

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 BRIAN HEAD UNIT 3 SUBDIVISION ANNEXATION 2024, located in TOWN OF BRIAN HEAD, dated JULY 21, 2024, complying with §10-2-425, Utah Code Annotated, 1953, as amended.

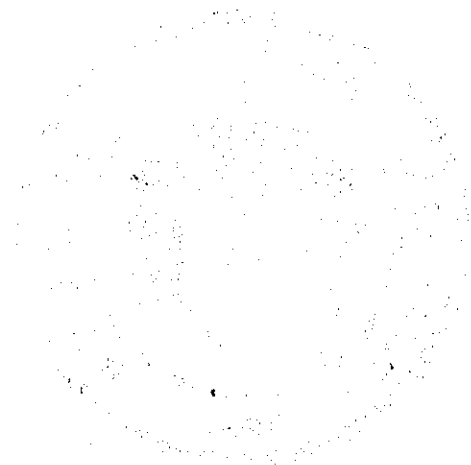
Now, therefore, notice is hereby given to all whom it may concern that the attached is a true and correct copy of the notice of annexation, referred to above, on file with the Office of the Lieutenant Governor pertaining to the BRIAN HEAD UNIT 3 SUBDIVISION ANNEXATION 2024, located in IRON COUNTY, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 4th day of November, 2024 at Salt Lake City, Utah.



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

DEIDRE M. HENDERSON
Lieutenant Governor



July 21, 2024

Lt. Governor Deidre Henderson.
Lieutenant Governor of the State of Utah
PO Box 142325
350 North State Street #220
Salt Lake City, UT 84114

Re: Notice of Impending Boundary Action

Dear Lt. Governor Henderson:

In accordance with Utah Code Annotated 10-2-425(1)(a) and 67-1a-6.5(3), this letter shall serve as notice given by the Town of Brian Head, Utah of an impending boundary action for which the Town of Brian Head seeks the issuance of a Certificate of Annexation from the office of the Lieutenant Governor.

As required by statute, this letter shall also serve as verification that all requirements pertaining to the annexation of the area described in the annexation plat attached hereto and designated as "Brian Head Unit 3 Annexation to Brian Head Town" have been met.

Brian Head Town


Clayton Calloway
Mayor

Attest:


Nancy Leigh, Town Clerk



Enclosures:

1. Ordinance approving annexation
2. Signed Annexation Plat





BRIAN HEAD

TOWN OF BRIAN HEAD, UTAH TOWN COUNCIL

ORDINANCE NO. 24-003 ANNEXING LOTS 1, 2, 3, 4, 5, 8, 10, 11, and 28 OF THE BRIAN HEAD UNIT 3 SUBDIVISION May 28, 2024

AN ORDINANCE OF THE BRIAN HEAD TOWN COUNCIL ANNEXING LOTS 1,2,3,4,5,8,10,11&28 OF THE BRIAN HEAD UNIT THREE SUBDIVISION OF UNINCORPORATED PROPERTY CONTIGUOUS INTO THE CORPORATE LIMITS OF BRIAN HEAD, UTAH AND AMENDING THE OFFICIAL ZONING MAP OF BRIAN HEAD TOWN; AND RELATED MATTERS.

WHEREAS, owners of real property located in the Brian Head Unit 3 subdivision in the unincorporated area contiguous to the corporate limits of Brian Head Town petitioned the Town Council for approval of an annexation into the Brian Head Town limits. The plat map are attached as Exhibit A; and

WHEREAS, the proposed annexation area is consisted of lots 1,2,3,4,5,8,10,11,&28 within the Brian Head Unit 3 subdivision that are located in the unincorporated property of Iron County. The legal description of the property is attached as Exhibit B; and

WHEREAS, the proposed annexation area is included in the Brian Head Annexation Expansion Area, and is not included in any other municipal jurisdiction; and

WHEREAS, the annexation application and submission documents are deemed complete and the Town Council accepted the petition for annexation on March 27, 2024; and

WHEREAS, on April 5, 2024, the Town Clerk had public notice posted Utah Public Notice Website, giving notice that the petition had been certified and the required 30-day protest period had begun. No protests were filed by an “affected entities” or other jurisdictions within the 30-day protest period and the petition was considered accepted on April 26, 2024; and

WHEREAS, the Planning Commission, after proper notice, conducted a public hearing on May 21, 2024 and voted to forward a positive recommendation for the Brian Head Unit 3 proposed annexation with a favorable recommendation of Single-Family Residential (R1) zoning to be identified for the property to the Town Council; and

WHEREAS, on May 28, 2024 the Town Council held a public hearing on the proposed annexation and identified Single-Family Residential (R1) Zoning for Brian Head Unit 3; and

WHEREAS, the Town Council finds that the Property should be zoned as Single-Family Residential (R1).

IT IS HEREBY ORDAINED by the Town Council of the Town of Brian Head, Utah as follows:

Section 1. Town Council held a public hearing on the proposed annexation of and protests did not exceed a majority of the total private land area within the entire area proposed for annexation or one-half of the value of all private real property within the entire area proposed for annexation.

Section 2. The Town Council hereby annexes the area of unincorporated land that is contiguous to the Town of Brian Head, Utah. The annexation area consists of lots 1,2,3,4,5,8,10,11,&28 located within the Brian Head Unit 3 subdivision.

Section 3. The Town Council hereby determines that all nine (9) lots shall be zoned as Single-Family Residential (R1) as identified by parcel number:

Iron County Parcel Number:

C-1148-0005-0022	C-1148-0005-0025	C-1148-0005-0028
C-1148-0005-0030	C-1148-0005-0035	C-1148-0005-0037
C-1148-0005-0038	C-1148-0005-0040	C01148-0005-0044

Section 4. The Town Council determines that the proposed annexation area is in need of municipal-type services and that the Town is capable of providing those services.

Section 5. The Town Council finds that the annexed area is not currently serviced by another emergency services provider licensed under Title 26, Chapter 8a of the Utah Code and therefore the notice requirements of Section 26-8a-414 do not apply to this annexation.

Section 6. The Town Council hereby directs the Town Clerk to send notice of this annexation ordinance to all of the following within 30 days of the adoption of the annexation ordinance: (A) Iron County addressed to the County Clerk; (B) Any local district or special district whose boundaries include any part of the annexed area; (C) the Bureau of Emergency Medical Services; and (D) any municipality whose boundaries are within one-half mile of the annexed area, which the Town Council finds to be none.

Section 7. The Town Council further directs the Town Clerk to file with the Utah Lieutenant Governor's office (1) a certified copy of this annexation ordinance, and (2) a plat or map of the annexed area prepared and certified by a licensed surveyor that has been filed with the Iron County Surveyor, (3) a written notice of the adopting of this

annexation ordinance together with a copy of this annexation ordinance, and (4) evidence that the foregoing information has been recorded with the Iron County Recorder

Section 8. This annexation ordinance shall be effective immediately upon final passage by the Town Council.

Section 9. The Town Clerk is directed to publish a copy of this annexation ordinance in the Spectrum, a newspaper of general circulation in the Town and to attach an affidavit of publication of the same to this ordinance, publish on the Utah Meeting Notice Website, and the Town Clerk is directed to post this annexation ordinance in three public places within the Town.

Section 10. The Town Clerk is directed to deposit a copy of this annexation ordinance in the office of the Town Clerk.

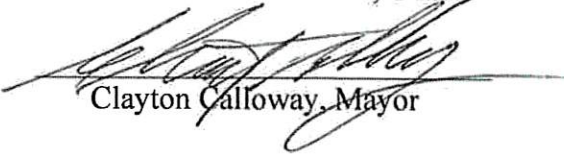
Section 11. The Mayor or in the Mayor's absence the Mayor Pro Tem is authorized to sign this annexation ordinance and the Town Clerk to attest to such signature and to apply the Town Seal.

Section 12. The Mayor, or in the Mayor's absence the Mayor Pro Tem is authorized to sign the attached certificate of the Town Council that all necessary legal requirements relating to the annexation have been completed and the Town Clerk to attest to such signature and to apply the Town Seal.

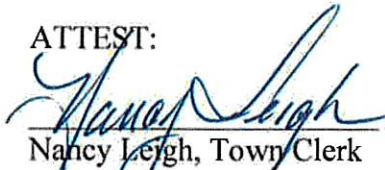
Section 13. All acts, ordinances, and resolutions in conflict with any part of this annexation ordinance are hereby superseded and replaced.

APPROVED AND ADOPTED by the Town Council of the Town of Brian Head, Utah, this 28th day of May 2024.

TOWN OF BRIAN HEAD, UTAH


Clayton Calloway, Mayor

ATTEST:


Nancy Leigh, Town Clerk



RECORD OF PROCEEDINGS

The Town Council of Brian Head, Utah, met in public session at its regular meeting place at 56 N. Hwy 143 in Brian Head, Utah, at 1:00 p.m. or as soon thereafter as feasible, on May 28, 2024, with the following members present:

Clayton Calloway	Mayor
Larry Freeberg	Council Member
Martin Tidwell	Council Member
Kelly Marshall	Council Member
Mitch Ricks	Council Member

Also present:

Nancy Leigh	Town Clerk
Bret Howser	Town Manager

Absent:

After the meeting had been duly called to order and the minutes of the preceding meeting read and approved, and after other matters not pertinent to this ordinance and associated public hearing had been discussed, the Town Clerk presented to the Town Council a Certificate of Compliance With Open Meeting Law with respect to May 28, 2024 meeting, a copy of which is attached.

Council Member Marshall then introduced and moved the adoption of the foregoing ordinance, which motion was seconded by Council Member Freeberg and the motion was passed as follow:

AYE: Mayor Clayton Calloway
Council Member Kelly Marshall
Council Member Larry Freeberg
Council Member Martin Tidwell
Council Member Mitch Ricks

NAY: None

ABSTAIN: None

CERTIFICATE OF TOWN CLERK

I, Nancy Leigh, hereby certify that I am the duly qualified and acting Town Clerk of the Town of Brian Head, Utah.

I further certify that the above and foregoing constitutes a true and correct copy of the minutes of a public hearing of the Town Council and an ordinance adopted at said meeting held on May 28, 2024, as said minutes and ordinance are officially of record in my possession.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and affixed the seal of the Town this May 28, 2024.




Nancy Leigh, Town Clerk

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Nancy Leigh, the undersigned Town Clerk of the Town, do hereby certify, according to the records of the Town in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-6(2), Utah Code Annotated 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the May 28, 2024 public meeting, held by the Town as follows:

By causing a Meeting Notice, in the form attached, to be posted at the Town's principal offices at least twenty-four (24) hours prior to the convening of the meeting, the Meeting Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

By causing a copy of the Meeting Notice to be delivered to the Spectrum, a newspaper of general circulation in the Town at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2024 Annual Meeting Schedule for the Town, attached, specifying the date, time, and place of the regular meetings of the governing body of the Town to be held during the calendar year 2024 was posted on the Utah Public Meeting Website on March 21, 2024.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this May 28, 2024


Nancy Leigh, Town Clerk

[Attach "Meeting Notice"]
[Attach "Notice of 2024 Annual Meeting Schedule"]
[Attach "Affidavit of Publication"]

2024 Town Council Meeting Schedule

General Information

Government Type:

Municipality

Entity:

Brian Head

Public Body:

Brian Head Town Council

Give Feedback

Notice Information

Add Notice to Calendar

Notice Title:

2024 Town Council Meeting Schedule

Notice Subject(s):

Public Meetings

Notice Type(s):

Meeting

Event Start Date & Time:

January 1, 2024 01:00 PM

Event End Date & Time:

January 1, 2024 01:00 PM

Description/Agenda:

The 2024 Brian Head Town Council Meeting Schedule

Location: Brian Head Town Hall - Council Chambers
56 North Highway 143, Brian Head, UT 84719

Time: All meetings are scheduled to begin at 1:00 p.m. (MST) or shortly thereafter unless otherwise noticed.

DATES: All meetings are scheduled for the 2nd and 4th Tuesday of each month on the following dates:

January: 9th & 23rd
February: 13th & 27th
March: 12th & 26th
April: 9th & 23rd
May: 14th & 28th
June: 11th & 25th
July: 9th & 23rd
August: 13th & 27th
September: 10th & 24th
October: 8th & 22nd
November: 12th
December: 10th

There will be one Council meeting scheduled for the month of November & December 2024 on the 2nd Tuesday of these months unless otherwise noticed.

For meeting packets and more information visit brianheadtown.utah.gov.

Notice of Special Accommodations (ADA):

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Nancy Leigh (435) 677-2029 at least three days prior to the meeting.

Notice of Electronic or Telephone Participation:

Available to Board Members as per Ordinance No. 11-003 authorizes public bodies to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the Council may participate by means of electronic com

Meeting Information

Meeting Location:

Town Hall Council Chambers
56 North Highway 143
Brian Head, UT 84719

[Show in Apple Maps](#)

[Show in Google Maps](#)

Contact Name:

Nancy Leigh

Contact Email:

nleigh@bhtown.utah.gov

Contact Phone:

(435)677-2029

Notice Posting Details

Notice Posted On:

Give Feedback

March 21, 2024 11:27 AM

Notice Last Edited On:

March 21, 2024 11:27 AM

Download Attachments

File Name	Category	Date Added
2024 Town Council Meeting Schedule.pdf	Public Information Handout	2024/03/21 11:27 AM

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The Regular Meeting of the Brian Head Town Council acting as the governing body for the Brian Head Special Service District (SSD)
Brian Head Community Development Agency (CDA)
Brian Head Municipal Building Authority (MBA)

Brian Head Town Hall – Council Chambers
56 North Highway 143 – Brian Head, UT 84719

www.Zoom.us (Click Here)

Via Zoom Meeting ID# 814 5114 7627

TUESDAY, MAY 28, 2024 @ 1:00 PM

AGENDA

- A. CALL TO ORDER**
- B. PLEDGE ALLEGIANCE**
- C. DISCLOSURES**
- D. REPORTS / PUBLIC INPUT ON NON-AGENDA ITEMS.** Public input is limited to three (3) minutes on non-agenda items.
- E. AGENDA ITEMS:**
 - 1. PUBLIC HEARINGS:** The Council will hold a public hearing to receive comments on the topics listed below. Comments are limited to three (3) minutes and written comments may be submitted to the Town Clerk at nleigh@bhtown.utah.gov.
 - 1) ASPEN MEADOWS ANNEXATION OF 1,799.02 ACRES LOCATED ON THE NORTH EAST SIDE OF BRIAN HEAD TOWN.** The Council will receive comments on the proposed annexation of Aspen Meadows.
 - 2) BRIAN HEAD UNIT 3 SUBDIVISION ANNEXATION OF LOTS 1,2,3,4,5,8,10,11,& 28 LOCATED ON THE SOUTH WEST SIDE OF BRIAN HEAD TOWN.** The Council will receive comments on the proposed annexation of Brian Head Unit 3 Subdivision.
 - 3) GENERAL PLAN & ZONING FOR ASPEN MEADOWS AND BRIAN HEAD UNIT 3:** The Council will consider an Annex Transition (AT) Zoning for the Aspen Meadows Annexation area and Single-Family Residential (R1) Zoning for the Brian Head Unit 3 Subdivision annexation area.
 - 4) LAND MANAGEMENT CODE AMENDMENT, CHAPTER 7 ZONE DISTRICT REGULATIONS.** The Council will receive input on Annex Transition Zoning and Mountain Zoning Overlay District.
 - 5) PUBLIC OFFICIAL COMPENSATION INCREASES.** The Council will receive comment on the FY2025 compensation increases for the public officials. Details are available at the town offices during normal business hours M-F 9am to 5pm.
 - 6) FISCAL YEAR 2025 BUDGET(S): BRIAN HEAD TOWN, COMMUNITY DEVELOPMENT AGENCY, SPECIAL SERVICE DISTRICT, MUNICIPAL BUILDING AUTHORITY.** The Council acting as the governing body for the above agencies will receive comments on the FY2025 Budget(s). Details are available at the Town offices during normal business hours.
 - 2. ASPEN MEADOWS ANNEXATION ORDINANCE.** Bret Howser, Town Manager, the Council will consider an ordinance annexing the Aspen Meadows area into Brian Head Town and identifying a zone for the annexed area.

3. **BRIAN HEAD UNIT 3 ANNEXATION ORDINANCE.** Bret Howser, Town Manager, the Council will consider an ordinance annexing nine lots of the Brian Head Unit 3 Subdivision into the Town of Brian Head and identifying a zone for the area.
4. **GENERAL PLAN AMENDMENT.** Bret Howser, Town Manager. The Council will consider an ordinance amending the General Plan for the Aspen Meadows and Brian Head Unit 3 Annexations.
5. **LAND MANAGEMENT CODE AMENDMENT, CHAPTER 7, ZONE DISTRICT REGULATIONS.** Bret Howser, Town Manager. The Council will consider an ordinance amending the LMC, Chapter 7 adding Annex Transition (AT) and Mountain District Overlay (MDO) Zones.
6. **RESOLUTION FOR EMPLOYER PICK-UP FOR EMPLOYEE CONTRIBUTION TO THE PUBLIC SAFETY TIER II RETIREMENT SYSTEM.** Shane Williamson, Town Treasurer. The Council will consider a resolution for employer pickup for the employee contribution to the Public Safety Tier II Retirement System.
7. **MAYOR PRO TEMPRORE RESOLUTION.** Mayor Calloway. The Council will elect Mayo pro tem and a backup by resolution.
8. **FUTURE AGENDA ITEMS.** The Council will discuss potential items for future agendas..

F. ADJOURNMENT

Date: May 24, 2024

Available to Board Members as per Ordinance No. 11-003 authorizes public bodies, including the Town, to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the public board may participate by means of electronic communications. In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029 at least three days in advance of the meeting.

CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this agenda in three conspicuous locations: the Post Office, The Mall, and the Brian Head Town Hall and have posted copies on the Utah Meeting Notice Website and the Brian Head Town website and have caused a copy of this notice to be delivered to the Daily Spectrum, a newspaper of general circulation.

Nancy Leigh, Town Clerk

Town Council Meeting

General Information

Government Type:

Municipality

Entity:

Brian Head

Public Body:

Brian Head Town Council

Give Feedback

Notice Information

[Add Notice to Calendar](#)

Notice Title:

Town Council Meeting

Notice Subject(s):

Public Meetings , Annexation

Notice Type(s):

Meeting, Hearing

Event Start Date & Time:

May 28, 2024 01:00 PM

Event End Date & Time:

May 28, 2024 04:00 PM

Description/Agenda:

- A. CALL TO ORDER
- B. PLEDGE ALLEGIANCE
- C. DISCLOSURES

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Meeting Information

Meeting Location:

Town Hall Council Chambers
56 North SR 143
Brian Head, UT 84719

[Show in Apple Maps](#)

[Show in Google Maps](#)

Contact Name:

Nancy Leigh

Contact Email:

nleigh@bhtown.utah.gov

Contact Phone:

(435)677-2029

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Notice Posting Details

Notice Posted On:

May 24, 2024 06:19 PM

Notice Last Edited On:

May 24, 2024 06:19 PM

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File Name	Category	Date Added
5-28-24 Council Meeting Packet.pdf	Public Information Handout	2024/05/24 06:19 PM

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Exhibit A

BRIAN HEAD TOWN

**NOTICE OF ADOPTION OF ORDINANCE ANNEXING LOTS 1, 2, 3, 4, 5, 8, 10, 11, 28 OF THE
BRIAN HEAD UNIT 3 SUBDIVISION INTO THE TOWN OF BRIAN HEAD**

AND REQUESTING CERTIFICATE OF ANNEXATION

Pursuant to the provisions of Utah Code Ann. §10-2-425, the Town of Brian Head, Utah, a body corporate and politic of the State of Utah hereby gives notice to the Utah Lieutenant Governor, that on May 28, 2024, the Town Council of the Town of Brian Head, Utah adopted an ordinance annexing nine (9) lots of the Brian Head Unit 3 Subdivision; Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 8, Lot 10, Lot 11, and Lot 28 of unincorporated Iron County consisting of approximately 5.12 acres into the Town of Brian Head, Utah.

Accompanying this Notice is a copy of the Ordinance, hereby certified, annexing the area, together with a map showing the boundaries of the 9 lots of Brian Head Unit 3 Subdivision so annexed, prepared and certified by a licensed surveyor. A copy of the map has been filed with the Iron County Surveyor in accordance with Utah Code Ann. §17-23-17 and §10-2-425.

I hereby certify that the Town of Brian Head, Utah has provided appropriate notices, held a public hearing, and completed all of the legal requirements necessary for the annexation of the nine lots of Brian Head Unit 3 Subdivision, including publication in the newspaper, with notice of the ordinance provided to: (A) All Affected Entities; (B) Any local district or special district whose boundaries include any part of the annexed area; (C) the Bureau of Emergency Medical Services; (D) any municipality whose boundaries are within one-half mile of the annexed area,

which the Town Council finds to be none. The annexation ordinance has been recorded with the Iron County Recorder.

The Town of Brian Head hereby requests the issuance of a certificate of annexation from the office of the Lieutenant Governor.

Dated: May 28, 2024.

TOWN OF BRIAN HEAD, UTAH



CLAYTON CALLOWAY, MAYOR

ATTEST



NANCY LEIGH, TOWN CLERK



[ATTACH CERTIFIED MAP AND BOUNDARY DESCRIPTION]

BRIAN HEAD UNIT 3 SUBDIVISION
ANNEXATION 2024
LEGAL DESCRIPTION
LOTS 1, 2, 3, 4, 5, 8, 10, 11, 28

LOT 1: BLK A, BRIAN HEAD UNIT 3; SEC 10, T36S,R9W, SLM.

LOT 2: BLK A, BRIAN HEAD , UNIT 3,

LOT 3: BLK A, BRIAN HEAD, UNIT 3.

LOT 4: BLK A, BRIAN HEAD, UNIT 3; SEC 10, T36S,R9W,SLM.

LOT 5: BLK A, BRIAN HEAD, UNIT 3.

LOT 8: BLK A, BRIAN HEAD,, UNIT 3; SEC 10,T36S,R9W,SLM

LOT 10: BEG AT PT N5*47'E 161.7 FT FR SW CORN OF LOT 10, BLK A, BRIAN HEAD, UNIT 3; N5*47'E 137.2 FT; S65*06'E 171.1 FT' S15*16'W 129.6FT; N65*06'FT W 148.5 FT TO POB. PART OF LOTS 10 & 11, BLK A, BRIAN HEAD, UNIT 3; SEC 10T36S,R9W,SLM.

LOT 11: BEG AT PT N5*47'E 298.9FT FR SW CORN LOT 11, BLK A, BRIAN HEAD, UNIT 3; N5*47'E 91.2 FT TO PT ON CURV OF 33 FT RADIUS CUL-DE-SAC FR RADIAL LN OF CURV BEAR N21*15'W, ALG 33 FT RADIUS CURV NE'LY TO LEFT 33.9 FT; RADIALLLY FR CURV S65*06'E 173.6 FT; S15*16W 123.3 FT; N65*06'W 171.1FT TO POB; SEC 10,T36S,R9W,SLM.

LOT 28: BLK A, BRIANHEAD, UNIT 3, SEC 10,T36S,R9W,SLM.

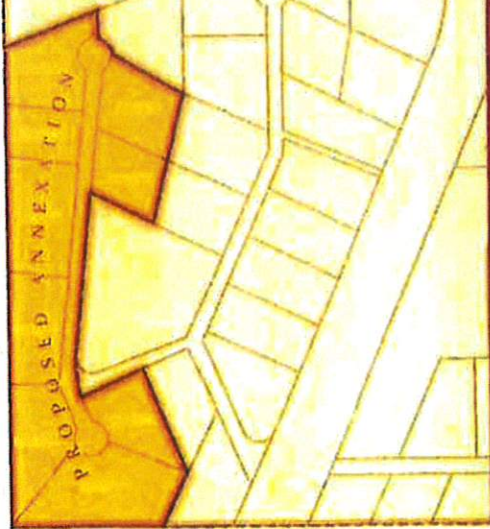
**BRIAN HEAD
ANNEXATION PROPOSAL**

93

BRIAN HEAD



BRIAN HEAD



PROPOSED ANNEXATION

