

STATE OF UTAH



OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF ANNEXATION

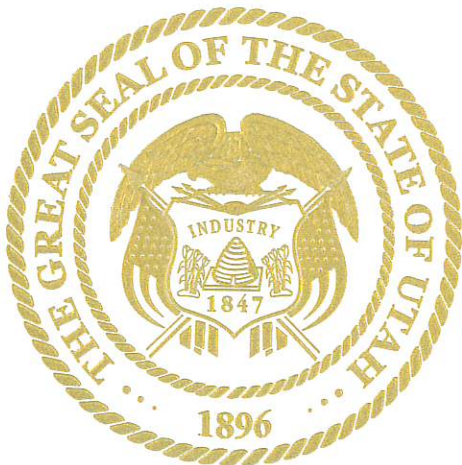
I, Deidre M. Henderson, Lieutenant Governor of the State of Utah, hereby certify that there has been filed in my office a notice for the RUSHTON WEST ANNEXATION, located in SARATOGA SPRINGS CITY, dated MARCH 24, 2022, complying with Section §10-2-418, Utah Code Annotated, 1953, as amended.

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 RUSHTON WEST ANNEXATION, located in Utah County, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 24<sup>th</sup> 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





## NOTICE OF IMPENDING BOUNDARY ACTION

January 4, 2022

Via E-mail [annexations@utah.gov](mailto:annexations@utah.gov)

The Honorable Deidre M. Henderson  
Lieutenant Governor of the State of Utah  
Utah State Capitol Complex  
PO Box 142325  
Salt Lake City, Utah 84114-2325

Subject: Notice of Impending Boundary Action – Rushton West Annexation - Annexation of  
162.36 +/- Acres of Land

Dear Lieutenant Governor Henderson,


On January 4, 2022, pursuant to Utah Code § 10-2-418, the City Council of the City of Saratoga Springs, Utah adopted Ordinance 22-3 (1-4-22) to annex approximately 162.36 acres of land situated outside of the current boundaries of the City of Saratoga Springs, Utah within portions of unincorporated Utah County, which property is contiguous to the boundaries of the City and identified in the City's Annexation Policy Plan.

A copy of the Ordinance and supporting documents are provided with this Notice setting forth the revised boundaries of the City of Saratoga Springs, Utah. Also provided with this Notice is an Approved Final Local Entity Plat, as defined in Utah Code § 67-1a-6.5(1)(b), certified by the Utah County Surveyor.

In accordance with Utah Code § 67-1a-6.5(3)(e), I hereby certify that all requirements applicable to this annexation have been met. I also respectfully request that your office issue a Certificate of Annexation to the City of Saratoga Springs in accordance with Utah Code § 67-1a-6.5(2). Pursuant to Utah Code § 10-2-425(4)(b), the effective date of the annexation will be the date of the Lieutenant Governor's issuance of a certificate of annexation.

If you have any questions or need additional information, please do not hesitate to contact me at any time.

Respectfully,



Jim Miller, Mayor

**ORDINANCE NO. 22-3 (1-4-22)**

**AN ORDINANCE APPROVING AN ANNEXATION AND DEVELOPMENT AGREEMENT; APPROVING THE ANNEXATION OF 162.36 ACRES OF LAND; ANNEXING SUCH LAND INTO THE CITY; AND RELATED MATTERS. (Rushton West)**

**WHEREAS**, Utah Code §§ 10-2-401 to - 428 constitutes the statutory framework for annexation of unincorporated areas of a county into an adjoining Utah municipality; and

**WHEREAS**, Utah Code § 10-2-418(2)(b)(ii) provides that a municipality may annex an unincorporated area without an annexation petition if the area to be annexed consists of an unincorporated island within, or an unincorporated peninsula contiguous to, a municipality; and the area to be annexed has fewer than 800 residents; and the municipality has provide most or all of the municipal services to the area for more than one year; and

**WHEREAS**, the area proposed to be annexed described in Exhibit A (“Property”) consists of approximately 162.36+/- acres owned by Alma E. and Ethel B. Rushton Family (“Rushtons”), which constitutes all or part of an unincorporated island or peninsula of Utah County, a county of the second class, contiguous to and/or surrounded by land of the City of Saratoga Springs, Utah (“City”); and

**WHEREAS**, the Property has fewer than 800 residents and the City has provided one or more municipal type services to the area for at least one year; and

**WHEREAS**, on November 10, 2021, on behalf of the Rushtons, Julie Smith – Saratoga 262 Partners, LLC, submitted an “Annexation Application” (“Application”) on file with the City Recorder, requesting to annex the Property into the City; and

**WHEREAS**, the Property is situated within a portion of unincorporated Utah County included in the Annexation Policy Plan Map adopted by the City Council of the City of Saratoga Springs on June 19, 2012 as part of Ordinance No. 12-7 (6-19-12) as amended; and

**WHEREAS**, on November 16, 2021, the City Council passed resolution R21-66 (11-16-21) indicating its intent to annex the Property; and

**WHEREAS**, pursuant to Utah Code § 10-2-418, at least three weeks before the public hearing, the City caused notice of the proposed annexation to be (a) mailed to certain interested parties, (b) posted in 11 places within the municipality most likely to give notice to residents, (c) posted on the Utah Public Notice Website created by Utah Code § 63F-1-701, and (d) posted on the City of Saratoga Springs Website; and

**WHEREAS**, on November 29, 2021, the City Recorder sent written notice of the proposed annexation to the Utah County Commission and the board of each local district and special service district whose boundaries contain some or all of the area proposed for annexation; and

**WHEREAS**, on January 4, 2022, not less than thirty (30) days after the City Council adopted the resolution indicating its intent to annex the Property, the City Council held a public hearing relating to the proposed annexation, at which public hearing all individuals desiring to express their views relating to the proposed annexation were given the opportunity to be heard on the matter; and

**WHEREAS**, at its January 4, 2022 meeting, the City Council discussed and considered the Annexation and Development Agreement, attached as Exhibit B, that specifies the conditions of annexation; land use designation, and zoning on the Property; and conditions under which the Property can be developed in accordance with the City's zoning; and

**WHEREAS**, no protests to the annexation have been received pursuant to Utah Code § 10-2-418; and

**WHEREAS**, the City Council has given careful consideration to the views expressed by the public during the public hearing; and

**WHEREAS**, the City Council has carefully reviewed and considered the Application and all materials submitted by the petitioner in connection therewith and in support thereof, including materials required to be submitted pursuant to the City's Annexation Policy Plan Statement and Annexation Petition Requirements and Procedures; and

**WHEREAS**, in light of the foregoing, and after due deliberation, the City Council desires to approve the Annexation and Development Agreement and proceed with the proposed annexation and other related matters.

**NOW THEREFORE**, it is hereby ordained by the City Council of the City of Saratoga Springs, Utah, as follows:

**SECTION 1. Findings.** The City Council does hereby find and determine that the approval of the Annexation and Development Agreement and the annexation of the Property in the City further the health, safety, and general welfare of the City and its residents. The City Council adopts herein by reference the findings and conclusions contained in the applicable staff report(s) filed in the office of the City Recorder.

**SECTION 2. Approval of Annexation and Development Agreement; Annexation; and Effective Date.** The City Council hereby approves the Annexation and Development Agreement, approves the annexation of the Property as described in the Application, and does hereby annex the Property into the City. The effective date of such annexation shall be the date of issuance by the Utah Lieutenant Governor of the Certificate of Annexation, under Utah Code § 10-2-425.

**SECTION 3. Land Use and Zoning.** The land use and zoning shall be as specified in the Annexation and Development Agreement. Consistent with that agreement, the Property shall be subject to the Residential (R3-6) zoning.


**SECTION 4. Authorized Actions.** The Mayor, the City Recorder, the City Manager, and all other officers and employees of the City are hereby authorized and directed to take, in a timely manner, any and all actions required or advisable to be taken to give effect to the annexation hereby approved; including, without limitation, the giving of all notices and the filing of all items required pursuant to Sections 10-2-401 et seq. of the Utah Code.


**SECTION 5. Publication of Ordinance.** A copy of this Ordinance shall be delivered to the City Recorder immediately upon execution by the Mayor, and the City Recorder is hereby authorized and directed to cause a summary thereof to be published on the earliest possible date on the Utah Public Notice Website or post a complete copy of this ordinance in three places within the City. This Ordinance shall become effective immediately upon such publication.

**SECTION 6. Amendment of Conflicting Ordinances.** If any ordinances, resolutions, policies, or zoning maps of the City of Saratoga Springs heretofore adopted are inconsistent herewith they are hereby amended to comply with the provisions hereof. If they cannot be amended to comply with the provisions hereof, they are hereby repealed.

**SECTION 7. Severability.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**ADOPTED AND PASSED** by the City Council of the City of Saratoga Springs, Utah, this 4<sup>th</sup> day of January, 2022.

Signed:   
Jim Miller, Mayor

Attest:   
Cindy LoPiccolo, City Recorder



	<b>VOTE</b>
Christopher Carn	<i>aye</i>
Michael McOmber	<i>aye</i>
Ryan Poduska	<i>aye</i>
Chris Porter	<i>aye</i>
Stephen Willden	<i>aye</i>

EXHIBIT A

Rushton West Annexation Plat and Legal Description

**EXHIBIT A – PROPERTY DESCRIPTION.**

**SURVEY DESCRIPTION OF UTAH COUNTY PARCEL 58:041:0021**

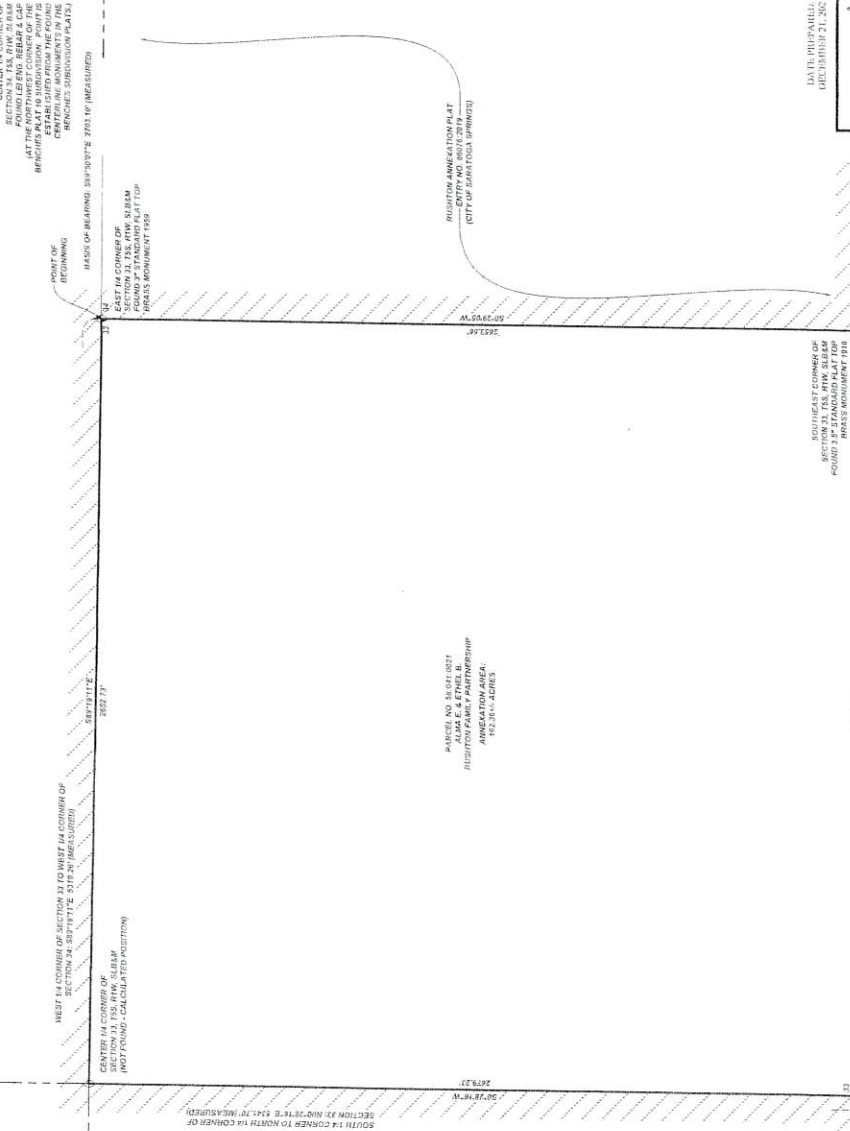
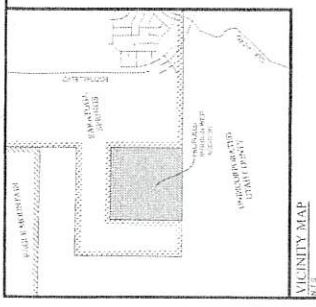
All of the Southeast Quarter of Section 33, Township 5 South, Range 1 West, Salt Lake Base and Meridian, as described in that certain Warranty Deed recorded as Entry No. 5968:1983 in the office of the Utah County Recorder, more particularly described as follows:

Beginning at the East 1/4 Corner of Section 33, Township 5 South, Range 1 West, Salt Lake Base and Meridian (Basis of Bearing is S89°50'07"E between said East 1/4 Corner of said Section 33 and an LEI Engineering Rebar & Cap at the northwest corner of The Benches Plat 10 Subdivision representing the Center 1/4 Corner of Section 34, Township 5 South, Range 1 West, Salt Lake Base and Meridian); running thence along the Section line S00°29'05"W 2,653.56 feet to the Southeast Corner of said Section 33; thence along the Section line N89°52'27"W 2,652.13 feet to the South 1/4 Corner of said Section 33; thence along the 1/4 Section line N00°28'16"E 2,679.23 feet to the Center of said Section 33; thence along the 1/4 Section line S89°19'11"E 2,652.73 feet to the point of beginning.

Contains: 162.36 acres+/-







PLAT PREPARED BY  
**FOCUS**  
LAND SURVEYING AND ENGINEERING, L.L.C.  
1130 SOUTH STATE STREET, SUITE 100  
SARATOGA, UTAH 84055

SARATOGA WEST ADDITION  
(CITY OF SARATOGA SPRINGS)  
BENCH MARK 2719 (G.I.T.)

PARCEL NO. 0618 (G.I.T.)  
RUSHTON PARK PARTNERSHIP  
ANNEXATION AREA  
662.30+/- ACRES

RUSHTON ANNEXATION PLAT  
(CITY OF SARATOGA SPRINGS)

EAST 1/4 CORNER OF SECTION 23, 15S, 17W, SLEBP BRASS MONUMENT 1981  
SOUTH 1/4 CORNER OF SECTION 34 TO WEST 1/4 CORNER OF SECTION 24, 15S, 17W, SLEBP  
WEST 1/4 CORNER OF SECTION 34 TO WEST 1/4 CORNER OF SECTION 24, 15S, 17W, SLEBP  
CENTER 1/4 CORNER OF SECTION 23, 15S, 17W, SLEBP (NOT FOUND - CALCULATED POSITION)  
EAST 1/4 CORNER OF SECTION 23, 15S, 17W, SLEBP BRASS MONUMENT 1981

### STURDYWORKS CERTIFICATE

I, Rodney B. Smith, a duly sworn and Licensed Professional Surveyor, State of Utah, No. 12345, do hereby certify that the above described plat is a true and correct copy of the original plat as filed in the office of the County Clerk, Salt Lake County, Utah, on this 18th day of January, 2021, and that the same conforms to the provisions of the Utah Surveying Act, Title 73B, Chapter 2, Part 1, Section 2-211, and that the same is a true and correct copy of the original plat as filed in the office of the County Clerk, Salt Lake County, Utah, on this 18th day of January, 2021, and that the same conforms to the provisions of the Utah Surveying Act, Title 73B, Chapter 2, Part 1, Section 2-211.

### BOUNDARY DESCRIPTION

A plat of the above described plat of the City of Saratoga Springs, Utah, do hereby certify that the same is a true and correct copy of the original plat as filed in the office of the County Clerk, Salt Lake County, Utah, on this 18th day of January, 2021, and that the same conforms to the provisions of the Utah Surveying Act, Title 73B, Chapter 2, Part 1, Section 2-211, and that the same is a true and correct copy of the original plat as filed in the office of the County Clerk, Salt Lake County, Utah, on this 18th day of January, 2021, and that the same conforms to the provisions of the Utah Surveying Act, Title 73B, Chapter 2, Part 1, Section 2-211.

**ACCEPTANCE BY COUNTY SURVEYOR**

DATE: 01-27-21

SURVEYOR: Rodney B. Smith

DATE: 01-27-21

**ACCEPTANCE OF LEGISLATIVE BODY**

DATE: 01-27-21

CITY CLERK: [Signature]

ANNEXATION PLAT  
RUSHTON WEST  
ADDITION

LOCATED BY THE 2018 CITY OF SARATOGA SPRINGS, UTAH COUNTY, STATE OF UTAH

**FOCUS**  
LAND SURVEYING AND ENGINEERING, L.L.C.