

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 ELDON ASHDOWN ANNEXATION, located in CEDAR CITY, dated DECEMBER 12, 2023, complying with Sections §10-2-425 and §67-1a-6.5 Utah Code Annotated, 1953, as amended.

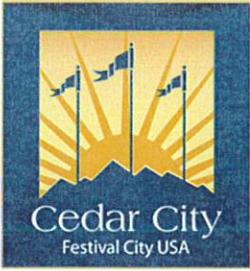
Now, therefore, notice is hereby given to all whom it may concern that the attached is a true and correct copy of the notice of annexation, referred to above, on file with the Office of the Lieutenant Governor pertaining to the ELDON ASHDOWN ANNEXATION, located in IRON COUNTY, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 18th day of December, 2023 at Salt Lake City, Utah.



A handwritten signature in black ink, reading "Deidre M. Henderson".

DEIDRE M. HENDERSON
Lieutenant Governor



CEDAR CITY

10 North Main • Cedar City, UT 84720
435-586-2950 • Fax 435-586-4362
www.cedarcity.org

Mayor

Garth O. Green

Council Members

Terri W. Hartley
Craig E. Isom
W. Tyler Melling
R. Scott Phillips
Ronald Riddle

City Manager

Paul Bittmenn

December 12, 2023

The Honorable Deidre M. Henderson
Utah Lieutenant Governor
Utah State Capital Complex
Suite 220
P.O. Box 142325
Salt Lake City, Utah 84114-2325
annexations@utah.gov

Re: Notice of Impending Boundary Action – Eldon Ashdown Annexation (1225 N 3900 W)

Dear Lt. Governor Henderson:

In accordance with the terms of UCA §10-2-425 and UCA §67-1a-6.5 please accept this notice that Cedar City has passed an ordinance annexing approximately 41.70 acres of land into its municipal boundaries. Included herewith are duly executed copies of Cedar City's annexation ordinance and a copy of the final plat map.

Please accept this signed and verified statement certifying that all requirements applicable to this annexation have been completed. Please issue to Cedar City the appropriate certificate regarding this annexation.

If you have any questions or need anything, please contact me.

Sincerely,

RANDALL K MCUNE
Cedar City Attorney

Encl.

CEDAR CITY ORDINANCE NO. 1129-23

AN ORDINANCE OF THE CEDAR CITY COUNCIL ANNEXING APPROXIMATELY 41.70 ACRES OF PROPERTY LOCATED IN THE VICINITY OF 1225 NORTH 3900 WEST INTO THE CORPORATE LIMITS OF CEDAR CITY, UTAH, AND AMENDING THE OFFICIAL ZONING MAP OF CEDAR CITY TO ZONE THE PROPERTY ANNEX TRANSITION (AT)

WHEREAS, on May 24, 2023, Jon Ashdown, a trustee of the Eldon Ashdown Living Trust, petitioned the City Council for approval of an annexation into the Cedar City limits. The petition and plat map are attached as Exhibit A; and

WHEREAS, the Property is approximately 41.70 acres in size and is located in the vicinity of 1225 North 3900 West. The legal description of the property is attached as Exhibit B; and

WHEREAS, the Property is included within the Cedar City Annexation Expansion Area, and is not included within any other municipal jurisdiction; and

WHEREAS, the Planning Commission, after proper notice, conducted a public hearing, and voted to forward a positive recommendation for this proposed annexation to the City Council; and

WHEREAS, the annexation application and submittal documents are deemed complete; and

WHEREAS, the Cedar City Council accepted the petition for annexation on September 13, 2023; and

WHEREAS, the City reviewed the petition against the criteria stated in Sections 10-2-403(2), (3), and (4) of the Utah Code, annotated 1953 as amended, and found the petition complied with all applicable criteria of the Utah Code; and

WHEREAS, the City Recorder had public notice posted pursuant to Utah State law, giving notice that the petition had been certified and the required 30-day protest period had begun; and

WHEREAS, no protests were received as defined by Utah Code Annotated 10-2-407(1) within the 30-day protest period; and

WHEREAS, an Annexation Memorandum of Understanding for the Availability and Providing of City Services, sets forth further terms and conditions of the Annexation, is herein included as Exhibit C; and

WHEREAS, the Council finds that the Property is zoned Annex Transition (AT); and

NOW THEREFORE BE IT ORDAINED by the City Council of Cedar City, State of Utah, that the Property is hereby annexed into the corporate limits of Cedar City, Utah. The Property so annexed shall enjoy the privileges of Cedar City and shall be subject to all City levies and assessments. The Property shall be subject to all City laws, rules and regulations upon the effective date of this ordinance. The City staff is hereby directed to make the necessary changes to the City's zoning map, zoning the property Annex Transition (AT).

This ordinance, Cedar City Ordinance No. 1129-23, shall become effective immediately upon passage by the City Council and published in accordance with State Law.

Council Vote:

Hartley - Aye
Isom - Aye
Phillips - Aye
Melling - Aye
Riddle - Aye

Dated this 4 day of December, 2023.



[SEAL]

ATTEST:

Renon Savage
RENON SAVAGE, RECORDER

Garth O. Green
GARTH O. GREEN, MAYOR

Exhibit A
Cedar City Ordinance 1129-23.

* Received 5/24/2023 *
D.S.

PETITION FOR ANNEXATION

TO THE CITY RECORDER OF CEDAR CITY, MUNICIPAL CORPORATION OF THE
STATE OF UTAH:

The Petition of the undersigned owners of real property hereinafter more particularly described, do hereby present this Petition for Annexation of the said real property into the corporate limits of the City of Cedar City, Utah, and respectfully represent as follows:

1. That they are the owners of the real property in the territory lying contiguous to the present corporate limits of the city of Cedar City, in Iron County, State of Utah.
2. That the undersigned Petitioners constitute a majority of the owners of the said real property, and at least 1/3 of the value of all private real property within the area proposed for annexation, and that they desire to have such property annexed to the City of Cedar City, Utah and become a part thereof.
3. That attached hereto is an accurate plat or map of such territory to be so annexed, showing that such territory to be so annexed does actually lie contiguous to such existing boundaries of the city of Cedar City, Utah, and which plat or map has been prepared by Rosenberg Associates, competent and duly licensed engineers and surveyors.
4. That the territory to be so annexed is shown on the annexation plat attached hereto and is more particularly described as follows:

(MUST ATTACH LEGAL DESCRIPTION AS EXHIBIT "A")

5. The petitioner designated as the contact sponsor is Jon Ashdown, at 492 51840

***** AT THE SAME TIME THE PETITION IS FORMALLY FILED WITH THE CITY,
THE FOLLOWING MUST TAKE PLACE:**

- 1. A MYLAR MUST BE FILED**
- 2. WRITTEN NOTICE BY THE PETITIONER MUST BE SENT TO
EFFECTED ENTITIES.**
- 3. VERIFICATION THAT THE REQUIRED NOTICES WERE SENT MUST
BE FILED WITH THE PETITION.**

Exhibit B

Cedar City Ordinance 1129-23.

ANNEXATION DESCRIPTION

BEGINNING AT THE WEST QUARTER CORNER OF SECTION 6, TOWNSHIP 36 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN;

THENCE SOUTH 88°47'03" WEST 1,325.54 FEET ALONG THE CENTER EAST-WEST LINE SECTION 1, TOWNSHIP 36 SOUTH, RANGE 12 WEST, S.L.B.&M.;

THENCE NORTH 00°11'29" WEST 342.57 FEET;

THENCE NORTH 88°47'03" EAST 1,325.49 FEET TO THE WEST LINE SAID SECTION 6;

THENCE NORTH 89°56'02" EAST 3,978.12 FEET TO THE EAST 1/16TH LINE SAID SECTION 6;

THENCE SOUTH 00°00'21" EAST 342.57 FEET ALONG SAID EAST 1/16TH LINE TO THE CENTER LINE SAID SECTION 6;

THENCE SOUTH 89°56'02" WEST 3,976.96 FEET ALONG SAID CENTER LINE SECTION 6 TO THE POINT OF BEGINNING.

CONTAINING 1,816,585 SQUARE FEET OR 41.70 ACRES.

Exhibit C

Cedar City Ordinance 1129-23.

ANNEXATION
MEMORANDUM OF UNDERSTANDING
FOR
THE AVAILABILITY AND PROVIDING OF CITY SERVICES

ANNEXATION NAME: ELDON ASHDOWN ANNEXATION

ANNEXATION AREA:

41.70 ACRES

ANNEXATION LOCATION: West of 1225 North and 3900 West (A PORTION OF SECTION 1, TOWNSHIP 36 SOUTH, RANGE 12 WEST & SECTION 6, TOWNSHIP 36 SOUTH, RANGE 11 WEST, SALT LAKE BASE & MERIDIAN)

This memorandum of understanding describes the availability and requirements to provide the basic City services to the Annexation Area. It is clearly understood that this is a general statement of the availability and requirements to provide services relative to this annexation area. Cedar City Corporation may require additional improvements in the process of the development and reserves the right to do so.

DESCRIPTION OF SERVICES

1. WATER: Water is available at the intersection of 1225 N and 3900 West
2. SEWER: Sewer is available western side of the subject property in the 4500 West alignment.
3. DRAINAGE: The property slopes from east to west with an overall slope 0.5%
4. ACCESS: Provided on the east side of the subject property off of 3900 West.
5. FIRE: **Please reach out to the Cedar City Fire Department regarding the language below.** All development shall conform to the currently adopted International Fire Code and International Building Code. Fire apparatus access roads shall be provided and maintained. Required access roads shall extend to within 150 feet of all portions of buildings and all exterior walls as measured by an approved route around the exterior of buildings hereafter constructed. Security gates across fire department access roads shall be approved by the fire code official and shall have an approved means of emergency operation. The grade of fire department access roads shall not exceed 10 percent. An approved water supply capable of supplying the required fire flow shall be provided.

Developments within Cedar City's designated Wildland Urban Interface areas shall conform to the Utah Wildland Urban Interface Code as adopted by Cedar City Corporation.

Developments located outside of a 5-mile radius from a city fire station may be

classified as class 10 -unprotected, by the Insurance Services Office (ISO). While the fire department will provide fire protection in such areas, insurance rates are likely to be greater than those located within the city's ISO class 4 protection classification.

6. POLICE: The annexed property in within the area presently served by the Cedar City Police Department.

APPROVALS:

Mike Shurtz *Mike Shurtz*

CEDAR CITY FIRE DEPARTMENT

Darin M. Adams *Darin M. Adams*

CEDAR CITY POLICE DEPARTMENT

Jonathan Stathis *Jonathan Stathis*

CEDAR CITY ENGINEERING DEPARTMENT

Jon Ashdown

PROPERTY OWNER

Eng/forms/annexation MOU blank

