

STATE OF UTAH



OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF ANNEXATION

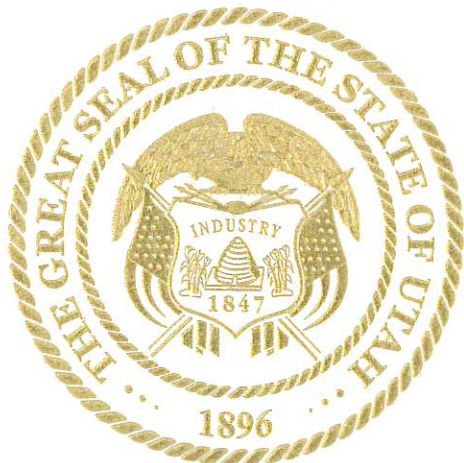
I, Deidre M. Henderson, Lieutenant Governor of the State of Utah, hereby certify that there has been filed in my office a notice of annexation for PROVIDENCE CITY BAER AND NIXON, June 23, 2021, complying with Section 10-2-0425, Utah Code Annotated, 1953, as amended.

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 PROVIDENCE CITY BAER AND NIXON, located in Cache County, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 23rd day of June, 2021 at Salt Lake City, Utah.

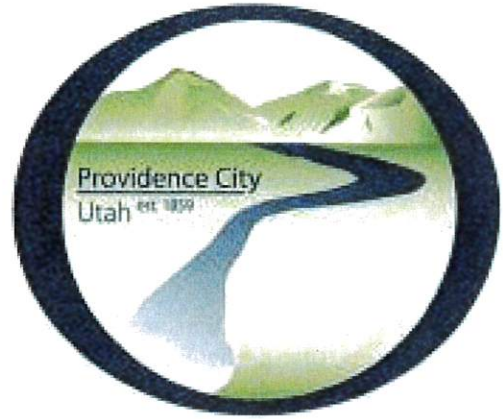
A handwritten signature in black ink that reads "Deidre M. Henderson".

DEIDRE M. HENDERSON
Lieutenant Governor



Providence City

164 North Gateway Dr
Providence, UT 84332
(435) 752-9441 Fax: (435) 753-1586
www.providencacity.com



June 15, 2021

Lieutenant Governor's Office
Utah State Capitol Complex
Suite 220
PO Box 142325
Salt Lake City UT 84114-2325

Lt. Governor Henderson,

On April 21st 2021, The Providence City Council adopted Ordinance 2021-005, an Ordinance granting a petition for annexation and annexing the property described below, which is generally located at 900 East Eagle View Dr., adjacent to the East boundary of Providence City and owned by Baer Nixon Inc. and legally described as follows:

PARCEL 02-111-0006

A PART OF THE SOUTHEAST QUARTER OF SECTION 11 TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF SECTION 11 LOCATED NORTH 00°23'46" WEST, A DISTANCE OF 1595.52 FEET FROM THE CACHE COUNTY MONUMENT MARKING THE SOUTHEAST CORNER OF SECTION 11, THENCE, NORTH 89°17'16" WEST, A DISTANCE OF 767.00 FEET; THENCE, NORTH 05°08'36" EAST, A DISTANCE OF 1079.19 FEET; THENCE, NORTH 89°59'27" EAST, A DISTANCE OF 662.70 FEET; THENCE SOUTH 00°23'46" EAST A DISTANCE OF 1084.51 FEET TO THE POINT OF BEGINNING.
CONTAINING 17.72 ACRES

This Statement certifies that all requirements applicable to the boundary action have been met.

Also included with this statement is a copy of the annexing ordinance, annexing resolution and the approved final local entity plat.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ty Cameron', written over a white background.

Ty Cameron
City Recorder

Ordinance No. 2021-005

1
2
3 AN ORDINANCE GRANTING THE ANNEXATION PETITION AND ASSIGNING A SINGLE-FAMILY
4 TRADITIONAL ZONE FOR PARCEL NO. 02-111-0006, LOCATED ADJACENT TO THE EAST
5 BOUNDARY OF PROVIDENCE CITY, IN THE GENERAL AREA OF 900 EAST EAGLEVIEW DR,
6 CONTAINING 17.72 ACRES

7
8 **WHEREAS**, Skarlet Bankhead, the duly appointed and acting City Recorder of Providence City, Cache
9 County, Utah did hereby receive a Petition for Annexation and Plat which was filed with the City by EJ
10 Nixon Jr.

11
12 **WHEREAS**, the property described in the annexation petition contains Parcel No. 02-111- 0006,
13 containing 17.4 acres adjacent to the east boundary of Providence City in the general area of
14 900 E Eagleview Drive, owned by Baer Nixon Inc. and legally described as follows:

15
16 A PART OF THE SOUTHEAST QUARTER OF SECTION 11 TOWNSHIP 11 NORTH, RANGE 1 EAST OF
17 THE SALT LAKE BASE AND MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS:
18 BEGINNING AT A POINT ON THE EAST LINE OF SECTION 11 LOCATED NORTH 00°23'46" WEST, A
19 DISTANCE OF 1595.52 FEET FROM THE CACHE COUNTY MONUMENT MARKING THE SOUTHEAST
20 CORNER OF SECTION 11, THENCE, NORTH 89°17'16" WEST, A DISTANCE OF 767.00 FEET;
21 THENCE, NORTH 05°08'36" EAST, A DISTANCE OF 1079.19 FEET; THENCE, NORTH 89°59'27"
22 EAST, A DISTANCE OF 662.70 FEET; THENCE SOUTH 00°23'46" EAST A DISTANCE OF 1084.51
23 FEET TO THE POINT OF BEGINNING.
24 CONTAINING 17.72 ACRES

25
26 **WHEREAS**, the Petition was accepted by the Providence City Council for further consideration pursuant to
27 UTAH CODE ANN. § 10-2-405 by Resolution 001-2021 adopted and passed by the City Council on January 14,
28 2021; and

29
30 **WHEREAS**, Skarlet Bankhead did certify, based on information received from Cache County and in
31 consultation with the Providence City Attorney, that the Petition met the requirement of UTAH CODE ANN.
32 Subsections 10-2-403(3), (4), and (5), and on February 23, 2021, did give Notice to the Providence City
33 Council, the Contact Sponsor for said Petition, and Cache County of Certification; and

34
35 **WHEREAS**, pursuant to UTAH CODE ANN. § 10-2-406, Skarlet Bankhead did give Notice of Certification of
36 Annexation Petition to each affected entity; and

37
38 **WHEREAS**, the Notice of Annexation was published in the Herald Journal on February 27, and March 6
39 and 13, 2021; and

40
41 **WHEREAS**, no formal protests to the Petition have been received; and

42
43 **WHEREAS** the Providence City Council advertised and held a public hearing, in accordance with UTAH CODE
44 ANN. § 10-2-407(7), on April 21, 2021; and

45
46 **WHEREAS**, Providence City desires to provide for the health, safety, and welfare, and promote the
47 prosperity, peace and good order, comfort, convenience, and aesthetics of each municipality and its
48 present and future inhabitants and businesses, to protect the tax base, to secure economy in
49 governmental expenditures, to foster the state's agricultural and other industries, to protect both urban
50 and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide
51 fundamental fairness in land use regulation, and to protect property values in areas that may be

1 considered sensitive, including but not limited to fire danger, slope, soil content, by following its
2 Annexation Policy Plan and its General Plan; and

3
4 **WHEREAS**, Utah Code Ann. § 10-9a-506(1) states that the legislative body of each municipality shall assign
5 a land use zone or a variety thereof to territory to territory annexed to the municipality at the time the
6 territory is annexed; and Providence City Code 10-3-6:A. states that new areas annexed into the City shall
7 be annexed into the City as agricultural, or as an already defined zone per the city's map, "Future
8 Rezoning of Existing Districts and Annexed Areas of the City of Providence, Utah;" any other zoning
9 proposal shall be submitted to the Planning Commission for consideration and recommendation to the
10 City Council; and

11
12 **WHEREAS**, the Petitioner is requesting the Single-Family Traditional (SFT) zoning district; and

13
14 **WHEREAS**, the city's map, "Future Rezoning of Existing Districts and Annexed Areas of the City of
15 Providence, Utah;" shows this parcel as SFT.

16
17 **THEREFORE, BE IT ORDAINED** that the Providence City Council:

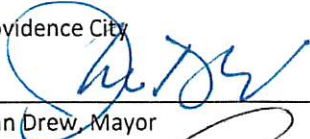
- 18 • Grants the Petition for Annexation filed by EJ Nixon Jr, on behalf of Baer Nixon Inc.; and
- 19 • The Providence City Corporate limits will be modified to include said property as described
20 above; and
- 21 • The annexed parcel shall be zoned as Single-Family Traditional (SFT); and
- 22 • The Providence City Zoning Map shall also be changed to include the property as described and
23 zoned above; and
- 24 • This Ordinance will become effective immediately upon passage and certification from the Lt.
25 Governor's Office.

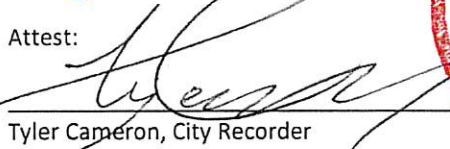
26
27 Passed by vote of the Providence City Council this 21st day of April 2021.

28
29 Council Vote:

30 Eck, Kristina	(X) Yes	() No	() Excused	() Abstained	() Absent
31 Kirk, Carrie	(X) Yes	() No	() Excused	() Abstained	() Absent
32 Paulsen, Joshua	(X) Yes	() No	() Excused	() Abstained	() Absent
33 Sealy, Jeanell	(X) Yes	() No	() Excused	() Abstained	() Absent
34 Speth, Brent	(X) Yes	() No	() Excused	() Abstained	() Absent

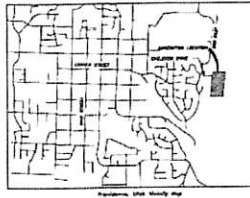
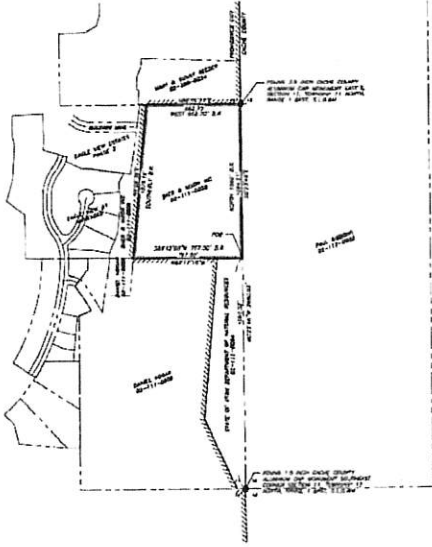
35
36 Signed by Mayor John Drew this 28th day of April 2021.

37
38 Providence City
39 
40
41 John Drew, Mayor

42
43 Attest:
44 
45
46 Tyler Cameron, City Recorder



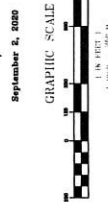
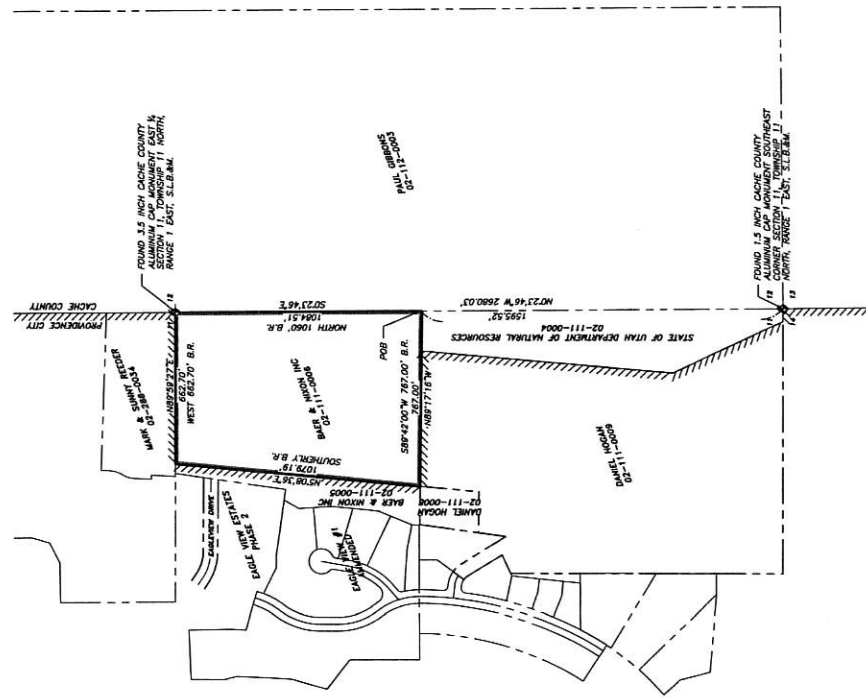
BAER & NIXON ANNEXATION
 TO
THE CITY OF PROVIDENCE
 A PART OF THE SOUTHEAST QUARTER OF SECTION 11 TOWNSHIP 11 NORTH, RANGE 1 EAST OF
 THE S.L.B. & M.



ANNEXATION PLAT	
SURVEYOR'S CERTIFICATE	
<p>I, DAVID J. FORESIGHT, a duly licensed and sworn Surveyor of the State of Rhode Island, do hereby certify that the foregoing plat is a true and correct copy of the original survey and that the same is in accordance with the laws of the State of Rhode Island, and that the same is in accordance with the laws of the City of Providence, Rhode Island, and that the same is in accordance with the laws of the City of Providence, Rhode Island, and that the same is in accordance with the laws of the City of Providence, Rhode Island.</p>	
Annexation Boundary	
<p>A part of the Southeast Quarter of Section 11 Township 11 North, Range 1 East of the S.L.B. & M. is hereby annexed to the City of Providence, Rhode Island, and the same is hereby annexed to the City of Providence, Rhode Island, and the same is hereby annexed to the City of Providence, Rhode Island.</p>	
<p>FORESIGHT LAND SURVEYING 2005 North 10th Street, Providence, RI 02909 401-753-1510</p>	
ACCEPTANCE BY LEGISLATIVE BODY	
<p>BEFORE ME, the undersigned authority, on this _____ day of _____, 2021, appeared _____, known to me to be the person whose name is subscribed to the foregoing plat, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.</p>	
<p>WITNESSED my hand and seal of office on this _____ day of _____, 2021.</p>	
<p>DAVID J. FORESIGHT Surveyor of the State of Rhode Island</p>	
<p>DAVID J. FORESIGHT Surveyor of the State of Rhode Island</p>	

BAER & NIXON ANNEXATION TO THE CITY OF PROVIDENCE

A PART OF THE SOUTHEAST QUARTER OF SECTION 11 TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE S.L.B. & M.



- LEGEND:**
- ANNEXATION BOUNDARY
 - CORPORATE LIMITS LINE
 - ADJACENT PROPERTY
 - CENTERLINE
 - SECTION MONUMENT



ANNEXATION PLAT

SURVEYOR'S CERTIFICATE

I, JEFF C. WELSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF UTAH. I FURTHER CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT AS FILED IN THE OFFICE OF THE COUNTY CLERK, CACHE COUNTY, UTAH.

Annexation Boundary

TABLE 02-111-0008
A PART OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 11, NORTH, RANGE 1 EAST OF THE S.L.B. & M. (SOUTH 1/4 SECTION 11) LOCATED NORTH AND WEST OF THE EAST LINE OF SECTION 11 LOCATED NORTH AND WEST OF THE EAST LINE OF SECTION 11, TOWNSHIP 11, NORTH, RANGE 1 EAST OF THE S.L.B. & M. (SOUTH 1/4 SECTION 11) A DISTANCE OF 1079.18 FEET, THENCE NORTH 89°29'27.00\"/>

SIGNATURE: *Jeff C. Welsen*
 DATE: 3/23/2021

FORESIGHT
LAND SURVEYING

2005 North 600 West, Logan, Utah
435-753-1910

Preparation Date: 3/23/2021

ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT THE APPROVED CITY COUNCIL HAS RECEIVED A PETITION SIGNED BY THE MAJORITY OF THE OWNERS OF THE TRACT SHOWN HEREON AND THAT A COPY OF THE ORDINANCE HAS BEEN FILED FOR RECORD AND THAT ALL IN ACCORDANCE WITH THE UTAH CODE ANNOTATED (1953) AND ACCEPT THE ANNEXATION OF THE TRACT AS SHOWN AS PART OF SAID CITY.

APPROVED: *[Signature]* MAYOR
WITNESS MY HAND AND OFFICIAL SEAL THIS 1st DAY OF March, 2021.
RECORDED

COUNTY SURVEYOR'S CERTIFICATE OF APPROVAL

I, JEFF C. WELSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF UTAH. I FURTHER CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT AS FILED IN THE OFFICE OF THE COUNTY CLERK, CACHE COUNTY, UTAH.

STATE OF UTAH, COUNTY OF _____, RECORDED AND FILED AT THE RECORDS OF _____
DATE: _____ FILED BY: _____

Resolution 001-2021

A RESOLUTION ACCEPTING A PETITION FOR ANNEXATION FOR FURTHER CONSIDERATION FOR PARCEL NO. 02-111-0006, CONTAINING 17.4 ACRES ADJACENT TO THE EAST BOUNDARY OF PROVIDENCE CITY IN THE GENERAL AREA OF 900 E EAGLEVIEW DRIVE, OWNED BY BAER NIXON INC.

WHEREAS UCA § 10-7-717 Purpose of resolutions, states, "Unless otherwise required by law, the governing body may exercise all administrative powers by resolution . . ."

WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote the prosperity, peace and good order, comfort, convenience, and aesthetics of the City and its present and future inhabitants and businesses.

WHEREAS Providence City received a complete Petition for Annexation and zoning request on January 14, 2021:

- The property is located adjacent to the east boundary of Providence City, located in the general area of 900 E Eagleview Drive.
- The property is legally described as follows:
Parcel No. 02-111-0006 BEG 260 FT N OF SE COR NE/4 SE/4 SEC 11 T 11N R 1E & TH N 1060 FT TO E/4 COR SD SEC TH W 662.7 FT TH S' LY TO PT S 89*42' W 767 FT OF BEG TH N 89*42' E 767 FT TO BEG 17.4 AC
- Providence City Code 10-3-6: Annexation states, A. *Classification: New area annexed to the City shall be annexed into the City as agricultural, unless otherwise approved by the City Council as provided in Utah Code Annotated, as may be amended.*
- Utah Code 10-9a-506 **Regulating annexed territory** states:
(1) *The legislative body of each municipality shall assign a land use zone or a variety thereof to territory annexed to the municipality at the time the territory is annexed.*
(2) *If the legislative body fails to assign a land use zone at the time the territory is annexed, all land uses within the annexed territory shall be compatible with surrounding uses within the municipality.*
- This parcel is included in the Annexation Policy Plan. The Future Re-Zoning of Existing Districts & Annexed Areas plan calls for this property to be zoned Single-Family Traditional Zone (SFT)



- The petitioner is requesting the City Council assign a Single-Family Traditional Zone (SFT).
- Pursuant to Utah Code 10-2-405.(1)(a)(i) A municipal legislative body may: (A) subject to Subsection (1)(a)(ii), deny a petition filed under Section 10-2-403; or (B) accept the petition for further consideration under this part.

THEREFORE be it resolved by the Providence City Council:

- The Petition for Annexation for Parcel No 02-111-0006 as described above and shown on the following map shall be approved for further consideration
- This resolution shall become effective immediately upon passage.

Passed by vote of the Providence City Council this 20 day of January 2021.

Council Vote:

Eck, Kristina	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Kirk, Carrie	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Paulsen, Joshua	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Sealy, Jeanell	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Speth, Brent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent

Providence City



John Drew, Mayor

Attest:



Skarlet Bankhead, City Recorder

