

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 the PATRICK SMITH AREA ANNEXATION INTO DELTA CITY, located in DELTA CITY, dated OCTOBER 17, 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 PATRICK SMITH AREA ANNEXATION INTO DELTA 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 1<sup>st</sup> day of December, 2023 at Salt Lake City, Utah.



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

DEIDRE M. HENDERSON  
Lieutenant Governor



Delta City  
76 N 200 W  
Delta, UT 84624  
435-864-2759  
[www.delta.utah.gov](http://www.delta.utah.gov)

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October 17, 2023

Lieutenant Governor Deidre Henderson  
Utah Lieutenant Governor's Office  
Utah State Capitol Complex, Suite 220  
PO BOX 142325  
Salt Lake City, UT 84114

RE: Delta City 1185 North Highway 6 Annexation

Dear Lieutenant Governor Henderson:

I certify to you that the requirements of Utah Code Annotated (1953), as amended, § 10-2-425 have been met regarding the parties who brought forth approximately 16.372 acres of ground for annexation into Delta City as described in the enacting ordinance and shown in the accompanying electronic map. We are seeking a certificate of annexation from the Lieutenant Governor's Office.

Please find accompanying herewith the enacting Delta City Ordinance No. 23-301 adopted at a regular City Council Meeting on Wednesday, September 20, 2023; along with my certification of passage.

Should your office need anything else, please feel free to contact me and I will be happy to help.

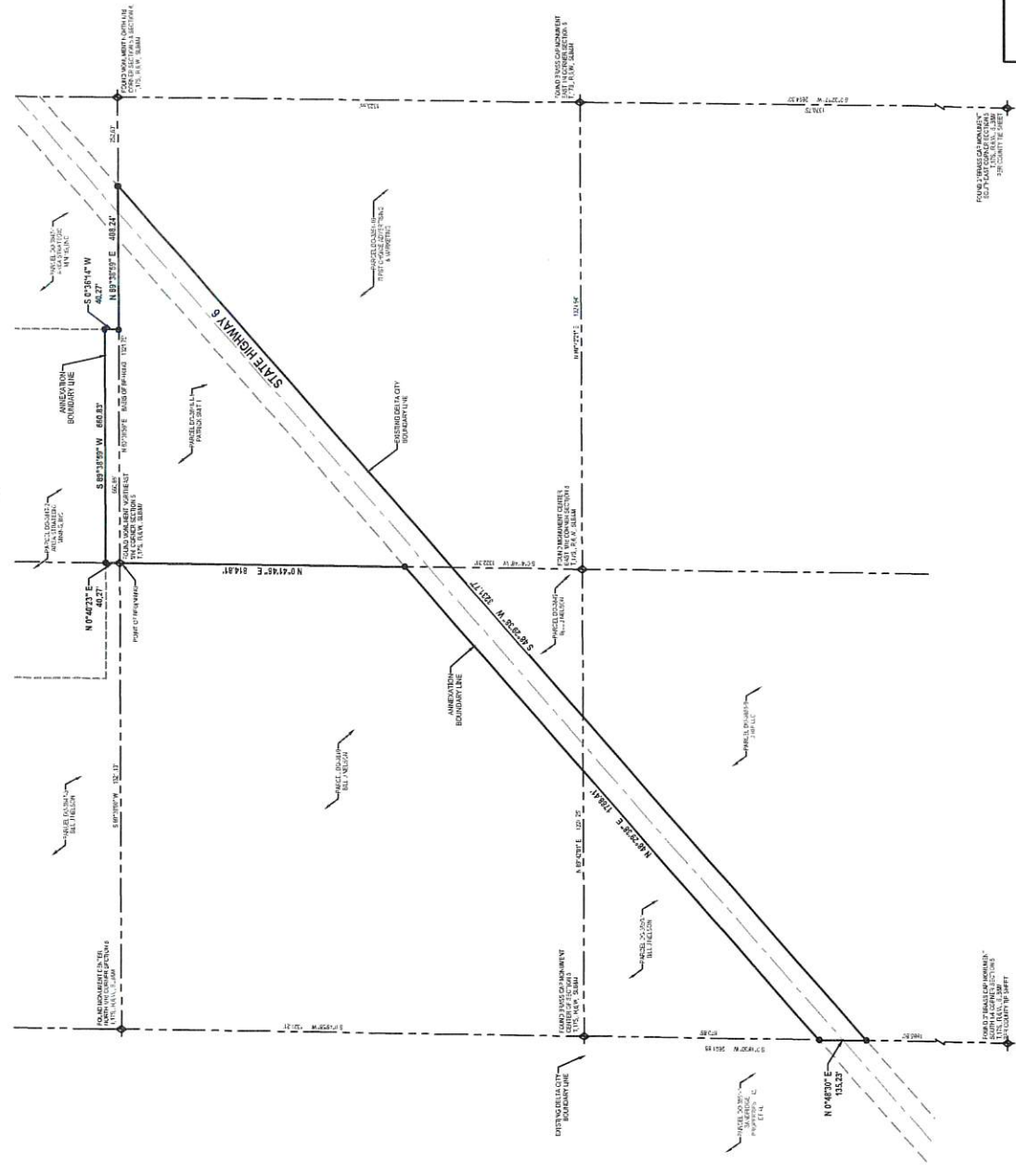
Respectfully,

Sherri Westbrook  
Delta City Recorder

*Enclosures*



**FINAL LOCAL ENTITY PLAT**  
**PATRICK SMITH AREA ANNEXATION INTO DELTA CITY**  
 NOVEMBER 2023  
 LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 5  
 TOWNSHIP 17 SOUTH, RANGE 8 WEST, SALT LAKE BASIN AND MERIDIAN  
 MILLARD COUNTY, UTAH



**LEGEND**

- ANNEXATION BOUNDARY LINE
- SECTION LINE
- ALLOCATION POINT OF UTAH
- BOUNDARY OF THE MERIDIAN
- BOUNDARY OF THE TOWNSHIP
- SECTION CORNER

**ANNEXATION PARCELS**

PARCEL NUMBER	OWNER	ACRES
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**SURVEYOR'S CERTIFICATE**  
 I, the undersigned, being a duly Licensed Surveyor in the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the applicant, and that the same conforms to the requirements of the laws of this State in that behalf made. My commission expires on the 15th day of December, 2024.

**BOUNDARY DESCRIPTION**  
 A general plat is hereby made for the purpose of showing the location of the boundary line between the County of Delta City and the County of Millard County, Utah, as shown on the attached map. The boundary line is shown as a dashed line on the map and is described as follows: ...

DATE: 11/14/23  
 SURVEYOR: [Signature]  
 TITLE: SURVEYOR

APPROVED FOR DELTA CITY: [Signature]  
 TITLE: CITY CLERK

APPROVED AS TO FORM: [Signature]  
 TITLE: COUNTY CLERK

APPROVED BY: [Signature]  
 TITLE: MILLARD COUNTY SURVEYOR

LOCAL ENTITY HAS PROVIDED TO THE SURVEYOR ALL NECESSARY INFORMATION.

**FINAL LOCAL ENTITY PLAT**  
 PATRICK SMITH AREA ANNEXATION INTO DELTA CITY  
 LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 5  
 TOWNSHIP 17 SOUTH, RANGE 8 WEST, SALT LAKE BASIN AND MERIDIAN  
 MILLARD COUNTY, UTAH

MILLARD COUNTY RECORDER  
 RECEIVED: \_\_\_\_\_  
 SUBMITTED: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 TIME: \_\_\_\_\_  
 FILE NO: \_\_\_\_\_  
 MAP NO: \_\_\_\_\_

**ENSIGN**  
 1100 WEST 1000 SOUTH  
 SALT LAKE CITY, UT 84119  
 PHONE: 801.487.9300  
 FAX: 801.487.9301  
 WWW.ENSIGNUTAH.COM

**LAYTON**  
 1000 WEST 1000 SOUTH  
 SALT LAKE CITY, UT 84119  
 PHONE: 801.487.9300  
 FAX: 801.487.9301  
 WWW.ENSIGNUTAH.COM

**CELESTIAL**  
 1000 WEST 1000 SOUTH  
 SALT LAKE CITY, UT 84119  
 PHONE: 801.487.9300  
 FAX: 801.487.9301  
 WWW.ENSIGNUTAH.COM

**SHEET 1 OF 1**  
 SCALE: 1" = 400'  
 DATE: 11/14/23

 Document e-signed by Sherri Westbrook (swestbrook@delta.utah.gov)

Signature Date: 2023-11-20 - 9:47:10 PM GMT - Time Source: server

 Agreement completed.

2023-11-20 - 9:47:10 PM GMT



**Adobe Acrobat Sign**

Delta City  
76 N 200 W  
Delta UT 84624-9440  
435.864.2759  
delta.utah.gov



*Certificate of Ordinance Passage*

STATE OF UTAH            )  
  )  
CITY OF DELTA            )        ss.

I, SHERRI WESTBROOK, as the duly appointed, sworn and acting Delta City Recorder, do hereby certify that the attached, numbered as City of Delta Ordinance Number 23-301 was duly adopted by the necessary quorum of the Delta City Council on September 20, 2023.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the corporate seal of said City.

  
\_\_\_\_\_  
SHERRI WESTBROOK  
Delta City Recorder







# ORDINANCE

## NUMBER 23-301

### AN ORDINANCE ANNEXING REAL PROPERTY NORTH OF EXISTING DELTA CITY AND CONSISTING OF APPROXIMATELY 16.372 ACRES.

The City Council of the City of Delta, Utah (referred to herein as the "City Council"), recites the following as the basis for enacting this Ordinance:

- A. The owner of property north of existing Delta City limits caused a petition for annexation (the "Petition") to be filed with the City, together with an accurate and recordable map, prepared by a licensed surveyor, of the area proposed for annexation;
- B. The Council adopted the Petition for further consideration;
- C. On or about July 11, 2023, the City Council received notice of certification (the "Certification") from the City Recorder certifying that the Petition meets the requirements of state law;
- D. The City Council caused Notice of Certification of Annexation Petition to be published in the Millard County Chronicle-Progress, a newspaper of general circulation, on August 9, 2023, August 16, 2023, and August 23, 2023; to be timely posted on the Utah Public Notice Website as required by Utah Code Ann. § 10-2-406 and other applicable law;
- E. No timely protests were filed in accordance with Utah Code Ann. § 10-2-407;
- F. Pursuant to Utah Code Ann. § 10-2-407, the City Council caused a notice of a public hearing in the Millard County Chronicle Progress, a newspaper of general circulation, on February 3, 2016, and to be timely posted on the Utah Public Notice Website;
- G. Pursuant to Utah Code Ann. § 10-2-407, on September 20, 2023, the City Council held the required public hearing regarding the proposed annexation;
- H. After receiving public comment and careful consideration, the Council has determined that it is in the best interest for the health, safety and welfare of the City and its residents to annex the Property and to grant the Petition.
- I. The City Council finds this ordinance to be in the best interest of the public health,





safety and welfare of Delta City.

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

Section 1. Annexation of the Property. Pursuant to Utah Code Ann. § 10-2-407(3)(b) and § 10-2-408, the real property described on the map ("Exhibit A"), and more specifically described as follows is hereby annexed to Delta City and the corporate limits of the City are hereby extended accordingly:

Beginning at the Northeast One-Sixteenth Corner of Section 5, Township 17 South, Range 6 West, Salt Lake Base and Meridian; and running thence North 00°40'23" East 40.27 feet to the southerly boundary line of Parcel No. DO-3847-2; thence North 89°38'59" East 660.83 feet along said southerly boundary line to the westerly boundary line of Parcel No. DO-3847-1; thence South 00°36'14" West 40.27 feet along said westerly boundary line to northerly boundary line of Parcel No. DO-3848-1; thence North 89°38'59" East 408.24 feet along said northerly boundary line to the existing Delta City Limit Line, said point also being on the easterly right-of-way line of State Highway 6; thence South 48°29'38" West 3,232.51 feet along said easterly right-of-way line to the quarter section line; thence North 00°48'30" East 135.23 feet along said quarter section line to the westerly right-of-way line of said State Highway 6; thence North 48°29'38" East 1,789.16 feet along said westerly right-of-way line to the southeast corner of Parcel No. DO-3848-2; thence North 00°41'48" East 814.81 feet along the easterly boundary line of Parcel Nos. DO-3848-2 and DO-3848-1 to the point of beginning.

containing 713,182 Square Feet or 16.372 Acres

Section 2. Notices and Filing. The City shall provide all required noticed and make all required filings concerning this annexation, including, without limitation, those required by Utah Code Ann. § 10-2-425.

Section 3. Zoning. All of the area being annexed shall be and is hereby classified and zoned as H-C (Highway Commercial)

Section 4. Effective Date. This ordinance shall become effective upon publication.

Section 5. Action of Officers. All actions of the officers, agents and employees of the City are in conformity with the purpose and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.



Section 6. Publication. This ordinance, or a summary thereof, is ordered published in the Millard County Chronicle-Progress, a newspaper having general circulation within the city of Delta, Utah.

Section 7. Severability. In the event that any provision of this ordinance less than the entire ordinance is held invalid by a court of competent jurisdiction, this ordinance shall be deemed severable and such finding of invalidity shall not affect the remaining portions of this ordinance.

Section 8. Repeal of Conflicting Ordinances. To the extent that any ordinances, resolutions or policies of the City of Delta conflict with the provisions of this ordinance, it is hereby amended to be in accordance with the provisions hereof.

PASSED AND ADOPTED by the City Council of the City of Delta, State of Utah on the 20th day of September, 2023, by the following Vote:

	Aye	Nay	Abstain	Absent
Robert W. Banks	_____	_____	_____	<u>X</u>
Kiley J. Chase	<u>X</u>	_____	_____	_____
Brett C. Bunker	<u>X</u>	_____	_____	_____
Nicholas W. Killpack	<u>X</u>	_____	_____	_____
Betty Jo Western	<u>X</u>	_____	_____	_____



John Wesley Niles  
 JOHN WESLEY NILES  
 MAYOR

Sherri Westbrook  
 SHERRI WESTBROOK  
 CITY RECORDER

