

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 know as the FAUSETT - WEIDAUER ANNEXATION TO FILLMORE CITY located in THE CITY OF FILLMORE, dated MARCH 20, 2024, 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 the FAUSETT - WEIDAUER ANNEXATION 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 28<sup>th</sup> day of March, 2024 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.

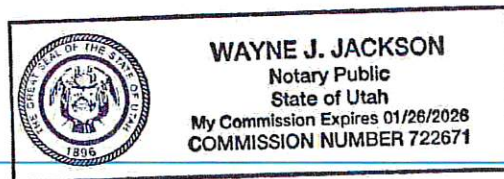
**SIGNATURES AND VERIFICATION**

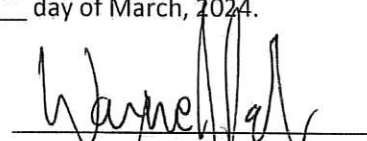
STATE OF UTAH            )  
  : ss.  
COUNTY OF MILLARD    )

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 20<sup>th</sup> day of March, 2024.



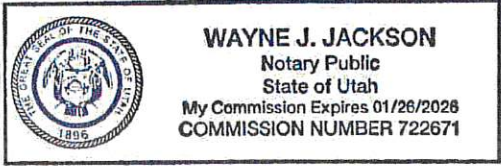
  
NOTARY PUBLIC

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*  
KEVIN W. ORTON, City Recorder

SUBSCRIBED AND SWORN to before me by KEVIN W. ORTON, this 20<sup>th</sup> day of March 2024.



*Wayne J. Jackson*  
NOTARY PUBLIC

## ORDINANCE 24-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FILLMORE, UTAH, PROVIDING FOR APPROVAL OF ANNEXATION OF CERTAIN TERRITORY, REFERRED TO AS THE FAUSETT ANNEXATION, INTO THE CORPORATE LIMITS OF FILLMORE CITY, WITH THE PLAT TO BE IDENTIFIED AS PLAT CC 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. On November 1, 2022, Aaron and Kelsie Fausett (the “Fausetts”) appeared before the City Council to resolve an issue where their property, located in unincorporated county at approximately 550 South and 150 West, had connected to Fillmore City utilities, unbeknownst to Fillmore City.

C. The City Council informed the Fausetts that unless the property was annexed into Fillmore City, the City would terminate the utility connections, and subsequently sent an agreement to the Fausetts memorializing such agreement.

D. Pursuant to such discussion and agreement, the Fausetts submitted a Petition for Annexation on July 17, 2023 to annex approximately 3.355 acres, identifying such as the Fausett Annexation (the “Petition”), such annexation also having been referred to as the Fillmore Plat CC Annexation.

E. The Petition designates as the contact sponsor Kelsie Fausett and was accompanied by an accurate plat of the real property, which was prepared by a licensed surveyor.

F. The Petition contains the signatures of the owners of private real property that covers a majority of the private land area within the area proposed for annexation.

G. 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, Kelsie Fausett, Aaron Fausett, Anna Weidauer, and Toni Sawyer.



H. 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.

I. On January 16, 2024, the Petition was accepted for further consideration pursuant to Utah Code Ann. § 10-2-405.

J. On February 14, 2024, the City Recorder certified the Petition, and mailed or delivered written notification thereof to the Fillmore City Council, who received it the same day, the contact sponsor, and the Millard County Commission certifying that the Petition met the requirements of state law, pursuant to Utah Code Ann. § 10-2-405.

K. The City Council published Notice of Petition Proposing Annexation of Area to Fillmore City, pursuant to Utah Code Ann. § 10-2-406, and no timely protests have been filed in accordance with the provisions of Utah Code Ann. § 10-2-407.

L. On March 19, 2024, the City Council held a public hearing after providing notice pursuant to Utah Code Ann. § 10-2-407(7), for the Fausett Annexation. The City Council has determined the referenced annexation is in the best interest in order to rectify the unapproved connections, which occurred at no apparent fault of City or property owner, and therefore a need exists to annex the territory described in the Petition.

M. The City Council has determined that the annexation territory should be zoned Rural Residential 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 24-08 is adopted by the City of Fillmore in order to approve the Fausett Annexation, such 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 PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 21 SOUTH, RANGE 4 WEST OF THE SALT LAKE BASE AND MERIDIAN, MILLARD COUNTY, STATE OF UTAH AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 29, WHENCE THE WEST QUARTER CORNER OF SAID SECTION 29 BEARS SOUTH 89°37'34" WEST A DISTANCE OF 2651.78

FEET AS SHOWN ON FENCE LINE SURVEY, DONE BY SUNRISE ENGINEERING, INC., DATED 12-21-93; THENCE SOUTH 89°37'34" WEST ALONG SAID LINE A DISTANCE OF 424.46 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°03'56" EAST ALONG THE LINE COMMON TO PARCELS 7049 AND 7048-1 A DISTANCE OF 386.27 FEET; THENCE SOUTH 89°53'35" WEST ALONG THE LINE COMMON TO PARCELS 7049, 7052 AND 7052-2 A DISTANCE OF 378.54 FEET; THENCE NORTH 00°17'21" WEST ALONG THE LINE COMMON TO PARCELS 7049 AND 7050 A DISTANCE OF 333.31 FEET; THENCE NORTH 01°58'07" EAST ALONG THE LINE COMMON TO PARCELS 7049, 7049-1 AND 7050-1 A DISTANCE OF 51.23 FEET TO THE EAST-WEST CENTERLINE OF SAID SECTION 29; THENCE NORTH 89°37'34" EAST ALONG SAID LINE A DISTANCE OF 378.03 FEET TO THE POINT OF BEGINNING. [CONTAINING 3.355 ACRES]

Section 4. Filing with Lt. Governor. Pursuant to Utah Code Ann. § 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 Ann. § 67-1a-6.5; and
- (b) A copy of an approved final local entity plat, as defined in Utah Code Ann. § 67-1a-6.5.

Section 5. Filing with Millard County Recorder. Pursuant to Utah Code Ann. § 10-2-425(1)(b), upon the Lt. Governor's issuance of a certificate of annexation under Utah Code Ann. § 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 Ann. § 10-2-425(1)(c), upon the Lt. Governor's issuance of a certificate of annexation under Utah Code Ann. § 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 Rural residential 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 Ann. § 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 19<sup>th</sup> day of March, 2024.

  
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
Gene Larsen	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
Kyle Stevens	<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



Exhibit 1  
[Accurate and Recordable Map]

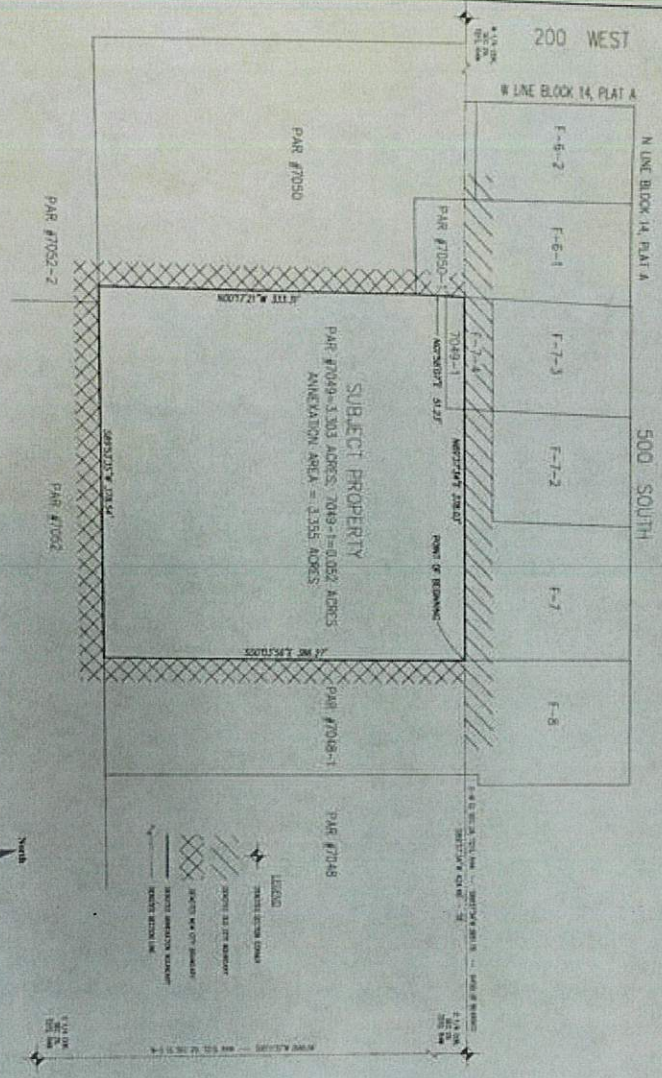




# FAUSETT-WEIDAUER ANNEXATION TO FILLMORE CITY

## RESOLUTION # \_\_\_\_\_

A PARCEL OF LAND LOCATED IN THE NE 1/4 OF THE SW 1/4 OF SECTION 29,  
TOWNSHIP 21 SOUTH, RANGE 4 WEST OF THE SALT LAKE BASE AND MERIDIAN,  
MILLARD COUNTY, UTAH



**MILLARD COUNTY ENGINEER**  
 STATE OF UTAH  
 COUNTY OF MILLARD  
 I, \_\_\_\_\_, County Engineer, do hereby certify that the foregoing is a true and correct copy of the original as filed in my office on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**FILED**  
 COUNTY OF MILLARD  
 UTAH  
 \_\_\_\_\_  
 COUNTY ENGINEER

**FAUSETT-WEIDAUER ANNEXATION**  
 PAR #7099-3, 303 ADRES, 7049+1+0.052 ADRES  
 ANNEXATION AREA = 43355 ADRES

**LEGEND**  
 - - - - - EXISTING BOUNDARIES  
 - - - - - SUBJECT TO THE ANNEXATION  
 - - - - - ADJACENT PROPERTY  
 - - - - - MAY BE SUBJECT TO

**SCALE**  
 1" = 200'

**STATE OF UTAH**  
**MILLARD COUNTY**  
 I, \_\_\_\_\_, County Engineer, do hereby certify that the foregoing is a true and correct copy of the original as filed in my office on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**RESOLUTION**  
 WHEREAS, the Board of Commissioners of the County of Millard, State of Utah, has received and considered the application of \_\_\_\_\_ for the annexation of the following described land to the City of Fillmore, Utah, to-wit:

**PAR #7099-3, 303 ADRES, 7049+1+0.052 ADRES ANNEXATION AREA = 43355 ADRES**

AND WHEREAS, the Board of Commissioners of the County of Millard, State of Utah, has determined that the annexation of the above described land to the City of Fillmore, Utah, is in the best interests of the County of Millard, State of Utah, and the people thereof;

IT IS HEREBY RESOLVED, that the Board of Commissioners of the County of Millard, State of Utah, do hereby approve and authorize the County Engineer to execute and file with the State Engineer a certificate of annexation for the above described land to the City of Fillmore, Utah, and to take all other necessary steps to carry out the purpose of this resolution.

ADOPTED AND PASSED at a regular meeting of the Board of Commissioners of the County of Millard, State of Utah, held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, Utah.

\_\_\_\_\_  
 COUNTY ENGINEER

**NEGATIVE ACKNOWLEDGMENT**  
 I, \_\_\_\_\_, County Engineer, do hereby certify that the foregoing is a true and correct copy of the original as filed in my office on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**REVISIONS**

NO. 1	REVISED (COUNTY ENGINEER)	DATE
NO. 2	REVISED (COUNTY ENGINEER)	DATE

**SURVEYOR**  
 \_\_\_\_\_  
 SURVEYOR

**DATE**  
 \_\_\_\_\_

**SHEET NO. 1 OF 1**