

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 known as ELWOOD TOWN - TOMMY NEWMAN ANNEXATION, located in ELWOOD TOWN, dated FEBRUARY 7, 2023, 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 ELWOOD TOWN - TOMMY NEWMAN 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 7th day of February, 2023 at Salt Lake City, Utah.

DEIDRE M. HENDERSON
Lieutenant Governor



Elwood Town
5235 West 8800 North
Elwood, UT 84337
(435) 257-5518
Fax (435) 257-5519

Lieutenant Governor's Office
Deidre Henderson
350 North State Street, Suite 220
P.O. Box 142325
Salt Lake City, UT 84114-2325

October 27, 2022

Re: Notice of Annexation

Dear Lt. Governor Henderson;

I am submitting an annexation for property located at approximately 10520 n. 4400 w. and containing 48.7 acres.

I have included the original ordinance approving the annexation, together with a plat prepared by a licensed surveyor, and approved by the County Surveyor and the Town Council. Upon your issuance of a certificate package, such documents are to be filed with the County Surveyor in accordance with Section 17-21-20, U.C.A. showing the new boundaries of the affected area.

Please provide a certified copy of the amended articles as well as the necessary certificate package to my attention at the Elwood Town Recorder's Office. Should you have any questions, please contact my office at 435-257-5518.

Sincerely,

Gina Marble
Elwood Town Recorder/Clerk
Elwood Town

Mayor Keenan Nelson Councilmember Mike Pace Councilmember Scott Goodliffe
Councilmember Lynn Hardy Councilmember Mark Lay

the Leader

PROOF OF PUBLICATION Leader

7692 281557
ELWOOD TOWN

Civil
PROOF OF PUBLICATION

ELWOOD TOWN
5235 W. 8800 N. 5235 W. 8800 N.
TREMONTON UT 84337

STATE OF UTAH
COUNTY OF BOX ELDER, ss

On this 29th day of September, A.D. 2022 personally appeared before me Jennifer Birch who being first being duly sworn, deposes and says that (s) he is the Principal Legal Clerk of the PNG Media LLC, publishers of Tremonton Leader, a daily newspaper published in Tremonton City, Box Elder County Utah, and that the Legal Notice, a copy of which is hereto attached was published in said newspaper for 2 issue(s) and that said notice also published on utahlegals.com on the same day(s) as publication in said newspaper.

Commencing on the following days:
09/21/22, 09/28/22

Jennifer Birch
Principal Legal Clerk

Subscribed and sworn to before me on this 29th day of September, A.D. 2022

Laurie Jackson
Notary Public
Commissioned in the State of Utah
My Commission expires ~~11/1/2021~~ 10/18/23



Notice of Public Hearing
Elwood Town gives notice that on October 4, 2022, at 7:00 p.m., at the Elwood Town Hall, 5235 W 8800 N, Elwood, Utah the Elwood Town Planning Commission will hold a public hearing concerning the proposed annexation of real property owned by Tommy R Newman Tax Id Numbers 05-024-0015, 05-024-0031 within the areas defined in the Elwood Annexation Plan for future expansion by Elwood Town. The property is located at approximately 10520 North 4400 West Elwood UT 84337. The complete legal description and plat relating to the annexation is available for review at the Town Clerks office.
Published: September 21, 28, 2022 (LEAD7692-281557)

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Published: September 21, 28, 2022 (LEAD7692-281557)

Resolution No. 2022-007

RESOLUTION OF ELWOOD TOWN AUTHORIZING ACCEPTANCE OF A PETITION FOR ANNEXATION OF CERTAIN CONTIGUOUS REAL PROPERTY PRESENTLY LOCATED IN UNINCORPORATED BOX ELDER COUNTY; AUTHORIZING THE MAYOR TO SIGN THIS RESOLUTION OF ACCEPTANCE ON BEHALF OF THE TOWN; AUTHORIZING AND DIRECTING THAT NOTIFICATION OF THE PENDING ANNEXATION BE GIVEN TO PROPERTY OWNERS IN THE AREA OF THE PROPOSED ANNEXATION; AND, PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1 - RECITALS:

WHEREAS, the Town Council of Elwood Town ("Town") is a municipal corporation duly organized and existing under the laws of the State of Utah; and,

WHEREAS, in conformance with Utah Code ("UC"), the governing body of the Town may exercise all administrative powers by resolution; and,

WHEREAS UC §10-2-403 provides that a property owner may petition the Town council to have his/her property annexed into the Town; and,

WHEREAS, Tommy R Newman ("Applicants") own certain property in unincorporated Box Elder County but contiguous to the present boundary of Elwood Town; and,

WHEREAS, Applicants have filed a petition (**Attachment "A" – "Petition for Annexation"**) including the required property description of the contiguous real property, which is incorporated by this reference, with the Town Council for annexation of the property into the Town; and,

WHEREAS, the Town finds that the annexation of the described contiguous real property into Elwood is appropriate under current law,

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Elwood:

1. The Petition for Annexation from Applicants, along with a plat, (Attachment "A") be accepted by the Town Council as the governing body of the Town, and that the Mayor be authorized to sign this resolution of acceptance on behalf of the Town Council.
2. That the Town Recorder be directed and authorized to provide notice of the pendency of the requested annexation to the public at large and directly to the property owners near the property proposed for annexation, said notice to contain information of the proposed annexation and the right to file a protest with the county boundary commission.
3. That the Town Recorder be directed and authorized to certify the petition for annexation and provide a copy thereof to the boundary commission

4. That the Petition for Annexation be referred to the Town Planning Commission for review and processing as required by law.

5. That the foregoing recitals are incorporated herein by this reference.

BE IT FURTHER RESOLVED the foregoing recitals are incorporated herein and this Resolution shall become effective immediately upon its passage.

SECTION III - PRIOR ORDINANCES AND RESOLUTIONS

The body and substance of all prior Resolutions, with their provisions, where not otherwise in conflict with this Resolution, are reaffirmed and readopted.

SECTION IV - REPEALER OF CONFLICTING ENACTMENTS

All orders, and Resolutions regarding the changes enacted and adopted which have heretofore been adopted by the Town, or parts thereof, which conflict with any of this Resolution, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

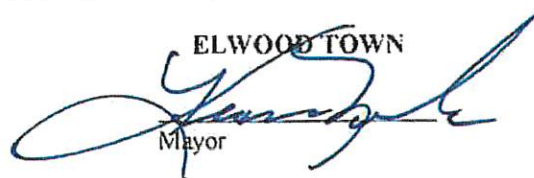
SECTION V - SAVINGS CLAUSE

If any provision of this Resolution shall be held or deemed to be or shall be invalid, inoperative or unenforceable for any reason, such reason shall not render any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Resolution being deemed to be the separate independent and severable act of the Town Council of Elwood Town.

SECTION VI - DATE OF EFFECT

This Resolution shall be effective on the 11th day of October, 2022, and after publication or posting as required by law.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF ELWOOD TOWN, STATE OF UTAH, on this 11th day of October, 2022.

ELWOOD TOWN

Mayor

ATTEST:


Town Recorder



ELWOOD TOWN

APPLICATION FOR ANNEXATION

Names and Addresses of land owners making application for annexation into Elwood Town.

Tommy R. Newman
10520 N. 4400 W. ELWOOD, UT 84337

Proof of ownership (can be current tax notice) and if a nonowner agent is acting in behalf of owner a notarized copy of document identifying agent and agent's scope of authorization. Attach documents to application.

Submit a Petition for Annexation as outlined below

Petition for Annexation

We the undersigned owners of certain real property contiguous to the present municipal limits of Elwood Town hereby submit the Petition for Annexation and respectfully represent the follow:

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 a contiguous, unincorporated area contiguous to the boundaries of Elwood Town and the annexation thereof will not leave or create an unincorporated island or peninsula;
3. That the signature's 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 Elwood Town's corporate limits (describe approximate location)

THE PARCEL IS TAX PARCEL NO'S 05-024-0031 & 05-024-0015,
LYING NORTH OF 10400 N AND EAST OF 4400 W & WEST OF
THE BEAR RIVER
 _____ more specifically described as follows (legal description):

A PART OF THE SOUTH HALF OF THE SECTION 7, T 11 N, R 2 W, SLB&M
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning on present Corporate Limit Line of Elwood Town, Utah being the centerline of the Bear River, at a point 3570.04 feet SOUTH along the Section Line and 1321.48 feet EAST from the Northwest Corner of Section 7, T 12 N, R 2 W, SLB&M and running thence the following five (5) courses along the centerline of said Bear River; (1) N 85°22'10" E 706.97 feet; (2) S 69°31'14" E 928.06 feet; (3) N 78°16'13" E 371.76 feet; (4) N 69°07'50" E 335.11 feet; (5) S 66°55'51" E 1523.08 feet to the fenced south line of the north 13/53 of Lot 9 of said Section 7; thence S 87°23'15" W 764.98 feet continuing along said line; thence S 85°51'02" W 660.86 feet along said line; thence S 88°01'06" W 562.96 feet; thence N 88°54'57" W 342.48 feet to the Quarter Section Line; thence S 00°11'49" E 957.08 feet to the south line of said Section 7; thence S 89°54'45" W 1324.44 feet along said south line; thence N 00°05'54" W 1724.25 along said Corporate Line to the point of beginning. Containing 74.86 acres more or less.

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 petition under Section 10-2-125 is still pending on the date the annexation petition is filed;
7. That the petitioners 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 property (does or does not) have any improvements whatsoever on it; and
9. That the petitioners request the property, if annexed, be zoned AG.

WHEREFORE, THE Petitioners hereby request that this petition be considered by the governing body at its next regular meeting, or as soon thereafter as possible; that a resolution be adopted as required by law accepting the Petition for Annexation for further consideration; and that the governing body take such steps as required by law to complete the annexation herein petitioned.

DATED this ___ Day of Sept 1, 2022

PETITIONER(S) (name(s) as it/they ADDRESS / TELEPHONE NO.
Appear(s) on county tax roles):

CS: Tommy R. Newman 10520 N. 4400 W. Elwood, UT
435-452 8264

S: _____

S: _____

S: _____

S: _____

CS - Contact Sponsor S - Sponsor

RECORD OWNER # OF ACRES ASSESSED VALUE BOX ELDER TAX NO.

ORDINANCE NO. 2022-009

AN ORDINANCE EXTENDING AND INCREASING THE CORPORATE LIMITS OF
ELWOOD TOWN, BOX ELDER COUNTY, UTAH.

SECTION I:

The Town Council of the town of Elwood at a duly convened Public Hearing meeting duly considered the matter of annexation, finds that it is in the public interest and necessity that the property described below be annexed into the town.

Therefore, the said Town Council has adopted and enacted the following:

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ELWOOD,
UTAH THAT:

1. The corporate limits of the town of Elwood are here by extended and increased so as to include and embrace within the corporate limits of the Town of Elwood and the properties described as:

Legal A PART OF THE SOUTH HALF HALF OF THE SECTION 7, T 11 N, R 2 W,
SLB&M

MORE PARTICULARLY DESCRIBED AS FOLLOW:

Legal Beginning on present Corporate Limit Line of Elwood Town, Utah being the centerline of the Bear River, at a point 3570.04 feet SOUTH along the Section Line and 1321.48 feet EAST from the Northwest Corner of Section 7, T 11 N, R 2 W, SLB&M and running thence the following five (5) courses along the centerline of said Bear River; (1) N 85°22'10" E 706.97 feet; (2) S 69°31'14" E 928.06 feet; (3) N 78°16'13" E 371.76 feet; (4) N 69°07'50" E 335.11 feet; (5) S 66°55'51" E 1523.08 feet to the fenced south line of the north 13/53 of Lot 9 of said Section 7; thence S 87°23'15" W 764.98 feet continuing along said line; thence S 85°51'02" W 660.86 feet along said line; thence S 88°01'06" W 562.96 feet; thence N 88°54'57" W 342.48 feet to the Quarter Section Line; thence S 00°11'49" E 957.08 feet to the south line of said Section 7; thence S 89°54'45" W 1324.44 feet along said south line; thence N 00°05'54" W 1724.25 along said corporate line to the point of beginning.

CONTAINING 74.86 +/- ACRES

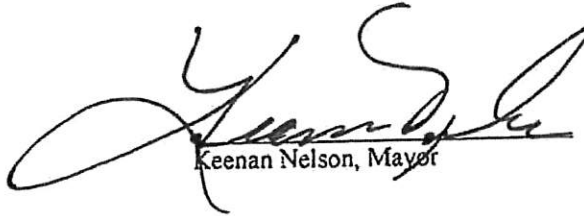
is hereby annexed and declared to be a part of the Town of Elwood.

2. An annexation map shall be attached to this ordinance and be an accurate map of the territory annexed and the same is hereby adopted as the official map and plat of the territory annexed, which map shall show the legal boundaries.

4. This ordinance, together with a certified copy of the official map as attached hereto, shall be recorded in the office of the Box Elder County Recorder,
5. The territory annexed shall be zoned "Agricultural"
6. This ordinance shall be full force and effect from and after its adoption by the Town of Elwood, approved by the Mayor, the recording hereof together with the official zoning map as provided above, and publication as required by law.

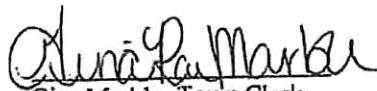
SECTION II: A public hearing was held on October 4th, 2022 following proper notice as required by law, and comments were received.

Enacted and adopted by the Town Council of the Town of Elwood, Utah this day of October 11th, 2022.



Keenan Nelson, Mayor

Attested:



Gina Marble, Town Clerk



LEGEND

- 1/4 Section Boundary
- 1/2 Section Boundary
- 3/4 Section Boundary
- Section Boundary
- Township Boundary
- Range Boundary
- Survey Boundary
- Property Boundary
- Easement Boundary
- Right-of-Way Boundary

SURVEYOR'S CERTIFICATE

I, the undersigned, have surveyed and laid out the above described land for the purpose of the annexation of the same to the City of Elwood, Illinois, and have found that the same is not subject to any lien, mortgage, or other claim, and that the same is not included in any other survey or subdivision of land.

BOUNDARY DESCRIPTION

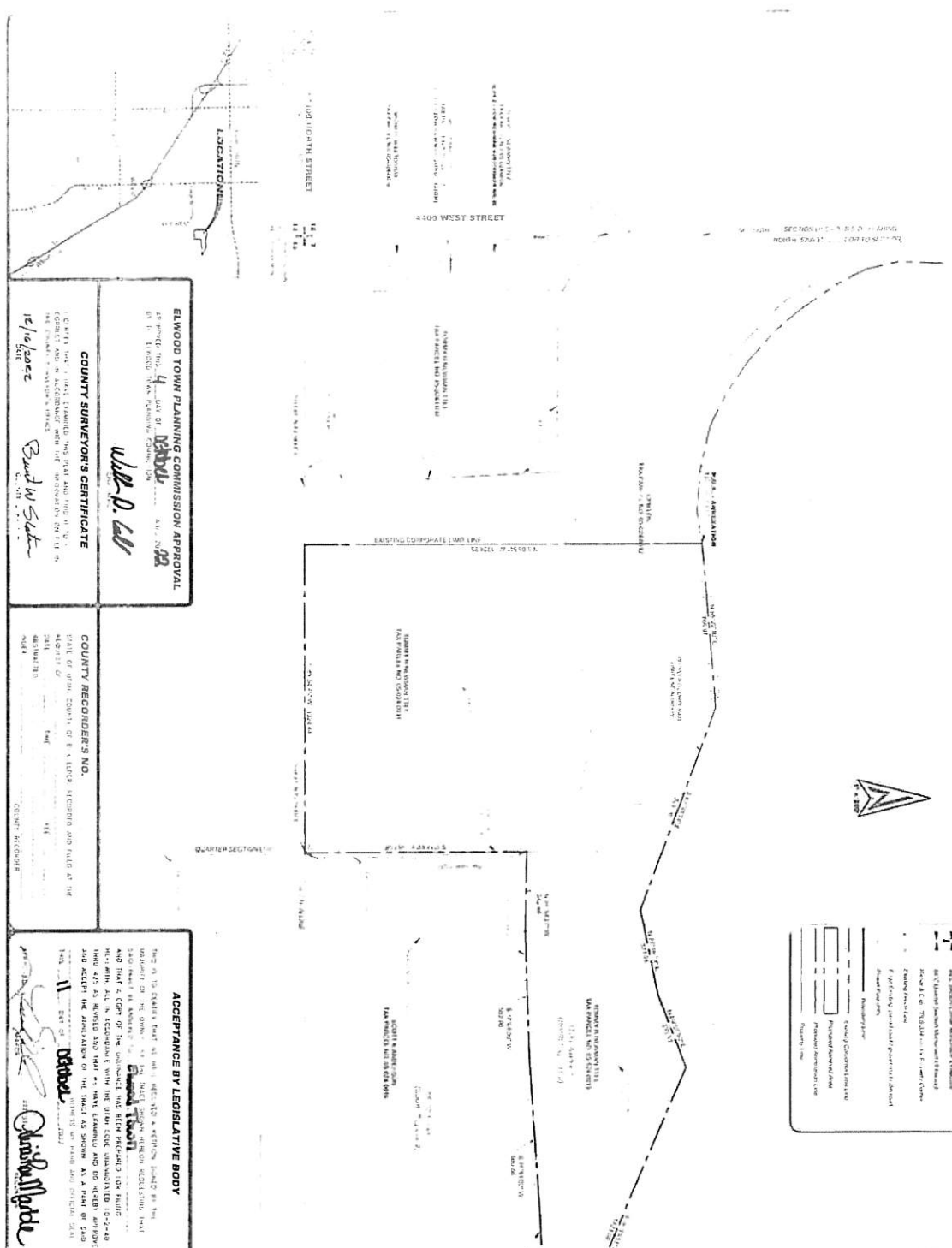
The above described land is situated in the East 1/4 of Section 17, Township 35 North, Range 10 East, 3rd Meridian, Illinois.

ANNEXATION BOUNDARY DESCRIPTION

The above described land is situated in the East 1/4 of Section 17, Township 35 North, Range 10 East, 3rd Meridian, Illinois.

The boundary of the land is as follows:

1. The north line of the land is the north line of Section 17, Township 35 North, Range 10 East, 3rd Meridian, Illinois, and is 1/4 mile long.
2. The east line of the land is the east line of Section 17, Township 35 North, Range 10 East, 3rd Meridian, Illinois, and is 1/4 mile long.
3. The south line of the land is the south line of Section 17, Township 35 North, Range 10 East, 3rd Meridian, Illinois, and is 1/4 mile long.
4. The west line of the land is the west line of Section 17, Township 35 North, Range 10 East, 3rd Meridian, Illinois, and is 1/4 mile long.



ELWOOD TOWN PLANNING COMMISSION APPROVAL

APPROVED: *[Signature]* DATE: 12/10/2022

COUNTY SURVEYOR'S CERTIFICATE

1. I have surveyed the land shown on this plat and find it to be the same as shown on the plat and find it to be the same as shown on the plat and find it to be the same as shown on the plat.

DATE: 12/10/2022

[Signature]

COUNTY RECORDER'S NO.

DATE: 12/10/2022

[Signature]

ACCEPTANCE BY LEGISLATIVE BODY

This is to certify that the above described land is the same as shown on the plat and find it to be the same as shown on the plat and find it to be the same as shown on the plat.

DATE: 12/10/2022

[Signature]

ANNEXATION PLAT

ADDITION TO THE CORPORATE LIMITS OF ELWOOD TOWN, BOX ELDER COUNTY, ILLINOIS

JOHNSTON ENGINEERING

12345 Main Street, Elwood, IL 60120

TEL: (815) 555-1234

WWW: www.johnston-engineering.com