

STATE OF UTAH



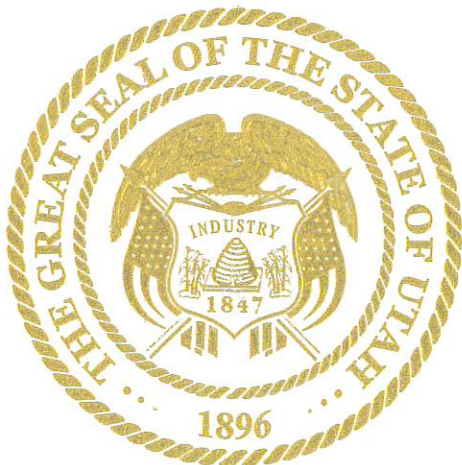
OFFICE OF THE LIEUTENANT GOVERNOR

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 PHIL E. SCHMIDT FAMILY LLC ANNEXATION, located in CEDAR CITY, dated SEPTEMBER 30, 2024, complying with §10-2-425 and §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 PHIL E. SCHMIDT FAMILY LLC ANNEXATION, located in IRON COUNTY, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 9<sup>th</sup> day of October, 2024 at Salt Lake City, Utah.



A handwritten signature in black ink that reads "Deidre M. Henderson".

DEIDRE M. HENDERSON  
Lieutenant Governor





CEDAR CITY ORDINANCE NO. 0814-24

**AN ORDINANCE OF THE CEDAR CITY COUNCIL ANNEXING APPROXIMATELY 34.80 ACRES OF PROPERTY LOCATED IN THE VICINITY OF 600 NORTH AND 3700 WEST INTO THE CORPORATE LIMITS OF CEDAR CITY, UTAH.**

**WHEREAS**, a petition to annex property being duly filed and after being amended, the property owners in the petition having been duly verified. Public hearings having been duly published and held and Cedar City having received input from neighboring property owners. A map showing the property proposed for annexation is attached as Exhibit A; and

**WHEREAS**, the Property is approximately 34.80 acres in size and is located in the vicinity of 600 North and 3700 West. The legal description of the property is attached as Exhibit B; and

**WHEREAS**, the Property is included within the Cedar City Annexation Expansion Area, and is not included within any other municipal jurisdiction; and

**WHEREAS**, the Planning Commission, after proper notice, conducted a public hearing, and voted to forward a positive recommendation for this proposed annexation to the City Council; and

**WHEREAS**, the annexation application and submittal documents are deemed complete; and

**WHEREAS**, the Cedar City Council previously accepted the petition for annexation; and

**WHEREAS**, the City reviewed the petition against the criteria stated in Sections 10-2-403(2), (3), and (4) of the Utah Code, annotated 1953 as amended, and found the petition complied with all applicable criteria of the Utah Code; and

**WHEREAS**, the City Recorder had public notice posted pursuant to Utah State law, giving notice that the petition had been certified and the required 30-day protest period had begun; and

**WHEREAS**, no protests were received as defined by Utah Code Annotated 10-2-407(1) within the 30-day protest period; and

**WHEREAS**, an Annexation Memorandum of Understanding for the Availability and Providing of City Services, sets forth further terms and conditions of the Annexation, is herein included as Exhibit C; and

**NOW THEREFORE BE IT ORDAINED** by the City Council of Cedar City, State of Utah, that the Property is hereby annexed into the corporate limits of Cedar City, Utah. The Property so annexed shall enjoy the privileges of Cedar City and shall be subject to all City levies and assessments. The Property shall be subject to all City laws, rules and regulations upon the effective date of this ordinance, or as may be lawfully amended.

This ordinance, Cedar City Ordinance No. 0814-24 shall become effective immediately upon passage by the City Council and published in accordance with State Law.

Council Vote:

Phillips – aye

Melling – aye

Riddle – aye

Cox – aye

Wilkey - aye

Dated this 15<sup>th</sup> day of August 2024.

  
GARTH O. GREEN, MAYOR



[SEAL]

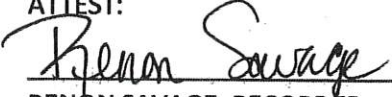
ATTEST:  
  
RENON SAVAGE, RECORDER





Exhibit B

BEGINNING N.89°59'25"E. ALONG THE SECTION LINE 585.32 FEET FROM THE NORTHWEST CORNER OF SECTION 8, TOWNSHIP 36 SOUTH, RANGE 11 WEST, SLB&M; THENCE N.89°59'25"E. ALONG THE SECTION LINE 744.44 FEET TO THE NORTHEAST CORNER OF THE NW1/4NW1/4 OF SAID SECTION 8, THENCE S.0°08'47"E. ALONG THE EAST LINE OF SAID NW1/4NW1/4 OF SAID SECTION 8 1320.30 FEET TO THE SOUTHEAST CORNER OF THE NW1/4NW1/4 OF SAID SECTION 8, THENCE S.89°53'27" W. ALONG THE SOUTH LINE OF THE NW1/4NW1/4 OF SAID SECTION 8 345.41 FEET, THENCE S.0°06'03" E. 1320.90 FEET TO THE SOUTH LINE OF THE SW1/4NW1/4 OF SAID SECTION 8, THENCE S.89°47'26"W. ALONG THE EAST-WEST QUARTER SECTION LINE OF SAID SECTION 8 403.23 FEET, THENCE N.0°01'57"W. 2643.20 FEET TO THE POINT OF BEGINNING.

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CONTAINS 34.82 ACRES OF LAND.

# EXHIBIT C

## ANNEXATION MEMORANDUM OF UNDERSTANDING FOR THE AVAILABILITY AND PROVIDING OF CITY SERVICES

ANNEXATION NAME: Schmidt Annexation

ANNEXATION AREA: 600 North and 3700 West

ANNEXATION LOCATION: Located in the NW  $\frac{1}{4}$ , Section 8, Township 36 South, Range 11 West, Salt Lake Base & Meridian.

This memorandum of understanding describes the availability and requirements to provide the basic City services to the Annexation Area. It is clearly understood that this is a general statement of the availability and requirements to provide services relative to this annexation area. Cedar City Corporation may require additional improvements in the process of the development and reserves the right to do so.

### DESCRIPTION OF SERVICES

1. WATER: There is an existing 8-inch City water main in 800 North Street. The developer will extend this water line to the annexation area.
2. SEWER: There is a 8-inch sewer line in 600 North Street. Future development will likely need to connect to the sewer in 600 North to a manhole located at approximately 425 North and 3700 West.
3. DRAINAGE: The developer will install a storm drain line and construction a retention pond at approximately 425 North and 3700 West.

ACCESS: The annexed property will have direct access to 600 North Street.

- 4.
5. FIRE: All development shall conform to the currently adopted International Fire Code and International Building Code. Fire apparatus access roads shall be provided and maintained. Required access roads shall extend to within 150 feet of all portions of buildings and all exterior walls as measured by an approved route around the exterior of buildings hereafter constructed. Security gates across fire department access roads shall be approved by the fire code official and shall have an approved means of emergency operation. The grade of fire department access roads shall not exceed 10 percent. An approved water supply capable of supplying the required fire flow shall be provided.

Developments within Cedar City's designated Wildland Urban Interface areas shall conform to the Utah Wildland Urban Interface Code as adopted by Cedar City Corporation.

Developments located outside of a 5-mile radius from a City fire station may be classified as class 10-unprotected, by the Insurance Services Office (ISO).

While the fire department will provide fire protection in such areas, insurance rates are likely to be greater than those located within the city's ISO class 4 protection classification.

6. POLICE: The annexed property is within the area presently served by the Cedar City Police Department.

APPROVALS:

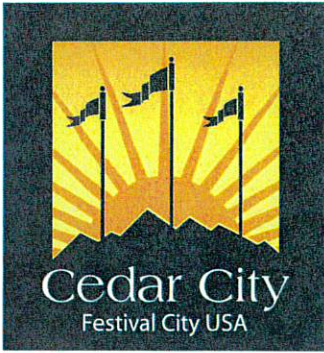
Mike Shurtz  
CEDAR CITY FIRE DEPARTMENT

Darin M. Adams  
CEDAR CITY POLICE DEPARTMENT

A. J. Benson  
CEDAR CITY ENGINEERING DEPARTMENT

Robert E. Schmidt  
PROPERTY OWNER





# Cedar City

10 North Main Street • Cedar City, UT 84720  
435-586-2950 • FAX 435-586-4362  
www.cedarcity.org

**Mayor**  
Garth O. Green

**Council Members**  
Robert Cox  
W. Tyler Melling  
R. Scott Phillips  
Ronald Riddle  
Carter Wilkey

**City Manager**  
Paul Bittmenn

September 30, 2024

The Honorable Deidre M. Henderson  
Utah Lieutenant Governor  
Utah State Capital Complex  
Suite 220  
P.O. Box 142325  
Salt Lake City, Utah 84114-2325

Re: Notice of Impending Boundary Action – Phil E. Schmidt Family LLC (600 North 3700 West)

Dear Lt. Governor Henderson:

In accordance with the terms of UCA §10-2-425 and UCA §67-1a-6.5 please accept this notice that Cedar City has passed an ordinance annexing approximately 34.80 acres of land into its municipal boundaries. Included herewith are duly executed copies of Cedar City’s annexation ordinance and a copy of the final plat map. Please note that the original petition to annex included more property (approximately 70 acres), but the finally approved amount was about half of that.

Please accept this signed and verified statement certifying that all requirements applicable to this annexation have been completed. Please issue to Cedar City the appropriate certificate regarding this annexation.

If you have any questions or need anything, please contact me.

Sincerely,

Randall K McUne  
Cedar City Attorney

Enclosure: Plat Map  
Cedar City Ordinance No. 0424-24-3

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**WHEREAS**, the Property is approximately 34.80 acres in size and is located in the vicinity of 600 North and 3700 West. The legal description of the property is attached as Exhibit B; and

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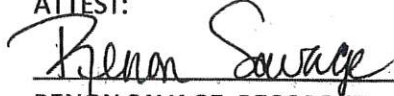
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APPROVALS:

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CEDAR CITY FIRE DEPARTMENT

*Darin M. Adams*  
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CEDAR CITY POLICE DEPARTMENT

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