

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 LOA TOWN ANNEXATION - CHURCH PARCEL ADDITION located in WAYNE COUNTY, dated FEBRUARY 8, 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 LOA TOWN ANNEXATION - CHURCH PARCEL ADDITION located in WAYNE COUNTY, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 8th day of April, 2024 at Salt Lake City, Utah.



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

DEIDRE M. HENDERSON
Lieutenant Governor



Loa Town & Waterworks

80 West Center ~ P.O. Box 183 ~Loa, UT 84747

Phone # 435.836.2160 ~ Fax # 435.836.2266

Mayor: Cody Grundy ~ Loa Town Clerk: Michelle Brian

Dear Lieutenant Governor's Office
Attn: Brian Maxwell

NOTICE IS GIVEN that the Town Council of Loa Town at a regular meeting of the Town Council, duly convened pursuant to notice on February 8, 2024, adopted Ordinance No 2024-02-06, titled: "AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOA, UTAH, PROVIDING FOR ANNEXATION OF CERTAIN TERRITORY, REFERRED TO BY PETITIONER, AFTER MODIFICATION, AS THE LOA TOWN ANNEXATION – CHURCH PARCEL ADDITION, CONTAINING 0.87 ACRES, INTO THE CORPORATE LIMITS OF LOA TOWN, WITH THE PLAT TO BE IDENTIFIED AS THE LOA TOWN ANNEXATION – CHURCH PARCEL ADDITION IN THE RECORDS OF LOA TOWN." ("Annexation Ordinance"). A copy of the Annexation Ordinance is attached.

Also attached is a copy of the Final Local Entity Plan satisfying the applicable legal requirements in Utah Code § 17-23-20, approved as a final local entity plat by the Wayne Count.

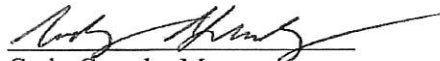
The Annexation Ordinance approved the annexation of the property described in the Annexation Ordinance and shown on the Final Local Entity Plat into the legal boundaries of Loa, Utah.

The Town Council, as approving authority, certifies all requirements applicable to the annexation of the property into the legal boundary of Loa, Utah, as more particularly described in the Annexation Ordinance and shown on the Final Local Entity Plat.

The Town Council respectfully requests the issuance of a Certificate of Annexation pursuant to provisions of Utah Code Ann. § 67-1a-6.5

DATED this 8 day of February, 2024.

LOA TOWN COUNCIL

BY: 
Cody Grundy, Mayor



ORDINANCE 2024-02-08

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOA, UTAH, PROVIDING FOR ANNEXATION OF CERTAIN TERRITORY, REFERRED TO BY PETITIONER, AFTER MODIFICATION, AS THE LOA TOWN ANNEXATION – CHURCH PARCEL ADDITION, CONTAINING 0.87 ACRES, INTO THE CORPORATE LIMITS OF LOA TOWN, WITH THE PLAT TO BE IDENTIFIED AS THE LOA TOWN ANNEXATION – CHURCH PARCEL ADDITION IN THE RECORDS OF LOA TOWN.

RECITALS

A. The Town Council of Loa Town, Utah (referred to herein as the “Town Council”), recites the following as the basis for adopting the following ordinance:

B. Loa Town (the “Town”) has adopted an Annexation Policy Plan in accordance with the provisions of Title 10, Part 4, Chapter 2, Utah Code Annotated, 1953, *as amended*, setting forth the specific criteria that will guide the Town’s decision as to whether it will favor the annexation of territory into the corporate limits of the Town and whether to grant future annexation petitions.

C. On April 15, 2023, an Annexation Petition to Extend the Corporate Boundaries of Loa, Utah (the “Petition”) was filed, signed by Dane Leavitt, President of Leavitt Land & Investment, Inc., and Shane Brian, President of Brian Farm Service Center, Inc., (collectively the “Petitioners”) and designating as contact sponsor Dane Leavitt, President of Leavitt Land & Investment, Inc.

D. The Petition referenced a map titled, Road Creek Annexation Map, which included 46.34 acres of land, which was prepared by a licensed surveyor.

E. The Petition contained the signatures of the owners of private real property that cover a majority of the private land area within the area proposed for annexation.

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

G. On August 21, 2023, the Town Clerk certified the Petition, and thereafter mailed or delivered written notification thereof to the Town Council, the contact sponsor, and the Wayne County Commission certifying that the Petition met the requirements of state law, pursuant to Section 10-2-405, Utah Code Annotated, 1953, *as amended*.

H. The Town Council published Notice of Petition Proposing Annexation of Area to Loa Town, 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*.

I. On October 12, 2023, the Town Council held a public hearing after providing notice pursuant to Section 10-2-407(6)-(7), Utah Code Annotated, 1953, *as amended*, for the Road Creek Annexation.

J. Concerns were raised regarding water and the Town's ability to serve the proposed annexation area. The Town indicated to the Petitioners that without certain conditions of annexation, including the contribution of certain water rights, approval was unlikely, and the Ordinance was tabled to allow time to work out details regarding such conditions.

K. Following the Town Council Meeting on October 12, 2023, the Petition's map was amended to decrease the area of land from 46.34 acres of land to 0.87 acres of land (the "Modified Annexation Area") to reflect the Petitioners' priority of land to be annexed and developed. The Petition while not formally amended, by extension of amendment of the Petition's map, has been informally amended. Such Modified Annexation Area only includes land owned by Leavitt Land & Investment, Inc. (the "Petitioner").

L. The Petitioner retitled the annexation with the Modified Annexation Area as the Loa Town Annexation – Church Parcel Addition.

M. The Loa Town Annexation – Church Parcel Addition, containing the Modified Annexation Area, meets the requirements of Section 10-2-403(3)(c), Utah Code Annotated, 1953, *as amended*.

N. The Loa Town Annexation – Church Parcel Addition map, containing the Modified Annexation Area, submitted as an attachment to the Petition is a contiguous, unincorporated area contiguous to the boundaries of the Town, and the annexation thereof will not leave or create an unincorporated island or peninsula.

O. The Town Council has determined that the Loa Town Annexation – Church Parcel Addition, should be annexed to Extend the Boundaries of Loa Town and such Modified Annexation Area should be zoned Residential.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Loa, Utah:

Section 1. Adoption. This Ordinance 2024-02-06 is adopted by the Town in order to approve the Loa Town Annexation – Church Parcel Addition, with a sponsor and designated contact sponsor of Dane Leavitt, President of Leavitt Land & Investment, Inc., such map marked and attached as Exhibit A.

Section 2. Territory Annexed. The real property, more particularly described in paragraph 3, below, is hereby annexed to Loa, Utah, and the corporate limits of the Town are hereby extended accordingly.

Section 3. Property Description. The real property, which is the subject of this annexation Ordinance, is described as follows:

BEGINNING S. 89°48'47" E, ALONG THE SECTION LINE 1970.60 FEET AND S. 00°00'00" E. 410.00 FEET FROM THE NORTHWEST CORNER OF SECTION 12, TOWNSHIP 28 SOUTH, RANGE 2 EAST, SLB&M, THENCE S. 89°48'47" E. 649.74 FEET TO THE NORTH-SOUTH ¼ SECTION LINE OF SAID SECTION 12, THENCE S. 00°06'23" W. 58.55 FEET, THENCE N.

89°45'58" W. 649.74 FEET, THENCE N.00°06'23"E. 58.02 FEET TO THE POINT OF BEGINNING. [CONTAINS 0.87 ACRES OF LAND.]

Section 4. Filing with Lt. Governor. Pursuant to Utah Code Annotated § 10-2-425(1)(a), within sixty (60) days after enacting this ordinance, the Town 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 Wayne 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, the Town shall submit to the Wayne 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, the Town 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 Town. 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 Town, including the imposition of exactions. At the time this annexation becomes effective, the annexation areas will be entitled to municipal services rendered by the Town and to the protections offered by Town ordinances and other benefits generally enjoyed by the present residents of the Town. This annexation will not affect any local district that may have been established in Wayne 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 Title 10, Part 4, Chapter 2, 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 Town of Loa, Utah, the annexed territory shall be classified and included as being in the Residential zoning district.

Section 10. Condition of Annexation. Due to the reduced, modified area, the Town is not requiring contributions of water rights as a condition of annexation.

Section 11. Development Restrictions. All future development must comply with all

ordinances, resolutions, policies, rules and regulations of the Town.

Section 12. Exhibits. Exhibit A referred to in this Ordinance shall be deemed incorporated herein by reference to the same effect as though fully set forth herein.

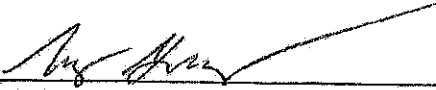
Section 13. Severability. If any section, paragraph, subsection or any portion of this Ordinance less than the entire ordinance, or the application thereof, is held to be invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 14. 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 Loa Town a Certification of Annexation.

Section 15. Publication. This Ordinance, or a summary of this Ordinance, is ordered published in accordance with Utah Code Annotated § 10-3-711.

Section 16. Effect on Related Ordinances. Any ordinance, resolution or policy of the Town of Loa 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 8 day of February 2024.


Cody Grundy, Mayor

Attest: Michelle Brian
Michelle Brian, Clerk

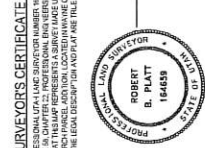
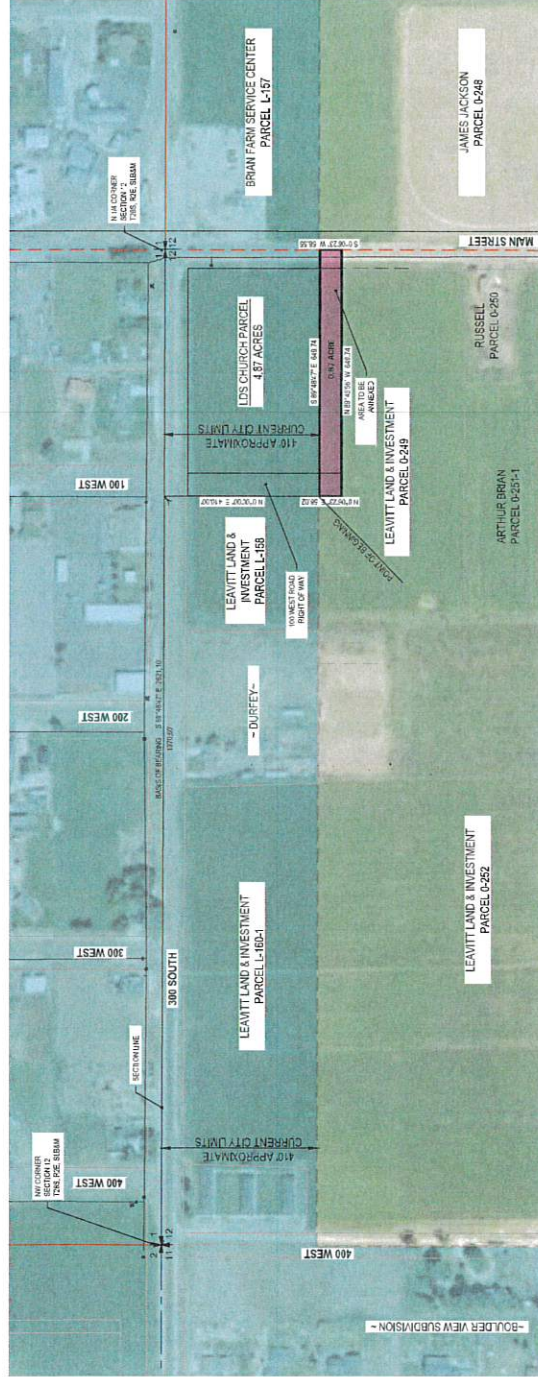
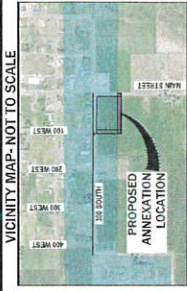
VOTING:

<u>Bart Brian</u>	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay	<input type="checkbox"/> Absent
<u>Don Bone</u>	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay	<input type="checkbox"/> Absent
<u>Ryan Kels</u>	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay	<input type="checkbox"/> Absent
<u>Chris Olsen</u>	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay	<input type="checkbox"/> Absent
<u>Cody Grundy</u>	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay	<input type="checkbox"/> Absent

LOA TOWN ANNEXATION - CHURCH PARCEL ADDITION
 LOCATED IN SECTION 12, TOWNSHIP 28 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND
 MERIDIAN, WAYNE COUNTY, UTAH

LEGEND & AREA BREAKDOWN

- EXISTING CITY BOUNDARY
- PROPOSED ANNEXATION
- 0.87 ACRES



SURVEYOR'S CERTIFICATE
 ROBERT B. PLATT, PROFESSIONAL LAND SURVEYOR NUMBER 164658, HAS MADE A CAREFUL AND THOROUGH EXAMINATION OF THE RECORDS OF THE SURVEY AND THE FIELD NOTES AND HAS FOUND THAT THE SAME ARE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH SURVEYING ACT. THESE CERTIFICATE THAT THE PLATT SURVEY REPRESENTS A SURVEY MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH SURVEYING ACT AND THAT THE BOUNDARY LINES AND CORNERS SHOWN ON THE MAP ARE TRUE AND CORRECT.

BOUNDARY DESCRIPTION
 BEGINNING & 1/4 AC" E ALONG THE SECTION LINE 170.00 FEET, 40.00 FEET, 1/4 AC" FROM THE EAST CORNER OF THE SECTION 12, TOWNSHIP 28 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, WAYNE COUNTY, UTAH, TO THE POINT OF BEGINNING.

ACCEPTANCE BY LEGISLATIVE BODY
 THIS IS TO CERTIFY THAT THE LAND DESCRIBED HEREIN HAS BEEN RECEIVED AS A DONATION BY THE MAJORITY OF THE MEMBERS OF THE BOARD OF SUPERVISORS OF THE TOWN OF LEAVITT, UTAH, AND THAT THE SAID LAND IS BEING OFFERED FOR PUBLIC USE AND IS SUBJECT TO THE PROVISIONS OF THE UTAH TOWN AND CITY ACTS AND THAT THE SAID LAND IS BEING OFFERED FOR PUBLIC USE AND IS SUBJECT TO THE PROVISIONS OF THE UTAH TOWN AND CITY ACTS.

COUNTY RECORDER SURVEYOR
 I, CLAREN ALLEN, CLERK OF THE COUNTY RECORDS, HAVE RECEIVED FROM THE SURVEYOR THE ORIGINAL AND TRUE AND CORRECT COPY OF THE MAP AND THE ORIGINAL AND TRUE AND CORRECT COPY OF THE RECORDS OF THE SURVEY AND HAVE EXAMINED THE SAME AND HAVE FOUND THAT THE SAME ARE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH SURVEYING ACT AND THAT THE BOUNDARY LINES AND CORNERS SHOWN ON THE MAP ARE TRUE AND CORRECT.

PROPOSED ANNEXATION PLAT
 DATE: 1-17-24
 SCALE: 1" = 150'

NO.	DESCRIPTION	DATE	BY

REVISIONS

RED HOLLOW ENGINEERING
 126 WEST 725 SOUTH
 SALT LAKE CITY, UTAH 84119
 PHONE: 330.865.1833

PROJECT:
 LOA TOWN ANNEXATION
 CHURCH PARCEL ADDITION
 LOCATED IN THE NORTH 1/2 OF SECTION 12
 TOWNSHIP 28 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN

SHEET TITLE:
 PROPOSED ANNEXATION PLAT

DRAWN: R.L.
DATE: 1-17-24

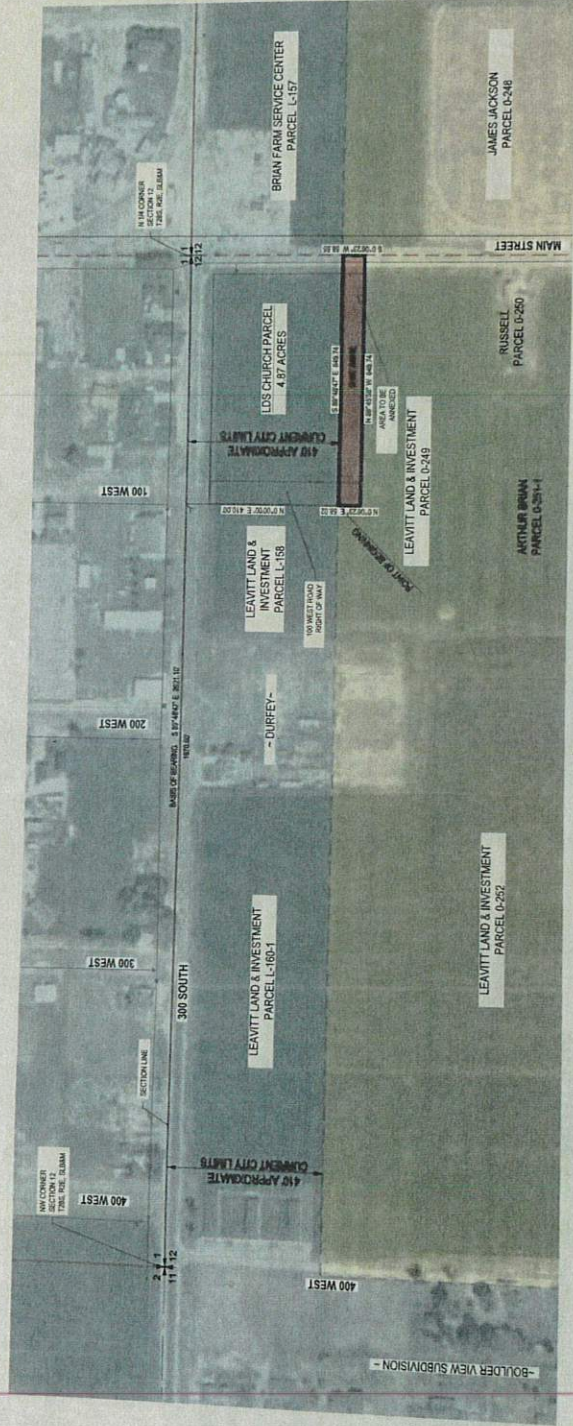
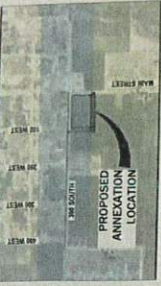
SCALE: 1" = 150'
SHEET NO.: 1 OF 1

LOA TOWN ANNEXATION - CHURCH PARCEL ADDITION
 LOCATED IN SECTION 12, TOWNSHIP 28 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND
 MERIDIAN, WAYNE COUNTY, UTAH

LEGEND & AREA BREAKDOWN

- EXISTING CITY BOUNDARY
- PROPOSED ANNEXATION
0.87 ACRES

VICINITY MAP - NOT TO SCALE



SURVEYOR'S CERTIFICATE

I, ROBERT B. PLATT, PROFESSIONAL LAND SURVEYOR, LICENSE NO. 14459, HAVE PERSONALLY EXAMINED THE RECORDS OF THE PUBLIC RECORDS OF THE STATE OF UTAH AND THE FIELD AND HAVE FOUND THAT THE SURVEY AND THE PLAT THEREON COMPLY WITH THE REQUIREMENTS OF THE UTAH SURVEYING ACT AND THE RULES AND REGULATIONS OF THE BOARD OF PROFESSIONAL LAND SURVEYORS. I HEREBY CERTIFY THAT THE SURVEY AND THE PLAT THEREON COMPLY WITH THE REQUIREMENTS OF THE UTAH SURVEYING ACT AND THE RULES AND REGULATIONS OF THE BOARD OF PROFESSIONAL LAND SURVEYORS.

1-19-2024
 DATE



BOUNDARY DESCRIPTION

THESE PARCELS ARE PART OF THE BOLDER VIEW SUBDIVISION, AS SHOWN ON THE PLAT THEREON, AND ARE BOUND BY THE NORTHWEST CORNER OF SECTION 12, TOWNSHIP 28 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, WAYNE COUNTY, UTAH. THE BOUNDARY LINE OF SAID SECTION 12 THENCE S. 60° 27' 00" W. 100.00 FEET TO THE NORTH-SOUTH LINE OF SAID SECTION 12 THENCE S. 60° 27' 00" W. 100.00 FEET TO THE NORTH-SOUTH LINE OF SAID SECTION 12 THENCE N. 60° 27' 00" W. 100.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.87 ACRES OF LAND.

ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT THE LOA TOWN COUNCIL, WAYNE COUNTY, UTAH, HAVE RECEIVED A PETITION FOR ANNEXATION OF THE CHURCH PARCEL ADDITION TO THE LOA TOWN AND HAVE THEREBY APPROVED THE ANNEXATION OF SAID PARCEL TO THE LOA TOWN AND THAT THE ANNEXATION OF SAID PARCEL TO THE LOA TOWN IS IN ACCORDANCE WITH THE UTAH CODE ANNOTATED UTAH S.A.S. AS REVISED 2023 AS SHOWN AS PART OF SAID TOWN AND THAT SAID PARCEL OF LAND TO BE ANNEXED TO SAID TOWN IS AS SHOWN ON THIS PLAT.

ACCEPTED THIS 8 DAY OF February A.D. 2024

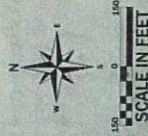
[Signatures]
 TOWN CLERK
 ATTORNEY
 CLERK'S SEAL

COUNTY RECORDER/SURVEYOR

LOCAL RECORDS, WAYNE COUNTY RECORDER HAS REVIEWED THIS PLAT AND HAS DETERMINED THAT THE PLAT IS IN ACCORDANCE WITH THE UTAH SURVEYING ACT AND THE RULES AND REGULATIONS OF THE BOARD OF PROFESSIONAL LAND SURVEYORS. I HEREBY CERTIFY THAT THE PLAT IS IN ACCORDANCE WITH THE UTAH SURVEYING ACT AND THE RULES AND REGULATIONS OF THE BOARD OF PROFESSIONAL LAND SURVEYORS.

1-19-2024
 DATE

[Signatures]
 COUNTY RECORDER



REVISIONS

NO.	DESCRIPTION	DATE	BY
1			
2			
3			
4			

RED HOLLOW ENGINEERING
 105 WEST 225 SOUTH
 SALT LAKE CITY, UTAH 84115
 PHONE: (801) 488-1022

PROJECT: LOA TOWN ANNEXATION CHURCH PARCEL ADDITION
 LOCATED IN THE NORTH 1/2 OF SECTION 12, TOWNSHIP 28, RANGE 2 EAST, S184M

SHEET TITLE: PROPOSED ANNEXATION PLAT

DRAWN: RPL
 DATE: 1-17-24

SCALE: 1" = 150'

SHEET NO: 1 OF 1

