

ORDINANCE # 16-41

AN ORDINANCE ANNEXING TERRITORY LOCATED AT APPROXIMATELY  
601 EAST 8400 SOUTH IN SALT LAKE COUNTY, COMPRISING  
APPROXIMATELY 3.3 ACRES INTO SANDY CITY; ESTABLISHING ZONING  
FOR THE ANNEXED PROPERTIES; ALSO PROVIDING A SEVERANCE AND  
EFFECTIVE DATE FOR THE ANNEXATION

The Sandy City Council finds:

1. Section 10-2-418, Utah Code Annotated, authorizes the City to annex contiguous areas within unincorporated county islands without a petition if it satisfies certain statutory requirements.
2. The City has complied with all statutory requirements, in that: (1) the areas proposed to be annexed, located at approximately 601 East 8400 South in Salt Lake County, comprising approximately 3.3 acres ("Areas"), are contiguous areas and are contiguous to the City; (2) the Areas consists of a portion of one or more unincorporated Salt Lake County islands within or unincorporated peninsulas contiguous to the City, which have fewer than 800 residents; (3) the majority of the island or peninsula consists of residential or commercial development; (4) the Areas require the delivery of municipal-type services; and (6) the City has provided one or more municipal-type services to the island or peninsula and to the Areas for more than one year.
3. On October 25, 2016, the City adopted Resolution 16-65 C, attached hereto as **Exhibit "A"**, describing the Area and indicating the City's intent to annex the Areas. The City determined that not annexing the entire island or peninsula was in its best interest.
4. The City published Notice to hold a public hearing on the proposed annexation of the Areas. The Notice was published at least once a week for three successive weeks in a newspaper of general circulation within the City and within the Areas, and the City sent written notice to the board of each special district whose boundaries contain some or all of the Areas, and to the Salt Lake County legislative body. The Notice, a copy of which is attached hereto as **Exhibit "B"**, complied with all statutory requirements.
5. On or about December 6, 2016, 2016, the City Council held a public hearing on the proposed annexation. Prior to the public hearing, the owners of at least 75% of the total private land area representing at least 75% of the value of the private real property within the Areas consented in writing to the annexation. Such consent is attached hereto as **Exhibit "C"**. As such, the City may adopt an ordinance annexing the Areas without allowing or considering protests and the Areas are conclusively presumed to be annexed, as per Section 10-2-418(3)(b), Utah Code Annotated. Only those property

owners living within the area proposed for annexation have standing to protest the proposed annexation, as per Section 10-2-418 (2)(b)(iv), Utah Code Annotated.

6. The annexation of the Areas is completed and takes effect on the date of the lieutenant governor's issuance of a certificate of annexation as per Section 10-2-425(4), Utah Code Annotated.

NOW, THEREFORE, BE IT ORDAINED by the City Council that it does hereby:

1. Adopt an ordinance annexing the Areas as shown in Exhibit "A" and on the plat filed in the office of the Sandy City Recorder.
2. Determine that not annexing the entire island or peninsula is in the City's best interest.
3. Zone the Areas to an R-1-8.
4. Confirm that, pursuant to Section 10-2-425(4), Utah Code Annotated, this annexation is completed and takes effect upon the date of the lieutenant governor's issuance of a certification of annexation.
5. Declare that all parts of this ordinance are severable and that if the annexation of the Areas shall, for any reason, be held to be invalid or unenforceable, this shall not affect the validity of any associated or subsequent annexation.
6. Affirm that this ordinance shall become effective upon publication as provided by law.

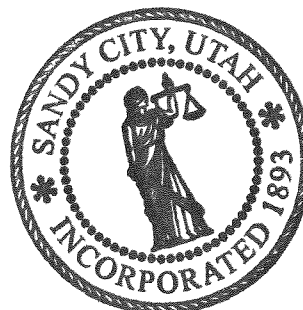
PASSED AND APPROVED by vote of the Sandy City Council this 6<sup>th</sup> day of December, 2016.

ATTEST:

Wendy Deen  
City Recorder, Deputy

Steph Smith  
Chair, Sandy City Council

Tom Deen  
Mayor, Sandy City



PRESENTED to the Mayor of Sandy City this 7<sup>th</sup> day of December, 2016.

APPROVED by the Mayor of Sandy City this 7<sup>th</sup> day of December, 2016.

**EXHIBIT A  
OF ORDINANCE #16-41**

LEVINE ANNEXATION  
RESOLUTION # 16-65c

A RESOLUTION INDICATING INTENT TO ANNEX  
AN UNINCORPORATED AREA, SETTING A HEARING  
TO CONSIDER SUCH AN ANNEXATION, AND  
DIRECTING PUBLICATION OF HEARING NOTICE.

The City Council of Sandy City, State of Utah, finds and determines as follows:

1. Sandy City ("City") desires to annex a certain contiguous unincorporated area, totaling approximately 3.3 acres, located at approximately 601 East 8400 South in Salt Lake County, Utah, and more specifically described in the description attached hereto as Appendix "A".
2. The City is authorized to annex the area without a petition pursuant to Utah Code Annotated §10-2-418.
3. The annexation of that portion of an island or peninsula, leaving unincorporated the remainder of that island or peninsula, is in the City's best interests.

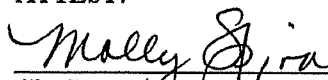
NOW, THEREFORE, BE IT RESOLVED by the City Council of Sandy City, Utah that it does hereby:

1. Indicate the City Council's intent to annex the area described in Appendix "A".
2. Determine that not annexing the entire unincorporated island or unincorporated peninsula is in the City's best interest.
3. Set a public hearing for December 6, 2016, at 7:05 p.m. to consider the annexation.
4. Direct the City Recorder to publish and send notice of such hearing in accordance with Utah Code Annotated §10-2-418.

ADOPTED by the Sandy City Council this 25<sup>th</sup> day of October, 2016.

  
\_\_\_\_\_  
Stephen P. Smith, Chair  
Sandy City Council

ATTEST:

  
\_\_\_\_\_  
City Recorder

RECORDED this 28<sup>th</sup> day of October, 2016.

[illegible]

## **EXHIBIT B OF ORDINANCE #16-41**

### **SANDY CITY PUBLIC NOTICE INTENT TO ANNEX**

**NOTICE IS HEREBY GIVEN** that the Sandy City Council has adopted a resolution indicating its intent to annex an unincorporated area, located at approximately 601 East 8400 South, into the Municipality of Sandy City. On December 6, 2016, at 7:05 p.m., in the City Council Chambers, Sandy City Hall, 10000 Centennial Parkway, Sandy, Utah, the Sandy City Council will hold a public hearing on the proposed annexation.

Legal Description: Beginning at a point on the current Sandy City boundary said point being a southwesterly corner of a previous annexation to Sandy City recorded December 9, 1983 as Entry No. 3879183 in Book 83-12 of plats at Page 168 in the office of the Salt Lake County Recorder, said point lies North 1353.00 feet and West 825.00 feet from the Southeast Corner of Section 31, Township 2 South, Range 1 East, Salt Lake Base and Meridian;

thence along a northerly line of the current Sandy City boundary established by the SEAL ANNEXATION to Sandy City recorded April 28, 2005 as Entry No. 9360876 in Book 2005P of plats at Page 129 in the office of said Salt Lake County Recorder, West 276.30 feet;

thence along an easterly line of said current Sandy City boundary established by said SEAL ANNEXATION to Sandy City, North 209.00 feet;

thence along a southerly line of said current Sandy City boundary established by said SEAL ANNEXATION to Sandy City, East 69.50 feet;

thence along an easterly line of said current Sandy City boundary established by said SEAL ANNEXATION to Sandy City, North 418.00 feet;

thence along a southerly line of the current Sandy City boundary established by a previous annexation to Sandy City recorded February 29, 1984 as Entry No. 3910429 in Book 84-2 of plats at Page 24 in the office of said Salt Lake County Recorder, East 206.80 feet to a northwesterly corner of the current Sandy City boundary as established by a previous annexation to Sandy City recorded May 28, 1963 as Entry No. 1922474 in Book Z of plats at Page 98 in the office of said Salt Lake County Recorder;

thence along an easterly line of the current Sandy City boundary as established by said annexation recorded in Book Z at Page 98 and said annexation recorded in Book 83-12 at Page 168, South 627.00 feet to the Point of Beginning.

The above described area contains approximately 3.3 acres.

The City Council will annex the area unless written protests to the annexation are presented at the public hearing, or are filed by 5:00 p.m., on the day of such hearing, with the Sandy City Recorder, Suite 311, Sandy City Hall, 10000 Centennial Parkway, Sandy Utah, by the owners of private real property that:

- (A) is located within the area proposed for annexation;
- (B) covers a majority of the total private land area within the entire area proposed for annexation; and
- (C) is equal in value to at least ½ the value of all private real property within the entire area proposed for annexation.

The area under consideration for annexation comprises approximately 3.3 acres. It is being proposed to annex these properties to the City with the R-1-8 (Single Family Residential) Zone. Any questions you may have regarding this annexation, may be directed to James Sorensen in the Community Development Department - 568-7270, [jsorensen@sandy.utah.gov](mailto:jsorensen@sandy.utah.gov)

|        |                  |                                                                                          |
|--------|------------------|------------------------------------------------------------------------------------------|
| Posted | October 28, 2016 | Sandy City Hall                                                                          |
|        |                  | Sandy Parks & Recreation                                                                 |
|        |                  | Sandy Library                                                                            |
|        |                  | Sandy City Website ( <a href="http://www.sandy.utah.gov">http://www.sandy.utah.gov</a> ) |
|        |                  | Utah Public Notice Website ( <a href="http://pmn.utah.gov">http://pmn.utah.gov</a> )     |

|           |                   |                   |
|-----------|-------------------|-------------------|
| Published | November 8, 2016  | Salt Lake Tribune |
|           | November 15, 2016 |                   |
|           | November 22, 2016 |                   |

**EXHIBIT C**  
**OF ORDINANCE #16-41**



Date: 9/15/16

Attn: James Sorensen  
Sandy City Community Development  
10000 Centennial Parkway  
Sandy, Utah 84070

RECEIVED  
SEP 26 2016  
SANDY CITY  
COMMUNITY DEVELOPMENT

My name is Chris Hank.

I am (we are) the property owner(s) of property in the unincorporated area of Salt Lake County located at :

571 EAST 8400 SOUTH SANDY, UTAH 84070

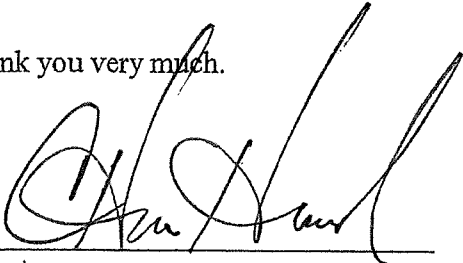
This property is part of an island or peninsula and is contiguous to Sandy City.

I (we) **CONSENT** to have Sandy City annex this property.

I (we) can be reached at : (401) 633-8174 OR UTAH/BUILDER@LIVE.COM

Note: Since this written consent is used to proceed with an annexation of your property in accordance with Utah Code Section 10-2-418, no public election is required by law to approve the annexation. If you sign this consent and later decide you do not want to support the annexation of your property, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Sandy City. If you choose to withdraw your signature, you must do so no later than the close of the public hearing on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(a)(iv).

Thank you very much.

  
Signature

\_\_\_\_\_  
Signature

RECEIVED  
SEP 23 2016  
SANDY CITY  
COMMUNITY DEVELOPMENT

Date: 9-01-16

Attn: James Sorensen  
Sandy City Community Development  
10000 Centennial Parkway  
Sandy, Utah 84070

My name is Luis C. Nelan - Trustee of Oscar J. Levine Estate

I am (we are) the property owner(s) of property in the unincorporated area of Salt Lake County located at :

601 E 8400 S Sandy, Utah 84070

This property is part of an island or peninsula and is contiguous to Sandy City.

I (we) **CONSENT** to have Sandy City annex this property.

I (we) can be reached at : 801-253-1667 C 801-557-0455

Note: Since this written consent is used to proceed with an annexation of your property in accordance with Utah Code Section 10-2-418, no public election is required by law to approve the annexation. If you sign this consent and later decide you do not want to support the annexation of your property, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Sandy City. If you choose to withdraw your signature, you must do so no later than the close of the public hearing on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(a)(iv).

Thank you very much.

Luis C. Nelan - Trustee  
Signature

\_\_\_\_\_  
Signature