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RESOLUTION 95-07

RESOLUTION ADOPTING AN ANNEXATION POLICY RELATING TO THE WASATCH COUNTY JUSTICE CENTER ANNEXATION

WHEREAS, section 10-2-401 et. Seq. UCA requires the preparation of a policy declaration for each proposed annexation in excess of five acres, and

WHEREAS, Heber City has received a petition for annexation containing a territory of more than five acres, and

WHEREAS, the City Council has authorized the Planning Commission to prepare a policy declaration regarding the proposed Wasatch County Justice Center Annexation, and

WHEREAS, the City had, according to the State Law, prepared a proposed declaration, notified adjacent entities of its intention, and advertized and held a public hearing thereon.

NOW, THEREFORE, be it resolved by the City Council of Heber City, Utah, that the following is hereby adopted as the annexation policy for Wasatch County Justice Center Annexation.

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PART ONE

WASATCH CO RECORDER-ELIZABETH M PAR
1996 SEP 24 14:33 PM FEE \$.00 B
REQUEST: HEBER CITY

PURPOSE OF DECLARATION

- A The City wishes to facilitate the annexation of a portion of the territory that has heretofore identified in its Master Policy Declaration as the territory into which the City favors the expansion of its borders.
- B To set forth the significant terms and conditions under which the territory would be considered for annexation.
- C To comply with the requirements of State Law relating to the annexation of territory.
- D To determine cost benefit or loss resulting from the proposed annexation. (See Addendum A)

PART TWO

AREA PROPOSED TO BE ANNEXED

The territory included in the proposed Wasatch County Justice Center Annexation is set forth in the attached annexation map. (See Figure 1)

PART THREE

STATEMENT OF CRITERIA AND CONDITIONS PURSUANT TO WHICH HEBER CITY WILL CONSIDER THE ANNEXATION

A STATE MANDATED STANDARDS (Utah Code 10-2-417)

- 1 **Contiguous to Existing Boundaries.** The proposed annexation is contiguous to the existing City boundary.
- 2 **Consistency with Master Policy Declaration.** The territory proposed for annexation lies within the area identified in the previously adopted Master Policy Declaration.
- 3 **Territory Within Another Municipality.** None of the territory proposed for annexation lies within the boundaries of an incorporated municipality.
- 4 **Unincorporated Islands.** The proposed annexation will not create an unincorporated island.
- 5 **Territory to Receive Municipal Services.** The territory is not being annexed for the sole purpose of acquiring revenue or for retarding the capacity of another municipality to annex into the same or related territory. Heber City has the ability and intends to benefit the area by rendering to the territory the same policies regarding municipal services as are offered to other territories within the City.

Current City policy concerning new development indicates that all areas of the City may have the right to use all City services. However, the Developer/Owner is responsible for installing or bringing the services to the property if the services are not immediately available adjacent to the proposed development.
- 6 **Petition and Map.** The petition for annexation has been signed by at least a majority of the owners of real property representing more than one-third in value of said property. An accurate map, prepared and certified by a registered Land Surveyor, has been submitted with the petition.
- 7 **Unnecessary Annexation.** While the City does want to consider orderly, reasonable, and logical annexations, it does not have an obligation to consider those annexations that in their opinion do not further the objectives of the City Master Plan and could possibly cause an unnecessary burden to the City in any form. To make this determination, a comparison of costs and revenues has been prepared and has been made apart of this declaration. (See Addendum A)

B STATE MANDATED REVIEW CRITERIA

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1 **Need for Municipal Services.** The proposed annexation will require typical City services in the form of culinary water, storm water, and sewer.

- a Street Maintenance. The City will not be responsible for maintaining the access or streets within the Justice Center.
- b Culinary Water. Water storage is provided by a 1,100,000 gallon reservoir near 1800 East Lake Creek Road. Piping is required to provide the needed fire flow under peak day water demands.
- c Storm water. Developments are allowed to discharge historical storm water flows generated by a 25-year 24-hour storm. The territory will need to provide an adequate storm drainage plan and impact fee as directed and approved by the City Engineer.
- d Sewer. The proposed territory can be sewerred from the east, underneath Highway 40, on Daniels Road.

2 **Plans and Time Frame of Municipality Extensions of Municipal Services.** The City has generally planned to provide water, sewer, storm water, and road services to territories being annexed within the Master Policy Declaration.

- a Water. A 16-inch water line is constructed to the Justice Center property to provide adequate fire flows.
- b Sewer. A sewer line on Daniels Road is adequately sized to provide sufficient capacity for the proposed territories flows.
- c Storm water. The flood canal bordering the northern property line will provide adequate flood protection.

3 **Method of Financing the Extension of Services.** Manpower related services will be available upon annexation. The extension of the sewer, culinary water, and pressure irrigation lines will be the responsibility of the Developer/Owner and will be financed and paid for by the petitioner and make a condition of annexation. The City Zoning Ordinance requires that these same conditions apply to development on the subject property after annexation is completed and in other areas of the City.

4 **Tax Consequences.** The Territory annexed will not be subject to City's property taxes.

5 **Interests of Affected Entities.** Wasatch County, Wasatch County School District, Wasatch County Solids Waste Special Service District, and Wasatch County Fire Protection Special Service District will be affected by the annexation.

- a Wasatch County. Annexation of the territory reduces the County's responsibility for performing general governmental functions in the area.
- b Wasatch County School District. The School District's jurisdiction includes both the incorporated and unincorporated territory. Accordingly, the act of annexation would not affect this relationship.
- c Wasatch County Solid Waste Special Service District. The Special Service District's jurisdiction includes both the incorporated and unincorporated territory. Accordingly, the act of annexation would not affect this relationship.
- d Wasatch County Fire Special Service District. The Special Service District's jurisdiction includes both the incorporated and unincorporated territory. Accordingly, the act of annexation would not affect this relationship.

C CITY IMPOSED CONDITIONS AND REQUIREMENTS

1 **Water Rights Conveyance and Culinary Water System.** The following improvements will be required at the expense of the petitioners:

- a The petitioners will construct a pressurized irrigation system within their proposed development or property that will be compatible with the system being planned by the City.
- b The petitioners will provide to the City shares of Wasatch Company Irrigation Company Stock as indicated in Part 4 of Addendum A.
- c The petitioners will be required to turn over water rights determined at that time to the City as the remaining annexed areas are developed.
- d The petitioners will construct a water system within the area proposed to be annexed that can provide a minimum of 1,850 gallons per minute of fire flow.

2 **Sewage Disposal.** The following sewage improvements will be required at the expense of the developer:

- a The developer will install sewer lines within the proposed territory and make connections to existing City sewer lines as determined in subdivision approval.

3 **Streets.** The following street improvements will be required at the expense of the developer:

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- a A private entrance will be constructed into the development according to UDOT standards and specifications. This entrance will not be maintained by the City and will not provide access for any other developments.
- b Curb, gutter, and sidewalk will be constructed along US Highway 40 frontages according to UDOT specifications and standards. The City and County will enter into an agreement as to the time the curb, gutter, and sidewalk shall be installed.

4 **Zone Classification.** It is proposed that the Wasatch County Justice Center Annexation will be in Zone C-2 Commercial Zoning and will be subject to the requirements prescribed in that section of the Zoning Ordinance.

5 **Project Plan Approval and Construction Improvements.**

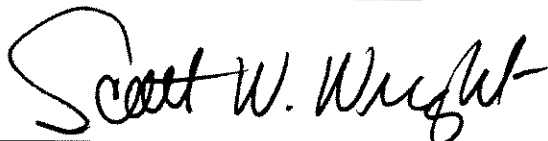
- a The territory of the proposed annexation will be according to the Heber City Zoning and Subdivision Ordinance.
- b Proper bonding will be required for all improvements as outlined in the Subdivision Ordinance.

6 **Control of Erosion and Re-seeding Cuts and Fills.** The proposed annexation will take means to control erosion of material by re-seeding cuts and fills, controlling steep slopes and landscaping, and controlling undeveloped portions of annexed territory.

7 **Disposition of Geological Hazards.** Territory will be studied by a geologist or professional geotechnical engineer to determine any hazards and will be reviewed and approved by the City Engineer.

PART FOUR

THIS RESOLUTION WILL TAKE EFFECT UPON PASSAGE. PASSED AND ORDERED RECORDED THIS DEC 21 DAY OF 1995.



Mayor

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ATTEST:



ADDENDUM A

REVENUES VS. EXPENDITURES

The annexation of territory into the City limits will impact the City's infrastructure and function ability. To assist the Planning Commission and the City Council in determining the amount of impact the *Wasatch County Justice Center Annexation* will have on Heber City, the projected cost benefit or loss generated by the annexation will be analyzed.

It is proposed that a total of 31.264 acres be annexed in the *Wasatch County Justice Center Annexation*. This includes 12.462 acres for the proposed construction of the Wasatch County Justice Center and 18.802 acres of unplanned area. The portion of the annexed land to be used for the development of the Justice Center to full build out is evaluated in this evaluation declaration, including cost benefits or losses projected through full build out. Revenues and expenditures are not assessed in this declaration for the 18.802 acre undeveloped land. A separate evaluation of this area will need to occur when a development plan for this area is presented to the city.

Impact produced by *Wasatch County Justice Center Annexation* is based upon the present maintenance, operating, and improvement costs of the existing infrastructure and population. The cost benefit or loss generated by the annexation is separated into services provided by Heber City, one time fees, and other taxing units within the City.

One time City revenues include annexation fees and impact connection fees for storm water, streets, parks and recreation, sewer, and culinary water systems. Other taxing units include fire, general health, garbage collection, and county administration.

The projected revenue and expenditure of the above items will be determined to assist in the annexation's evaluation.

PRESENT CONDITIONS

The following statistical information will be used to determine the projected cost benefit or loss of the *Wasatch County Justice Center Annexation*.

- Heber City's estimated population in 1994 was 5,540 people.
- There was a projected number of 1,486 equivalent residential connections (ERC's) in 1994.
- The average density per residential unit was 3.73 persons per unit.

FUTURE CONDITIONS

The following information concerning the *Wasatch County Justice Center Annexation* will be used to determine its impact on the City.

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- It is projected that the *Wasatch County Justice Center* is equivalent to 27 equivalent residential connections (ERC) at full build out. (Justice Center's EIS projects 17.75 ac.ft of culinary water will be used per year at full build out. Presently, Heber City's residential connections use approximately 0.65 ac.ft. per year. This equates to 27 ERCs.)
- Average culinary water use will be approximately 482,000 gallons per month at full build out. (17.75 ac.ft. if converted to average annual flows)
- Average sewer flows will be approximately 276,800 gallons per month at full build out. (This is assuming all of the water used by staff and prisoners will eventually end up in the wastewater flows.)

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PART 1 HEBER CITY'S SERVICES

REVENUE EXPENSES

FRANCHISE TAX

\$1,566.00 \$1,566.00

Franchise tax is generated to cover utility costs provided by Mountain Fuel, US West, and TCI telephone. During the past year, a total of \$87,275 has been generated from the franchise tax. This would be approximately \$58 per ERC. The proposed annexation would generate an additional \$1,566 annually.

The expense of the Franchise Tax would offset the revenue generated.

WATER SALES

\$5,900.00 \$6,370.00

It is projected the annexation will use approximately 482,000 gallons per month at full build out. Because the culinary water connection is a 4-inch meter, a \$200 monthly base fee will be charged in addition to the water rate. Using the present water rate of \$8.00 for the first 10,000 and \$0.60 for each 1,000 additional gallons, the Center's annual bill will be approximately \$5,900.

Operating and maintenance of the culinary water system was \$350,704 for 1994 which equals approximately \$236 per connection. Using this rate, the proposed annexation could incur an additional \$6,370 annually for water operating and maintenance.

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SEWER COLLECTION

\$3,000.00 \$7,074.00

It is projected the annexation will generate 276,800 gallons of sewage per month at full build out. Using the present sewer rate, which is a base fee of \$12.00 plus \$.86 per 1,000 gallons, the projected annual revenue would be \$3,000.

Heber City's sewer expenditures include operating, maintenance, and Heber Valley Special Service District treatment fees. In 1994, the sewer expenditures totaled \$388,679 which is equal to \$262 per connection. An additional \$7,074 could be generated with proposed annexation.

CITY ORGANIZATIONAL EXPENSES

\$0.00 \$11,988.00

The general overhead for administrating City operation and activities includes legislative, judicial, administrative, general government buildings, elections, building inspection, planning commission, and police department expenses. The City organizational expenses was \$710,161 in 1994.

The cost of these services equate to approximately \$444 per ERC. The proposed annexation could increase this total overhead by \$11,988 annually.

TOTAL REVENUE:	\$4,566.00
TOTAL EXPENDITURES:	\$20,628.00
SURPLUS:	\$-16,062.00

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PART 2 HEBER CITY ONE TIME FEES

All revenue generated from one time fees will be negated by associated improvements and administration costs.

STORM WATER IMPACT FEE	\$23,220.00	\$23,220.00
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Storm water impact fees of \$860 per ERC totaling \$23,220 will be collected from the Justice Center. Since Impact Fees can only be spent on needs created by new development, an equal expense is created.

CULINARY WATER CONNECTION FEE	\$8,000.00	\$8,000.00
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Heber City's commercial water connection fee is based upon the size of water meter that is provided for the building. The Justice Center will have a 4-inch water connection which will cost \$8,000 to be connected.

SEWER CONNECTION FEE	\$2,600.00	\$2,600.00
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Sewer connection fees for an 8-inch sewer line is \$2,600.

ANNEXATION FEE	\$0.00	\$0.00
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There will not be an annexation fee required of this development.

TOTAL REVENUE:	\$33,820.00	
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TOTAL EXPENDITURE:	\$37,324.00	
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TOTAL SURPLUS:	\$0.00	
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PART 3 NON-HEBER CITY ANNUAL FEES

Non-city annual fees would include the cost special service districts incur to provide fire protection and solid waste collection. The cost would be negligible for the residents of Heber City. The actual cost would be dispersed over the entire county. For these reasons, the cost benefit or loss is neglected.

PART 4 REQUIRED WATER RIGHTS

Table 1 shows a calculation of the amount of water that should be provided through water rights by the proposed justice center. Using the amount of irrigable and non-irrigable land within the proposed facility, 3.07 Wasatch Irrigation shares should be provided with pressure irrigation or 4.2 shares without.

This calculation only considers the portion of the annexation to be developed under the current proposal. All other areas within the annexation that are to be developed in the future by the current developers or others shall be subject to turning over sufficient water shares based on need determined at that time.

Table 1 - Amount of water-right required from the proposed *Wasatch County Justice Center*

HEBER CITY WATER REQUIREMENTS

Subdivision:	Wasatch Justice Center:
No. of employees ¹ :	34 ea.
No. of Prisoners ¹ :	80 ea.
Lawn and Scrubs ¹ :	1.508 ac
Employee Indoor water use ² :	0.02 ac-ft/yr
Prisoner Indoor water use ² :	0.09 ac-ft/yr
Outdoor water use ² :	3 ac-ft/yr

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Water Right Calculation

With Pressure Irrigation

Indoor Water Use	7.74 ac-ft
Outdoor Water Use	4.52 ac-ft
Total	12.26 ac-ft

Wasatch Irrigation Shares⁴ 3.07

Without Pressure Irrigation

Indoor Water Use	7.74 ac-ft
Outdoor Water Use ³	9.05 ac-ft
Total	16.79 ac-ft

Wasatch Irrigation Shares⁴ 4.20

Notes

¹Information provided by Developer

²State of Utah Public Drinking Water Regulations

³Use is two times consumptive use to include return flow

⁴4 acre-feet per Wasatch Irrigation Share

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Legal Description

COMMENCING AT A POINT HAVING STATE PLANE RECTANGULAR COORDINATES OF X = 2024,754.93 AND Y = 786,141.08 (BASED ON THE LAMBERT CONFORMAL PROJECTION, UTAH CENTRAL ZONE), SAID POINT ALSO BEING SOUTH 430.16 FEET AND EAST 761.46 FEET FROM THE NORTHWEST CORNER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN AS EVIDENCED BY A WASATCH COUNTY BRASS CAP MONUMENT HAVING STATE PLANE RECTANGULAR COORDINATES OF X = 2023,993.69 AND Y = 786,571.12 (BASED ON THE LAMBERT CONFORMAL PROJECTION, UTAH CENTRAL ZONE):

THENCE NORTH 89 DEGREES 34 MINUTES 09 SECONDS EAST 757.56 FEET:
THENCE SOUTH 02 DEGREES 44 MINUTES 44 SECONDS EAST ALONG A FENCE
LINE 16.5 FEET:
THENCE SOUTH 89 DEGREES 55 MINUTES 29 SECONDS EAST ALONG A FENCE
LINE 972.53 FEET:
THENCE SOUTH 81 DEGREES 21 MINUTES 53 SECONDS EAST ALONG A FENCE
LINE 178.71 FEET:
THENCE SOUTH 00 DEGREES 01 MINUTES 12 SECONDS EAST ALONG A FENCE
LINE 877.85 FEET:
THENCE SOUTH 89 DEGREES 52 MINUTES 45 SECONDS WEST ALONG A FENCE
LINE 105.95 FEET:
THENCE NORTH 00 DEGREES 06 MINUTES 38 SECONDS WEST ALONG A FENCE
LINE 150.07 FEET:
THENCE SOUTH 89 DEGREES 47 MINUTES 17 SECONDS WEST ALONG A FENCE
LINE 270.19 FEET:
THENCE NORTH 38 DEGREES 54 MINUTES 43 SECONDS WEST ALONG THE
NORTHEASTERLY BOUNDARY OF U.S. HIGHWAY 40 AS EVIDENCED BY AN
EXISTING STATE HIGHWAY RIGHT OF WAY FENCE 989.34 FEET TO THE
POINT OF BEGINNING.

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