

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 WEST HAVEN CITY, June 4, 2021, complying with Section 10-9-401, 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 WEST HAVEN CITY, located in Weber 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 June, 2021 at Salt Lake City, Utah.



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

DEIDRE M. HENDERSON
Lieutenant Governor

insiders, favored members of the political community.” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309-310 (2000) (quoting *Lynch v. Donnelly*).

The separation between state and church is one of the most fundamental principles of our system of government. The Supreme Court has specifically stated, “If there is any fixed star in our constitutional constellation, it is that **no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.**” *West Virginia Board of Education v. Barnette*, 319 U.S. 624, 642 (1943) (emphasis added). When the government urges its citizens to pray, reasonable citizens will interpret this as government endorsement of religion.

As a matter of policy, an official weekend of prayer is inappropriate and unnecessary. Promotion of prayer by elected officials raises the distasteful appearance of political pandering to appeal to or appease a vocal religious constituency. As the state’s highest elected official, you are charged with great responsibility and have been given significant trust by citizens, including those citizens who may not share your personal religious viewpoints. Leaving prayer as a private matter for private citizens is the wisest public policy.

We request on behalf of our Utah members that in the future the Governor’s Office refrain from asking citizens to pray. We encourage you to stand up for the constitutional principle of the separation between state and church, which unites and protects all citizens, in good times and in bad.

Very truly,

Handwritten signatures of Annie Laurie Gaylor and Dan Barker in cursive script.

Annie Laurie Gaylor & Dan Barker
Co-Presidents

ALG/DB:cal

gubernatorial office to sponsor a religious ritual, particularly such a useless one.

As Mark Twain said, "It is best to read the weather report before praying for rain." It is inappropriate for Utah's highest officials to rely on or encourage prayer as a solution to crises. It is the strong feeling of our membership that public officials are in error to boast that they have prayed about a problem, which is tantamount to doing nothing. Nothing fails like prayer. Wishful thinking cannot suspend natural law, much less cause precipitation. Utahns do not need prayers, they need real solutions.

Faith that the environment and rainfall are controlled by a supernatural deity who listens to our pleas is one of the stumbling blocks that prevents our country from addressing challenges underlying environmental disasters, such as global climate change.

The Establishment Clause of the First Amendment to the U.S. Constitution wisely prohibits government sponsorship of religious messages. The Supreme Court has said time and again that the "First Amendment mandates government neutrality between religion and religion, and between religion and nonreligion." *McCreary Cty., Ky. v. Am. Civil Liberties Union of Ky.*, 545 U.S. 844, 860 (2005); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Ark.*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15-16 (1947). By issuing a declaration calling on Utah citizens to pray, you abridge your duty to remain neutral and to respect the freedom of conscience of all your citizens. Whether to pray, and whether to believe in a god who answers prayer, is an intensely personal decision protected under our First Amendment as a matter of conscience.

Though you encourage "all Utahns regardless of religious affiliation" to participate, this government-sponsored religious event still excludes those of no religious faith. Non-religious Americans make up the fastest growing segment of the U.S. population by religious identification—35 percent of Americans are non-Christians,¹ and this includes the more than one in four Americans who now identify as religiously unaffiliated.² Any prayer proclamation or activity "sends the ancillary message to . . . nonadherents 'that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are

¹ *In U.S., Decline of Christianity Continues at Rapid Pace*, PEW RESEARCH CENTER (Oct. 17, 2019), available at <https://www.pewforum.org/2019/10/17/in-u-s-decline-of-christianity-continues-at-rapid-pace/>.

² *Id.*

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 • MADISON, WI 53701 • (608) 256-8900 • WWW.FFRE.ORG

June 4, 2021

SENT VIA FAX & U.S. MAIL: 801-538-1133

The Office of Gov. Spencer J. Cox
350 N. State Street, Suite 200
P.O. Box 142220
Salt Lake City, UT 84114

Re: Unconstitutional "Weekend of Prayer" Proclamation

Dear Governor Cox:

We are writing on behalf of the Freedom From Religion Foundation (FFRF) and our Utah membership to object to your "Weekend of Prayer" declaration calling on all Utahns to pray for rain. FFRF is a national nonprofit organization with more than 36,000 members across the country. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

Multiple concerned Utah residents have reported to us that you have issued a declaration and official press release inviting all Utahns to join you in a weekend of prayer for rain to relieve Utah from the current drought. Your official website explains:

We need more rain and we need it now. We need some divine intervention. That's why I'm asking Utahns of all faiths to join me in a weekend of prayer June 4 through the 6th.

In your declaration, you state: "Prayer is powerful and I encourage all Utahns ~~regardless of religious affiliation to join together on this weekend of prayer...~~"

Many of our nonreligious members living in Utah are affected by this drought crisis. It is a helpless feeling to watch even from a distance. Our hearts go out to everyone affected. Yet that does not excuse the use of the civil and secular

Dan Barker and Annie Laurie Gaylor, *Co-Presidents*

TIME RECEIVED
June 4, 2021 at 10:41:59 AM MDT

REMOTE CSID

DURATION
209

PAGES
4

STATUS
Received

From: Freedom From Religion Fax: 18885102208

To:

Fax: (801) 538-1133

Page: 1 of 4

06/04/2021 11:38 AM

FAX

Date: 06/04/2021

Pages including cover sheet: 4

To:	
Phone	
Fax Phone	(801) 538-1133

From:	Freedom From Religion Foundati
	Freedom From Religion Foundati
	PO Box 750
	Madison
	WI 53701
Phone	16082568900
Fax Phone	18885102208

NOTE:

FFRF- Unconstitutional "Weekend of Prayer" Proclamation (Governor's Office, UT)

SECTION 6 - SAVINGS CLAUSE:


If any provision of this Ordinance shall be held or deemed to be or shall be invalid, inoperative or unenforceable for any reason, such reason shall render no other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed to be the separate independent and severable act of the City Council of West Haven City.

SECTION 7 - EFFECTIVE DATE.

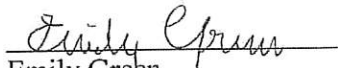
This Ordinance shall be effective on the 7th day of April, 2021, and after publication or posting as required by law.

DATED this 7th day of April, 2021.

WEST HAVEN CITY


Sharon Bolos
Mayor

ATTESTED AND RECORDED:


Emily Green
City Recorder

BOUNDARY DESCRIPTION

The Properties Are Located At Approximately 3621 West 2550 South, 2532 South 3600 West, 2508 South 3600 West, 3596 West 2550 South,

And Is Described As:

A tract of land being a part of the Northeast Quarter of Section 33, and the Southeast Quarter of Section 28, Township 6 North, Range 2 West, Salt Lake Base and Meridian;

COMMENCING at a point located North 89°07'48" West 559.00 feet and South 0°52'20" West 33.00 feet, FROM the Northeast corner of said Section 33;

RUNNING thence North 89°07'48" West 176.83 feet; thence South 00°55'08" West 462.00 feet; thence North 89°08'03" West 277.55 feet; thence North 00°50'09" East 205.02 feet; thence South 89°07'48" East 150.00 feet; thence North 00°55'08" East 257.00 feet; thence North 89°07'48" West 65.02 feet; thence North 00°36'19" East 442.05 feet; thence South 89°23'40" East 219.99 feet; thence South 00°36'20" West 89.78 feet; thence South 89°23'40" East 151.36 feet; thence South 00°52'20" West 353.98 feet to the point of beginning.

Containing 5.52 acres, more or less.

[See Attachment "A" for Plat Layout of the subject property.]

1(b) Zoning for the annexed property is set at and the property is declared to be zoned as:
A-2.

The foregoing recitals are fully incorporated herein.

SECTION 2 - NEW CORPORATE LIMITS.

The corporate limits of the City of West Haven City are extended and increased to include and embrace within the corporate limits of the City, the territory described and such territory is declared to be a part of the City of West Haven City.

SECTION 3 - CLASSIFICATION FOR ZONING PURPOSES.

Under the West Haven City Zoning Ordinance and General Plan, the territory annexed is classified as A-2 as noted above.

SECTION 4 - PRIOR ORDINANCES AND RESOLUTIONS:

The body and substance of all prior Ordinances and Resolutions, with their provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

SECTION 5 - REPEALER OF CONFLICTING ENACTMENTS:

All orders, ordinances and resolutions regarding the changes enacted and adopted which have heretofore been adopted by the City, or parts thereof, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

ORDINANCE NO. 17-2021

AN ORDINANCE OF WEST HAVEN CITY, UTAH, ANNEXING CERTAIN CONTIGUOUS PROPERTY, AND INCORPORATING THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY PURSUANT TO THE PROVISIONS OF THE ORDINANCES OF WEST HAVEN CITY AS AMENDED; SETTING THE ZONING CLASSIFICATION OF SAID PROPERTY AS A-2; ADOPTING AND ANNEXING AN EXPLANATORY MAP OF SAID PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition for annexation has been submitted by the property owners requesting annexation of certain territory into the City of West Haven City and;

WHEREAS, the general plan and policy of the City regarding the annexation of property will be satisfied by annexing the identified property as requested since annexation of the property is necessary for the City to serve the area with utilities and other municipal services in a reasonable time and the property is contiguous to the City and has requested annexation; and,

WHEREAS, the annexation of such territory is deemed necessary for the welfare of the residents of the City, and the property owner adjacent thereto, and is in conformity with the general policy for West Haven City for annexations; and,

WHEREAS, the petition for annexation of this property has been duly accepted by the City Council as the governing body of the City, and the Mayor has been authorized to sign the resolution of acceptance on behalf of the City Council; and,

WHEREAS, in conformance with Utah Code ("UC") §10-9-401 the governing body of the city may enact a zoning ordinance establishing regulations for land use and development within the city; and,

WHEREAS, West Haven City has adopted and promulgated a city zoning ordinance; and,

WHEREAS, the City Council finds that the City Planning Staff has recommended annexation of the property that is the subject of the petition, under the conditions of the City's Zoning Ordinance;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST HAVEN CITY, WEBER COUNTY, STATE OF UTAH AS FOLLOWS:

SECTION 1 - ANNEXATION OF TERRITORY.

1(a) There is annexed into West Haven City, County of Weber, State of Utah, and incorporated within the corporate boundaries thereof, the following described parcel of land: