

# 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 ELK RIDGE, dated April 15, 2020, complying with Section 10-2-425, Utah Code Annotated, 1953, as amended.

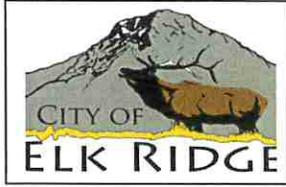
NOW, THEREFORE, notice is hereby given to all whom it may concern that the attached is a true and correct copy of the notice of annexation, referred to above, on file with the Office of the Lieutenant Governor pertaining to CITY OF ELK RIDGE, located in Utah County, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 27<sup>th</sup> day of April 2020 at Salt Lake City, Utah.



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

SPENCER J. COX  
Lieutenant Governor



**80 East Park Drive Elk Ridge, UT 84651**  
tel. 801/423-2300 | web [elkridgcity.org](http://elkridgcity.org) | web [staff@elkridgcity.org](mailto:staff@elkridgcity.org)

Notice of Impending Boundary Action

The Honorable Spencer J. Cox  
Lieutenant Governor of the State of Utah  
Utah State Capitol Complex  
Suite 200  
PO Box 142325  
Salt Lake City, UT 84114-2325

Re: Smart Annexation Elk Ridge of 18.74 Acres into the Corporate Limits of the City of Elk Ridge.

Lieutenant Governor Cox:

On March 10, 2020, the Elk Ridge City Council acting as the governing body for the City of Elk Ridge, a political subdivision of the State of Utah, adopted an ordinance regarding the annexation of 19.19 acres along the City's north boundary for the unincorporated area of Utah County, Utah.

Accompanying this Notice is a certified copy of Ordinance No.20-03 related to the above referenced annexation, together with a copy of the final local entity plat, otherwise titled Annexation Plat, Smart Annexation Elk Ridge, prepared by and signed by a licensed surveyor and approved by the Elk Ridge City Council and the Utah County Surveyor.

Pursuant to Utah Code Ann. 10-2-405 and 67-1a-6.5(3) the Elk Ridge City Council hereby certifies that all requirements applicable to this boundary action have been met and it seeks a certificate of annexation of the 46.14 acres in the city of Elk Ridge boundaries.

Dated this 15<sup>th</sup> day of April, 2020

ELK RIDGE CITY COUNCIL

Ty Ellis, Mayor

ATTEST

Royce Swensen, Recorder  
(Seal)



**ORDINANCE NO. 20-03**

**AN ORDINANCE OF THE ELK RIDGE CITY COUNCIL ANNEXING PROPERTY LOCATED WITHIN THE SMART PROPERTY ANNEXATION PLAT IN THE VICINITY OF 11200 SOUTH AND ELK RIDGE DRIVE.**

**WHEREAS**, on November 11, 2019 JRW Ranches, LLC filed an Application for Annexation with Elk Ridge City requesting annexation of approximately 19.19 acres in the vicinity of 11200 South and Elk Ridge Drive, which property is shown and more particularly described in the Elk Ridge Annexation Application as SMART PROPERTY Annexation Plat which is attached hereto as Exhibit "A" and by reference is made a part hereof (hereinafter referred to as the "Smart Property Annexation"); and

**WHEREAS**, on December 12, 2019 the Elk Ridge City Council adopted a resolution for the Intent to Annex the properties located within the Smart Property Annexation Plat pursuant to Section 10-2-418, et. Seq. Utah Code Annotated, 1953 as amended; and

**WHEREAS**, pursuant to Section 10-2-418, et. Seq. Utah Code Annotated, 1953 as amended, notice regarding the application for annexation was published and mailed; and

**WHEREAS**, pursuant to Section 10-2-418, et. Seq. Utah Code Annotated, 1953 as amended, the Elk Ridge Planning Commission held a public hearing on August 1, 2019; and

**WHEREAS**, the notice of public hearing by the Planning Commission was posted and published not less than three weeks before the date of the public hearing; and

**WHEREAS**, the notice of hearing which was posted and published by the City Council contains specific advance notice that the proposed ordinance, as set forth herein, would be considered and that copies thereof were available for inspection in the city offices; and

**WHEREAS**, the Public Hearing was held no earlier than 30 days after the adoption of the Resolution by the City Council.; and

**WHEREAS**, during the thirty-day notice period no qualified written protests of the annexation had been filed with the municipality; and

**WHEREAS**, the unincorporated area requested for annexation is contiguous to Elk Ridge and the applicable requirements of Utah Code in relation to annexation have been satisfied; and

**WHEREAS**, the City has determined that the annexation is a logical extension of the municipal boundaries; and

**WHEREAS**, the City Council has determined that the R-1-12,000 residential zoning and C-1 commercial zoning designation, is consistent with the principles set forth in the 2018 Elk Ridge City General Plan and is an appropriate zone for the Smart Property Annexation properties; and

**WHEREAS**, the Elk Ridge City Council has determined that requiring the annexation sponsor to enter into an Annexation Agreement (Exhibit B) setting forth terms and conditions of Annexation will benefit and further the goals of Elk Ridge City;

**ORDINANCE NO. 20-03**

**AN ORDINANCE OF THE ELK RIDGE CITY COUNCIL ANNEXING PROPERTY LOCATED WITHIN THE SMART PROPERTY ANNEXATION PLAT IN THE VICINITY OF 11200 SOUTH AND ELK RIDGE DRIVE.**

**WHEREAS**, on November 11, 2019 JRW Ranches, LLC filed an Application for Annexation with Elk Ridge City requesting annexation of approximately 18.72 acres in the vicinity of 11200 South and Elk Ridge Drive, which property is shown and more particularly described in the Elk Ridge Annexation Application as SMART PROPERTY Annexation Plat which is attached hereto as Exhibit "A" and by reference is made a part hereof (hereinafter referred to as the "Smart Property Annexation"); and

**WHEREAS**, on December 12, 2019 the Elk Ridge City Council adopted a resolution for the Intent to Annex the properties located within the Smart Property Annexation Plat pursuant to Section 10-2-418, et. Seq. Utah Code Annotated, 1953 as amended; and

**WHEREAS**, pursuant to Section 10-2-418, et. Seq. Utah Code Annotated, 1953 as amended, notice regarding the application for annexation was published and mailed; and

**WHEREAS**, pursuant to Section 10-2-418, et. Seq. Utah Code Annotated, 1953 as amended, the Elk Ridge Planning Commission held a public hearing on August 1, 2019; and

**WHEREAS**, the notice of public hearing by the Planning Commission was posted and published not less than three weeks before the date of the public hearing; and

**WHEREAS**, the notice of hearing which was posted and published by the City Council contains specific advance notice that the proposed ordinance, as set forth herein, would be considered and that copies thereof were available for inspection in the city offices; and

**WHEREAS**, the Public Hearing was held no earlier than 30 days after the adoption of the Resolution by the City Council.; and

**WHEREAS**, during the thirty-day notice period no qualified written protests of the annexation had been filed with the municipality; and

**WHEREAS**, the unincorporated area requested for annexation is contiguous to Elk Ridge and the applicable requirements of Utah Code in relation to annexation have been satisfied; and

**WHEREAS**, the City has determined that the annexation is a logical extension of the municipal boundaries; and

**WHEREAS**, the City Council has determined that the R-1-12,000 residential zoning and C-1 commercial zoning designation, is consistent with the principles set forth in the 2018 Elk Ridge City General Plan and is an appropriate zone for the Smart Property Annexation properties; and

**WHEREAS**, the Elk Ridge City Council has determined that requiring the annexation sponsor to enter into an Annexation Agreement (Exhibit B) setting forth terms and conditions of Annexation will benefit and further the goals of Elk Ridge City;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF ELK RIDGE CITY, UTAH, AS FOLLOWS:**

1. The properties hereby known as the SMART PROPERTY Annexation Plat, the location and description of which is contained in the Smart Property Annexation Plat which is attached hereto as Exhibit "A" and by reference is made a part hereof is annexed in to the corporate limits of Elk Ridge City.
2. The City Council hereby amends the Zoning Map of Elk Ridge City, to include within the City boundaries the properties shown in the Smart Property Annexation Plat as R-1-12,000 residential zoning and C-1 commercial zoning
3. The City Council authorizes the Mayor to execute the Annexation Agreement in substantially the same form as attached hereto as Exhibit "B" and it to be recorded concurrently with the Annexation Plat.
4. This ordinance shall take effect immediately upon passage and publication in a newspaper of general circulation in Elk Ridge.
5. All other resolutions and policies in conflict herewith, either in whole or part, are hereby repealed.

**SECTION I. Codification, Inclusion in the Code, and Scrivener's Errors.** It is the intent of the City Council that the provisions of this ordinance be made part of the City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filling a corrected or re-codified copy of the same with the City Recorder.

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

**SECTION III. Posting.** A copy of this Ordinance shall be deposited in the office of the Elk Ridge City Recorder, and on \_\_\_\_\_, 2020, the Elk Ridge City Recorder shall certify that this Ordinance has been posted in three public places within the municipality on that date, as provided in Utah State Code Annotated § 10-3-711(1).

**SECTION IV. EFFECTIVE DATE.** This ordinance shall become effective immediately upon passage.

Passed and duly adopted this 10<sup>th</sup> day of March, 2020.



TY ELLIS, MAYOR

Councilmember Nelson Abbott	Voted <u>AYE</u>
Councilmember Tricia Thomas	Voted <u>AYE</u>
Councilmember Jared Peterson	Voted <u>AYE</u>
Councilmember Jim Chase	Voted <u>AYE</u>
Councilmember Cory Thompson	Voted <u>AYE</u>

ATTEST:

Royce Swensen  
 Royce Swensen  
 Elk Ridge City Recorder



STATE OF UTAH                    )  
   ) ss.  
 COUNTY OF UTAH                )

I, ROYCE SWENSEN, City Recorder of the City of Elk Ridge, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of

Ordinance #2003 passed by the City Council of the City of Elk Ridge, Utah, on the 10<sup>th</sup> day of March, 2020, entitled

**“AN ORDINANCE OF THE ELK RIDGE CITY COUNCIL ANNEXING PROPERTY LOCATED WITHIN THE SMART PROPERTY ANNEXATION PLAT IN THE VICINITY OF 11200 SOUTH AND ELK RIDGE DRIVE.”**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Elk Ridge City Utah this 10<sup>th</sup> day of March, 2020.

Royce Swensen  
 ROYCE SWENSEN  
 Elk Ridge City Recorder

AFFIDAVIT OF POSTING

STATE OF UTAH )

) ss.

COUNTY OF UTAH )



I, ROYCE SWENSEN, City Recorder of the City of Elk Ridge, Utah, do hereby certify and declare that I posted in three (3) public places Ordinance #20-03 which is attached hereto on the 10<sup>th</sup> day of March, 20.

The three places are as follows:

1. The Elk Ridge City Office, 80 E Park Drive
2. The Public Works Building located at 645 W. Goosenest Drive
3. The pole 11200 South and North Twilight Way

I further certify that copies of the ordinance so posted were true and correct copies of said ordinance.

Royce Swensen  
ROYCE SWENSEN  
Elk Ridge City Recorder

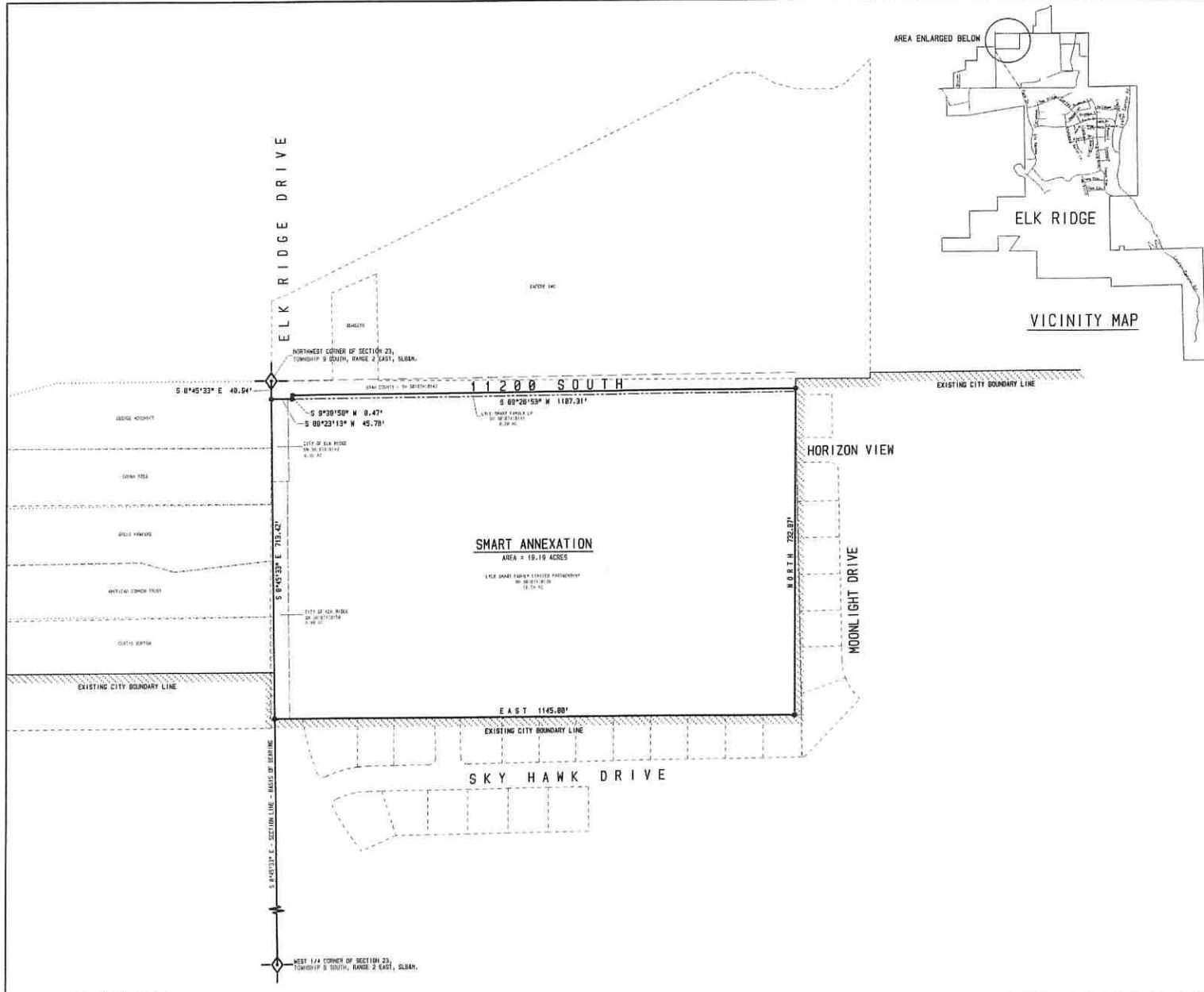
The foregoing instrument was acknowledged before me this 11<sup>th</sup> day of March, 2020, by ROYCE SWENSEN.

My Commission Expires: 8/23/2023

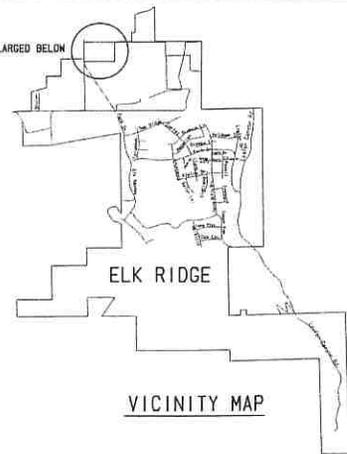
Laura C. Oliver  
Notary Public

Residing at: Utah County





AREA ENLARGED BELOW



**ENGINEER/SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE MAP OF THE TRACT OF LAND TO BE ANNEXED TO ELK RIDGE CITY, UTAH COUNTY, UTAH.

**BOUNDARY DESCRIPTION**

COMMENCING AT A POINT ON THE SECTION LINE, WHICH POINT LIES SOUTH 0°45'33" EAST 49.84 FEET ALONG THE SECTION LINE FROM THE NORTHWEST CORNER OF SECTION 23, TOWNSHIP 9 SOUTH, RANGE 2 EAST, ... GALT LAKE BASE MERIDIAN; THENCE AS FOLLOWS:

COURSE	DISTANCE	B E A R I N G
S 0°45'33" E	713.42'	ALONG THE SECTION LINE
E A S T	1145.80'	ALONG THE EXISTING CITY BOUNDARY LINE
N 0° 0' 0" N	735.87'	ALONG THE EXISTING CITY BOUNDARY LINE
S 00°28'15" W	1187.31'	
S 0°28'15" W	0.47'	
S 00°28'15" W	45.78'	TO THE POINT OF BEGINNING.

AREA = 19.19 ACRES

**BASIS OF BEARING** - UTAH COORDINATE BEARINGS, CENTRAL ZONE, S 0°45'33" E BETWEEN THE NORTHWEST CORNER AND THE WEST 1/4 CORNER OF SECTION 23, T19N, R02E, S10E, U.S.M.

*Darryl P. Little*  
SURVEYOR  
March 2, 2020  
DATE



**ACCEPTANCE BY LEGISLATIVE BODY**

THIS IS TO CERTIFY THAT WE, Elk Ridge City Council HAVE RECEIVED A PETITION SIGNED BY A MAJORITY OF THE OWNERS OF THE TRACT SHOWN HEREON REQUESTING THAT SAID TRACT BE ANNEXED TO THE CITY OF ELK RIDGE AND THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR FILING HEREIN ALL IN ACCORDANCE WITH THE UTAH COUNTY ANNOTATED (1953) 10-2-401 TO 10-2-424 AS REVISED AND THAT WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT AS SHOWN AS A PART OF SAID CITY AND THAT SAID TRACT OF LAND IS TO BE KNOWN AS THE SMART ANNEXATION ANNEXATION:

DATED THIS 10 DAY OF March, 2020

*[Signature]*  
ATTEST: [Signature]  
CITY CLERK



**BOUNDARY COMMISSION**

POLICY DECLARATION ADOPTED BY LEGISLATIVE BODY OF ELK RIDGE CITY ON \_\_\_\_\_ PROTESTS FILED BY: \_\_\_\_\_

BOUNDARY COMMISSION ACTION: \_\_\_\_\_

ANNEXATION READY TO RECORD \_\_\_\_\_

NO PROTESTS RECEIVED: \_\_\_\_\_

APPROVED BY COMMISSION: \_\_\_\_\_

BOUNDARY COMMISSION CHAIRMAN \_\_\_\_\_

UTAH COUNTY SURVEYOR

THIS PLAN HAS BEEN REVIEWED BY THE COUNTY SURVEYOR AND IS HEREBY CERTIFIED AS A FINAL LOCAL ENTRY PLAN, SUBJECT TO NEAK CODE ANNOTATED 47-23-20 AS AMENDED.

*Darryl P. Little*  
UTAH COUNTY SURVEYOR  
March 31, 2020  
DATE



APPROVED AS TO FORM \_\_\_\_\_

COUNTY ATTORNEY \_\_\_\_\_ DATE \_\_\_\_\_

**ANNEXATION PLAT**

**SMART ANNEXATION ELK RIDGE**

ELK RIDGE CITY, UTAH COUNTY, UTAH

SCALE: 1" = 100 FEET