

RESOLUTION 19-26A

A RESOLUTION ACCEPTING AN AMENDED PETITION FOR ANNEXATION OF CERTAIN REAL PROPERTY UNDER THE PROVISIONS OF SECTION 10-2-405, UTAH CODE ANNOTATED, 1953, AS AMENDED (*WDT Annexation - 10.00 acres*).

WHEREAS, on November 19, 2019, the owners of certain real property (petitioners) Century Bound Utah, LLC filed a petition with the city recorder of Hyrum City, Cache County, State of Utah requesting that such property be annexed to the corporate boundaries of Hyrum City; and

WHEREAS, the Hyrum City Council approved Resolution 19-26 accepting the petition for annexation of certain real property under the provisions of Section 10-2-405; and

WHEREAS, On January 2, 2020 the Hyrum City Council was unable to certify the annexation petition due to different company names shown on annexation petition as to actual ownership shown by Cache County Recorder's Office. Hyrum City Council authorized Century Bound Utah to correct the annexation petition to state Top Dog Realty LLC on the annexation petition rather than Century Bound Utah; and

WHEREAS, On January 8, 2020, the owners of said real property (petitioners) Top Dog Realty LLC. filed an amended petition with the city recorder of Hyrum City; and

WHEREAS, said petition contains the signatures of the owners of private real property that is: 1) located within the area proposed for annexation; 2) covers a majority of the private land area within the area proposed for annexation; 3) covers 100% of rural real property as that term is defined in Section 17B-2a-1107 within the area proposed for annexation; 4) covers 100% of the private land area within the area proposed for annexation if the area is within an agriculture protection area, or a migratory bird protection area; and 5) is equal in value to at least one-third of the value of all the private real property within the area proposed for annexation; and

WHEREAS, the petitioners certify that said property proposed for annexation lies contiguous to the present boundaries of Hyrum City as provided in the legal description and does not lie within the boundaries of any other incorporated municipality; and

WHEREAS, the petitioners have caused an accurate plat of the real property proposed for annexation to be prepared by a licensed surveyor and have filed said plat with the city recorder; and

WHEREAS, said petition appears to comply with all of the requirements of Section 10-2-403, Utah Code Annotated, 1953, as amended.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Hyrum City, Cache County, State of Utah, that the annexation petition, attached hereto as Exhibit "A", is hereby accepted for consideration under the provisions of Utah State annexation law and is hereby referred to the municipal attorney and city recorder for review pursuant to Section 10-2-405, Utah State Code Annotated, 1953, as amended.

BE IT FURTHER RESOLVED that this resolution shall become effective upon adoption.

ADOPTED AND PASSED by the City Council this 16th day of January, 2020.

HYRUM CITY

BY: _____
Stephanie Miller
Mayor

ATTEST:

Stephanie Fricke
City Recorder

PETITION FOR ANNEXATION

TO THE MAYOR AND CITY COUNCIL OF HYRUM CITY, CACHE COUNTY, STATE OF UTAH:

We, the undersigned owners of certain real property lying contiguous to the present municipal limits of Hyrum City hereby submit this Petition for Annexation and respectfully represent the following:

1. That this petition is made pursuant to the requirements of Section 10-2-403, Utah Code Annotated, 1953, as amended (UCA);
2. That the property subject to this petition is a contiguous, unincorporated area contiguous to the boundaries of Hyrum City;
3. That the signatures affixed hereto are those of the owners of private real property that:
 - a. is located within the area proposed for annexation;
 - b. covers a majority of the private land area within the area proposed for annexation;
 - c. covers 100% of rural real property as that term is defined in Section 17B-2a-1107 within the area proposed for annexation;
 - d. covers 100% of the private land area within the area proposed for annexation if the area is within:
 1. an agriculture protection area created under Title 17, Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials Protection Area; or
 2. a migratory bird protection area created under Title 23, Chapter 28, Migratory Bird Production Area.
 - e. is equal in value to at least 1/3 of the value of all private real property within the area proposed for annexation;
 - f. is described as follows:

A PART OF NORTHWEST AND SOUTHWEST QUARTER SECTION 31 TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN. BEGINNING AT A POINT ON THE CORPORATE LIMITS LINE OF HYRUM CITY LOCATED NORTH 38°44'28" EAST 2988.38 FEET; FROM THE SOUTH QUARTER OF SAID SECTION THENCE NORTH 1°07'52" EAST 886.78 FEET; THENCE SOUTH 89°36'00" EAST 523.46 FEET; THENCE SOUTH 2°32'54" WEST 894.43 FEET; TO A POINT ON SAID CORPORATE LIMITS LINE THENCE NORTH 88°47'24" WEST 501.30 FEET; ALONG SAID LINE IN THE CENTER OF 4600 SOUTH STREET TO POINT OF BEGINNING. CONTAINING 10.00 ACRES
4. That up to five of the signers of this petition have been designated as sponsors, one of whom is designated "contact sponsor", with the mailing address of each sponsor being indicated;

5. That this petition does not propose annexation of all or a part of an area proposed for annexation in a previously filed petition that has not been denied, rejected, or granted;

6. That this petition does not propose annexation of an area that includes some or all of an area proposed to be incorporated in a request for a feasibility study under Section 10-2-103 UCA or a petition under Section 10-2-125 UCA if:

- a. the request or petition was filed before the filing of the annexation petition; and
- b. the request, a petition under Section 10-2-109 based on that request, or a petition under Section 10-2-125 is still pending on the date the annexation petition is filed;

7. That the petitioners have caused an accurate plat of the above described property to be made by a competent, licensed surveyor, which plat is filed herewith; and

8. That the petitioners request the property, if annexed, be zoned Heavy Manufacturing M-2.

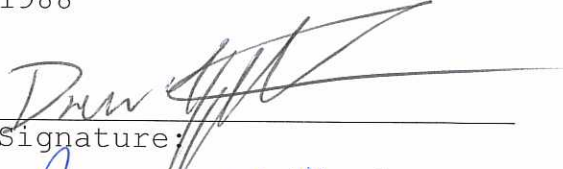
9. That the petitioners agree to pay the City upon request and before the annexation process is completed for all expenses it has incurred due to the annexation. The petitioners understand if payment has not been made to the City by specified dates it could delay the annexation process.

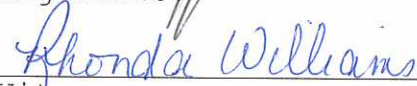
WHEREFORE, the Petitioners hereby request that this petition be considered by the governing body at its next regular meeting, or as soon thereafter as possible; that a resolution be adopted as required by law accepting this Petition for Annexation for further consideration; and that the governing body take such steps as required by law to complete the annexation herein petitioned.

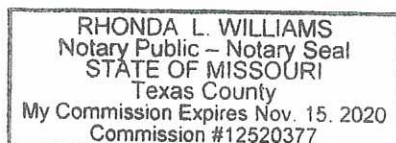
DATED this 6th day of January, 2020.

CONTACT SPONSOR INFORMATION:

Drew Honeycutt
Owner/Chief Marking Officer
Top Dog Realty LLC
PO Box 590
Cabool, MO 65689
(417) 254-1988


Signature:


Witness:



ANNEXATION

SPONSORS:

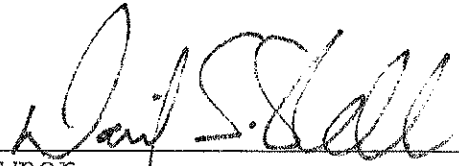
Parcel #: 03-055-0023

Acres: 10 acres

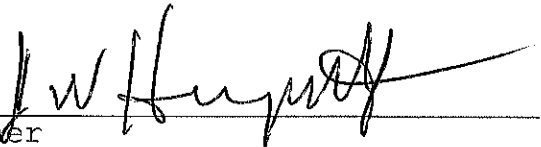
Total: 10 acres

OWNERS NAMES AND ADDRESS:

David Shelton
CEO/ President
Top Dog Realty LLC
PO Box 590
Cabool, MO 65689


Owner

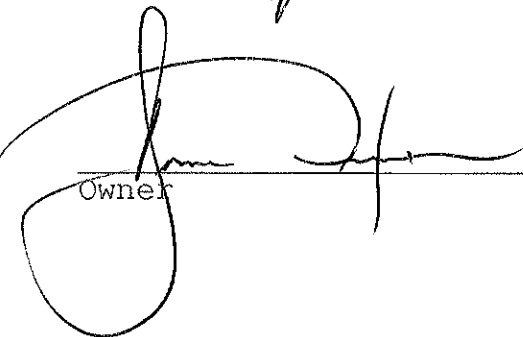
JW Honeycutt
Chair of the Board
Top Dog Realty LLC
PO Box 590
Cabool, MO 65689


Owner

Drew Honeycutt
Chief Marketing Officer
Top Dog Realty LLC
PO Box 590
Cabool, MO 65689


Owner

Jim Dixon
Chief Operating Officer
Top Dog Realty LLC
PO Box 590
Cabool, MO 65689


Owner



HYRUM CITY

60 West Main • Hyrum, Utah 84319
Phone (435) 245-6033

Stephanie Miller, Mayor
Council Members
Stephen G. Adams
Kathy Bingham
Jared L. Clawson
Paul C. James
Craig L. Rasmussen
City Administrator
Ron W. Salvesen
Recorder
Stephanie B. Fricke
Treasurer
Todd Perkins

CERTIFICATE

I, Stephanie Fricke, duly appointed and acting recorder for Hyrum City, Cache County, State of Utah, hereby certify that the Petition for Annexation attached hereto, November 19, 2019 and signed by Drew Honeycutt of Century Bound Utah together with the annexation plat map pertaining thereto, was delivered to me personally by Alan Thornley this 19th day of November, 2019, at the Hyrum City Office, 60 West Main, Hyrum, Utah.

On January 2, 2019 the Hyrum City Council was unable to certify the annexation petition due to different company names shown on annexation petition as to actual ownership shown by Cache County Recorder's Office. Hyrum City Council authorized Century Bound Utah to correct the annexation petition to state Top Dog Realty LLC on the annexation petition rather than Century Bound Utah.

On January 8, 2020, I Stephanie Fricke, duly appointed and acting recorder for Hyrum City, Cache County, State of Utah, hereby certify that a corrected Petition for Annexation attached hereto, January 6, 2020 signed by Drew Honeycutt and others of Top Dog Realty LLC together with the annexation plat map pertaining thereto, was delivered to me personally by Alan Thornley this 8th day of January, 2020, at the Hyrum City Office, 60 West Main, Hyrum, Utah.


Stephanie Fricke
Hyrum City Recorder