

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 SMITH EAST PARCEL - PROVO ANNEXATION, located in PROVO CITY, dated SEPTEMBER 28, 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 SMITH EAST PARCEL - PROVO ANNEXATION, located in UTAH COUNTY, State of Utah.



IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 13th day of October, 2023 at Salt Lake City, Utah.

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

DEIDRE M. HENDERSON
Lieutenant Governor

Resolution 2023-31

SHORT TITLE

A RESOLUTION APPROVING THE PETITION TO ANNEX APPROXIMATELY 5.64 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 5500 NORTH CANYON ROAD, NORTH TAMPVIEW NEIGHBORHOOD (PLANEX20230020)

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	FOR	AGAINST	OTHER
CW 1	KATRICE MACKAY	✓		
CW 2	DAVID SHIPLEY	✓		
CD 1	BILL FILLMORE			Excused
CD 2	GEORGE HANDLEY	✓		
CD 3	SHANNON ELLSWORTH	✓		
CD 4	TRAVIS HOBAN	✓		
CD 5	RACHEL WHIPPLE	✓		
TOTALS		6	0	

This resolution was passed by the Municipal Council of Provo City, on the 18th day of July 2023, on a roll call vote as described above. Signed this 17th Day of August 2023.



Chair

Resolution 2023-31

CITY RECORDER'S CERTIFICATE AND ATTEST

I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to resolution number 2023-31.

This resolution was signed and recorded in the office of the Provo City Recorder on the
23rd day of August 2023.



A handwritten signature in cursive script that reads "Heidi Allman".

City Recorder

1 RESOLUTION 2023-31

2
3 A RESOLUTION APPROVING THE PETITION TO ANNEX
4 APPROXIMATELY 5.64 ACRES OF PROPERTY LOCATED AT
5 APPROXIMATELY 5500 NORTH CANYON ROAD. NORTH
6 TIMPVIEW NEIGHBORHOOD (PLANEX20230020)
7

8 WHEREAS, on May 2, 2023, the Municipal Council approved a resolution accepting an
9 annexation petition for further consideration regarding 9.1 acres of property generally located
10 at 5500 North Canyon Road; and
11

12 WHEREAS, it was found that the original annexation petition needed to be split into two
13 separate annexations of approximately 3.46 acres and 5.64 acres, respectively, as the entire
14 approximately 9.1 acres of land is not contiguous;
15

16 WHEREAS, this resolution pertains to the annexation of that portion of the original petition
17 consisting of 5.64 acres, as shown in the attached Exhibit A; and
18

19 WHEREAS, after splitting the petition, all other necessary steps have been taken and,
20 pursuant to Utah Code 10-2-407(6), if no timely protests against the proposed annexation have
21 been filed, the Municipal Council may approve the annexation; and
22

23 WHEREAS, no timely protests were filed against the proposed annexation; and
24

25 WHEREAS, on March 8, 2023, the Planning Commission held a duly noticed public
26 hearing to consider the proposal and after such hearing the Planning Commission recommended
27 approval to the Municipal Council in a 7:0 vote; and
28

29 WHEREAS, on July 18, 2023, the Municipal Council held a public hearing to ascertain
30 the facts regarding this matter and receive public comment, which facts and comments are found
31 in the public record of the Council's consideration; and
32

33 WHEREAS, all persons for and against the proposed annexation were given an
34 opportunity to be heard; and
35

36 WHEREAS, after considering the facts and comments presented to the Municipal
37 Council, the Council finds that approval of this annexation would reasonably further the health,
38 safety, and general welfare of the citizens of Provo City.
39

40 NOW, THEREFORE, be it resolved by the Municipal Council of Provo City, Utah, as
41 follows:
42
43
44

45 PART I:

46

47 The Mayor is hereby authorized to negotiate and execute an annexation agreement as
48 proposed by the annexation petitioner, consistent with those commitments and representations
49 made by the applicant and the applicant's representatives in the Council Meeting of July 18,
50 2023 and in form substantially similar to the draft attached hereto as Exhibit B, an executed copy
51 of which shall be attached hereto as Exhibit C after execution.

52

53 PART II:

54

55 Subject to the execution of the annexation agreement described in Part I, the Municipal
56 Council hereby approves the annexation of approximately 5.64 acres of property generally
57 located at 5500 North Canyon Road, as shown in the attached Exhibit A. The effective date of
58 the Council's approval shall be the date of final execution of the annexation agreement. In
59 accordance with the current and proposed future use of the property and with the Provo City
60 Annexation Policy Map, the Zone Map Classification of the annexed property shall be
61 Agricultural (A1.1) and Open Space, Preservation and Recreation (OSPR) as shown in Exhibit
62 B.

63

64 PART III:

65

66 A. Except as otherwise stated in Part II, this resolution shall take effect immediately.

67

68 B. Notwithstanding any provision or language to the contrary in this resolution, if the
69 annexation agreement authorized in Part I has not been fully executed by the necessary
70 parties within one year from the date of the Municipal Council's approval of this
71 resolution, the entire resolution shall expire, becoming null and void as if it had never
72 been approved.

73

74 END OF RESOLUTION.

Exhibit A

Smith-Provo Annexation, 5.64 Acres




Exhibit B

Zoning for Smith-Provo Annexations



Areas

-  Override 1
-  Override 2
-  Parcel



0 0.035 0.07 0.14 mi

Author: Provo City

Date: 7/17/2023

This map is for graphical representation only and not for construction or defining feature locations.

