

RESOLUTION NO. 04-07

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF BOX ELDER COUNTY, UTAH APPROVING A PROPOSAL TO CREATE AN AGRICULTURE PROTECTION AREA.

The Board of Commissioners of Box Elder County, Utah as the county legislative body of Box Elder County, Utah, referred to herein as the "County Commission" recite the following as the basis for adopting this Resolution:

- A. A proposal was filed by a landowner or landowners that a total of 323.0 acres of land in agriculture production located in Box Elder County be established and created as an agriculture protection area.
- B. Notice of the filing of the proposal was published pursuant to UCA Section 17-41-402 and all proposals for modification and objections were received by the County Commission.
- C. The County Commission referred the proposal and all proposed modifications and objections to the Box Elder County Agriculture Protection Area Advisory Board and the Box Elder County Planning Commission. Reports from each of these boards were received and reviewed by the County Commission.
- D. The County Commission conducted a public hearing pursuant to notice as required by UCA Section 17-41-304 and received public comment from all persons who appeared at the public hearing and spoke in favor or against the proposal, any proposed modifications to the proposal or the recommendations of the Advisory Board and the Planning Commission
- E. The County Commission has considered all of the reports, comments and information provided to it and has considered whether the land within the proposed agriculture protection area is currently being used for agriculture production, whether the land is zoned for agriculture use, whether the land is viable for agriculture production, the extent and nature of existing or proposed farm improvements and anticipated trends in agricultural and technological conditions that might affect the proposed agriculture protection area.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Box Elder County, Utah:

Section 1. Agriculture Protection Area Created. The following land is hereby created and established as an agriculture protection area pursuant to Utah Code Annotated Title 17, Chapter 41:

(See Attachment A)

"ATTACHMENT A"

- 03-080-0029
A PART OF NE/4 OF SEC 12 T9N R2W SLM: BEG AT A PT LOC S 00*00'00E ALG SEC LINE 1043.42 FT FROM NE COR OF SD NE/4, N 00*00'00W 225.37 FT, N 89*03'18W 1954.11 FT, S 01*00' 09W 439.91 FT, TO N FENCE LINE OF EXIST LANE, N 88*30'00E 151.45 FT, N 01*37'05W 174.99 FT, N 89*38'39 E 1815.10 FT TO POB. TOGETHER WITH & INCLUDING R/W FOR INGRESS & EGRESS ALG EXIST LANE ON S/L OF GRANTORS PROP. CONT 11.703 ACRES M/L
- 03-080-0030
A PART OF NE/4 OF SEC 12 T9N 2W SLM BEG AT A PT LOC S 00*00'00E ALG SEC LINE 1043.42 FT FROM NE COR OF SD NE/4, S 00*00'00E 286.44 FT, S 90*00'00W 1155.21 FT, N 00*01'50W 85.74 FT, N 89*25'05W 164.75 FT, N 88*30'00W 490.32 FT, N 01*37'05W 174.99 FT, N 89*38'39E 1815.10 FT TO POB. TOGETHER WITH A R/W FOR INGRESS & EGRESS ALG EXIST LANE ON S/L OF GRANTORS PROP. CONT 10.296 ACRES M/L
- 03-080-0032
A PART OF NE/4 OF SEC 12 T9N R2W SLM. BEG AT A PT LOC S 00*00'00E ALG E/L OF SD SEC LINE 818.05 FT & N 89*03'18W 1954.11 FT FROM NE COR OF NE/4, N 89*03'18W 521.92 FT TO E R/W LINE OF ST HWY 38, S 00*35' 30W ALG SD R/W LINE 436.84 FT TO N/L OF A FUTURE 60 FT R/W, S 89*43' 16E ALG SD LINE 518.83 FT, N 01* 00'09E 430.80 FT TO POB. TOGETHER WITH & INCLUDING A R/W FOR INGRESS & EGRESS ALG EXIST LANE ON S/L GRANTORS PROP. CONT 5.182 ACRES
- 03-081-0008
BEG 21.85 CHS N & 2.28 CHS E OF CEN OF SEC 12 TWP 9N R 2W SLM, N 88 1/4*W 17 CHS ALG FENCE, N 1*24' E 10.62 CHS, S 88 1/4*E 462 FT, S 350 FT, S 88 1/4*E 622 FT M/L TO CO RD, S 1*24'W 351 FT M/L TO BEG. LESS: BEG AT A PT LOC 21.85 CN N & 2.28 CH E & N 88*15'00W 17 CH FROM CTR OF SEC 12, N 1*24'E 700.92 FT, S 88*15'00E 462.00 FT, S 700.92 FT, M/L TO AN EXIST FENCE, N 88*15'00W 479.00 FT, M/L ALG SD FENCE TO POB. CONT 5.43 AC M/L
- 03-080-0026
LOT 4 KOTTER SUBDIVISION CONTG 5.630 ACRES
- 03-066-0021
BEG AT A PT 11.67 CHS S OF NW COR OF SW/4 OF SE/4 OF SEC 1, TWP 9 N, R 2 W, SLM, RUNNING S 88 3/4* E 3.07 CHS, S 1* 33' W 5.66 CHS, N 87 1/4* W 18.91 CHS, N 1* E 5.16 CHS, S 88 3/4* E 15.96 CHS TO BEG
- 03-080-0019
PART OF NW/4 OF NE/4 & PT OF SW/4 OF NE/4 OF SEC 12, TWP 9N, R 2W, SLM: BEG AT A PT LOC IN S FENCE LINE OF AN EXIST LANE N 62.84 F & W 2092.39 FT FRM NE COR OF SE/4 OF NE/4 OF SD SEC. TH ALG EXIST FENCE LINE FOUR COURSES: S 01*08'01W 363.00 FT, N 83*53'05W 201.37 FT, N 01*36'31E 342.89 FT TO S FENCE LINE OF AN EXIST LANE, S 89*37'49E 197.78 FT ALG SD S FENCE LINE TO POB. CONTG 1.6 ACS. SUBJECT TO A CERTAIN R/W EASEMENT FOR DRAIN.
- 03-080-0020
A PART OF NW/4 OF NE/4 & PART OF SW/4 OF NE/4 OF SEC 12, TWP 9N, R 2W, SLM. BEG AT A PT LOC IN S FENCE LINE OF AN EXISTING LANE LOC N 64.11 FT & W 2290.17 FT FRM NE COR OF SE/4 OF NE/4 OF SD SEC 12. RUNNING TH ALG AN EXISTING FENCE LINE THE FOLLOWING FOUR COURSES: S 01*36'31W 342.89 FT, S 83*53'05 E 201.83 FT, S 01*03'42W 299.61 FT N 89*14'25W 382.82 FT M/L TO E R/W LINE OF HWY 38, TH ALG SD R/W LINE N 00*35'32E 660.00 FT TO S FENCE LINE OF AN EXISTING LANE, TH ALG SD FENCE LINE S 89*37'49E 190.47 FT TO POB.
- 03-079-0014
E 1/2 OF LOTS 10 & 11, BLK 10 OF 5 AC PLAT OF SEC 11, TWP 9 N, R 2 W, SLM
- 03-081-0018
BEG AT SW COR OF LOT 8, BLK 12, 5 ACRE PLAT, BRIGHAM CITY SURVEY, TH N 39 2/3 RDS, E 19 1/3 RDS, S 39 2/3 RDS, W 19 1/3 RDS TO BEG. LESS 8 FT DEEDED FOR ROAD PURPOSES ALG N SIDE OF SD TRACT. TOGETHER WITH IMPROVEMENTS & WATER RIGHTS. CONTG 4.78 ACRES.
- 03-081-0017
A PT OF N/W OF SEC 12 TWP 9N R 2W SLM. BEG AT A PT 1497.06 FT S & 2171.95 FT E OF NW COR OF SEC, N 0* 33'29E 330 FT M/L TO S LINE OF 1500 N, E ALG SD S LINE 640 FT M/L TO W LINE OF ST RD 69, S 0*57'37W 330 FT M/L TO A PT LOC S 88*33'27E 641 FT LFRM POB, N 88*33'27W 641 FT ML TO POB. CONTG 4.80 ACS M/L
- 03-081-0022
BEG AT A PT LOC 21.85 CH N & 2.28 CH E & N 88*15'00W 17 CH FROM CTR OF SEC 12 T9N R2W SLM, TH N 1*24'E 700.92 FT, S 88*15'00E 462.00 FT, S 700.92 FT M/L TO AN EXIST FENCE, N 88*15'00W 479.00 FT, M/L ALG SD FENCE TO POB. WITH AN 11 FT EASEMENT LYING N OF THE FOLLOWING DESC LINE: BEG AT A PT LOC 21.85 CH N & 2.28 CH E FROM CTR OF SEC 12, TH N 88*15'00W 643.00 FT TO E LINE OF ABOVE DESC PROP. CONT 7.57 AC M/L

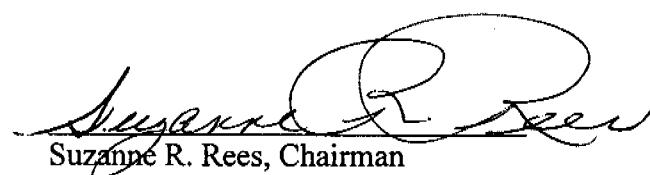
- 03-081-0003
BEG AT A PT 22 RDS E OF NW COR OF NE/4 OF NW/4 OF SEC 12 T9N R2W SLM, S 163.68 FT, W 250 FT, S 958.32 FT TO STREET, W 542 FT, N 80 RDS, E 48 RDS, S 12 RDS TO POB. CONT 19.95 ACRES M/L IN BLK 13 FIVE ACRE PLAT.
- 03-066-0014
BEG AT A PT 10.32 RDS N & 53.08 RDS E OF SW COR OF SEC 1, TWP 9N, R 2 W, SLM, N 1 1/2* E 45.76 RDS, S 88*24' E 42.12 RDS, S 1 1/2* W 38.44 RDS, N 88*24' W 40 RDS, S 1 1/2* W 5.32 RDS, N 88*24' W 2.12 RDS TO BEG. ALSO BEG AT A PT 93.52 RDS N & S 88*24' E 54.70 RDS FRM SW COR OF SEC, S 88*24' E 42.12 RDS, S 1 1/2* W 37.44 RDS, N 88*24' W 42.12 RDS, N 1 1/2* E 37.44 RDS TO BEG. CONT 19.93 ACS
- 03-067-0018
BEG AT A PT 55 RDS N & 30 RDS W OF SE COR OF NE/4 OF SE/4 OF SEC 2, TWP 9 N, R 2 W, SLM, RUNNING W 40 RDS, N 20 RDS, E 40 RDS, S 20 RDS TO BEG
- 03-067-0021
BEG AT A PT 50 RDS W & 15 RDS N OF SE COR OF NE/4 OF SE/4 OF SEC 2, TWP 9 N, R 2 W, SLM, RUNNING W 20 RDS, N 40 RDS, E 20 RDS, S 40 RDS TO BEG
- 03-081-0004
BEG AT A PT 22 RDS E & 68 RDS S OF NW COR OF NE/4 OF NW/4 OF SEC 12 T9N R2W SLM, SD PT BEING ON N/L OF A STREET, W 250 FT, N 958.32 FT, E 250 FT, S 958.32 FT TO POB. CONT 5.5 ACRES IN BLK 13 OF FIVE ACRE PLAT.
- 03-081-0009
BEG AT A PT 69 RDS N & 107 RDS W OF SE COR OF NW/4 OF SEC 12 T09N R02W SLM, BEING SW COR OF LOT 6 BLK 12 FIVE ACRE PLAT, N 20 RDS M/L TO A ST, E ALG ST 48 RDS, S 20 RDS M/L, W 48 RDS TO POB. CONT 6 AC M/L.
- 03-081-0012
SEC 12 TWP 9N R 2W SLM: BEG AT A PT OF W SIDE OF CO ROD, BEING 86 RDS N & ABT 517 FT W OF SE COR OF N/2 OF SW/4 OF SEC, W 1283 FT, N 40 RDS, E 1283 FT, S 40 RDS TO BEG. A FENCE LINE DETERMINED BY COMMON AGREEMENT CONTG. 19.57 ACS. BLK 12, 5 ACRE PLAT, B.C.S.
- 03-081-0011
LOT 5 IN BLK 12 OF FIVE ACRE PLAT OF SEC 12 TWP 9N R 2W SLM.
- 03-081-0010
BEG NE COR OF LOT 6 BLK 12 BRIGHAM CITY 5 ACRE PLAT, SEC 12 TWP 9N R 2W SLM, S 20 RDS, W 8 RDS, N 20 RDS TO ST, E ALG ST TO BEG.
- 03-080-0027
LOT 5 KOTTER SUBDIVISION CONTG 5.011 ACRES
- 03-080-0028
LOT 6 KOTTER SUBDIVISION CONTG 5.729 ACRES
- 03-067-0008
PT OF SEC 2 T9N R2W SLM: BEG AT PT N89*26'13E ALG SEC/L 2047.57 FT & N0*33'47W 279.71 FT FRM SW COR OF SD SEC 2, ALG A FNC/L S87*53'51E 1021.60 FT, TO PT FRMLY DESC OF REC AS BEING 1864.4 FT W & 294.6 FT N OF SE COR OF SEC, ALG FNC/L S0*31' 19E 113.35 FT, ALG A FNC/L S88*13' 05E 629.95 FT, FOL A FNC ALG W R/W OF 0SLRR THE FOLLOWING THREE COURSES: N0*22'36W 279.68 FT, NWLY ALG A CURVE 1168.81 FT, CHORD BEAR. ING N12*10'21W 1160.57 FT, N 23* 58'05W 1278.98 FT, CONTINUING ALG FNC S89*57'07W 1203.78 FT, ALG FNC S00*08'16W 2347.54 FT TO POB. CONT 96.20 ACRES
- 03-082-0001
ALL LOTS 14 & 15 BLK 11 FIVE ACRE PLAT SEC 12 T9N R2W SLM LESS U.I.C.R.R. LESS TRACT FOR UDOT SEE #138716 CONT 9.017 AC M/L
- 03-077-0013
3 ACS OF THE FOLLOWING DESC PROP INSIDE CITY LIMITS: LOTS 9 & 10, BLK 5, 5 AC PLAT BCS.
- 03-077-0014
6 ACS OF LOTS 9 & 10, BLK 5, 5 AC PLAT BCS. SEC 11, TWP 9 N, R 2 W, SLM
- 03-079-0015
E 1/2 OF LOTS 12 & 13 OF BLK 10 OF 5 AC PLAT OF SEC 11, TWP 9 N, R 2 W SLM
- 03-079-0013
W 1/2 OF LOTS 12 & 13, BLK 10 BCS 5 AC PLAT, SEC 11, TWP 9 N, R 2 W, SLM, EXC U.P.R.R R/W
- 03-076-0002
PART OF LOT 3 & LOTS 4 & 5 IN BLOCK 10 OF 5 AC PLAT OF SEC 11, TWP 9 N, R 2 W, SLM.

- 03-079-0008
LOTS 6 & 7 BLK 10, BC 5 AC PLAT OF SEC 11 TWP 9 N, R 2 W, SLM
- 03-079-0007
LOTS 8 & 9 IN BLK 10 OF 5 AC PLAT OF SEC 11 TWP 9 N, R 2 W, SLM
- 03-079-0016
THE W/2 OF LOTS 10,11,12, & 13 BLK 9, 5 ACRE PLAT, B.C.S. (NE/4 OF SEC 11 T9N R2W SLM.) CONT 9.88 ACRES
- 03-079-0005
LOT 14 BLK 9, 5 AC PLAT BCS OF SEC 11. TWP 9 N, R 2 W, SLM CONTG. 4.75 ACS
- 03-076-0001
LOTS 15 & 16 IN BLOCK 9 OF 5 ACRE PLAT OF SEC 11, TWP 9 N, R 2 W, SLM LESS RES & RD

Section 2. Notice of Creation of Agriculture Protection Area. The Box Elder County Recorder/Clerk shall maintain on file a copy of this Resolution within ten days from the adoption of this Resolution in order to give constructive notice of the existence of this agriculture protection area as provided in Utah Code Annotated Section 17-41-304.4. The Box Elder County Recorder/Clerk shall also provide a copy of this Resolution to the Box Elder County Planning Commission within ten days from the date hereof. The Box Elder County Recorder/Clerk is further ordered to send a copy of this Resolution, with the stamp of the County Recorder/Clerk of deeds, to the Utah Commissioner of Agriculture within ten days after recordation of this Resolution.

Section 3. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 9 day of March 2004.



Suzanne R. Rees
Suzanne R. Rees, Chairman



Clark N. Davis
Clark N. Davis, Commissioner



Scott Hansen
Scott Hansen, Commissioner

ATTEST:



LuAnn Adams
LuAnn Adams, Recorder/Clerk