

STATE OF UTAH



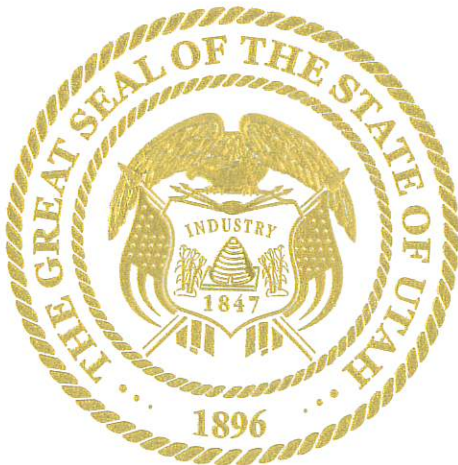
OFFICE OF THE LIEUTENANT GOVERNOR

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 the BKMK PROPERTIES ANNEXATION, located in GARLAND CITY, dated May 31, 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 BKMK PROPERTIES ANNEXATION, located in BOX ELDER COUNTY, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 31st day of May, 2022 at Salt Lake City, Utah.



A handwritten signature in black ink, reading "Deidre M. Henderson".

DEIDRE M. HENDERSON
Lieutenant Governor



72 North Main - P.O. Box 129
Garland, UT 84312
(435)257-3118

May 19, 2022

Office of the Lieutenant Governor
350 South State, Suite 220
Salt Lake City UT 84114

RE: Notice of Impending Boundary Action for the City of Garland: Annexation – Brent Kirkland, on behalf of BKMK Properties, LLC. Property located at 600 West Factory Street on the Northside of the road and is identified as TIN: 06-057-0035 consisting of 17.54 acres, more or less.

To Whom It May Concern:

The City of Garland does hereby request a Certificate of Annexation for an annexation that was approved by ordinance on March 2, 2022, as evidenced by the previously attached City of Garland Ordinance and Final Local Entity Plat.

As City Recorder of the City of Garland, I certify that all requirements applicable to the boundary action referred to above have been met.

Please let me know if you have any questions. I can be reached at 435-257-3118 or by email at sharlet@garlandutah.org.

Sincerely,

A handwritten signature in blue ink that reads "Sharlet Anderson".

Sharlet Anderson
City Recorder

ORDINANCE O-22-07

**AN ORDINANCE ANNEXING SPECIFIC PROPERTY TO THE
MUNICIPALITY OF GARLAND, UTAH**

WHEREAS, a majority of the owners of certain real property described below, desire to annex such real property to Garland, Utah, said owners being the owners of at least one-third (1/3) in value of said real property as shown by the assessment roll; and

WHEREAS, said real property consists of approximately 17.54 acres and lies contiguous to the corporate boundaries of Garland, Utah; and

WHEREAS, said owners have caused a petition to be filed with the City Recorder together with an accurate plat of the real property which was made under the supervision of a licensed surveyor; and

WHEREAS, Garland City Council accepted the petition for annexation, and within 30 days the City Recorder reviewed the petition and certified that the petition meets the requirements for annexation as provided by Utah State Law (Subsection 10-2-403); and

WHEREAS, a notice was published once a week for three consecutive weeks, beginning no later than ten days after receipt of the notice of certification of the proposed area for annexation and the unincorporated area within ½ mile of the area proposed for annexation as provided by Utah State Law (Subsection 10-2-406); and

WHEREAS, no protest to the annexation petition were filed during the period specified;

NOW, THEREFORE, pursuant to Section 10-2-407, Utah Code, the City Council of Garland, Utah, hereby adopts and passes the following:

**BE IT ORDAINED BY THE CITY COUNCIL OF GARLAND, UTAH, AS
FOLLOWS:**

**AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO
THE CORPORATE LIMITS OF GARLAND, UTAH.**

1. The real property more particularly described in Paragraph 2, below, is, hereby annexed to Garland, Utah, and the corporate limits of Garland, Utah are hereby extended accordingly.
2. The real property which is the subject of this Ordinance is described as follows:

A PART OF THE SOUTHEAST QUARTER OF THE SECTION 27,
TOWNSHIP 12 NORTH, RANGE 3 WEST, SLB&M.

Beginning on the present Corporate Limit Line of Garland City, Utah and the east line of a 16.5 foot wide irrigation ditch right-of-way, as presently located, at a point 39.27 feet EAST along the Section Line and 33.00 feet NORTH and 148.52 feet N 00°55'11" E from the South Quarter Corner of Section 27, T 12 N, R 3 W, SLB&M and running thence N 00°55'11" E 1167.48 feet along said east line of irrigation ditch right-of-way to 40 acre line; thence S 89°42'43" E 655.47 feet to the west fence line of adjoiners property (Tax Parcel No 06-057-0004); thence S 00°54'44" W 1162.68 feet along said west fence line more or less to the northwest corner of Boyd L Croshaw property (Tax Parcel No 06-057-0006); thence SOUTH 1.50 feet along said Croshaw west line to existing Corporate Limit Line; thence WEST 655.69 feet along said Corporate Limit Line to the point of beginning.

Containing 17.54 acres more or less.

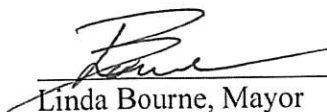
Also described as Tax ID No. 06-057-0035, 17.54 acres, more or less located at approximately 600 West Factory Street.

- 3. The zoning map of Garland City shall be amended to include the real property described above in Paragraph 2.

This ordinance shall become effective upon publication.


**PASSED AND ADOPTED BY THE CITY COUNCIL OF GARLAND, UTAH,
THIS THE 2ND DAY OF MARCH, 2022.**

Garland City Corporation


Linda Bourne, Mayor

VOTING:

Jeanette Atkinson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	
Chuck Bingham	Yea <input type="checkbox"/>	Nay <input type="checkbox"/>	absent
Donnie Howell	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	
Sharla Nelson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	
Steve Peacock	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	

ATTEST:

Sharlet Anderson, City Recorder

ANNEXATION POLICY PLAN FOR GARLAND, UTAH

1. General Annexation Criteria for the city of Garland, Utah.

In accordance with the provisions of 10-2-401.5, Utah Code Annotated, the City of Garland hereby adopts the following criteria for consideration of potential future annexations. This annexation policy declaration is intended to incorporate all of the criteria required and suggested by Sections 10-2-401.5 et seq., Utah Code Annotated.

1. As part of its ongoing effort to plan and prepare for responsible growth, Garland has identified territory adjacent to its present city boundaries that could at some time in the future be a part of the city. The areas proposed for future annexation are both bordered and non-bordered by other municipalities. Areas to be annexed must fall within the areas designated for future annexation in the Annexation Policy Plan of Garland City as shown on the expansion area map. Even though property proposed for annexation is located within the annexation expansion area, there is no guarantee that the annexation request will be approved by the city. The city may from time to time review this plan and adjust as needed

2. The character of the community is mixed residential, commercial, industrial, manufacturing, and agricultural. Areas to be annexed should be compatible with this character.

3. Areas to be annexed must be contiguous to the corporate limits of the city of Garland at the time of submission of the annexation request.

4. Areas to be annexed shall not be located within the corporate limits of another incorporated city or be part of a previously filed annexation petition that has been denied, accepted, or approved.

5. Garland is concerned about the interests of all affected entities and has considered written comments from affected entities in finalizing this document. When feasible, the city favors annexation along boundaries of water, sewer improvements, special service districts, school districts, or other taxing entities

The city also favors (a.) eliminating and/or not creating islands and peninsulas of unincorporated territory; (b.) consolidating overlapping functions of government; (c.) promoting efficient delivery of services; (d.) encouraging the equitable distribution of community resources and obligations; and (e.) giving consideration to the tax consequences to property owners within the area to be annexed, as well as the property owners within the municipality in order to prevent double taxation and to ascertain that the annexation will not be a tax liability to the taxpayers within the municipality.

The city does not favor the annexation of areas for which it does not have the capability nor the intention to provide municipal services.

6. There has been no exclusion of urban development within this policy plan. No urban developments, as defined in 10-2-401.(1)(i) UAC, exist within ½ mile of the municipality's boundary.

7. The annexation petition must comply with the requirements of Section 10-2-403, Utah Code Annotated.

2. Procedures for submission of an annexation request.

The following steps reflect a general summary of the requirements and procedures for processing an annexation request.

1. An annexation petition accompanied by an annexation plat must be submitted to the City Recorder. Said petition shall:

(a) be signed by private property owners of record which cover a majority of the area to be annexed. Said owners shall also represent at least one-third (1/3) of the assessed valuation of the private aggregate properties to be annexed, as reflected on the last assessment roles.

(b) represent an area contiguous to the existing corporate limits of the City and shown to be within the areas designated for annexation in the Annexation Policy Plan.

(c) include an annexation plat prepared by a surveyor licensed in the State of Utah.

(d) designate up to five (5) of the signers of the petition as sponsors, one of whom shall be designated as the contact sponsor. Each sponsor's mailing address shall be included.

(e) comply with any other applicable provision of 10-2-403, Utah Code Annotated, not stated within.

2. The City Recorder, upon receipt of a properly prepared annexation petition accompanied by the proper plat shall impose such fees to recover the costs of processing said petition, as have been established by the City Council; and at that time shall place the petition on the agenda for consideration at a regular City Council meeting within fourteen days of its receipt.

3. The City Council shall review the annexation petition and accept or deny the petition.

4. If accepted, the City Recorder shall within 30 days, certify that it meets the above requirements and send the required notices, including a written notice to the City Council. If denied, the City Recorder shall send the required notices.

5. The City Council, within ten (10) days after receipt of the recorder's notice of

certification, shall publish a notice of the proposed annexation at least once a week for three (3) consecutive weeks. Within twenty (20) days after the receipt of the recorder's notice of certification, the City Council must mail written notice of the proposed annexation to each affected entity as defined in state law. The notice shall explain how a written protest is to be filed within thirty (30) days after the date of the City Council's receipt of the certification notice.

6. If no protest is filed during the designated protest period, the City Council may set a public hearing, after a minimum 7-day notice, and consider an ordinance to grant the proposed annexation. If a protest is filed, the County Boundary Commission shall hold a hearing on the protest within thirty (30) days. The City Council may deny the proposed annexation at its next regularly scheduled meeting. Required notices will be sent if the petition is denied.

7. Upon receipt of the County Boundary Commission's decision, the City Council may deny or approve the proposed annexation subject to the Boundary Commission's decision?

3. Extension of Needed Municipal Services in Developed and Developing Unincorporated Areas and Payment of the Same.

1. In areas where municipal services are not presently extended, services will be extended on an as-needed basis at the cost of the developer. All extensions of municipal services must comply with all city ordinance and policy criteria and will be paid for by the individual developer or property owner.

2. An annexation agreement will be prepared between the city and future developers outlining specific circumstances relating to water, sewer, streets, electricity, telecommunications, fiber optic/broadband, and other specific improvements prior to annexation approval.

The manner in which these amenities are developed will have a bearing on how they will be financed. Property taxes with increased valuation of property and sales tax will contribute to the general fund to help defray the added expenses the city may incur by annexing these properties. In summary, the newly annexed developing areas shall finance the extension of needed municipal services, such as new utilities, streets, curb and gutters, sidewalks, and other capital improvements as development occurs.

Upon annexation, the newly annexed areas shall receive the following services:

- a) Fire Protection
- b) Police Protection
- c) Planning and Zoning
- d) Snow removal and Street maintenance on deeded dedicated streets
- e) Curb side garbage collection
- f) Other Services provided by the City

It is not anticipated that the annexation will cause any adverse consequences to the residents in the city or in the area annexed, except there may be a slight reduction in general

services to the city residents in the present city limits as general services are expanded into the newly annexed territory.

It is anticipated that the residents in the territory to be annexed will experience an increase in their property tax because of the difference in the certified tax rates in the County and the City. It is further anticipated that as newly annexed territory property taxes are received by the city, the city will increase the total level of services within the total community. Additionally, persons in the newly annexed territory may experience reductions in their fire insurance rates and property insurance rates.

As areas grow and become more populated, the demand and need for services increase. Once this policy plan is adopted and areas begin to develop, continual planning by the City will allow development to occur in an economical manner, since homes, buildings, streets, and other amenities will be developed in accord with Garland's specifications. The plan and time frame for the extension of municipal services will be determined by the interest of the property owners to subdivide and develop their property.

**PLAT OF ADDITION TO
THE CORPORATE LIMITS OF GARLAND CITY,
BOX ELDER COUNTY, UTAH
A PART OF THE S 04 OF SEC 27, T 12 N, R 3 W, S.L.B.&M.**

BETTY HIRSHBART TTEE
Tax Parcel No. 06-057-0034

BOYD LARSON/ETAL
Tax Parcel No. 06-057-0036

TRAVIS WAYNE LAMB
Tax Parcel No. 06-056-0082

DEBORAH ANN RICHARDS
Tax Parcel No. 06-056-0081

DEBORAH ANN RICHARDS
Tax Parcel No. 06-056-0082

DEBORAH ANN RICHARDS
Tax Parcel No. 06-056-0083

TRAVIS WAYNE LAMB
Tax Parcel No. 06-056-0079

CAROL DAWN LAMB TTEE
Tax Parcel No. 06-056-0078

WILLIAM SCOTT ESTMAN
Tax Parcel No. 06-056-0080

BKMK PROPERTIES LLC
Tax Parcel No. 06-057-0035

BETTY HIRSHBART TTEE
Tax Parcel No. 06-057-0035

BOYD LARSON/ETAL
Tax Parcel No. 06-057-0036

BKMK PROPERTIES LLC
Tax Parcel No. 06-057-0034

