

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 for the OAK TOWN ZEB NIELSON, May 19, 2021, complying with Section 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 OAK TOWN ZEB NIELSON, located in Millard County, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 19th day of May, 2021 at Salt Lake City, Utah.

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

DEIDRE M. HENDERSON
Lieutenant Governor



H. On October 2, 2020, the City Recorder certified the Zeb Nielson Annexation Petition and mailed or delivered written notification thereof to the Oak City Council, the contact sponsors and the Millard County Commission certifying that the annexation petitions met the requirements of state law.

I. The Town Clerk published Notice of Certification and mailed written Notice of Certification for the petition to each affected entity, as required by law, and no timely protests have been filed in accordance with the provisions of Section 10-2-407, Utah Code

Amended, 1953, as amended.

J. On December 17, 2020, the City Council held a public hearing after giving notice as required by law for the Zeb Nielson annexation and held a public hearing after giving notice as required by law for the Zeb Nielson annexation. The City Council has determined the referenced annexation is desirable and that a need exists to annex the territory described in the annexation petition.

K. The City Council has determined that the annexation territory should be zoned in accordance with the Oak City General Plan. The City Council has therefore determined that the territory should be included within the Rural Residential -2 (RR-2) Zone.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the Town of Oak

City, Utah:

Section 1. Territory Annexed. The real property, more particularly described in paragraph 2, below, is hereby annexed to Oak City, Utah, and the corporate limits of Oak City are hereby extended accordingly.

Section 2. Property Description. The real property, which is the subject of this annexation Ordinance, is described as follows:

ANNEXATION DESCRIPTION:

BEGINNING AT A POINT SOUTH 89°13'14" EAST 297.00 FEET ALONG THE QUARTER SECTION LINE FROM THE CENTER-ONE QUARTER CORNER OF SECTION 6, T17S, PLAT B; THENCE CONTINUING SOUTH 89°13'14" EAST ALONG SAID SECTION LINE 1304.01 FEET TO THE NORTHEAST CORNER OF JAY BURTON LOVELL AND PATRICIA ANNE LOVELL (TRUSTEES) PROPERTY AS RECORDED AT MILLARD COUNTY RECORDERS OFFICE AS PARCEL # 3734-1; THENCE SOUTH 00°23'39" WEST 2769.04 FEET ALONG THE EAST BOUNDARY OF SAID PARCEL TO THE SOUTH BOUNDARY LINE OF SAID SECTION 6; THENCE NORTH 88°54'38" WEST 904.65 FEET ALONG SAID SOUTH BOUNDARY; THENCE SOUTH 00°20'36" WEST 409.50 FEET; THENCE NORTH 88°54'38" WEST 426.00 FEET; THENCE NORTH 00°20'36" EAST 409.50 FEET TO SAID SOUTH BOUNDARY LINE OF SECTION 6; THENCE NORTH 88°54'38" WEST 246.88 FEET ALONG SAID BOUNDARY TO THE SOUTH QUARTER CORNER OF SAID SECTION 6; THENCE NORTH 00°05'41" WEST 1352.27 FEET ALONG THE QUARTER SECTION LINE TO THE SOUTH BOUNDARY OF UTAH STATE ROAD 125 AND A 2000 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THRU A CENTRAL ANGLE OF 101°1'15" A DISTANCE OF 355.61 FEET (CHORD BEARS NORTH 55°41'24" EAST 355.14 FEET); THENCE NORTH 00°03'42" EAST 1204.27 FEET TO THE POINT OF BEGINNING.

CONTAINS 95.974 ACRES

Section 3. Filing of Annexation Plat and Ordinance. Within thirty (30) days after enacting this ordinance, Oak City shall:

a. Send notice of the enactment of this Ordinance to each affected entity pursuant to the notice requirements set forth in Section 10-2-425, Utah Code Annotated (1953), *as amended*; and

b. File with the Lt. Governor of the State of Utah:

(i) A certified copy of this Ordinance approving the annexation, together with a plat or map prepared by a licensed surveyor, approved by the City Council, and filed with the Millard County Surveyor showing the new boundaries of the affected area; and Amended Articles of Incorporation reflecting the annexation.

Section 4. Effect of Annexation on Annexed Territory. Upon recordation of the annexation plat provided for in Section 3 above, the residents of the annexed territory shall be extended all rights and privileges of the Town of Oak City. Also, the residents of the annexed territory shall then be subject to and required to comply with all ordinances, resolutions, policies, rules and regulations of the Town of Oak City. At the time this annexation becomes effective, the annexation areas will be entitled to municipal services rendered by the Town of Oak City and to the protections offered by Oak City ordinances and other benefits generally enjoyed by the present residents of the Town of Oak City, Utah. This annexation will not affect any local district that may have been established in Millard County under Tide 17B, Chapter 2, Utah Code Annotated. The real property annexed will be within the boundaries of the Millard County Fire District, but it was also within those boundaries before the annexation.

Section 5. Statement of Compliance with Statutory Annexation Criteria. The annexation provided for herein complies with the statutory requirements set out in Part 4, Chapter 2, Tide 10, Utah Code Annotated (1953), *as amended*, and the requirements set forth in the Oak City Annexation Declaration.

Section 6. Zone Classification of Annexed Territory. Upon completion of the annexation of the territory described in this Ordinance into the Town of Oak City, Utah, the annexed territory shall be classified and included as being in the zone district identified by the attached map copy, marked as Exhibit "A". Such map identifies the proposed annexed territory to be Rural Residential District -2 (RR-2) Zone, all as further established by the Zoning Ordinances of Oak City, Utah.

Section 7. Development Restrictions. All future development must be made in compliance with Oak City ordinances, resolutions, policies, rules, and regulations. Street access to the property annexed shall follow the grid pattern layout of existing streets where possible. Development of the real property annexed by this ordinance shall require recorded easement conveyances for all utility services and dedication of land as appropriate under Oak

City ordinances to the Town for necessary streets. Any requirements of this paragraph or the municipal regulations incorporated herein not permissible under the laws of the state of Utah are deemed waived.

Section 8. Exhibits. All exhibits referred to in this Ordinance shall be deemed incorporated herein by reference to the same effect as though fully set forth herein.

Section 9. Severability. If any section, paragraph, subsection or any portion of this Ordinance less than the entire ordinance, or the application thereof, is held to be invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 10. Effective Date of Annexation and Ordinance. This Ordinance and the annexation provided thereby is completed and takes effect upon the publication of this Ordinance or a summary thereof and on the date the Lt. Governor of the State of Utah issues to Oak City a Certification of Amended Articles of Incorporation.

Section 11. Publication. This Ordinance, or a summary of this Ordinance, is ordered published in the *Millard County Chronicle-Progress*, a newspaper having general circulation within the Town of Oak City, Utah:

Section 12. Effect on Related Ordinances. Any ordinance, resolution or policy of the Town of Oak City in conflict with this ordinance shall hereby be deemed amended to the extent necessary to conform to the provisions of this ordinance as they relate to the annexed territory.

Section 13. Power Service. Properties being annexed as the Zeb Nielson Annexation which have existing electric services provided by the Town and which existed on or before June 15, 2013, are grandfathered as services outside of the municipal boundaries, under 2013 Senate Bill 180 and the provisions of Utah Code Annotated 10-8-14, as amended. No electric distribution facilities belonging to Rocky Mountain Power, the certificated electrical corporation, are located within the boundaries of the annexation. The Town will continue to provide service to existing electric connections, as well as any new electric service connections within the annexed area.

PASSED AND ADOPTED this 17 Day of December, 2020.

Shim Callister, Mayor

ATTEST:

Karen K. Lovell, Town Clerk

NOTICE OF IMPENDING BOUNDARY ACTION
BY OAK CITY TOWN, IN MILLARD COUNTY

Deidre Henderson, Utah Lieutenant Governor
350 North State Street, Suite 220
P.O. Box 14235
Salt Lake City, Utah 84114-2325
Lieutenant Governor Henderson,

1. This notice is directed to you to meet the requirements of Utah Code Annotated §67-1a-

6.5.

2. Oak City Town is the local entity whose boundary is affected by this boundary action.
3. The type of boundary action for which Oak City Town is seeking the applicable certificate from your office is an annexation.
4. Oak City Town certifies that all requirements applicable to the annexation have been met.

SIGNATURES AND VERIFICATION

STATE OF UTAH

COUNTY OF MILLARD

: ss.

Mayor, SHIM CALLISTER, being sworn, says that the facts set forth in the above Notice of Impending Boundary Action are true, accurate, and complete to the best of his knowledge and belief.

SHIM CALLISTER, Mayor

SUBSCRIBED AND SWORN to before me by SHIM CALLISTER, this 28

day of January, 2021.

STATE OF UTAH

COUNTY OF MILLARD

: ss.

Town Clerk, KAREN K. LOVELL, being sworn, says that the facts set forth in the above Notice of Impending Boundary Action are true, accurate, and complete to the best of her knowledge and belief.

Attest: KAREN K. LOVELL, Town Clerk

SUBSCRIBED AND SWORN to before me by KAREN K. LOVELL, this 28
day of January, 2021.

For Karen K. Lovell and Shim Callister

Deann D. Steele



