

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 for the FILLMORE NORTHWEST ANNEXATION, located in FILLMORE CITY, dated March 21, 2022, 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 the FILLMORE NORTHWEST ANNEXATION, located in Millard County, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 21st day of March, 2022 at Salt Lake City, Utah.



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

DEIDRE M. HENDERSON
Lieutenant Governor


CERTIFICATION OF ANNEXATION PETITION
AND NOTICE TO CITY COUNCIL AND CONTACT SPONSOR

STATE OF UTAH)
 : ss.
COUNTY OF MILLARD)

I, Kevin Orton, the duly appointed and acting City Recorder of the City of Fillmore, Millard County, Utah, do hereby certify that I did, on September 4, 2021 receive the Petition for Annexation and accompanying Plat which was filed with Fillmore City by Terry Messersmith, Manager/Member of TNT and Land Holdings, LLC, the Contact Sponsor which Petition was accepted by the Fillmore City Council for further consideration pursuant to Section 10-2-405, Utah Code Annotated.

I hereby certify the Petition, and state that I have reviewed the referenced Petition for Annexation with the assistance of the Fillmore City Attorney, Millard County Clerk, and Millard County Recorder and have determined that the Petition meets the requirements of Subsections 10-2-403 (2), (3), and (4) of the Utah Code, and I hereby give Notice to the Fillmore City Council, the Contact Sponsor Terry Messersmith, and the Millard County Commission of my Certification of said Petition as meeting the requirements of the referenced subsections of state law.

IN WITNESS WHEREOF, I have hereunto set my official signature and affixed the seal of Fillmore City Corporation in Millard County, State of Utah, this 5th day of January, 2022.

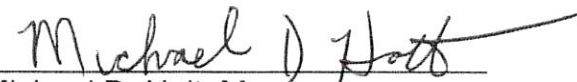


Kevin Orton, Recorder

The foregoing Certification was received by the Fillmore City Council on January 5, 2022.

(seal)





Michael D. Holt, Mayor

ORDINANCE 22-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FILLMORE, UTAH PROVIDING FOR ANNEXATION OF CERTAIN TERRITORY, REFERRED TO AS THE FILLMORE NORTHWEST ANNEXATION, INTO THE CORPORATE LIMITS OF FILLMORE CITY, WITH THE PLAT TO BE IDENTIFIED AS PLAT Y IN THE RECORDS OF FILLMORE CITY.

RECITALS

The City Council of the City of Fillmore, Utah (referred to herein as the "City Council"), recites the following as the basis for adopting the following ordinance:

A. Fillmore City (the "City") has adopted an Annexation Policy Plan in accordance with the provisions of Part 4, Chapter 2, Title 10, Utah Code Annotated (1953) as amended, setting forth the specific criteria that will guide the City's decision as to whether it will favor annexation of territory into the corporate limits of Fillmore and whether to grant future annexation petitions.

B. The owners of a certain parcel of real property, described below, desire to annex such real property to the corporate limits of Fillmore, Utah. An annexation petition has been presented to the City, identified as the Fillmore Northwest Annexation (the "Petition").

C. Said owners have caused the Petition to be filed with Fillmore, which designates as the contact sponsor Terry Messersmith. The Petition was accompanied by an accurate plat of the real property, which was prepared under the supervision of a licensed surveyor.

D. The real property in the Petition is a contiguous, unincorporated area contiguous to the boundaries of Fillmore, and the annexation thereof will not leave or create an unincorporated island or peninsula.

E. The Petition contained the signatures of owners of private real property that covered a majority of the private land area within the area proposed for annexation.

F. The Petition contained the signatures of owners of private real property that is equal in value to at least one-third (1/3) of the value of all private real property within the area proposed for annexation.

G. On December 21, 2021, the City Council accepted the Petition for annexation for further consideration.

H. On January 5, 2022, the City Recorder certified the Petition, and mailed or delivered written notification thereof to the Fillmore City Council, the contact sponsor, and the Millard County Commission certifying that the Petition met the requirements of state law.

I. The City Council published Notice of Certification and mailed written Notice of Certification for the Petition to each affected entity, as required by law, and no timely protests have been filed in accordance with the provisions of Section 10-2-407, Utah Code Annotated, 1953, *as amended*.

J. Pursuant to Utah Code Annotated § 10-2-403 and 408, all owners of rural real property have provided a written consent to the inclusion of their property described and included in the Petition, as shown on the attached Exhibit 3.

K. On February 15, 2022, the City Council held a public hearing after giving notice as required by law

for the Fillmore Northwest Annexation. The City Council has determined the referenced annexation is desirable and that a need exists to annex the territory described in the Petition.

L. The City Council has determined that the annexation territory should be zoned in accordance with Ordinance 22-04.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Fillmore, Utah:

Section 1. Adoption. This Ordinance 22-03 is adopted by the City of Fillmore in order to approve the Fillmore Northwest Annexation, such Petition and Map marked and attached as Exhibit 1.

Section 2. Territory Annexed. The real property, more particularly described in paragraph 3, below, is hereby annexed to Fillmore, Utah, and the corporate limits of Fillmore are hereby extended accordingly.

Section 3. Property Description. The real property, which is the subject of this annexation Ordinance, is described as follows:

Beginning at the intersection of the Easterly boundary of Parcel F-6929-1-1 as recorded in Book 645 Page 256, also being the existing boundary of Annexation Plat "H" of the City Boundary of Fillmore City (Corporate City Limits) and the North Section line of Section 17; Said intersection lies 2571.40 feet N 89°32'00" W along the section line from the Northeast corner of Section 17, Township 21 South, Range 4 West, Salt Lake Base and Meridian; Running thence the next four (4) courses along the easterly boundary of said Annexation Plat "H", (1) S 08°19'45" W 45.54 feet along the Easterly boundary of said parcel; thence (2) S 18°33'09" W 54.90 feet; thence (3) S 22°16'08" W 390.30 feet; thence (4) N 89°45'34" W 551.42 feet; thence South 39.11 feet to a fence line and the Southerly boundary of parcel 6970 as recorded in Book 320 Page 433; thence N 89°49'45" W 957.45 feet along the Southerly boundary of said parcel and old fence line to the center of a Chalk Creek Drainage channel being the boundary of parcel 6971 as recorded in Book 199 Page 377, thence the following ten (10) courses along the centerline of said drainage channel: (1) S 09°08'17" W 89.18 feet, (2) S 26°16'49" W 235.47 feet, (3) S 14°46'49" W 69.11 feet, (4) S 43°57'55" E 42.52 feet, (5) S 80°55'06" E 58.01 feet, (6) S 73°26'21" E 75.36 feet, (7) S 32°50'27" East 39.07 feet, (8) S 00°04'03" W 91.56 feet, (9) S 17°40'07" W 175.74 feet, (10) S 15°13'36" East 114.85 feet to a projection of an old fence line on the Southerly boundary of parcel 6969 as recorded in Book 705 Page 204, thence S 89°52'06" E 652.79 feet along the Southerly boundary of said parcel and old fence line, thence N 89°14'50" E 509.24 feet along the Southerly boundary of said parcel and old fence line to a fence corner; thence S 64°21'05" E 37.22 feet to the 1/16th section line of said Section 17; thence along said 1/16th line S 89°25'08" E 489.05 feet to the existing boundary of Annexation Plat "D" of said Fillmore City boundary; thence along said boundary of Plat "D" S 89°25'08" E 225.98 feet to the existing boundary of Annexation Plat "C" of said boundary of Fillmore City; thence along said Plat "C" being along a curve turning to the right with an arc length of 495.58 feet, with a radius of 5,930.14 feet, with a chord bearing of N 20°09'11" E, with a chord length of 495.43 feet; thence N 25°42'14" W 971.32 feet to the point of beginning [Containing 41.75 acres more or less]

Section 4. Filing with Lt. Governor. Pursuant to Utah Code Annotated § 10-2-425(1)(a), within sixty (60) days after enacting this ordinance, Fillmore shall file with the Lt. Governor of the State of Utah:

- (a) A certified copy of this Ordinance approving the annexation;
- (b) A notice of impending boundary action meeting the requirements of Utah Code Annotated §67-1a-6.5; and
- (c) A copy of an approved final local entity plat, as defined in Utah Code Annotated §67-1a-6.5.

Section 5. Filing with Millard County Recorder. Pursuant to Utah Code Annotated § 10-2-425(1)(b), upon the Lt. Governor's issuance of a certificate of annexation under Utah Code Annotated § 67-1a-6.5 Fillmore shall submit to the Millard County Recorder:

- (a) The original notice of an impending boundary action;
- (b) Certificate of annexation;
- (c) The approved final local entity plat; and
- (d) A certified copy of this Ordinance.

Section 6. Notice to Affected Entities and Health Department. Pursuant to Utah Code Annotated § 10-2-425(1)(c), upon the Lt. Governor's issuance of a certificate of annexation under Utah Code Annotated § 67-1a-6.5 Fillmore shall send notice of the annexation to each affected entity, and file with the Department of Health, a certified copy of this Ordinance and a copy of an approved final local entity plat

Section 7. Effect of Annexation on Annexed Territory. Upon recordation of the annexation plat provided for in Section 3 above, the residents of the annexed territory shall be extended all rights and privileges of the City of Fillmore. Also, the residents of the annexed territory shall then be subject to and required to comply with all ordinances, resolutions, policies, rules and regulations of the City of Fillmore. At the time this annexation becomes effective, the annexation areas will be entitled to municipal services rendered by the City of Fillmore and to the protections offered by Fillmore ordinances and other benefits generally enjoyed by the present residents of City of Fillmore, Utah. This annexation will not affect any local district that may have been established in Millard County under Title 17B, Chapter 2, Utah Code Annotated.

Section 8. Statement of Compliance with Statutory Annexation Criteria. The annexation provided for herein complies with the statutory requirements set out in Part 4, Chapter 2, Title 10, Utah Code Annotated (1953), *as amended*, and the requirements set forth in Fillmore's Annexation Declaration.

Section 9. Zone Classification of Annexed Territory. Upon completion of the annexation of the territory described in this Ordinance into the City of Fillmore, Utah, the annexed territory shall be classified and included as being in the zone district identified by Ordinance 22-04, marked and attached as Exhibit 2.

Section 10. Development Restrictions. All future development must be made in compliance with Fillmore ordinances, resolutions, policies, rules, and regulations. Street access to the property annexed shall follow the grid pattern layout of existing streets where possible. Development of the real property annexed by this ordinance shall require recorded easement conveyances for all utility services and dedication of land as appropriate under Fillmore ordinances to the City for necessary streets. Any requirements of this paragraph or the municipal regulations incorporated herein not permissible under the laws of the state of Utah are deemed waived.

Section 11. Exhibits. All exhibits referred to in this Ordinance shall be deemed incorporated herein by reference to the same effect as though fully set forth herein.

Section 12. Severability. If any section, paragraph, subsection or any portion of this Ordinance less than the entire ordinance, or the application thereof, is held to be invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 13. Effective Date of Annexation and Ordinance. This Ordinance and the annexation provided thereby is completed and takes effect upon the publication of this Ordinance or a summary thereof and on the date the Lt. Governor of the State of Utah issues to Fillmore a Certification of Annexation.

Section 14. Publication. This Ordinance, or a summary of this Ordinance, is ordered published in

accordance with Utah Code Annotated § 10-3-711.

Section 15. Effect on Related Ordinances. Any ordinance, resolution or policy of the City of Fillmore in conflict with this ordinance shall hereby be deemed amended to the extent necessary to conform to the provisions of this ordinance as they relate to the annexed territory.

PASSED AND ADOPTED this 15th Day of February, 2022.

Michael D. Holt
MICHAEL D. HOLT, Mayor

Attest: Kevin Orton
KEVIN ORTON, City Recorder



VOTING:

Dennis Alldredge	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
Curtis Hare	<input type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input checked="" type="checkbox"/> Absent
Eric Jenson	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
Kyle Monroe	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
Michael Winget	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent

Petition for Annexation

We the undersigned owners of certain real property lying contiguous to the present municipal limits of Fillmore City hereby submit this Petition for Annexation and respectfully represent the following:

1. That this petition is made pursuant to the requirements of Section 10-2-403, Utah Code Annotated, 1953, as amended (U.C.A.);
2. That the property subject to this petition is an unincorporated, contiguous area to the boundaries of Fillmore City and the annexation thereof will not leave or create an unincorporated island or peninsula;
3. That the signatures affixed hereto are those of the owners of private real property that:
 - a. is located within the area proposed for annexation;
 - b. covers a majority of the private land area within the area proposed for annexation;
 - c. is equal in value to at least 1/3 of the value of all private real property within the area proposed for annexation; and
 - d. is described as follows:

The property subject of this petition lies contiguous to the present boundary of Fillmore City's corporate limits (describe approximate location)

SEE ATTACHED EXHIBIT #1

More specifically described as follows (legal description):

SEE ATTACHED EXHIBIT #1

4. That up to five of the signers of this petition have been designated as sponsors, one of whom is designated as the "Contact Sponsor", with the mailing address of each sponsor being indicated;
5. That this petition does not propose annexation of all or a part of an area proposed for annexation in a previously filed petition that has not been denied, rejected, or granted;
6. That this petition does not propose annexation of an area that includes some or all of an area proposed to be incorporated in a request for a feasibility study under Section 10-2-103 U.C.A. or a petition under Section 10-2-125 U.C.A. if;

- a. the request or petition was filed before the filing of the annexation petition; and
 - b. the request, a petition under Section 10-2-109 based on that request, or a petition under Section 10-2-125 is still pending on the date the annexation petition is filed;
7. That the petitioner(s) have caused an accurate plat or map of the above described property to be prepared by a licensed surveyor, which plat or map is filed herewith;
 8. That the petitioner(s) request the property, if annexed, be zoned HIGHWAY COMMERCIAL; and
 9. On the date of filing, the petition sponsors shall deliver or mail a copy of the petition to the County Clerk and the chair of the Planning Commission of each township in which any part of the area proposed for annexation is located.

DATED this 15th day of SEPTEMBER, 2021.

PETITIONER(S):	ADDRESS
CS: <u>TNT LAND AND HOLDINGS LLC</u>	<u>1358 N 200 W NEPHI, UT</u>
S: <u>By: Tony Hernandez, ITS MANAGER/MEMBER</u>	
S: _____	_____
S: _____	_____
S: _____	_____

CS-Contact Sponsor S-Sponsor (Attached additional sheets if necessary)

<u>Record Owner</u>	<u>No. of Acres</u>	<u>Assessed Value</u>	<u>Millard Co. Tax No.</u>
TNT LAND & HOLDINGS LLC	25.56 AC		PARCEL ID #6969
UTAH STATE ROAD COMMISSION	15 AC. +/-		N/A

