

STATE OF UTAH



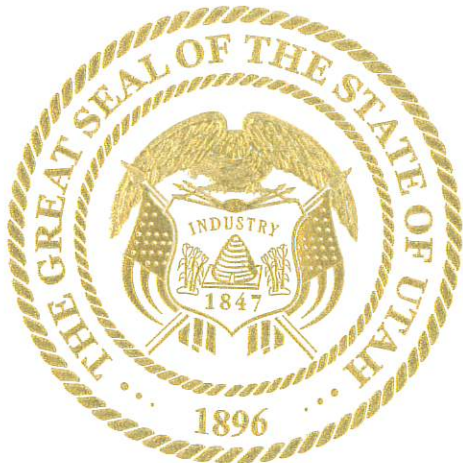
OFFICE OF THE LIEUTENANT GOVERNOR

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 FILLMORE PLAT A-A RETREAT, located in FILLMORE CITY, dated OCTOBER 27, 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 PLAT A-A RETREAT ANNEXATION, located in MILIARD COUNTY, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 27<sup>th</sup> day of October, 2022 at Salt Lake City, Utah.



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

DEIDRE M. HENDERSON  
Lieutenant Governor

NOTICE OF IMPENDING BOUNDARY ACTION  
BY FILLMORE CITY, IN MILLARD COUNTY

Deidre M. Henderson, Utah Lieutenant Governor  
Utah State Capitol Complex  
Suite 220  
P.O. Box 14235  
Salt Lake City, Utah 84114-2325

Lieutenant Governor Henderson,

1. This notice is directed to you to meet the requirements of Utah Code Annotated 67-1a-6.5.
2. Fillmore City (also known as "City of Fillmore") is the local entity whose boundary is affected by this boundary action.
3. The type of boundary action for which Fillmore City is seeking the applicable certificate from your office is an annexation.
4. Fillmore City certifies that all requirements applicable to the annexation have been met.

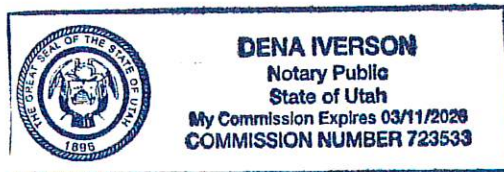
**SIGNATURES AND VERIFICATION**

STATE OF UTAH            )  
                                          : ss.  
COUNTY OF MILLARD    )

Mayor Michael D. Holt, being sworn, says that the facts set forth in the above Notice of Impending Boundary Action are true, accurate, and complete to the best of his knowledge and belief.

  
MICHAEL D. HOLT, Mayor

SUBSCRIBED AND SWORN to before me by MICHAEL D. HOLT, this 15<sup>th</sup> day of September, 2022.



  
NOTARY PUBLIC

STATE OF UTAH            )  
                                          : SS.  
COUNTY OF MILLARD    )

City Recorder, KEVIN W. ORTON, being sworn, says that the facts set forth in the above Notice of Impending Boundary Action are true, accurate, and complete to the best of his knowledge and belief.

Attest:   
KEVIN W. ORTON, City Recorder

SUBSCRIBED AND SWORN to before me by KEVIN W. ORTON, this 15<sup>th</sup> day of September, 2022.



  
NOTARY PUBLIC

ORDINANCE 22-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FILLMORE, UTAH PROVIDING FOR ANNEXATION OF CERTAIN TERRITORY, REFERRED TO AS THE FILLMORE RETREAT ANNEXATION, INTO THE CORPORATE LIMITS OF FILLMORE CITY, WITH THE PLAT TO BE IDENTIFIED AS PLAT AA 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 the annexation of territory into the corporate limits of Fillmore and whether to grant future annexation petitions.

B. The owner of a certain parcel of real property, described below, desires 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 Plat AA Annexation (the "Petition"), such annexation also having been referred to as the Fillmore Retreat Annexation.

C. Said owner has caused the Petition to be filed with Fillmore, which designates as the contact sponsor Mike Petersen, acting on behalf of the record owner Michael Pangja. 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 contains the signatures of the owner of private real property that covers a majority of the private land area within the area proposed for annexation.

F. The Petition contains 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 June 21, 2022, the City Council accepted the Petition for further consideration.

H. On July 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. On August 16, 2022, the City Council held a public hearing after giving notice as required by law for the Fillmore Plat AA Annexation. The City Council has determined the referenced annexation is desirable and that a need exists to annex the territory described in the Petition.

K. The City Council has determined that the annexation territory should be zoned in accordance with Fillmore City Ordinance 22-21.

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

Section 1. Adoption. This Ordinance 22-16 is adopted by the City of Fillmore in order to approve the Fillmore Plat AA 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:

A part of the Southeast Quarter of Section 30, Township 21 South, Range 4 West, Salt Lake Base & Meridian, U.S. Survey, more particularly described as follows:

Beginning at the Southeast Corner of said Southeast Quarter of said Section 30; running thence North 89°23'01" West 2027.48 feet along the south line of said Section 30; to the east line of Annexation Plat "Z" as recorded in the Millard County Recorders Office as Entry No. 220055 in Book 724 at Page 753; thence along said Annexation Plat "Z" three (3) courses as follows: North 0°36'40" East 382.29 feet and North 60°00'03" West 181.88 feet and North 46°14'58" West 68.98 feet to the southeast right of way line of State Route 99; thence North 43°45'02" East 811.78 feet along said right of way line to a line extended of the southwest line of Annexation Plat "G" as recorded in the Millard County Recorders Office as Entry No. 88352 in Book 256 at page 645; thence along said line extended and said Annexation Plat three (3) courses as follows: South 46°20'47" East 176.38 feet and South 88°34'18" East 437.04 feet and North 44°54'51" East 483.08 feet to the south line of the Roper Annexation Plat "U" as recorded in the Millard County Recorders Office as Entry No. 00174741 in Book 525 at Page 375; thence South 89°40'34" East 773.15 to a point on the east line of said Section 30, said point being midway between the Southeast Corner and East 1/4 Corner of said Section 30; thence South 0°24'32" West 1334.17 feet along said east line to the point of beginning. [Containing 53.957 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*.

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 General Commercial zoning district, as shown on the attached Exhibit 2.

Section 10. Development Restrictions. All future development must be made in compliance with Fillmore City 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 public streets and utilities. 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 6<sup>th</sup> day of September, 2022.

Michael D. Holt

MICHAEL D. HOLT, Mayor

Attest:   
KEVIN ORTON, City Recorder

VOTING:

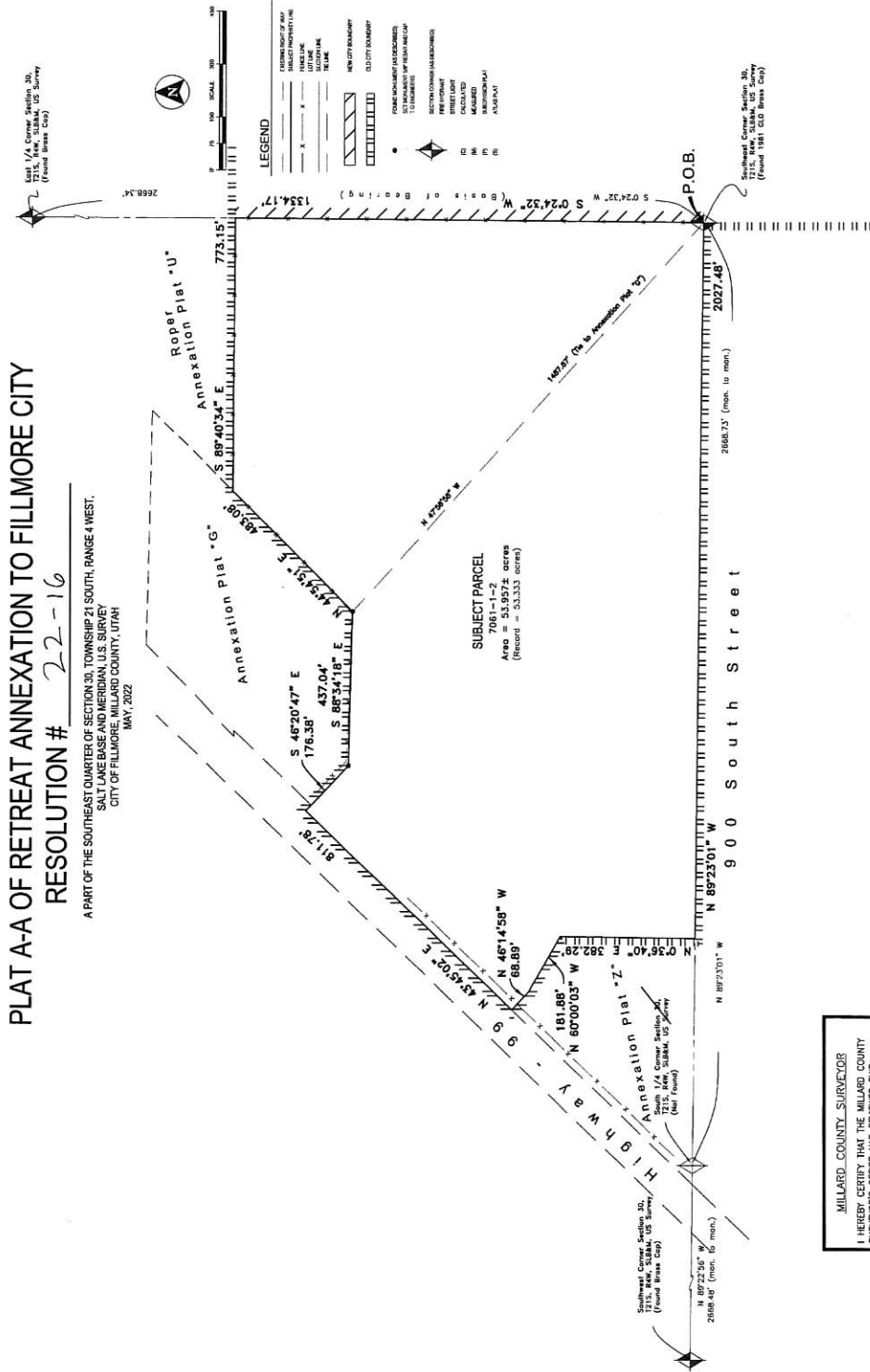
Dennis Alldredge	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
Curt Hare	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
Eric Jenson	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> 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



# PLAT A-A OF RETREAT ANNEXATION TO FILLMORE CITY

## RESOLUTION # 22-16

A PART OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 21 SOUTH, RANGE 4 WEST,  
SALT LAKE BASE AND MERIDIAN, U.S. SURVEY  
CITY OF FILLMORE, MILLARD COUNTY, UTAH  
MAY, 2022



**LEGEND**

- EXISTING BOUNDARY OF ANY SUBJECT PROPERTY LINE
- EXISTING LOT LINE
- EXISTING EASEMENT
- NEW LOT BOUNDARY
- NEW CITY BOUNDARY
- FORMERLY UNRESERVED ZONING
- SECTION CORNER MARKERS
- STREET LIGHT
- MAINTAINED
- UNMAINTAINED
- ADJUTANT

**MILLARD COUNTY SURVEYOR**

I HEREBY CERTIFY THAT THE MILLARD COUNTY SURVEYOR'S OFFICE HAS REVIEWED THIS ANNEXATION PLAT AND ALL CONDITIONS FOR ANNEXATION TO FILLMORE CITY HAVE BEEN SATISFIED. THE APPROVAL OF THIS SURVEYOR DOES NOT RELIEVE THE LAND SURVEYOR WHO EXECUTED THIS ANNEXATION PLAT FROM THE RESPONSIBILITIES AND/OR LIABILITIES ASSOCIATE THEREWITH.

SIGNED THIS 1<sup>st</sup> DAY OF MAY 2022.

*[Signature]*  
MILLARD COUNTY SURVEYOR

**MAYOR**

ACCEPTANCE: THIS IS TO CERTIFY THAT THIS ANNEXATION PLAT HAS BEEN APPROVED BY THE CITY COUNCIL OF FILLMORE CITY AND APPROVED BY THE MAYOR, ON THE 4<sup>th</sup> DAY OF October, 2022.

*[Signature]*  
MAYOR

**CITY ENGINEER**

THIS IS TO CERTIFY THAT THE REQUIREMENTS OF FILLMORE CITY ENGINEER'S PREVIOUS TO APPROVAL BY THE CITY ENGINEER OF THE FOREGOING PLAT HAVE BEEN SATISFIED, ON THE 4<sup>th</sup> DAY OF October, 2022.

*[Signature]*  
CITY ENGINEER

**PLANNING COMMISSION**

THIS IS TO CERTIFY THAT THIS ANNEXATION PLAT HAS BEEN APPROVED BY THE CITY PLANNING COMMISSION, ON THE 4<sup>th</sup> DAY OF October, 2022.

*[Signature]*  
PLANNING COMMISSION

**ATTORNEY**

APPROVED AS TO FORM THIS 4<sup>th</sup> DAY OF October, 2022.

*[Signature]*  
ATTORNEY

**SURVEYORS CERTIFICATE**

I, *[Signature]*, Surveyor, do hereby certify that the foregoing plat was prepared and executed by me in accordance with the provisions of the Utah Survey Law of 1937 and the rules and regulations of the Utah State Board of Surveyors, and that the same is a true and correct copy of the original as recorded in the office of the County Clerk of Millard County, Utah, on the 21<sup>st</sup> day of May, 2022.

*[Signature]*  
SURVEYOR

**AREA TO BE ANNEXED**

A part of the Southeast Quarter of Section 30, Township 21 South, Range 4 West, Salt Lake Base and Meridian, U.S. Survey.

Containing 53.95732 acres more or less.

Corner 11: Northwest Corner of Section 30, Township 21 South, Range 4 West, Salt Lake Base and Meridian, U.S. Survey. (Found 1931 Old Brass Cap)

Corner 12: Southeast Corner of Section 30, Township 21 South, Range 4 West, Salt Lake Base and Meridian, U.S. Survey. (Found 1931 Old Brass Cap)

**NARRATIVE**

WHEREAS, the Board of Surveyors of the State of Utah, in its order of approval of this plat, has determined that the same is a true and correct copy of the original as recorded in the office of the County Clerk of Millard County, Utah, on the 21<sup>st</sup> day of May, 2022; and

WHEREAS, the Board of Surveyors of the State of Utah, in its order of approval of this plat, has determined that the same is a true and correct copy of the original as recorded in the office of the County Clerk of Millard County, Utah, on the 21<sup>st</sup> day of May, 2022; and

WHEREAS, the Board of Surveyors of the State of Utah, in its order of approval of this plat, has determined that the same is a true and correct copy of the original as recorded in the office of the County Clerk of Millard County, Utah, on the 21<sup>st</sup> day of May, 2022; and

**OWNER'S ANNEXATION PETITION**

WHEREAS, the Board of Surveyors of the State of Utah, in its order of approval of this plat, has determined that the same is a true and correct copy of the original as recorded in the office of the County Clerk of Millard County, Utah, on the 21<sup>st</sup> day of May, 2022; and

WHEREAS, the Board of Surveyors of the State of Utah, in its order of approval of this plat, has determined that the same is a true and correct copy of the original as recorded in the office of the County Clerk of Millard County, Utah, on the 21<sup>st</sup> day of May, 2022; and

WHEREAS, the Board of Surveyors of the State of Utah, in its order of approval of this plat, has determined that the same is a true and correct copy of the original as recorded in the office of the County Clerk of Millard County, Utah, on the 21<sup>st</sup> day of May, 2022; and

**NOTARY ACKNOWLEDGEMENT**

STATE OF UTAH, ss. Notary Public for the County of Millard County, Utah, do hereby certify that the foregoing plat was prepared and executed by me in accordance with the provisions of the Utah Survey Law of 1937 and the rules and regulations of the Utah State Board of Surveyors, and that the same is a true and correct copy of the original as recorded in the office of the County Clerk of Millard County, Utah, on the 21<sup>st</sup> day of May, 2022.

*[Signature]*  
NOTARY PUBLIC

**MILLARD COUNTY SURVEYOR**

RESOLUTION # 22-16

A PART OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 21 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY

CITY OF FILLMORE, MILLARD COUNTY, UTAH

MAY, 2022

**MILLARD COUNTY RECORDER**

Entry No. \_\_\_\_\_ Fee Paid \_\_\_\_\_  
Filed for Record and Recorded \_\_\_\_\_

At \_\_\_\_\_ In Book \_\_\_\_\_ Of The \_\_\_\_\_  
Official Records, Page \_\_\_\_\_

Recorded For: \_\_\_\_\_

MILLARD COUNTY RECORDER

**T-ENGINEERS**

1215 WEST 200 SOUTH  
SALT LAKE CITY, UT 84119

RESOLUTION # 22-16

SHEET NO. 1 OF 1

**PLANNING COMMISSION**

APPROVED AS TO FORM THIS 4<sup>th</sup> DAY OF October, 2022.

*[Signature]*  
PLANNING COMMISSION

**ATTORNEY**

APPROVED AS TO FORM THIS 4<sup>th</sup> DAY OF October, 2022.

*[Signature]*  
ATTORNEY

**MILLARD COUNTY SURVEYOR**

I HEREBY CERTIFY THAT THE MILLARD COUNTY SURVEYOR'S OFFICE HAS REVIEWED THIS ANNEXATION PLAT AND ALL CONDITIONS FOR ANNEXATION TO FILLMORE CITY HAVE BEEN SATISFIED. THE APPROVAL OF THIS SURVEYOR DOES NOT RELIEVE THE LAND SURVEYOR WHO EXECUTED THIS ANNEXATION PLAT FROM THE RESPONSIBILITIES AND/OR LIABILITIES ASSOCIATE THEREWITH.

SIGNED THIS 1<sup>st</sup> DAY OF MAY 2022.

*[Signature]*  
MILLARD COUNTY SURVEYOR