



ENT 108972:2019 PG 1 of 7
 JEFFERY SMITH
 UTAH COUNTY RECORDER
 2019 Oct 22 2:38 pm FEE 0.00 BY DA
 RECORDED FOR SARATOGA SPRINGS CITY

ORDINANCE NO. 19-33 (10-1-19)

AN ORDINANCE PURSUANT TO SECTION 10-2-418 OF THE UTAH CODE; APPROVING AN ANNEXATION PETITION RELATED TO APPROXIMATELY 4.83 ACRES OF LAND; ANNEXING SUCH LAND INTO THE CITY; AND RELATED MATTERS. (Boyer MSA, Addition Annexation) (Mountain Sunrise Academy Charter School)

WHEREAS, Utah Code §§ 10-2-401 to - 428 (the “Act”) constitute the statutory framework for annexation of unincorporated areas of a county into an adjoining Utah municipality; and

WHEREAS, Utah Code § 10-2-418 provides that a municipality may annex an unincorporated area without an annexation petition if the area to be annexed consists of one or more unincorporated islands within, or unincorporated peninsulas contiguous to, the municipality, each of which has fewer than 800 residents and provided the municipality has provided one or more municipal-type services to the area for at least one year; and

WHEREAS, the property described in Exhibit A (“Property”), which consists of approximately 4.83 acres and is owned by Boyer Project Company, LC, consists of unincorporated islands and peninsulas adjacent to the City of Saratoga Springs, Utah (“City”) with less than 800 residents and for which the City has provided police and fire protection services for at least one year; and

WHEREAS, the Property is situated within a portion of unincorporated Utah County included in the Annexation Policy Plan Map adopted by the City Council of the City of Saratoga Springs on June 19, 2012 as part of Ordinance No. 12-7 (6-19-12); and

WHEREAS, on July 15, 2019, the City filed a “Petition for Annexation” (the “Petition”), on file with the City Recorder, seeking to annex the Property into the City pursuant to Utah Code § 10-2-418; and

WHEREAS, in a letter dated September 25, 2019, which is on file with the City Recorder, Boyer Company and Boyer MSA, L.C. indicated its support for the annexation of the Property, Parcel 13:031:0034 in Utah County into the City of Saratoga Springs; and

WHEREAS, on August 20, 2019, the City Council passed a resolution indicating its intent to annex and describing the Property; and

WHEREAS, the City caused notice of the proposed annexation to be published (a) for three consecutive weeks, on August 27, 2019, September 3, 2019, and September 10, 2019, in the Daily Herald, a newspaper of general circulation within the City and the Property, and (b) on the Utah Public Notice Website created in 63F-1-701 of the Utah Code at least three weeks; and

WHEREAS, on August 26, 2019, the City Recorder sent written notice of the proposed annexation to the Utah County Commission and the board of each local district and special service district whose boundaries contain some or all of the area proposed for annexation; and

WHEREAS, on October 1, 2019, the City Council held a public hearing relating to the proposed annexation, at which public hearing all individuals desiring to express their views relating to the proposed annexation were given the opportunity to be heard on the matter; and

WHEREAS, no protests to the annexation have been filed pursuant to Utah Code § 10-2-418; and

WHEREAS, the City Council has given careful consideration to the views expressed by the public during the public hearing; and

WHEREAS, the City Council has carefully reviewed and considered the Petition and all materials submitted by the petitioner in connection therewith and in support thereof, including materials required to be submitted pursuant to the City's Annexation Policy Plan Statement and Annexation Petition Requirements and Procedures; and

WHEREAS; in light of the foregoing, and after due deliberation, the City Council desires to approve the Petition and proceed with the proposed annexation and other related matters.

NOW THEREFORE, it is hereby ordained by the City Council of the City of Saratoga Springs, Utah, as follows:

SECTION 1. Findings. The City Council does hereby find and determine that the annexation of the Property furthers the health, safety, and general welfare of the City and its residents.

SECTION 2. Approval of Annexation; Effective Date. The City Council approves the Petition, approves the annexation of the Property as described in the Petition, and does hereby annex the Property into the City. The effective date of such annexation shall be the date of issuance by the Utah Lieutenant Governor of the Certificate of Annexation, under Section 10-2-425 of the Utah Code.

SECTION 3. Zoning. The Property shall be subject to the Institutional/Civic (I/C) zone requirements.

SECTION 4. Authorized Actions. The Mayor, the City Recorder, the City Manager, and all other officers and employees of the City are hereby authorized and directed to take, in a timely manner, any and all actions required or advisable to be taken to give effect to the annexation hereby approved; including, without limitation, the giving of all notices and the filing of all items required pursuant to Sections 10-2-401 et seq. of the Utah Code.


SECTION 5. Publication of Ordinance. A copy of this Ordinance shall be delivered to the City Recorder immediately upon execution by the Mayor, and the City Recorder is hereby

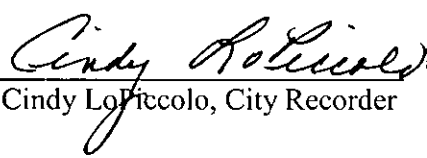
authorized and directed to cause a summary thereof to be published on the earliest possible date in the Daily Herald. This Ordinance shall become effective immediately upon such publication.

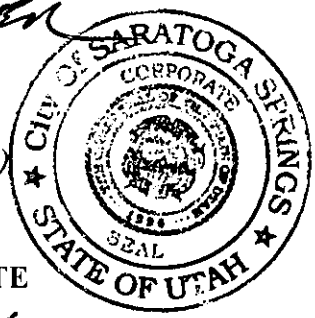
SECTION 6. Amendment of Conflicting Ordinances. If any ordinances, resolutions, policies, or zoning maps of the City of Saratoga Springs heretofore adopted are inconsistent herewith they are hereby amended to comply with the provisions hereof. If they cannot be amended to comply with the provisions hereof, they are hereby repealed.

SECTION 7. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

ADOPTED AND PASSED by the City Council of the City of Saratoga Springs, Utah, this 1st day of October, 2019.

Signed: 
Jim Miller, Mayor

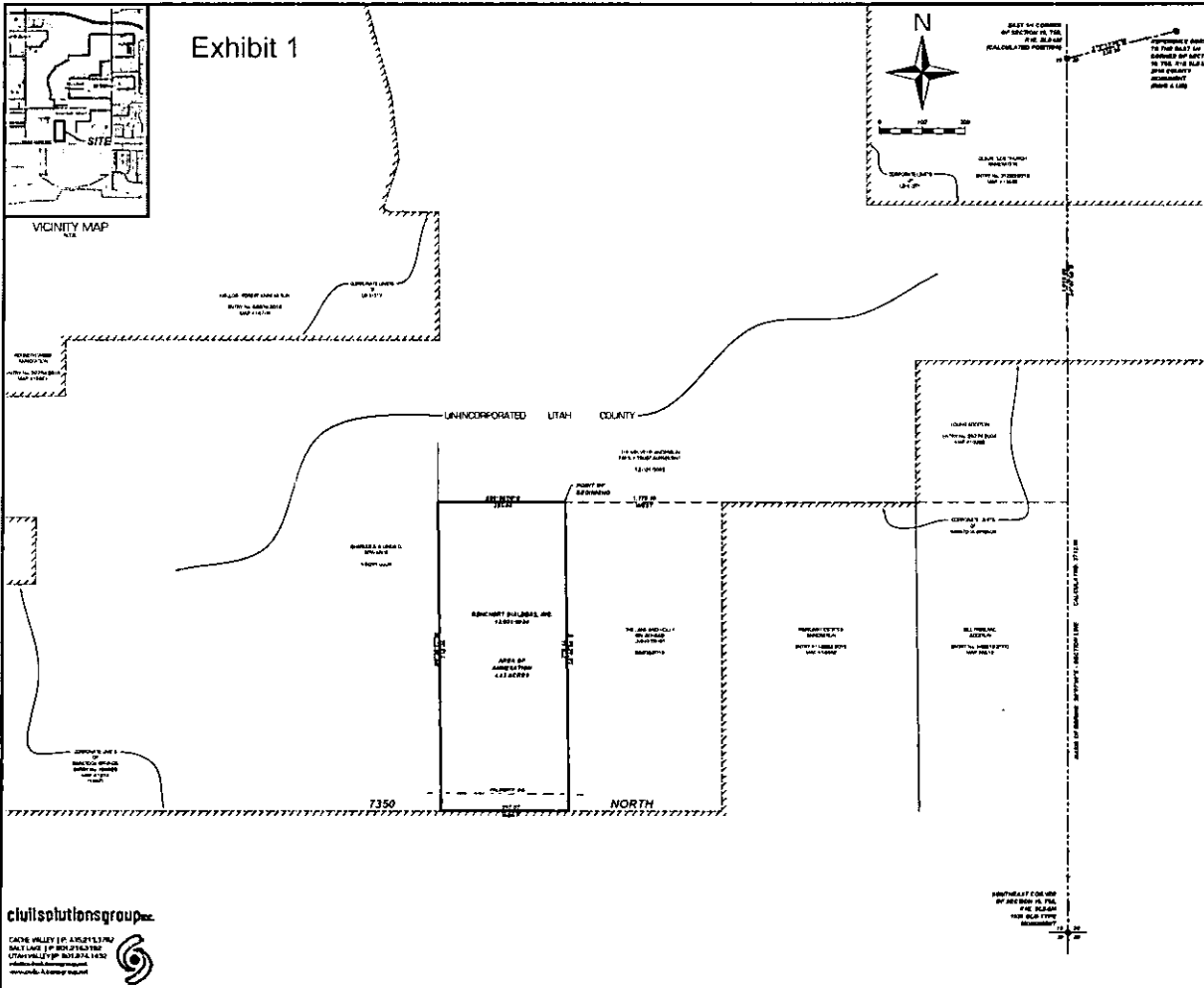
Attest: 
Cindy Lopiccio, City Recorder



Shellie Baertsch	VOTE
Michael McOmber	<i>aye</i>
Chris Porter	<i>aye</i>
Stephen Willden	<i>aye</i>
Ryan Poduska	<i>aye</i>

EXHIBIT A

Plat and Legal Description



SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THE BOUNDARY LINE SHOWN ON THIS PLAN IS THE RESULT OF A SURVEY MADE BY ME OR UNDER MY SUPERVISION AND THAT THE SAME IS ACCORDING TO THE BEST OF MY KNOWLEDGE AND BELIEF THE TRUE AND CORRECT BOUNDARY LINE OF THE LAND SHOWN ON THIS PLAN.

BOUNDARY DESCRIPTION
 A portion of the S. 1/4 of Section 21, Township 1 North, Range 1 East, Salt Lake 12 West of Mountain View, Utah, as shown on the attached plan of a Boundary Line Agreement recorded in Salt Lake County, Utah, is hereby surveyed and shown on this plan. The boundary line shown on this plan is the result of a survey made by me or under my supervision and is the true and correct boundary line of the land shown on this plan. The boundary line shown on this plan is the result of a survey made by me or under my supervision and is the true and correct boundary line of the land shown on this plan.

ACCEPTANCE BY COUNTY SURVEYOR
 THIS PLAN HAS BEEN REVIEWED BY THE COUNTY SURVEYOR AND IS HEREBY ACCEPTED AS A FINAL SURVEY PLAN FOR THE PURPOSES OF RECORDING.

ACCEPTANCE OF LEGISLATIVE BODY
 THIS IS TO CERTIFY THAT THE LEGISLATIVE BODY OF THE COUNTY HAS REVIEWED AND APPROVED THIS PLAN AND THAT THE SAME IS ACCORDING TO THE BEST OF ITS KNOWLEDGE AND BELIEF THE TRUE AND CORRECT BOUNDARY LINE OF THE LAND SHOWN ON THIS PLAN.

UTAH COUNTY RECORDER

ANNEXATION PLAN
Boyer MSA Addition
 A UNINCORPORATED UTAH COUNTY

civilsolutionsgroup
 3400 WILLY STREET, SUITE 100
 SALT LAKE CITY, UTAH 84119
 (801) 466-1111
 www.civilsolutionsgroup.com

AFFP

45384-PUBLIC NOTICE

Affidavit of Publication

STATE OF UTAH }
COUNTY OF UTAH } SS

Carlie Peterson, being duly sworn, says:

That she is Legals Billing Clerk of the Daily Herald, a newspaper of general circulation, printed and published in Provo, Utah County, Utah; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

October 04, 2019

That said newspaper was regularly issued and circulated on those dates. Same was also published online at utahlegals.com, according to Section 45-1-101 - Utah Code Annotated, beginning on the first date of publication, for at least 30 days thereafter and a minimum of 30 days prior to the date of scheduled sale.

SIGNED: Carlie Peterson
Legals Billing Clerk

Subscribed to and sworn to me this 4th day of October 2019.

Willy Shaw
Willy Shaw, Notary Public, Utah County, Utah

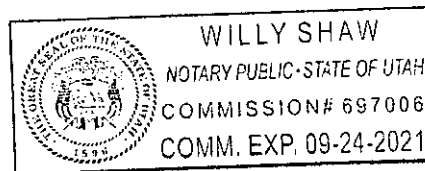
My commission expires: September 10, 2022

PUBLIC NOTICE

Notice is hereby given that the City Council of the City of Saratoga Springs, Utah, at their meeting of October 1, 2019, passed and adopted the following Ordinances:

- 1) Ordinance 19-33 (10-1-19) Approving an annexation petition for approximately 4.83 acres into the City.
- 2) Ordinance 19-35 (10-1-19) Approving the Fat Cats amendment to Village Plan 2 of The Crossing Community Plan.
- 3) Ordinance 19-36 (10-1-19) Adopting amendments to the zoning map for certain real property located at 3509 McGregor Lane.

Copies of these Ordinances are on file in the office of the City of Saratoga Springs City Recorder and are available for review during City business hours.
Legal Notice 45384 Published in The Daily Herald on October 4, 2019.



00001102 00045384

City of Saratoga Springs - leg
City of Saratoga Springs - legal
1307 N. Commerce Dr.
Saratoga Springs, UT 84045

REFERENCE CORNER
TO THE EAST 1/4
CORNER OF SECTION
19, T5S, R1E SLB&M
2016 COUNTY
MONUMENT
(RING & LID)

SURVEYOR'S CERTIFICATE

I, DENNIS P. CARLISLE, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 172675 IN ACCORDANCE WITH TITLE 58, CHAPTER 22 OF UTAH STATE CODE. I FURTHER CERTIFY THAT THIS PLAT IS A TRUE AND ACCURATE MAP OF THE TRACT OF LAND TO BE ANNEXED INTO SARATOGA SPRINGS, UTAH.

BOUNDARY DESCRIPTION

A portion of the SE1/4 of Section 19, Township 5 South, Range 1 East, Salt Lake Base & Meridian, more particularly described as follows:

Beginning at a point on the southerly line of a Boundary Line Agreement recorded as Entry No. 104974:2002 of the Official Records of Utah County located S0°07'59"E along the Section line 1,016.60 feet and West 1,170.10 feet from the East 1/4 Corner of Section 19, T5S, R1E, S.L.B. & M.; thence S0°46'00"E along a fence line and extension thereof 710.14 feet to the existing Corporate Limits of Saratoga Springs City; thence West along said Corporate Limits 297.07 feet; thence N0°36'17"W along the extension of, and along a fence line 710.46 feet to the southwesterly corner of said Boundary Line Agreement; thence S89°56'00"E along said Agreement and a fence line 295.06 feet to the point of beginning.

Contains: 4.83+/- acres

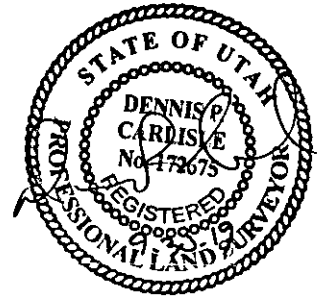
Dennis P. Carlisle

DENNIS P. CARLISLE
PROFESSIONAL LAND SURVEYOR
CERTIFICATE NO. 172675

SEPTEMBER 30, 2019

DATE

SURVEYOR'S SEAL



ACCEPTANCE BY COUNTY SURVEYOR

THIS PLAT HAS BEEN REVIEWED BY THE COUNTY SURVEYOR AND IS HEREBY CERTIFIED AS A FINAL LOCAL ENTITY PLAT, PURSUANT TO UTAH CODE ANNOTATED 17-23-20 AMENDED.

Dary Ratcliffe

COUNTY SURVEYOR

October 7, 2019

DATE

SURVEYOR'S SEAL

