

## ORDINANCE #18-11

AN ORDINANCE ANNEXING TERRITORY LOCATED AT APPROXIMATELY 9560 SOUTH 1700 EAST AND 9572 SOUTH 1700 EAST IN SALT LAKE COUNTY, COMPRISING APPROXIMATELY 1.2 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 9560 South 1700 East and 9572 South 1700 East in Salt Lake County, comprising approximately 1.2 acres ("Area"), are contiguous areas and are contiguous to the City; (2) the Area 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 Area requires 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 March 27, 2018, the City adopted Resolution #18-15C, attached hereto as **Exhibit "A"**, describing the Area and indicating the City's intent to annex the Area. 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 Area. 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 Area, and the City sent written notice to the board of each special district whose boundaries contain some or all of the Area, 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 May 1, 2018, 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 Area consented in writing to the annexation. Such consent is attached hereto as **Exhibit "C"**. As such, the City may adopt an ordinance annexing the Area without allowing or considering protests and the Area is 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 Area 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 Area 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 Area to PO.
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 Area 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 \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

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

\_\_\_\_\_  
Chair, Sandy City Council

\_\_\_\_\_  
Mayor, Sandy City

PRESENTED to the Mayor of Sandy City this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVED by the Mayor of Sandy City this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**EXHIBIT A**

WATERFORD III ANNEXATION  
RESOLUTION #18-15C

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

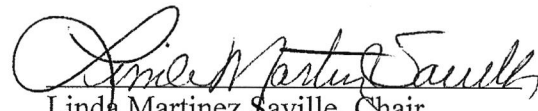
The City Council of Sandy City, State of Utah, finds and determines as follows:

1. Sandy City ("City") desires to annex a certain contiguous unincorporated area, totaling approximately 1.2 acres, located at approximately 9560 South 1700 East and 9572 South 1700 East 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, BET 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 May 1, 2018, 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 27 day of March, 2018.

  
Linda Martinez Saville, Chair  
Sandy City Council

ATTEST:

  
City Recorder

RECORDED this 4<sup>th</sup> day of April, 2018.



## **APPENDIX A**

APPENDIX A – LEGAL DESCRIPTION

WATERFORD III ANNEXATION TO SANDY CITY  
(UNINCORPORATED SALT LAKE COUNTY ISLAND NO. 17)

All that portion of unincorporated Salt Lake County located in the Northwest Quarter of Section 9, Township 3 South, Range 1 East, Salt Lake Base and Meridian, consisting of two parcels and a portion of 1700 East Street that is bounded as follows:

Easterly by a previous annexation to Sandy City that was recorded August 23, 1972 as Entry No. 2479315 in Book MM of plats at Page 21 in the office of the Salt Lake County Recorder;

Southerly by a previous annexation to Sandy City that was recorded September 4, 1986 as Entry No. 4307143 in Book 86-9 of plats at Page 138 in the office of said Salt Lake County Recorder;

Westerly and Northerly by the WATERFORD II ANNEXATION to Sandy City which was recorded November 25, 1996 as Entry No. 6513341 in Book 96-11P of plats at Page 386 in the office of the Salt Lake County Recorder;

said portion of unincorporated Salt Lake County has also been identified as Unincorporated Salt Lake County Island No. 17 by the Salt Lake County Clerk.

The above-described area contains approximately 1.2 acres.

## **EXHIBIT B**

**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 9560 South 1700 East and 9572 South 1700 East, into the Municipality of Sandy City. On May 1, 2018, 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:**

All that portion of unincorporated Salt Lake County located in the Northwest Quarter of Section 9, Township 3 South, Range 1 East, Salt Lake Base and Meridian, consisting of two parcels and a portion of 1700 East Street that is bounded as follows: Easterly by a previous annexation to Sandy City that was recorded August 23, 1972 as Entry No. 2479315 in Book MM of plats at Page 21 in the office of the Salt Lake County Recorder; Southerly by a previous annexation to Sandy City that was recorded September 4, 1986 as Entry No. 4307143 in Book 86-9 of plats at Page 138 in the office of said Salt Lake County Recorder;

Westerly and Northerly by the WATERFORD II ANNEXATION to Sandy City which was recorded November 25, 1996 as Entry No. 6513341 in Book 96-11P of plats at Page 386 in the office of the Salt Lake County Recorder; said portion of unincorporated Salt Lake County has also been identified as Unincorporated Salt Lake County Island No. 17 by the Salt Lake County Clerk. The above-described area contains approximately 1.2 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 1.2 acres. It is being proposed to annex these properties to the City with the Professional Office (PO) Zone. Any questions you may have regarding this annexation, may be directed to Brian McCuiston in the Community Development Department - 801-568-7268, or [bmccuiston@sandy.utah.gov](mailto:bmccuiston@sandy.utah.gov)

Posted	April 9, 2018	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> )
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## **EXHIBIT C**



THE WATERFORD SCHOOL

March 14, 2018

Attn: Brian McCuiston  
Sandy City Community Development  
10000 Centennial Parkway  
Sandy, Utah 84070

My name is Greg Miles, Director of Finance for Waterford School.

Waterford School is now the property owner of property in the unincorporated area of Salt Lake County located at:

9560 South 1700 East, 28-09-126-019 (.48 acres)  
9572 South 1700 East, 28-09-127-001 (.47 acres)

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

We **CONSENT** to have Sandy City annex this property.

I can be reached at: 801.816.2289 and [GregMiles@WaterfordSchool.org](mailto:GregMiles@WaterfordSchool.org)

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.

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Greg Miles  
Director of Finance  
Waterford School