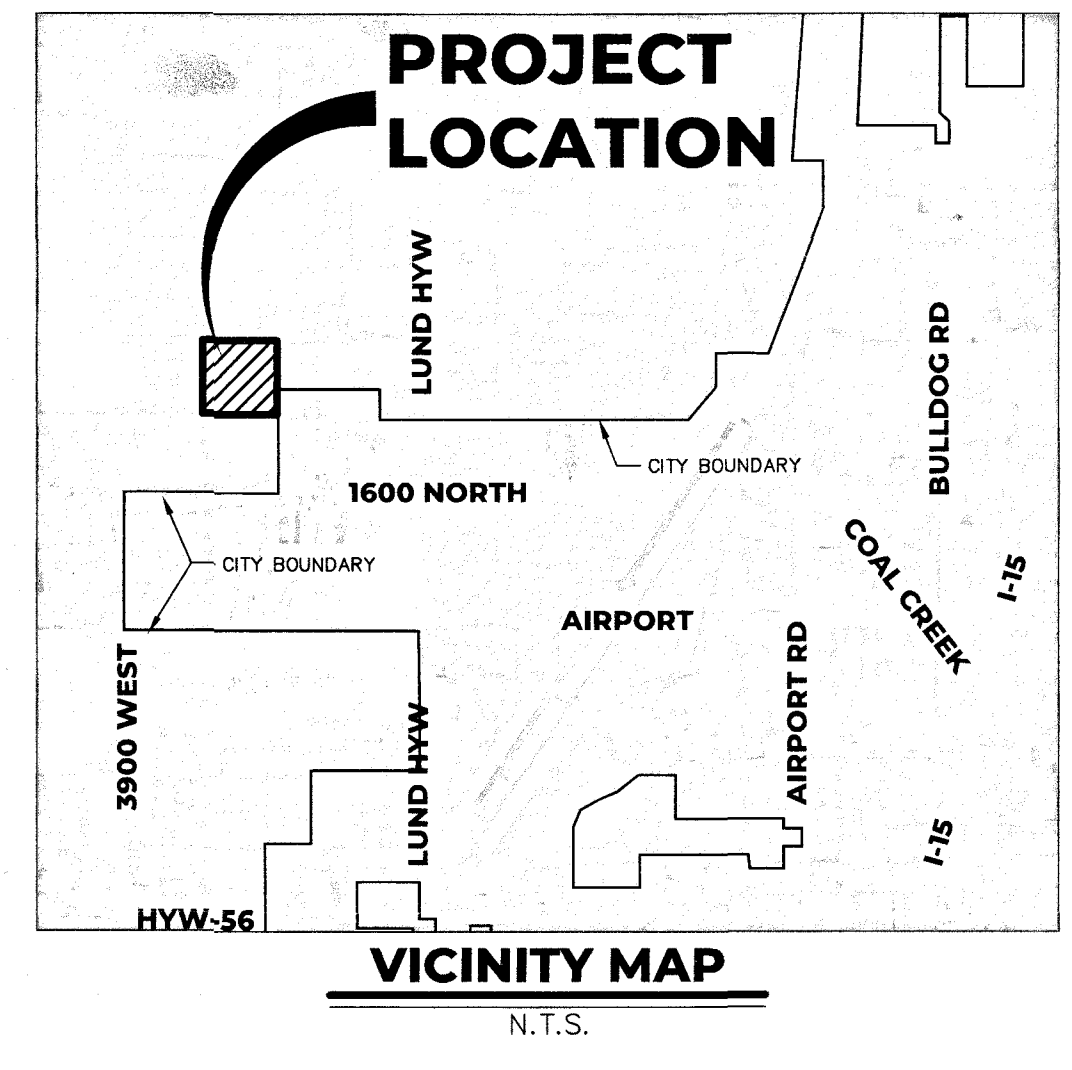
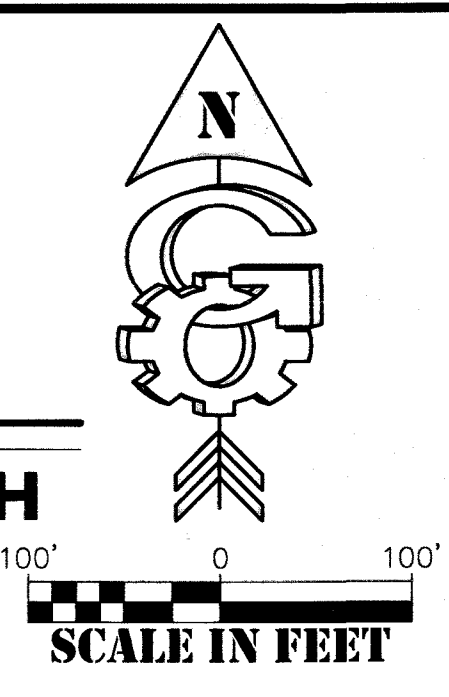
DocuSigned by:
Dani Adams
DD78EF7BA68E42E...
CEDAR CITY POLICE DEPARTMENT

DocuSigned by:
Kit Warham
D286FE80359F41A...
CEDAR CITY ENGINEERING DEPARTMENT

DocuSigned by:
Darren Coughlin
59F47A521B25484...
PROPERTY OWNER

COTTONWOOD AREA ANNEXATION FOR BLACK DIAMOND HOLDINGS LLC

LOCATED IN THE SOUTH WEST 1/4 OF SECTION 32 T35S, R11W, SLB&M, CEDAR CITY, UTAH
1850 NORTH 3500 WEST, CEDAR CITY, UTAH, 84721



NOTES

ANNEXATION SPONSOR: DARREN COUGHLIN
809 E. COMMERCE DRIVE
ST. GEORGE, UT 84790

PROPERTY OWNERS: BLACK DIAMOND HOLDINGS, LLC 40.74 AC
809 E. COMMERCE DRIVE
ST. GEORGE, UT 84790
TAX I.D. 139963
PARCEL NUMBER: 0-0770

ANNEXATION NOTES:

MINIMUM WATER PRESSURE FOR THE WATER LINE IN LUND HWY IS 165 PSI (STATIC)
INDIVIDUAL PRESSURE REDUCING VALVE IS REQUIRED FOR EACH LOT.

THIS PARCEL FALLS WITHIN FLOOD ZONE C PER THE FEMA FIRM MAP COMMUNITY PANEL NUMBER 4900730725B, EFFECTIVE DATE JULY 17, 1995, REVISED TO REFLECT LOMAR DATED FEB. 19, 2004

THIS PARCEL FALLS WITHIN AIR TRAFFIC PATTERN ZONE AND IS SUBJECT TO RELATED NOISE AND AIR TRAFFIC.

ALL PRIVATE/PUBLIC UTILITIES TO BE CONNECTED TO STUBS TO BE LOCATED ON THE WEST BOUNDARY OF 1850 NORTH STREET OF HUNTER GLENN PHASE 1.

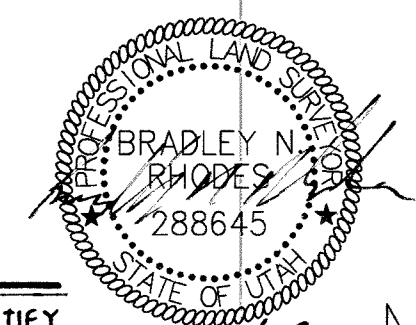
PROPOSED ANNEXATION DESCRIPTION (40.739 AC)

BEGINNING AT THE WEST 1/4 CORNER OF SECTION 32, T35S, R11W, SLB&M; THENCE ALONG THE 1/4 SECTION LINE S89°39'55"E, 1329.60 FEET TO THE 1/16TH SECTION CORNER; THENCE S0°08'28"W, 1334.53 FEET TO THE 1/16TH SECTION CORNER; THENCE N89°41'25"W, 1329.33 FEET TO THE 1/16TH SECTION CORNER; THENCE ALONG THE SECTION LINE N0°07'47"E, 1335.11 FEET TO THE POINT OF BEGINNING.

SURVEYOR'S CERTIFICATE

I, BRADLEY N. RHODES, PROFESSIONAL UTAH LAND SURVEYOR NO. 288645, HOLD A LICENSE IN ACCORDANCE WITH TITLE 56, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT. I HEREBY CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS AND WILL PLACE MONUMENTS AS REPRESENTED ON THE PLAT.

Bradley N. Rhodes
BRADLEY N. RHODES P.L.S. NO. 288645



COUNTY ENGINEER'S APPROVAL

I, STEVE PLATT, IRON COUNTY ENGINEER, DO HEREBY CERTIFY THAT THIS ANNEXATION PLAT WAS EXAMINED AND ACCEPTED BY ME THIS THE 22 DAY OF JAN, 2020.

Steve Platt
STEVE PLATT - COUNTY ENGINEER

CERTIFICATE OF RECORDING

I, CARRI JEFFRIES, COUNTY RECORDER OF IRON COUNTY, DO HEREBY CERTIFY THAT THIS ANNEXATION PLAT WAS FILED FOR RECORD ON THIS THE ___ DAY OF ___, 20__.

BOOK ___ PAGE ___

COUNTY RECORDER - CARRI JEFFRIES

ENTRY NO. ___ FEE ___

RECORDED AT THE REQUEST OF ___

CITY PLANNING COMMISSION APPROVAL

I, MARY PEARSON, CHAIRPERSON OF THE CEDAR CITY PLANNING COMMISSION, DO HEREBY CERTIFY THAT THIS ANNEXATION PLAT HAS BEEN APPROVED BY SAID COMMISSION ON THIS THE 20 DAY OF JAN, 20.

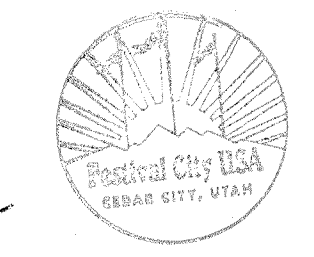
Mary Pearson
MARY PEARSON - CHAIRPERSON

CERTIFICATE OF ACCEPTANCE

I, MAILE WILSON, MAYOR OF CEDAR CITY CORPORATION, DO HEREBY CERTIFY THAT THIS ANNEXATION PLAT HAS BEEN APPROVED BY THE CITY COUNCIL AND IS HEREBY ORDERED FILED FOR RECORD IN THE OFFICE OF THE IRON COUNTY RECORDER ON THIS THE 22 DAY OF JAN, 2020.

Maile Wilson
MAILE WILSON - MAYOR

Kevin Savage
ATTEST: KEVIN SAVAGE
CITY RECORDER



CITY ENGINEER'S APPROVAL

I, KIT WAREHAM, CEDAR CITY ENGINEER, DO HEREBY CERTIFY THAT THIS ANNEXATION PLAT WAS EXAMINED AND ACCEPTED BY ME THIS THE 30 DAY OF JAN, 2020.

Kit Wareham
KIT WAREHAM - CITY ENGINEER

LEGEND

- FOUND SECTIONAL MARKER AS NOTED
- B/C R/W MARKER TO BE SET
- TO BE SET "IRLS" R/C OR AS NOTED
- EXISTING HYDRANT
- EXISTING WATER LINE W/SIZE SHOWN
- EXISTING GATE OR BUTTERFLY VALVE AS NOTED
- EXISTING SEWER LINE W/FLOW DIRECTION & SIZE SHOWN
- EXISTING ASPHALT
- EXISTING POWER POLE
- EXISTING SEWER MANHOLE
- EXISTING WATER METER
- EXISTING FENCE
- MASTER PLANNED TRAIL
- EXISTING CITY LIMITS
- PROPOSED ANNEXATION

NO.	DESCRIPTION	BY	DATE

GO CIVIL ENGINEERING

590 N. 800 W. CEDAR CITY, UT 84721
#(435) 586-9592 WWW.GOCIVIL.NET

COTTONWOOD AREA ANNEXATION
FOR
BLACK DIAMOND HOLDINGS LLC
LOCATED IN THE SOUTH WEST 1/4 OF SECTION 32 T35S, R11W, SLB&M, CEDAR CITY, UTAH

CHECKED:	SCALE:	DRAWN:
	1" = 100'	CS
DATE:		SHEET:
10-3-19		1 OF 1