

STATE OF UTAH



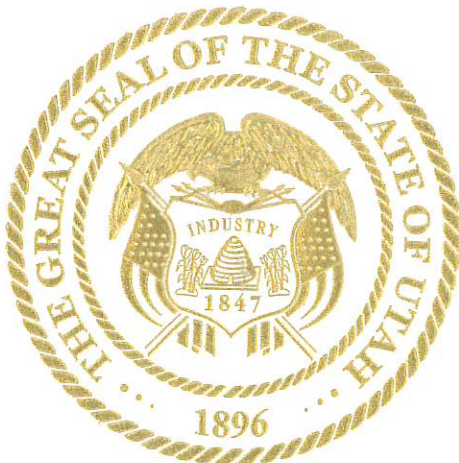
OFFICE OF THE LIEUTENANT GOVERNOR

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 CARSTEN ANNEXATION, located in CEDAR CITY, dated OCTOBER 26, 2022, complying with Section §10-2-425, Utah Code Annotated, 1953, as amended.

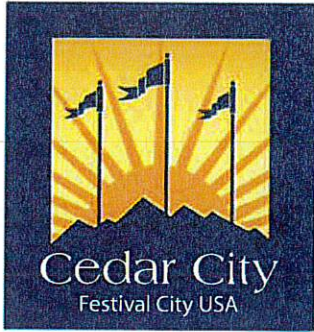
Now, therefore, notice is hereby given to all whom it may concern that the attached is a true and correct copy of the notice of annexation, referred to above, on file with the Office of the Lieutenant Governor pertaining to the CARSTEN ANNEXATION, located in IRON COUNTY, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 26th day of October, 2022 at Salt Lake City, Utah.



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

DEIDRE M. HENDERSON
Lieutenant Governor



Cedar City

10 North Main Street • Cedar City, UT 84720
435-586-2950 • FAX 435-586-4362
www.cedarcity.org

Mayor
Garth O. Green

Council Members
Terri W. Hartley
Craig E. Isom
W. Tyler Melling
R. Scott Phillips
Ronald Riddle

City Manager
Paul Bittmenn

October 5, 2022

The Honorable Deidre M. Henderson
Utah Lieutenant Governor
Utah State Capital Complex
Suite 220
P.O. Box 142325
Salt Lake City, Utah 84114-2325

Re: Notice of Impending Boundary Action – Carsten Annexation (1860 N. 3100 W.)

Dear Lt. Governor Henderson:

In accordance with the terms of UCA §10-2-425 and UCA §67-1a-6.5 please accept this notice that Cedar City has passed an ordinance annexing approximately 24.37 acres of land into its municipal boundaries. Included herewith are duly executed copies of Cedar City's annexation ordinance and a copy of the final plat map.

Please accept this signed and verified statement certifying that all requirements applicable to this annexation have been completed. Please issue to Cedar City the appropriate certificate regarding this annexation.

If you have any questions or need anything, please contact me.

Sincerely,

Tyler Romeril
Cedar City Attorney

CEDAR CITY ORDINANCE NO. 0928-22-1

AN ORDINANCE OF THE CEDAR CITY COUNCIL ANNEXING APPROXIMATELY 24.37 ACRES OF PROPERTY LOCATED IN THE VICINITY OF 1860 NORTH 3100 WEST INTO THE CORPORATE LIMITS OF CEDAR CITY, UTAH, AND AMENDING THE OFFICIAL ZONING MAP OF CEDAR CITY TO ZONE THE PROPERTY ANNEX TRANSITION (AT)

WHEREAS, on June 28, 2022, Carsten Mortensen, the owner of said property and legal signee, petitioned the City Council for approval of an annexation into the Cedar City limits. The petition and plat map are attached as Exhibit A; and

WHEREAS, the Property is approximately 24.37 acres in size and is located in the vicinity of 1860 North 3100 West. The legal description of the property is attached as Exhibit B; and

WHEREAS, the Property is included within the Cedar City Annexation Expansion Area, and is not included within any other municipal jurisdiction; and

WHEREAS, the Planning Commission, after proper notice, conducted a public hearing, and voted to forward a positive recommendation for this proposed annexation to the City Council; and

WHEREAS, the annexation application and submit documents are deemed complete; and

WHEREAS, the Cedar City Council accepted the petition for annexation on July 20, 2022; and

WHEREAS, the City reviewed the petition against the criteria stated in Sections 10-2-403(2), (3), and (4) of the Utah Code, annotated 1953 as amended, and found the petition complied with all applicable criteria of the Utah Code; and

WHEREAS, the City Recorder had public notice posted pursuant to Utah State law, giving notice that the petition had been certified and the required 30-day protest period had begun; and

WHEREAS, no protests were received as defined by Utah Code Annotated 10-2-407(1) within the 30-day protest period; and

WHEREAS, an Annexation Memorandum of Understanding for the Availability and Providing of City Services, sets forth further terms and conditions of the Annexation, is herein included as Exhibit C; and

WHEREAS, the Council finds that the Property is zoned Annex Transition (AT); and

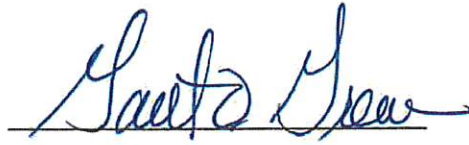
NOW THEREFORE BE IT ORDAINED by the City Council of Cedar City, State of Utah, that the Property is hereby annexed into the corporate limits of Cedar City, Utah. The Property so annexed shall enjoy the privileges of Cedar City and shall be subject to all City levies and assessments. The Property shall be subject to all City laws, rules and regulations upon the effective date of this ordinance. The City staff is hereby directed to make the necessary changes to the City's zoning map, zoning the property Annex Transition (AT).

This ordinance, Cedar City Ordinance No. 0928-22-1, shall become effective immediately upon passage by the City Council and published in accordance with State Law.

Council Vote:

Hartley - Aye
Isom - Aye
Phillips - Aye
Melling - Aye
Riddle - Aye

Dated this 29 day of September, 2022.



GARTH O. GREEN, MAYOR



[SEAL]

ATTEST:



RENON SAVAGE, RECORDER

Exhibit A

Cedar City Ordinance 0928-22-1.

PETITION FOR ANNEXATION

TO THE CITY RECORDER OF CEDAR CITY, MUNICIPAL CORPORATION OF THE STATE OF UTAH:

The Petition of the undersigned owners of real property hereinafter more particularly described, do hereby present this Petition for Annexation of the said real property into the corporate limits of the City of Cedar City, Utah, and respectfully represent as follows:

1. That they are the owners of the real property in the territory lying contiguous to the present corporate limits of the city of Cedar City, in Iron County, State of Utah.
2. That the undersigned Petitioners constitute a majority of the owners of the said real property, and at least 1/3 of the value of all private real property within the area proposed for annexation, and that they desire to have such property annexed to the City of Cedar City, Utah and become a part thereof.
3. That attached hereto is an accurate plat or map of such territory to be so annexed, showing that such territory to be so annexed does actually lie contiguous to such existing boundaries of the city of Cedar City, Utah, and which plat or map has been prepared by Go Civil Engineering

, competent and duly licensed engineers and surveyors.
4. That the territory to be so annexed is shown on the annexation plat attached hereto and is more particularly described as follows:

ANNEXATION LEGAL DESCRIPTION:

BEGINNING AT A POINT N00°10'26"E ALONG THE SECTION LINE 1,332.61 FROM THE SOUTHEAST CORNER OF SECTION 32, TOWNSHIP 35 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN, BEING THE 1/16TH CORNER; THENCE N89°41'38"W ALONG THE 1/16TH LINE AND SYCAMORE TRAILS PUD SUBDIVISION PHASES 1 & 2 1,423.17 FEET; THENCE N00°05'04"W ALONG THE EASTERLY RIGHT OF WAY OF LUND HIGHWAY 842.96 FEET; THENCE S89°40'28"E 762.25 FEET; THENCE S00°10'16"W 209.46 FEET; THENCE S89°40'45"E 664.71 FEET TO A POINT ON SAID SECTION LINE; THENCE S00°10'26"W ALONG SAID SECTION LINE 633.06 FEET TO THE POINT OF BEGINNING.

CONTAINING 24.37 ACRES, MORE OR LESS.

5. The petitioner designated as the contact sponsor is Carsten Mortensen, at 590 N 800 West, Cedar City, Utah.

WHEREFORE, your Petitioners request that the members of the City Council of the city of Cedar City, Utah accept the petition for further consideration and take appropriate action thereby declaring the annexation of such territory and real property and the extension of the corporate limits of the city of Cedar City, Utah, accordingly.

DATED this 28 day of June, 2022.

DocuSigned by:
Carsten Mortensen

61810746299447...

(Please sign your name)

Carsten Mortensen

(Please print your name and the capacity in which you sign)

(Please sign your name)

(Please print your name and the capacity in which you sign)

Exhibit B

Cedar City Ordinance 0928-22-1.

ANNEXATION AREA:

24.37 Acres

ANNEXATION LOCATION:

BEGINNING AT A POINT N00°10'26"E ALONG THE SECTION LINE 1,332.61 FROM THE SOUTHEAST CORNER OF SECTION 32, TOWNSHIP 35 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN, BEING THE 1/16TH CORNER; THENCE N89°41'38"W ALONG THE 1/16TH LINE AND SYCAMORE TRAILS PUD SUBDIVISION PHASES 1 & 2 1,423.17 FEET; THENCE N00°05'04"W ALONG THE EASTERLY RIGHT OF WAY OF LUND HIGHWAY 842.96 FEET; THENCE S89°40'28"E 762.25 FEET; THENCE S00°10'16"W 209.46 FEET; THENCE S89°40'45"E 664.71 FEET TO A POINT ON SAID SECTION LINE; THENCE S00°10'26"W ALONG SAID SECTION LINE 633.06 FEET TO THE POINT OF BEGINNING.

Exhibit C

Cedar City Ordinance 0928-22-1.

ANNEXATION
MEMORANDUM OF UNDERSTANDING
FOR
THE AVAILABILITY AND PROVIDING OF CITY SERVICES

ANNEXATION NAME: CARSTEN ANNEXATION FOR CARSTEN LLC

ANNEXATION AREA: 24.37 Acres

ANNEXATION LOCATION: BEGINNING AT A POINT N00°10'26"E ALONG THE SECTION LINE 1,332.61 FROM THE SOUTHEAST CORNER OF SECTION 32, TOWNSHIP 35 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN, BEING THE 1/16TH CORNER; THENCE N89°41'38"W ALONG THE 1/16TH LINE AND SYCAMORE TRAILS PUD SUBDIVISION PHASES 1 & 2 1,423.17 FEET; THENCE N00°05'04"W ALONG THE EASTERLY RIGHT OF WAY OF LUND HIGHWAY 842.96 FEET; THENCE S89°40'28"E 762.25 FEET; THENCE S00°10'16"W 209.46 FEET; THENCE S89°40'45"E 664.71 FEET TO A POINT ON SAID SECTION LINE; THENCE S00°10'26"W ALONG SAID SECTION LINE 633.06 FEET TO THE POINT OF BEGINNING.

This memorandum of understanding describes the availability and requirements to provide the basic City services to the Annexation Area. It is clearly understood that this is a general statement of the availability and requirements to provide services relative to this annexation area. Cedar City Corporation may require additional improvements in the process of the development and reserves the right to do so.

DESCRIPTION OF SERVICES

1. WATER: There is a 12-inch city water line stub located at the southwest property corner serving the Sycamore Trials Subdivisions.
2. SEWER: There is an existing 8-inch & 10-inch sewer at the 1775 North intersection with Lund Hwy.
3. DRAINAGE: The existing terrain sheet flows in the westerly direction towards Lund Hwy.
4. ACCESS: The property is accessed off the Lund Hwy. frontage.
5. FIRE: All development shall conform to the currently adopted International Fire Code. If the development included gated entrances they shall be approved by the fire code official. A water supply with at least 1500 gpm for a 2-hour duration at not less than 20 psi shall be provided and hydrants shall be spaced at a not to exceed 500 feet of vehicle travel distance according to the International Fire Code. Roadways grade maximum road grade of 10 % and in addition to the 12 feet of each lane of travel include a minimum unobstructed width of 20 feet. Roadways shall be constructed of a hard, all weather surface designed to support the heaviest piece of fire apparatus likely to operate

on the roadway. Those areas that border on a wild land interface shall conform to the urban Wild Land Interface Code.

If a development falls outside of the five-mile radius imposed by ISO it will be classified as class 10 unprotected. While the fire department will still provide fire protection, the insurance rates for these areas will be greater than the ISO class 4 the areas within the 5-mile radius.

5. POLICE: The annexed property is within the area presently served by the Cedar City Police Department.

APPROVALS:

DocuSigned by:
Mike Shurtz
C6AFABACE78E49B
CEDAR CITY FIRE DEPARTMENT

DocuSigned by:
Darin M. Adams
18E229797352447
CEDAR CITY POLICE DEPARTMENT

DocuSigned by:
Jonathan Stathis
B7056C0C0D674E8...
CEDAR CITY ENGINEERING DEPARTMENT

DocuSigned by:
Carsten Mortensen
61A107462939447
PROPERTY OWNER

Eng/forms/annexation MOU blank

