

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 TOOELE CITY, dated April 8, 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 TOOELE CITY, 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 14th 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

Notice of Impending Boundary Action: Annexation

April 8, 2020

Lieutenant Governor Spencer J. Cox
State Capitol Complex
PO Box 142325
Salt Lake City, UT 84114-2325
Via email: jaclynburt@utah.gov

Dear Lieutenant Governor Cox:

This letter constitutes a Notice of Impending Boundary Action pursuant to U.C.A. §67-1a-6.5, indicating that Tooele City Corporation has taken all necessary actions to annex approximately 5.96 acres of land into the Tooele City corporate limits. All annexation requirements have been met evidenced by the enclosed Tooele City Ordinance 2020-03 and its exhibits. Also enclosed is a copy of the Annexation Plat map.

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

Sincerely,


Michelle Y. Pitt
Tooele City Recorder

TOOELE CITY CORPORATION

ORDINANCE 2020-03

AN ORDINANCE OF THE TOOELE CITY COUNCIL APPROVING THE ANNEXATION PETITION OF ROBERT D. SMART, TRUSTEE OF THE JACK BRATON TOMLIN TRUST, ANNEXING APPROXIMATELY 4.96 ACRES OF LAND INTO THE TOOELE CITY CORPORATE LIMIT, AND ASSIGNING THE LIGHT INDUSTRIAL (LI) ZONING DISTRICT TO THE ANNEXED PROPERTY.

WHEREAS, the annexation of additional land into Tooele City is governed by Utah Code Chapter 10-2 Part 4 (§10-2-401 *et seq.*), Tooele City Code Chapter 7-24, and Tooele City's Annexation Policy Plan (2010); and,

WHEREAS, Tooele City has received the annexation petition ("Petition") of Robert D. Smart, Trustee of the Jack Braton Tomlin Trust ("Petitioner"), dated December 9, 2019, in accordance with UCA §10-2-403 and TCC Chapter 7-24, seeking to annex 4.96 acres of property (the "Property") into the Tooele City corporate limits (see the Petition, including map, attached as Exhibit A); and,

WHEREAS, the proposed annexation would unify into a single jurisdiction two small parcels currently split by the Tooele City corporate boundary (see Exhibit A map); and,

WHEREAS, the parcels affected by this Ordinance are as follows, inclusively:

- 03-036-0-0026
- 03-036-0-0033

WHEREAS, following public discussions on September 4, 2019, and February 5, 2020, the City Council approved Resolution 2020-02 on February 19, 2020, which Resolution accepted the Petition for further consideration, as provided in UCA §10-2-405(1) (see the meeting minutes attached as Exhibits B, C, and D); and,

WHEREAS, on March 11, 2020, the Planning Commission considered the Petition and voted to forward its recommendation to the City Council, as required in TCC §7-24-1 (see the meeting minutes attached as Exhibit E); and,

WHEREAS, by Ordinance 2010-15, the City Council adopted an updated Annexation Policy Plan, a document required by U.C.A. §10-2-401.5 (see Ordinance 2010-15, without exhibits, attached as Exhibit F, and Tooele City's Annexation Study Expansion Area map, part of the larger Tooele City Annexation Policy Plan, attached as Exhibit G); and,

WHEREAS, annexation of the Property is not anticipated to have any impacts on City utility and infrastructure systems, and the Petitioner is therefore not required to complete capacity studies normally required by the City of annexation petitioners,

including culinary water, sanitary sewer, storm water, parks and recreation, transportation, police services, fire services, and tax implications; and,

WHEREAS, on March 23, 2020, the City Recorder certified the Petition as required by U.C.A. §10-2-405(2) (see the Certification, attached as Exhibit H); and,

WHEREAS, as far as has been determined, the Petition and the annexation proposed therein do not involve any Affected Entity as defined in UCA §10-2-401; therefore, no person is entitled by statute to protest the Petition (see UCA §10-2-407(1)(a)), thereby mooted the publication of a notice of protest period otherwise required by UCA §10-2-406; and,

WHEREAS, as required by UCA §10-2-407(3)(b)(ii)(A), the City Council convened a duly-noticed public hearing on April 1, 2020; and,

WHEREAS, pursuant to TCC §7-24-3, any annexation approval is conditioned upon annexation Petitioners executing an Annexation Agreement with the City; and,

WHEREAS, pursuant to Tooele City Code §7-24-1(1)(f), a successful annexation petition must be approved by a **two-thirds (2/3) vote** of the City Council; and,

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that:

1. The Annexation Petition is hereby approved, subject to the conditions stated in this Ordinance and the Annexation Agreement; and,
2. As far as can be determined, the Petition and the annexation proposed therein do not involve any Affected Entity as defined in UCA §10-2-401; thus, there were no eligible protestants, and no Notice of Certification inviting protests was required or published; and,
3. The City Recorder is hereby directed to file electronically with the Utah Lieutenant Governor a Notice of Impending Boundary Action meeting the requirements of U.C.A. §67-1a-6.5(3), together with a copy of the final local entity plat; and,
4. The property annexed under this Ordinance, as described in the Petition, shall receive the Light Industrial (LI) zoning district designation under authority of TCC §7-24-2; and,
5. The annexation approved by this Ordinance shall take effect, according to UCA §10-2-425(4), on the date of the Lieutenant Governor's issuance of a Certificate of Annexation; and,
6. All aspects of this Ordinance, with the exception of the effective date of the annexation for State of Utah purposes under UCA §10-2-425(4), shall take effect immediately upon passage of this Ordinance, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this
1st day of April, 2020.

TOOELE CITY COUNCIL

(For)

(Against)

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

[Signature]

ATTEST:

[Signature]

Michelle Y. Pitt, City Recorder

SEAL



Approved as to Form:

[Signature]

Roger Evans Baker, City Attorney

Exhibit A

Annexation Petition with Map


Annexation Application

Community Development Department 90
 North Main Street, Tooele, UT 84074 (435)
 843-2132 Fax (435) 843-2139
www.tooelecity.org



Notice: The applicant must submit copies of the pertinent plans and documents to be reviewed by the City in accordance with the terms of the Tooele City Code. All submitted Annexation applications shall be reviewed in accordance with all applicable City ordinances and requirements, are subject to compliance reviews by various City departments, and may be returned to the applicant for revision if the plans are found to be inadequate or inconsistent with the requirements of the City Code. Application submission in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is strongly advised that all checklist items be submitted well in advance of any anticipated deadlines.

PI9-924

Annexation Information	
Date of Submission: 12/12/2019	Expansion Option Area:
Total Acres: 4.96	
Project Name: Jack Torrfin Parcel Addition to Tooele City:	
General Address: Emerald Road Parcels	
Current Use of Property: Surplus Yard	
Sponsor: Robert D Smart	Addr: PO Box 778
Phone: (801) 232-2322	City: Tooele Utah Zip: 84074
Primary Phone Number:	Cell Number: (801) 232-2322 Email: bobsmart@comcast.net
Signature of Sponsor: 	
Date: 12/9/19	

*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This information will be used only so far as necessary for completing the transaction. If you decide not to supply the requested information, you should be aware that your application may take a longer time or may be impossible to complete. If you are an "at-risk government employee" as defined in Utah Code Ann. § 63-2-302.5, please inform the city employee accepting this information. Tooele City does not currently share your private, controlled or protected information with any other person or government entity.

** By submitting this application form to the City, the applicant acknowledges that the above list is not exclusive and under no circumstances waives any responsibility or obligation of the Applicant and or his Agents from full compliance with City Master Plans, Code, Rules and or Regulations.

NOTE: According to Utah State Code Section I 0-2-403, the sponsor of a petition to annex property into a municipality is required to deliver a complete copy of the same petition to annex property to the County Clerk on the same day the petition is filed with the municipality.

For Office Use Only

Fee:

Received By: (213)

Date Received:

Receipt#:

AFFIDAVIT

PROPERTY

OWNER STATE OF }

}s

UTAH COUNTY OF DAVIES }

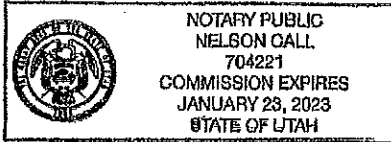
s)

I/we Robert D Smart Trustee, being duly sworn, depose and say that I/we am/are the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my/our knowledge. I/we also acknowledge that I/we have received written instructions regarding the application for which I/we am/are applying and the Tooele City Community Development Department staff have indicated they are available to assist me in making this application.

(Property Owner)

Subscribed and sworn to me this 9 day of December, 2019

(Property Owner)



[Signature]

(Notary)

Residing in DAVIES County, Utah
My commission expires: JANUARY 23, 2023

AGENT AUTHORIZATION

I/we, _____, the owner(s) of the real property described in the attached application, do authorize as my/our agent(s), _____, to represent me/us regarding the attached application and to appear on my/our behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

Dated this day of _____, 20 , personally appeared before me _____
the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

(Property Owner)

Residing in _____ County, Utah
My commission expires: _____
(Notary)

Record of Petitioned Properties for Annexation

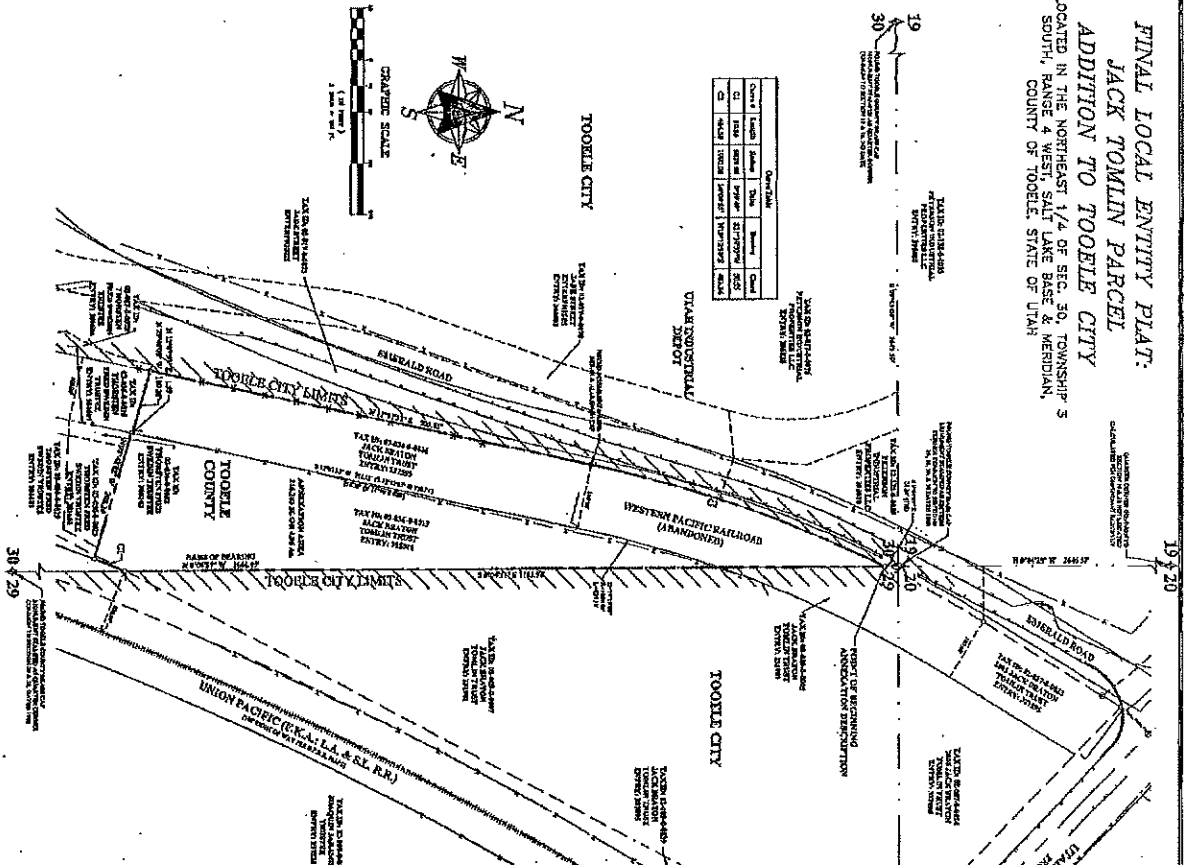
Record of Petitioned Properties Must Include All Properties to be Included in the Proposed Annexation With All Listed Information for Each Property and the Signature of All Property Owners Consenting to the Annexation*

<u>Parcel Number</u>	<u>Owner's Address</u>	<u>Acreage</u>	<u>Owner's Signature</u>
03-036-0-0026	22 CARRINGTON LN		
03-036-0-0033	CENTERVILLE, UT 84014	4.96	Robert D. Smith Trustee

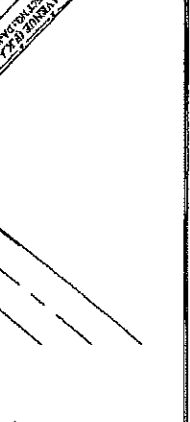
*Required information for each property must be listed as shown on the most current official property records from the Tooele County Recorder's Office

**FINAL LOCAL ENTITY PLAT:
JACK TOMLIN PARCEL
ADDITION TO TOOELE CITY**

LOCATED IN THE NORTHEAST 1/4 OF SEC. 30, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE & MERIDIAN, COUNTY OF TOOELE, STATE OF UTAH



Category	Area (Acres)	Area (Sq. Feet)
Parcel	1.18	51,840
Block	10.24	444,288
Total	11.42	500,128



TOOELE COUNTY SHERIFF DEPARTMENT
 APPROVED: _____
 SHERIFF _____

TOOELE COUNTY RECORDERS
 APPROVED: _____
 RECORDER _____

TOOELE CITY ATTORNEY
 APPROVED: _____
 ATTORNEY _____

TOOELE CITY COUNCIL
 APPROVED: _____
 COUNCIL _____

LEGEND

- PROPOSED PLAT BOUNDARIES
- EXISTING PLAT BOUNDARIES
- TOOELE CITY BOUNDARIES
- RAILROAD TRACKS
- UTILITY LINES
- EASEMENTS
- EMBANKMENT
- CUT
- ROADWAY
- SURFACE WATER
- WETLANDS

ABSTRACT OF RECORDS

THIS PLAT IS THE RESULT OF A SURVEY MADE BY ROBERT SHART, A LICENSED SURVEYOR, ON BEHALF OF THE JACK TOMLIN PARCEL ADDITION TO TOOELE CITY, UTAH. THE SURVEY WAS MADE ON THE 15TH DAY OF APRIL, 2014. THE PLAT IS SUBJECT TO THE RECORDS OF THE TOOELE COUNTY RECORDERS, TOOELE COUNTY, UTAH.

**FINAL LOCAL ENTITY PLAT:
JACK TOMLIN PARCEL, ADDITION TO TOOELE CITY
TOOELE COUNTY, UTAH**

PREPARED BY: ROBERT SHART
 2014-01-21 (Tooele South Parcel Addition)
 11-2014-02-05 (Tooele City)
 11-2014-02-11 (Tooele County)

DATE: 11/20/14

Ward Engineering Group
 1120 S. 200th St., Suite 200
 Orem, UT 84058
 (801) 225-1120
 www.wardeng.com

Exhibit B

September 4, 2019 City Council Work Meeting Minutes

**Tooele City Council and the
Redevelopment Agency of Tooele City
Work Session Meeting Minutes**

Date: Wednesday, September 4, 2019
Time: 5:00 p.m.
Place: Tooele City Hall, Large Conference Room
90 North Main St., Tooele, Utah

City Council Members Present:

Steve Pruden
Scott Wardle
Dave McCall
Brad Pratt
Melodi Gochis

City Employees Present:

Mayor Debbie Winn
Roger Baker, City Attorney
Glenn Caldwell, Finance Director
Michelle Pitt, Recorder
Jim Bolser, Community Development Director
Steve Evans, Public Works Director
Paul Hansen, City Engineer
Darwin Cook, Parks and Recreation Director
Ron Kirby, Police Chief
Kami Perkin, Human Resource Director

Minutes prepared by Michelle Pitt

1. Open Meeting

Chairman Pruden called the meeting to order at 5:00 p.m.

2. Roll Call

Steve Pruden, Present
Scott Wardle, Present
Brad Pratt, Present
Dave McCall, Present
Melodi Gochis, Present

3. Discussion:

Kami Perkins joined the meeting at 5:30 p.m.

Mr. Bolser went on to say that some people have property lines on the other side of the Porter Place property line, connecting with the Hunters Meadow property. They have made sure that the developer has an agreement with the Hunters Meadow property owners.

- Ordinance 2019-20 An Ordinance of the Tooele City Council Reassigning the Zoning Classification to the RR-1 Residential Zoning District for 3 Acres of Property Located at 705 North 100 West
Presented by Jim Bolser

Mr. Bolser stated that the Council discussed this item at their last meeting. He asked the Council if they had any questions; the Council had none.

- Potential Annexation Request
Presented by Jim Bolser

Mr. Bolser stated that he met with a property owner's representative for the Jack Tomlin's Trust. The trust owns property that is primarily in the City limits, but there is a portion of property that is not in the City's limits. There are some potential purchasers for this property and they would like to sell the entire piece of property. Mr. Bolser asked the Council if they would entertain the annexation of this small portion of property since about 2/3 of the property is already in the City. The City is already obligated to provide water and sewer to this property so it wouldn't cause an additional impact. Mr. Bolser explained that the reason this property is in the City, is that the City worked out arrangements with the Army to take over the Depot area. In order to do that, the area had to be annexed in to the City. There were some property owners that were not interested in being annexed which left a little peninsula that was not annexed at the time.

Mr. Baker asked if this area is already in the City's annexation plan. Mr. Bolser answered that it is, so the City won't have to amend the annexation plan.

The Council indicated they would like to annex this portion of property.

- Resolution 2019-65 A Resolution of the Tooele City Council Approving a Settlement Agreement and General Release with Charles and Crystal Lawrence
Presented by Roger Baker

Mr. Baker said that this agreement will allow a new subdivision to have a looped waterline. The waterline will cut across the north end of the golf course. The City would participate in the cost of that waterline at a cost of \$40,000.00. The City would receive a waterline easement at the completion of development.

Exhibit C

February 5, 2020, City Council
Business Meeting Minutes

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, February 5, 2020
Time: 7:00 p.m.
Place: Tooele City Hall, Council Chambers
90 North Main Street, Tooele, Utah

City Council Members Present:

Justin Brady
Tony Graf
Ed Hansen
Scott Wardle

City Council Members Excused:

Melodi Gochis

City Employees Present:

Mayor Debbie Winn
Jim Bolser, Community Development Director
Chief Ron Kirby, Police Department
Roger Baker, City Attorney
Steve Evans, Public Works Director
Darwin Cook, Parks Department Director
Glenn Caldwell, Finance Director
Cylee Pressley, Deputy Recorder

City Employees Excused:

Michelle Pitt, City Recorder

Minutes prepared by Kelly Odermott

Chairman Wardle called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by City Attorney Roger Baker.

2. Roll Call

Justin Brady, Present
Tony Graf, Present
Ed Hansen, Present
Scott Wardle, Present

Council Member Brady motioned waive the second reading of the Bevan Estates Subdivision Preliminary Plan Request by JRS Development LLC. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Chairman Wardle, "Aye." The motion passed.

Council Member Graf motioned to approve the Bevan Estates Subdivision Preliminary Plan Request by JRS Development LLC. Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Chairman Wardle, "Aye." The motion passed.

- e. Resolution 2020-02 A Resolution of the Tooele City Council Accepting for Further Consideration the Annexation Petition of Robert D. Smart, Trustee of the Jack Braton Tomlin Trust.
Presented by Jim Bolser & Roger Baker

Mr. Bolser stated that this is a resolution at the initiation point of the annexation process. The state code sets out a detailed and lengthy process for annexing property into the City. The first formal step is the adoption of the resolution by the City Council to consider the annexation. It does not approve the annexation, only the acceptance of the petition to begin the review process. It is south of Utah Avenue at the edge of the Industrial Depot. The property lines up on the east side of Emerald Road which is a private road. The property does not have a City zone identified for it, that will be part of the consideration of the annexation, but is surrounded by industrial and LI Light Industrial zoning to the east. The property being asked to be annexed is a portion of a larger property that is split between the City and County. Most of the property is already within the City but a sliver of the parcel was left in the County. The applicant desires to have the entire property under the same jurisdiction.

Council Member Graf asked if there is right-of-way access. Mr. Bolser stated that currently there would need to allow access onto Utah Avenue, but it is not the ideal location for access. There are some private issues regarding the access onto the private road to the west. There is access today, but it is limited. Chairman Wardle stated that he was not aware that the private road had been closed off and asked for a discussion item to be made for a future meeting. Mayor Winn stated that it is a temporary closure caused by a construction project. Chairman Wardle stated that the access onto Utah Avenue is not ideal due to its closeness to the railroad tracks. Mr. Baker stated that regardless of how the annexation goes, the access of the parcel already in the City remains.

Chairman Wardle declared the item moved to a second reading for the February 19th City Council Business Meeting.

- f. Resolution 2020-05 A Resolution of the Tooele City Council Accepting the Completed Off-Site Sewer Main Line Public Improvement Associated with the Lexington Greens Subdivision
Presented by Steve Evans

Mr. Evans stated that this is the public improvement is for the Lexington Greens Subdivision off site sewer main line only. Mr. Evans stated that it is signed off by staff. Mr. Baker added that the Certificate of Completion is in the packet and should be signed by the City Council Chair.

Council Member Hansen motioned waive the second reading for Resolution 2020-05, 2020-11, and 2020-12. Council Member Graf seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Chairman Wardle, "Aye." The motion passed.

Council Member Graf motioned to approve the Resolution 2020-05. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Chairman Wardle, "Aye." The motion passed.

- g. Resolution 2020-11 A Resolution of the Tooele City Council Accepting the Completed Public Improvement Associated with the Skyline Ridge Phase 1 Subdivision
Presented by Steve Evans

Mr. Evans stated the Certificate is for the Skyline Ridge Phase 1 Subdivision.

Council Member Brady motioned to approve the Resolution 2020-11. Council Member Graf seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Chairman Wardle, "Aye." The motion passed.

- h. Resolution 2020-12 A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with the Overlake 1L Phase Subdivision
Presented by Steve Evans

Mr. Evans stated this is the improvements for Overlake 1L Phase Subdivision.

Exhibit D

February 19, 2020 City Council Business Meeting Minutes

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, February 19, 2020

Time: 7:00 p.m.

Place: Tooele City Hall, Council Chambers
90 North Main Street, Tooele, Utah

City Council Members Present:

Justin Brady

Tony Graf

Ed Hansen

Scott Wardle

Melodi Gochis

City Employees Present:

Mayor Debbie Winn

Jim Bolser, Community Development Director

Chief Ron Kirby, Police Department

Roger Baker, City Attorney

Steve Evans, Public Works Director

Darwin Cook, Parks Department Director

Glenn Caldwell, Finance Director

Cylee Pressley, Deputy Recorder

City Employees Excused:

Michelle Pitt, City Recorder

Minutes prepared by Kelly Odermott

Chairman Wardle called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Council Member Brady.

2. Roll Call

Justin Brady, Present

Tony Graf, Present

Ed Hansen, Present

Scott Wardle, Present

Melodi Gochis, Present

- d. Resolution 2020-02 A Resolution of the Tooele City Council Accepting for Further Consideration the Annexation Petition of Robert D. Smart Trustee of the Jack Braton Tomlin Trust
Presented by Jim Bolser

Mr. Bolser stated that this is a previous meeting item. It is back for potential action. The property is just south of Utah Avenue and between Emerald Road and the railroad tracks. It is one piece of property, but a wedge shaped piece of property was left out of the City when the industrial depot was annexed into the City. Mr. Smart the trustee for the property is requesting that the wedge piece be annexed into the City to make the entire piece of property under one jurisdiction. This resolution does not approve the annexation. State law has lengthy process by which property can be annexed and this is just the first step to allow the process to begin for formal consideration.

Council Member Brady motioned to approve the Resolution 2020-02. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

- e. Subdivision Preliminary Plan for the Millennial Park Development requested by Mountain Partners Investments LLC for Property Located at 300 West 400 North in the MR-16 Multi-Family Residential Zone for the Creation of 17 Townhome Lots
Presented by Jim Bolser

Mr. Bolser stated that this was also on the last agenda for the first reading. The property is a portion of property that was approved for a Zoning Map Amendment for the MR-16 zone. The property is east of the Dow James building and south of the City skate park. The zoning is MR-16 and the properties across the street to the east are also part of the project, but will be coming forth as a later phase. The Planning Commission has heard this and forwarded a positive recommendation.

Council Member Gochis motioned to approve the subdivision preliminary plan for Millennial Park Development requested by Mountain Partners Investments LLC. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

- f. Minor Subdivision Request for the Hunter Minor Subdivision for Property Located at 240 West Utah Avenue on Property in the R1-7 Residential Zone for the Creation of 3 Single-Family Residential Lots
Presented by Jim Bolser

Exhibit E

March 11, 2020, Planning Commission Minutes

TOOELE CITY PLANNING COMMISSION MINUTES

Date: Wednesday, March 9, 2020

Place: Tooele City Hall Council Chambers
90 North Main Street, Tooele Utah

Commission Members Present:

Shauna Bevan
Melanie Hammer
Tyson Hamilton
Matt Robinson
Chris Sloan
Bucky Whitehouse
Dave McCall

Commission Members Excused:

Nathan Thomas
Ray Smart

City Employees Present:

Andrew Aagard, City Planner
Jim Bolser, Community Development Director
Roger Baker, City Attorney
Paul Hansen, City Engineer

Council Members Present:

Council Member Hansen
Council Member Brady

Minutes prepared by Kelly Odermott

Chairman Hamilton called the meeting to order at 7:00 pm.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner Whitehouse.

2. Roll Call

Matt Robinson, Present
Melanie Hammer, Present
Shauna Bevan, Present
Tyson Hamilton, Present
Chris Sloan, Present
Bucky Whitehouse, Present
Dave McCall, Present

Hammer, "Aye," Commissioner Sloan, "Aye," Commissioner Whitehouse, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner McCall, "Aye," Chairman Hamilton, "Aye." The motion passes.

6. **Recommendation on an Annexation Plat and Petition by Robert Smart to annex 4.96 acres of unincorporated Tooele County located at approximately Utah Avenue and Emerald Road into Tooele City**

Presented by Andrew Aagard

Mr. Aagard stated that the property proposed to be annexed into Tooele City is located east of Emerald road, west of the Union Pacific Railroad and south of Utah Avenue at approximately 230 North. The surrounding zoning is I Industrial and LI Light Industrial. Tooele County currently has a zoning attached to the property of MD, Manufacturing Distribution. Currently there is not a Tooele City zoning designation attached to the property and that will be assigned by the City Council, if they choose to annex. The property is part of a larger property in which two thirds of the property are already located within Tooele City boundaries. The annexation would bring the remainder of the property into the City.

Commission Bevan asked how the property was split between jurisdictions? Mr. Aagard stated he was not an employee at the time this happened. Commissioner Sloan asked if there is a downside to the annexation? Mr. Aagard stated he was not aware of one.

Mr. Baker gave a brief explanation of the why he believes the land was split between jurisdictions. It involved the annexation of the Army Depot.

Mr. Bolser informed the Planning Commission they can make a recommendation on the zoning district of the lot to the City Council.

Commissioner Hammer motion to forward a positive recommendation to the City Council for the Annexation Petition Request and Annexation Plat by Robert Smart, to annex 4.96 acres into Tooele City, application number P19-924, based on the findings listed in the Staff Report dated February 4, 2020 and make a recommendation to the City Council to zone the property as LI Light Industrial. Commissioner Bevan seconded the motion. The vote as follows: Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Commissioner Whitehouse, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner McCall, "Aye," Chairman Hamilton, "Aye." The motion passes.

7. **Public Hearing and Recommendation on a request by Tooele City for a text amendment to Tooele City Code Chapter 7-19 regarding the acceptance of public improvements.**

Presented by Roger Baker

Mr. Baker stated that the process for accepting public improvements is a formality, but not until the public improvements are accepted, do they become owned and maintained by the City and tax payer funds. Before that acceptance they remain the responsibility and ownership of the developer that built them. It is really important that the improvements are built right and they

Exhibit F

Ordinance 2010-15
(without exhibits)

TOOELE CITY CORPORATION

ORDINANCE 2010-15

AN ORDINANCE OF TOOELE CITY ADOPTING AN UPDATED ANNEXATION POLICY PLAN.

WHEREAS, Utah Code §10-2-401.5 (the "statute") requires that Utah municipalities adopt an Annexation Policy Plan ("Plan") as a prerequisite to annexing any unincorporated areas; and,

WHEREAS, Tooele City most recently adopted a Plan in 2004 (reference Ordinance 2004-05, approved on March 17, 2004); and,

WHEREAS, Tooele City retained the firm of Lewis Young Robertson & Burningham to prepare an updated Plan in accordance with statutory requirements (reference Resolution 2009-36, approved on July 1, 2009); and,

WHEREAS, on September 22, 2010, the Tooele City Planning Commission convened the duly-noticed public meeting and public hearing required by statute, and accepted public comment (see draft Minutes attached as Exhibit A); and,

WHEREAS, the City has accepted all written comments received prior to the City Council public hearing on this Ordinance, including a letter from Grantsville Mayor Brent Marshall (see letter attached as Exhibit B); and,

WHEREAS, on October 6, 2010, the City Council convened a duly noticed public hearing and accepted public comment; and,

WHEREAS, the 2010 Annexation Policy Plan (attached as Exhibit C) addresses the elements that the statute requires be addressed (see copy of the statute attached as Exhibit D):

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that the Annexation Policy Plan attached as Exhibit C is hereby approved and adopted. Further, the City Administration is directed to submit a copy of the Annexation Policy Plan to Tooele County.

This Ordinance is necessary for the immediate preservation of the peace, health, safety, or welfare of Tooele City and shall become effective immediately upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this 10 day of October, 2010.

TOOELE CITY COUNCIL

(For)

(Against)

<u>Scott Wall</u>	_____
<u>Michelle Pugh</u>	_____
<u>K McCall</u>	_____
<u>David</u>	_____
<u>Steve</u>	_____

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

<u>Pete Guleroy</u>	_____
---------------------	-------

ATTEST:

Sharon Dawson
Sharon Dawson, City Recorder

SEAL



Approved as to Form:

Roger Baker
Roger Baker, Tooele City Attorney

Exhibit G

Annexation Policy Plan Expansion Area Map

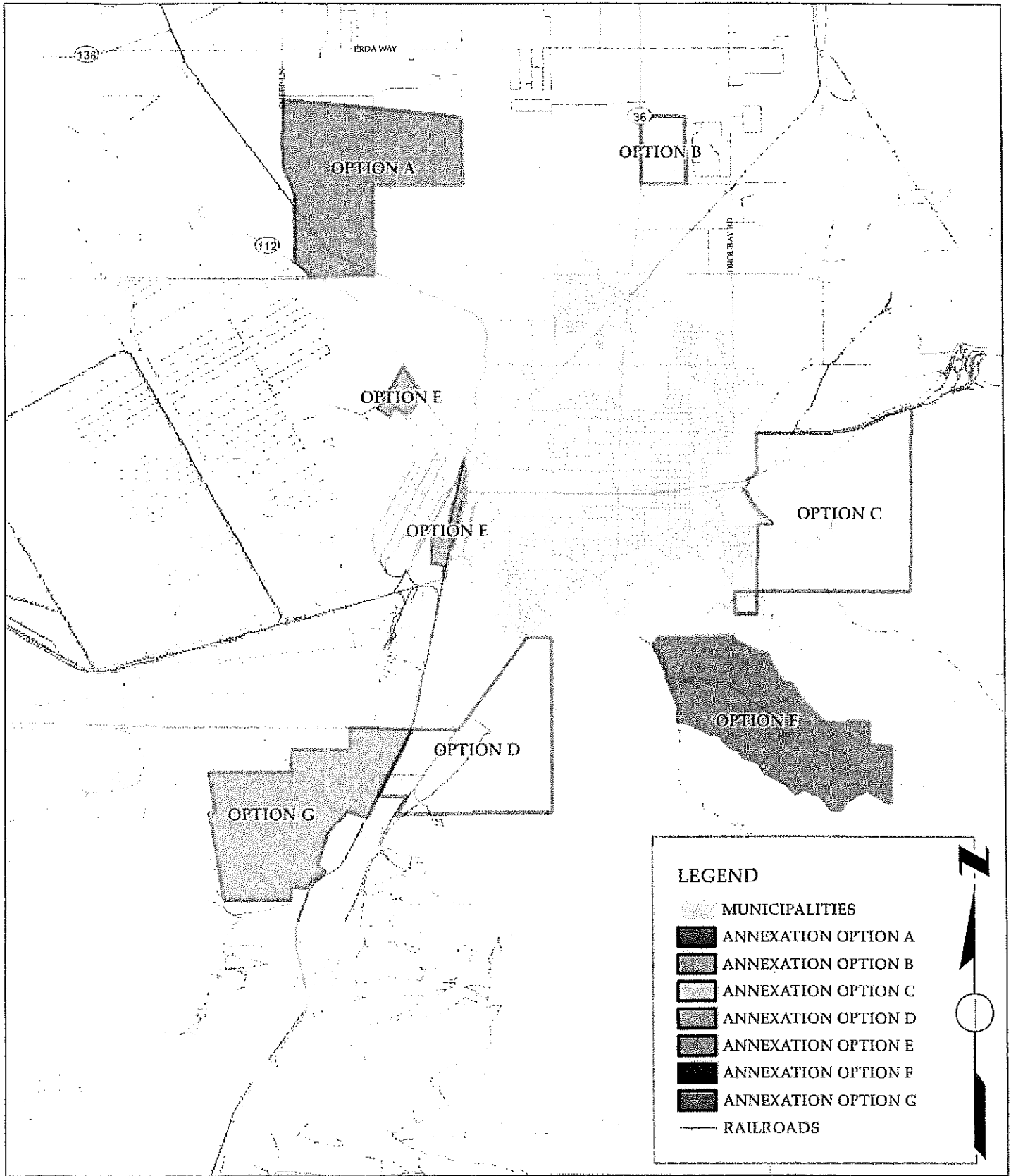


FIGURE 1:
TOOELE CITY ANNEXATION STUDY
EXPANSION AREA

Exhibit H

City Recorder Certification of Annexation Petition (without exhibits)

CERTIFICATION OF ANNEXATION PETITION

To: Debbie Winn, Tooele City Mayor
Tooele City Council
Tooele County Commission
Robert D. Smart, Petition Contact Sponsor

Date: March 23, 2020

Tooele City received a Petition for Annexation filed by Robert D. Smart, as trustee of the Jack Braton Tomlin Trust, with an attached plat of the property desired to be annexed into Tooele City. The area proposed to be annexed is titled "Jack Tomlin Parcel" and is solely owned by Robert D. Smart.

I, Michelle Y. Pitt, Tooele City Recorder, have received a copy of the attached Annexation Petition, which was accepted for further consideration by Tooele City Resolution 2020-02, and have reviewed the same with Roger Baker, Tooele City Attorney. I hereby certify that the Petition meets the requirements of U.C.A. §10-2-403 and 10-2-405.

A copy of this Certificate will be delivered to the above addressees as required by U.C.A. §10-2-405(2).

Signed:



Michelle Y. Pitt,
Tooele City Recorder

Seal:



TOOELE CITY CORPORATION

RESOLUTION 2020-02

A RESOLUTION OF THE TOOELE CITY COUNCIL ACCEPTING FOR FURTHER CONSIDERATION THE ANNEXATION PETITION OF ROBERT D. SMART, TRUSTEE OF THE JACK BRATON TOMLIN TRUST.

WHEREAS, the annexation of additional land into Tooele City is governed by Utah Code Chapter 10-2 Part 4 (§10-2-401 *et seq.*), Tooele City Code Chapter 7-24, and Tooele City's Annexation Policy Plan (2010); and,

WHEREAS, by application dated December 9, 2019, Robert D. Smart, Trustee of the Jack Braton Tomlin Trust (the "Petitioner"), filed with Tooele City an Annexation Application for the annexation of 4.96 acres of land (the "Property") into Tooele City (see the Application and map, collectively the "Petition", attached as Exhibit A); and,

WHEREAS, the proposed annexation would unify a single parcel currently split by the Tooele City corporate boundary (see Exhibit A map); and,

WHEREAS, the City Council preliminarily discussed the possibility of the annexation proposed in the Petition during the City Council's September 4, 2019, public work meeting (see the work meeting minutes attached as Exhibit B); and,

WHEREAS, by Ordinance 2010-15, the City Council adopted an updated Annexation Policy Plan, a document required by U.C.A. §10-2-401.5 (see Ordinance 2010-15, without exhibits, attached as Exhibit C, and Tooele City's Annexation Study Expansion Area map, part of the larger Tooele City Annexation Policy Plan, attached as Exhibit D); and,

WHEREAS, the Petition appears to meet the qualifications of U.C.A. §10-2-402 in that the Property is a contiguous area, the Property is contiguous to Tooele City, the annexation would not create an unincorporated island or unincorporated peninsula, the Property is located within Tooele City's expansion area, shown as part of Annexation Option E on Exhibit D, and Petitioner owns 100% the Property; and,

WHEREAS, U.C.A. §10-2-405(1) provides that the City Council may deny the Petition or accept the Petition for further consideration, and in the September 4, 2019, City Council work meeting, the Council indicated its desire to accept the Petition for further consideration by way of the present Resolution (see Exhibit B); and,

WHEREAS, there are no affected entities, as defined by U.C.A. §10-2-401(1)(a), associated with the Petition; and,

WHEREAS, the City Recorder and City Attorney have determined that the Petition appears to comply with the requirements of U.C.A. §10-2-403 and -405; and,

WHEREAS, annexation of the Property is not anticipated to have any impacts on City utility and infrastructure systems, and is therefore not required to complete capacity studies normally required by the City of annexation petitioners, including culinary water, sanitary sewer, storm water, parks and recreation, police services, and fire services; and,

WHEREAS, the City Council finds it to be in the best interest of Tooele City to consider further the Petition for purposes of protecting the health, safety, welfare, and economic interests of Tooele City and its residents and businesses:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOEELE CITY COUNCIL that the Petition is hereby accepted for further consideration, subject to the following:

1. Plat. Within 30 days of the date of this Resolution, the Petitioner shall provide an accurate and recordable map, prepared by a licensed surveyor, of the area proposed for annexation, as required by U.C.A. §10-2-405(2)(a), U.C.A. §10-2-403(3)(d)(i), and T.C.C. 7-24-1(b);
2. Petition Certification. Within 30 days of the date of this Resolution, the City Recorder shall certify the Petition and shall mail or deliver written notification of the certification to the Petitioner and to the Tooele County Commission, as required by §10-2-405(2)(c)(i);
3. Annexation Notice. After the certification of the Petition, the City Recorder shall publish a notice at least once a week for three successive weeks, beginning no later than 10 days after certification of the Petition, in the Tooele *Transcript-Bulletin*, a newspaper of general circulation, as required by U.C.A. §10-2-406(1)(a)(i), with the content of the notice being in compliance with U.C.A. §10-2-406(2);
4. Zoning Recommendation. Prior to any approval of the Petition, the City Administration shall make a written recommendation to the City Council as to the Property's appropriate initial zoning designation in the event the Petition is approved and the Property is annexed;
5. Planning Commission. The City Administration shall present the Petition, this Resolution, and all pertinent additional information to the Tooele City Planning Commission for a recommendatory vote as soon as practical following the approval of this Resolution;
6. Annexation Agreement. Following the Planning Commission public meeting, and upon instruction from the City Council, the City Administration shall prepare a draft Annexation Agreement, together with an implementing resolution, for consideration by the City Council, as required by TCC §7-24-3;
7. Resolution, Ordinance. Following the Public Meeting and upon instruction from the City Council, the City Administration shall prepare an annexation ordinance and an annexation agreement and implementing resolution for consideration by the City Council; and,

8. Additional Items. The City Council may require additional information, impose additional conditions, and schedule additional public meetings as it deems in the interest of the public health, safety, and welfare.

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 19 day of February, 2020.

TOOELE CITY COUNCIL

(For)

(Against)

[Signature]
[Signature]

[Signature]

[Signature]

[Signature]

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

[Signature]

ATTEST:

[Signature]
Michelle Y. Pitt, City Recorder



Approved as to Form:

[Signature]
Roger Evans Baker, City Attorney

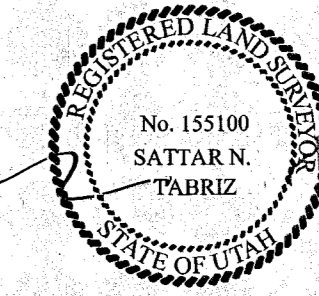
**FINAL LOCAL ENTITY PLAT:
JACK TOMLIN PARCEL
ADDITION TO TOOELE CITY**

LOCATED IN THE NORTHEAST 1/4 OF SEC. 30, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE & MERIDIAN, COUNTY OF TOOELE, STATE OF UTAH

SURVEYOR'S CERTIFICATE

I, SATTAR N. TABRIZ, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED UNDER TITLE 58 CHAPTER 22 PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT, HOLDING LICENSE NO. 155100, DO HEREBY CERTIFY THAT A FINAL LOCAL ENTITY PLAT IN ACCORDANCE WITH SECTION 17-23-20 WAS MADE BY ME AND SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF SAID FINAL LOCAL ENTITY PLAT

SATTAR N. TABRIZ
LICENSE #155100



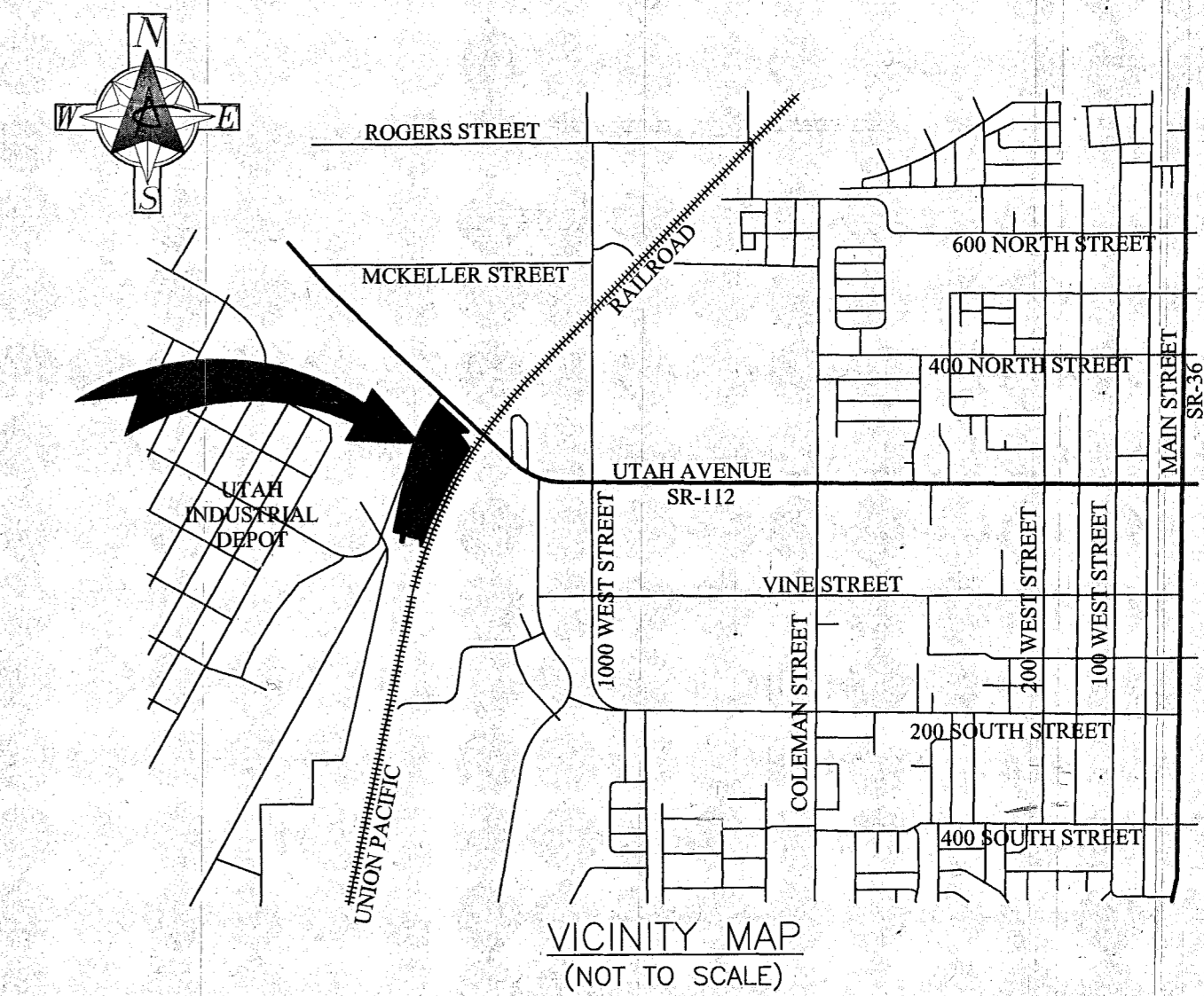
Sattar N. Tabriz
DATE: Dec 6, 2019

ANNEXATION DESCRIPTION

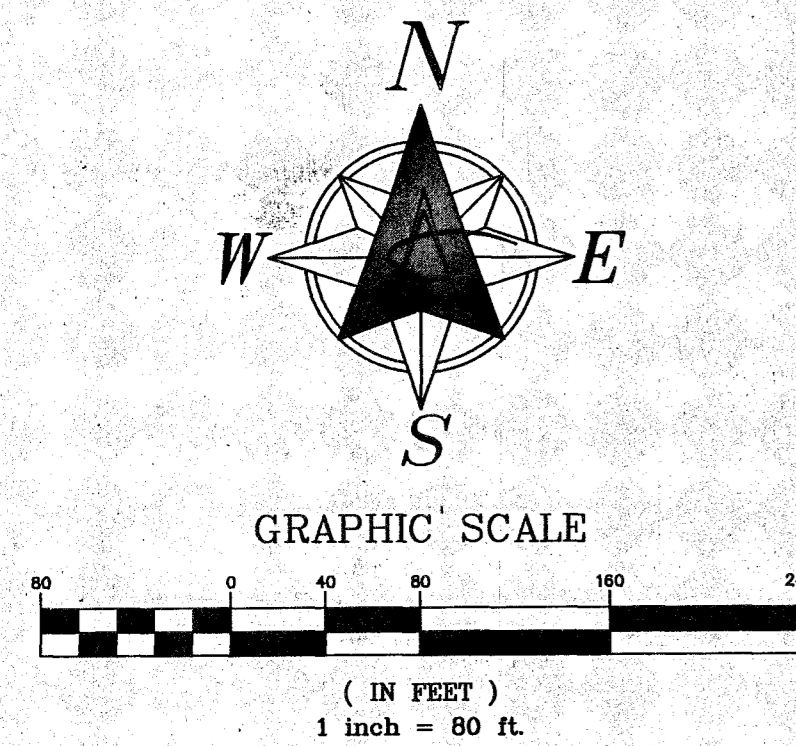
A parcel of land situate in the Northeast Quarter of Section 30, Township 3 South, Range 4 West, Salt Lake Base and Meridian. Located in Tooele County, State of Utah and being more particularly described as follows:

Beginning at a point on the West line of the Western Pacific Railroad right of way (abandoned) said point being South 0°45'57" East 21.24 feet, along the Section line common to Sections 29 & 30, from the found Tooele County Dependent Resurvey Monument marking the Section corner common to Sections 19, 20, 29, & 30 of said Township 3 South, Range 4 West, Salt Lake Base and Meridian; and running thence South 0° 04' 57" East, 1183.98 feet, along said Section line, to a point 100.00' perpendicularly distant westerly from the centerline of said Union Pacific Railroad; thence continuing along said Union Pacific Railroad right of way and the arc of a 5829.58 foot radius curve to the left, the center of which bears South 68°05'12" East, through a central angle of 0°29'49", a distance of 50.55 feet, the long chord of which bears South 21° 39' 53" West, a distance of 50.55 feet, to the North line of parcel described in Quit-Claim Deeds recorded as Entry numbers 156873 & 156874, thence North 73° 42' (Abandoned); thence North 12° 07' 53" East, along said Easterly right of way line, 1.55 feet, to the South line of the parcel described in Quit-Claim Deed recorded as Entry No.: 159854; thence North 73° 46' 08" West, along said South line 100.26 feet, to the Westerly line of said Western Pacific Railroad right of way and the Easterly line of Utah Industrial Depot; thence North 12°07'53" East, along said Easterly line of the Utah Industrial Depot, 703.95 feet, to a point of curvature; thence Northeasterly, along the arc of a 1960.08 foot radius curve to the right, through a central angle of 4°09' 55" (3° curve by record) a distance of 484.59 feet, the long chord of which bears North 19° 12' 50" East, a distance of 483.36 feet, to the point of beginning.

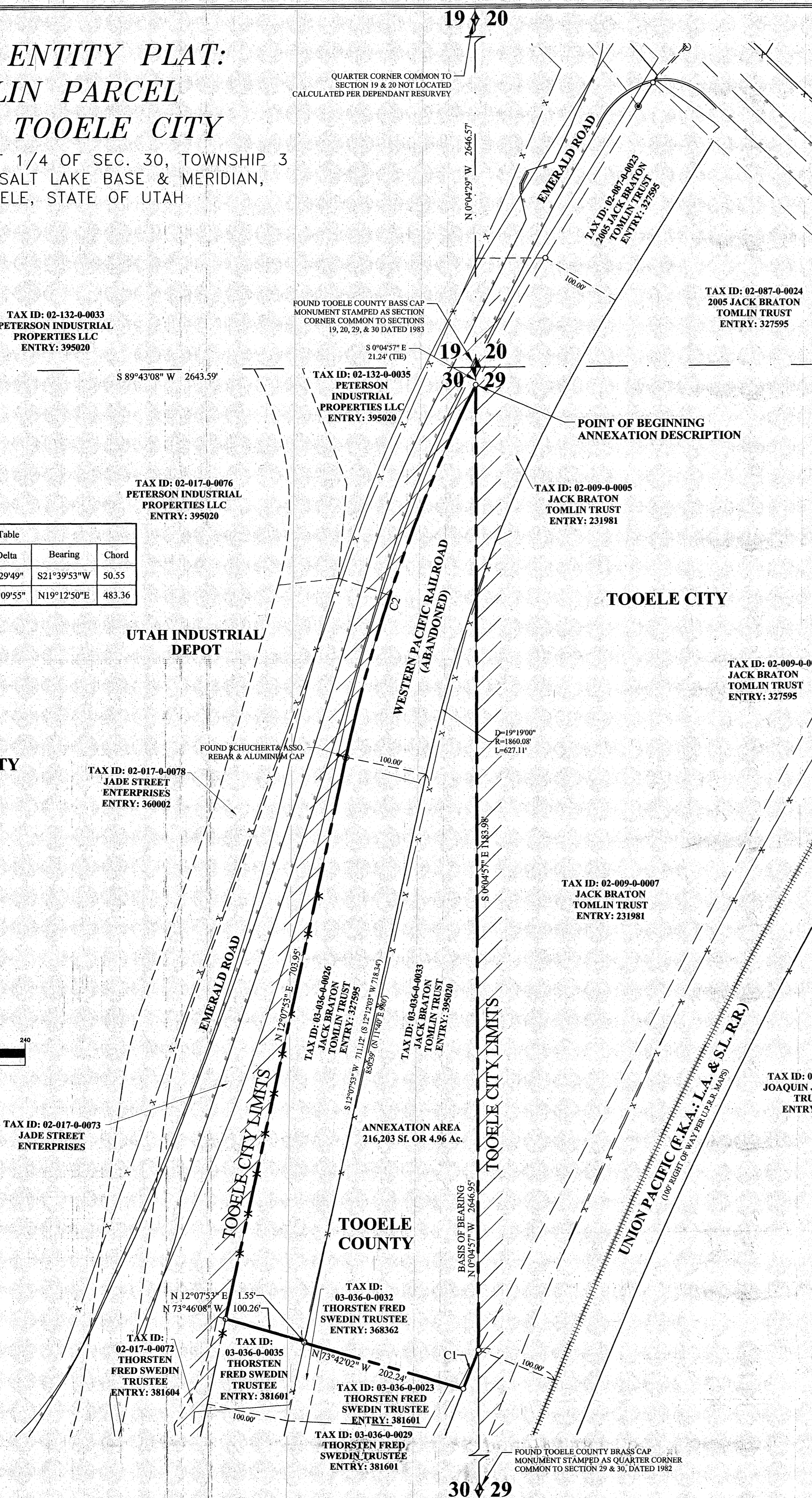
Contains: 216,203 Square Feet, or 4.96 Acres



Curve Table				
Curve #	Length	Radius	Delta	Bearing
C1	50.55	5829.58	0°29'49"	S21°39'53"W
C2	484.59	1960.08	14°09'55"	N19°12'50"E



© Bob Smart/Tooele Property Survey/Acad11-017 Tomlin south parcel annexation.dwg Dec 06, 2019 - 12:35pm



POINT OF BEGINNING ANNEXATION DESCRIPTION

LEGEND:

- SECTION CORNER
- FOUND RIGHT OF WAY MARKER
- FOUND REBAR & CAP (AS DESCRIBED)
- BOUNDARY CORNER
- EXISTING RIGHT OF WAY LINE
- ABANDONED RIGHT OF WAY LINE
- SECTION LINE
- DEED LINES
- RADIAL TIE LINE
- Q.C.D. = QUIT CLAIM DEED
- (C) = CALCULATED
- F.K.A. = FORMERLY KNOWN AS
- ENT. = ENTRY NUMBER
- C1 = CURVE 1 (SEE CURVE TABLE)
- TOOELE CITY LIMITS

CITY PLANNING COMMISSION
APPROVED THIS 11th DAY OF March, 2020
BY THE TOOELE CITY PLANNING COMMISSION

[Signatures]

**FINAL LOCAL ENTITY PLAT:
JACK TOMLIN PARCEL
ADDITION TO TOOELE CITY**

TOOELE COUNTY RECORDER
NO. _____
STATE OF UTAH, COUNTY OF TOOELE, RECORDED
& FILED AT THE REQUEST OF _____
DATE _____ TIME _____
FEE \$ _____ TOOELE COUNTY RECORDER

ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT WE, THE UNDERSIGNED TOOELE CITY COUNCIL, HAS ADOPTED A RESOLUTION OF ITS EXTENT TO ANNEX THE TRACT OF LAND SHOWN HEREIN AND SUBSEQUENTLY ADOPT AN ORDINANCE ANNEXING SAID TRACT OF INTO THE CORPORATE LIMITS OF TOOELE CITY, UTAH AND THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR THE FILING HEREWITH, ALL IN ACCORDANCE WITH UTAH CODE SECTION 10-2-403 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 HEREAFTER AS THE JACK TOMLIN ADDITION TO TOOELE CITY

Debbie Winn
DEBBIE WINN, TOOELE CITY MAYOR

Michelle
ATTEST: CITY RECORDER

DATE: 4-1-2020

TOOELE COUNTY SURVEY DEPARTMENT
APPROVED THIS 6th DAY OF December, 2019, AS A
FINAL LOCAL ENTITY PLAT BY THE TOOELE COUNTY SURVEY DEPARTMENT

Nolan C. Hathcock
NOLAN C. HATHCOCK, P.L.S.
DEPUTY TOOELE COUNTY SURVEYOR

TOOELE CITY ATTORNEY
APPROVED AS TO FORM ON THIS 2 DAY OF April, A.D. 2020

[Signature]
TOOELE CITY ATTORNEY

TOOELE CITY COUNCIL
APPROVED THIS _____ DAY OF _____

COUNCIL
[Signatures]

DRAWN BY: MWM
FIELD CREW: BJM
CHECKED BY: SNT
DATE: 10/02/19

CLIENT: ROBERT SMART
DWS-11-017 Tomlin South Parcel Annexation
JOB NO: 1305-SMART01-11
DRAWING IS REDUCED IF LESS THAN 22"x34"
DIMENSIONS AND NOTES TAKE PRECEDENCE OVER SCALE.

FINAL LOCAL ENTITY PLAT:
JACK TOMLIN PARCEL ADDITION TO TOOELE CITY
TOOELE COUNTY, UTAH

SITUATE IN THE NORTHEAST 1/4 OF SEC. 30, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE & MERIDIAN, COUNTY OF TOOELE, STATE OF UTAH.

REVISIONS

NO. _____ DATE _____ BY _____ REVISOR _____

Salt Lake City Office: tel (801) 487-8040
231 West 800 South Suite A
Salt Lake City, Utah 84101
www.wardeng.com

Ward Engineering Group
Planning • Engineering • Surveying