

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 FILLMORE CITY located in MILLARD COUNTY, dated JUNE 21, 2023, complying with Section §67-1a-6.5, 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 FILLMORE CITY located in MILLARD COUNTY, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 2nd day of August, 2023 at Salt Lake City, Utah.



A handwritten signature in black ink that reads "Deidre M. Henderson". The signature is written in a cursive style with a large, sweeping flourish at the end.

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

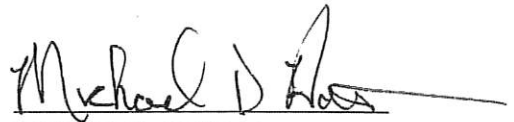
Lieutenant Governor Henderson,

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 21 day of June, 2023.


NOTARY PUBLIC


WAYNE J. JACKSON
Notary Public
State of Utah
My Commission Expires 01/26/2026
COMMISSION NUMBER 722671

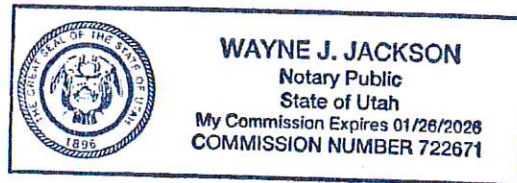
STATE OF UTAH)
 : SS.
COUNTY OF MILLARD)

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: *K. W. Orton*
 KEVIN W. ORTON, City Recorder

SUBSCRIBED AND SWORN to before me by KEVIN W. ORTON, this 21st day of June 2023.

 Wayne Jackson
NOTARY PUBLIC



ORDINANCE 23-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FILLMORE, UTAH PROVIDING FOR ANNEXATION OF CERTAIN TERRITORY, REFERRED TO AS THE FILLMORE HOMESTEADERS WEST ANNEXATION, INTO THE CORPORATE LIMITS OF FILLMORE CITY, WITH THE PLAT TO BE IDENTIFIED AS PLAT BB 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 owners of certain parcels of real property, described below, desire 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 Homesteaders West Annexation (the "Petition"), such annexation also having been referred to as the Fillmore Plat BB Annexation.

C. Said owners have caused the Petition to be filed with Fillmore, which designates as the contact sponsor Mike Petersen, agent of Heber Valley Properties, LLC. The Petition was accompanied by an accurate plat of the real property, which was prepared by a licensed surveyor.

D. 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.

E. 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, to wit, Mike Peterson, of Heber Valley Properties, LLC, and Ashlee Baires, of Rocky Mountain Power.

F. 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.

G. On April 18, 2023, the Petition was accepted for further consideration pursuant to Sections 10-2-405, Utah Code Annotated, 1953, *as amended*.

H. On May 2, 2023, the City Recorder certified the Petition, and mailed or delivered written notification thereof, on May 3, 2023, to the Fillmore City Council, the contact sponsor, and the Millard County Commission certifying that the Petition met the requirements of state law, pursuant to Section 10-2-405, Utah Code Annotated, 1953, *as amended*.

I. The City Council published Notice of Petition Proposing Annexation of Area to Fillmore City, as pursuant to Section 10-2-406, Utah Code Annotated, 1953, *as amended*, 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 June 20, 2023, the City Council held a public hearing after giving providing notice pursuant to Section 10-2-407(6)-(7), Utah Code Annotated, 1953, *as amended*, for the Fillmore Homesteaders West

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 Light Industrial in accordance with the Fillmore City Zoning Expansion Map.

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

Section 1. Adoption. This Ordinance 23-10 is adopted by the City of Fillmore in order to approve the Fillmore Homesteaders West 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:

BEGINNING AT A POINT WHICH LIES N89°51'50"E 100.00 FEET ALONG THE SECTION LINE FROM THE

NORTHWEST CORNER OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 4 WEST, SALT LAKE BASE & MERIDIAN; SAID POINT BEING THE NORTHWEST CORNER OF FILLMORE CITY PLAT "D" SURVEY; AND RUNNING THENCE ALONG THE WEST BOUNDARY OF SAID PLAT "D" THE FOLLOWING (3) CALLS: (1) S00°17'47"W 1199.00 FEET, (2) N89°51'50"E 200.00 FEET, (3) S00°17'47"W 1461.45 FEET TO THE MID-SECTION LINE OF SAID SECTION 19; THENCE ALONG THE MID-SECTION LINE S89°48'32"W 16.00

FEET; THENCE N00°13'05"E 388.32 FEET; THENCE N89°42'13"W 283.47 FEET TO THE EAST SECTION LINE OF SECTION 24, TOWNSHIP 21 SOUTH, RANGE 5 WEST, SALT LAKE BASE & MERIDIAN; THENCE ALONG SAID SECTION LINE N00°17'48"E 939.60 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 21; THENCE ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 21 S89°57'31"W 661.18 FEET TO THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE ALONG SAID WEST LINE AND ITS EXTENSION N00°11'36"E 1366.33 FEET TO THE NORTH RIGHT-OF-WAY STATE HIGHWAY 100; THENCE ALONG THE RIGHT-OF-WAY N89°53'40"E 274.09 FEET; THENCE N00°06'05"W 27.00 FEET WIDENING THE RIGHT-OF-WAY; THENCE CONTINUING ALONG THE NORTH RIGHT-OF-WAY N89°47'17"E 489.76 FEET; THENCE S00°17'47"W 64.54 FEET TO THE POINT OF BEGINNING. CONTAINS 31.46 ACRES OF LAND. AFFECTING PARCELS: 7338-11 AND 7000-2.

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 notice of impending boundary action meeting the requirements of Utah Code Annotated §67-1a-6.5; and
- (b) 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, including the imposition of exactions. 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 Light Industrial zoning district, as reflected on the Fillmore City Zoning Expansion Map.

Section 10. Development Restrictions. All future development must be made in compliance with Fillmore City ordinances, resolutions, policies, rules, and regulations, including the imposition of exactions. 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 streets. 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. Exhibit 1 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 20th day of June, 2023.

Michael D. Holt
MICHAEL D. HOLT, Mayor

Attest: Kevin Orton
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 type="checkbox"/> Yea	<input checked="" type="checkbox"/> Nay	<input type="checkbox"/> Absent
Michael Winget	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent



