



**TOQUERVILLE CITY  
ORDINANCE 2017.06**

**WINDSONG ANNEXATION**

**AN ORDINANCE OF TOQUERVILLE CITY, UTAH RATIFYING AND RESTATING TOQUERVILLE CITY ORDINANCE #2015-1 AND TOQUERVILLE CITY ORDINANCE #2016-11 ANNEXING CERTAIN PROPERTY TO BE KNOWN AS THE WIND SONG ANNEXATION LOCATED NORTH BY NORTH EAST OF ANDERSON JUNCTION, AND INCORPORATING THE SAME WITHIN THE CORPORATE BOUNDARIES OF TOQUERVILLE CITY PURSUANT TO THE PROVISIONS OF TITLE 10, CHAPTER 4 (ANNEXATION) OF THE TOQUERVILLE CITY CODE, AS AMENDED; SETTING THE ZONING CLASSIFICATION OF SAID PROPERTY IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE TOQUERVILLE CITY PLANNING COMMISSION; ADOPTING THE ANNEXATION PLAT MAP OF SAID PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**RECITALS**

WHEREAS, a petition for annexation (“Petition”) has been submitted by private property owners requesting annexation of certain territory comprised 3157.96 acres of both private and public land (“Subject Property”) into Toquerville City (“City”);

WHEREAS, after referral to the Toquerville City Planning Commission (“Planning Commission”) for a public hearing wherein the public and affected entities were given an opportunity to give input and feedback, the Planning Commission has recommended annexation of the Subject Property into the City; and,

WHEREAS, the general policy of the City with respect to the annexation of property will be satisfied by annexing the Subject Property as requested; and,

WHEREAS, the annexation of the Subject Property is deemed necessary for the welfare of the residents of the City, and the private property owners making the petition, and is in conformity with the general policy for Toquerville City annexations,

WHEREAS, in conformance with the provisions of Utah Code Ann. §10-9-401 the governing body of the City may enact a zoning ordinance establishing regulations for land use and development within the City; and,

WHEREAS, The City has previously adopted and promulgated a General Plan and a city wide zoning ordinance which is found in Title 10 of the Toquerville City Code; and,

WHEREAS, on February 24, 2015, the Toquerville City Council, after following all processes prescribed by law, adopted Toquerville City Ordinance 2015-1 annexing the Subject Property into the City (“Original Annexation Ordinance”).



WHEREAS, because of delays outside of its control, the City determined that it was proper to re-approve and re-ratify the Original Annexation Ordinance by adopting a new ordinance with identical language in the body of the ordinance as the Original so that it could be provided to the Utah Lieutenant Governor's Office within 30 days of its adoption so that a Certificate of Annexation can be issued. This second ordinance was adopted the Toquerville City Council on December 8, 2016 as Toquerville City Ordinance 2016-11.

WHEREAS, again because of delays outside of its control, the City determined that it was proper to re-approve and re-ratify the Original Annexation Ordinance and Toquerville City Ordinance 2016-11 by adopting a new ordinance with identical language in the body of the both of the afore-mentioned ordinances so that it could be provided to the Utah Lieutenant Governor's Office within 30 days of its adoption so that a Certificate of Annexation can be issued.

### ORDINANCE

NOW THEREFORE, BE IT RE-ORDAINED BY THE CITY COUNCIL OF TOQUERVILLE CITY, STATE OF UTAH, AS FOLLOWS:

1. ANNEXATION OF SUBJECT PROPERTY.

a. There is hereby annexed to Toquerville City, State of Utah, and incorporated within the corporate boundaries thereof, the following parcels of land located North by Northeast of Anderson Junction straddling both sides of Interstate 15, legally referred to as the Subject Property, and described as follows:

*A PROPOSED ANNEXATION LYING IN THE NORTH AREA OF TOWNSHIP 40 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN, WASHINGTON COUNTY, UTAH. MORE PARTICULARLY DESCRIBED AS FOLLOWS:*

*BEGINNING AT THE NORTH QUARTER CORNER OF SECTION 3, TOWNSHIP 40 SOUTH, RANGE 13 WEST; THENCE S.89°58'00"E. A DISTANCE OF 2618.88 FEET ALONG THE SECTION LINE TO THE NORTHEAST CORNER OF SAID SECTION 3; THENCE S.89°56'01"E. A DISTANCE OF 2947.56 FEET ALONG THE SECTION LINE TO THE NORTH QUARTER CORNER OF SECTION 2 OF SAID TOWNSHIP AND RANGE; THENCE N.89°57'00"E. A DISTANCE OF 1316.70 FEET ALONG SECTION LINE; THENCE SOUTH A DISTANCE OF 3464.87 FEET; THENCE S.28°26'45"W. ALONG THE WESTERLY RIGHT OF WAY OF I-15 A DISTANCE OF 2103.47 FEET; THENCE WEST A DISTANCE OF 267.45 FEET; THENCE S.24°05'00"W. A DISTANCE OF 839.59 FEET; THENCE S.89°50'38"W. A DISTANCE OF 1322.05 FEET; THENCE S.00°04'12"E. A DISTANCE OF 2837.15 FEET; THENCE N.27°47'48"E. ALONG THE WESTERLY RIGHT OF WAY OF I-15 A DISTANCE OF 214.57 FEET; THENCE N.89°41'02"E. A DISTANCE OF 3852.80 FEET; THENCE S.00°01'00"E. A DISTANCE OF 7936.57 FEET TO THE SOUTHEAST CORNER SECTION*



THENCE N.89°58'00"W. A DISTANCE OF 5283.96 FEET ALONG THE SECTION LINE TO THE NORTHEAST CORNER OF SECTION 22 OF SAID TOWNSHIP AND RANGE; THENCE S.00°01'00"E. A DISTANCE 5278.46 FEET ALONG THE SECTION LINE TO THE SOUTHEAST CORNER OF SAID SECTION 22 TO THE EXISTING TOQUERVILLE CITY BOUNDARY; THENCE N.89°58'00"W. A DISTANCE OF 1320.76 FEET ALONG SAID CITY BOUNDARY; THENCE N.00°15'00"W. A DISTANCE OF 1322.39 FEET; THENCE WEST A DISTANCE OF 1316.99 FEET; THENCE N.89°58'38"W. A DISTANCE OF 1321.35 FEET; THENCE S.00°10'49"E. A DISTANCE OF 1321.38 FEET; THENCE N.89°58'00"W. A DISTANCE OF 1320.61 FEET ALONG THE SECTION LINE TO THE SOUTHWEST CORNER OF SAID SECTION 22; THENCE N.00°02'43"W. A DISTANCE OF 5278.47 FEET ALONG THE SECTION LINE TO THE NORTHWEST CORNER OF SAID SECTION 22; THENCE S.89°58'00"E. A DISTANCE OF 2641.98 FEET ALONG THE SECTION LINE TO THE SOUTH QUARTER CORNER OF SECTION 15 OF SAID TOWNSHIP AND RANGE; THENCE N.00°00'17"E. A DISTANCE OF 5277.69 FEET ALONG THE QUARTER SECTION LINE TO THE NORTH QUARTER CORNER OF SAID SECTION 15; THENCE N.00°01'52"W. A DISTANCE OF 5279.23 FEET ALONG THE QUARTER SECTION LINE TO THE NORTH QUARTER CORNER OF SECTION 10 OF SAID TOWNSHIP AND RANGE; THENCE N.00°11'40"E. A DISTANCE OF 6089.42 FEET ALONG THE QUARTER SECTION LINE TO THE POINT OF BEGINNING.

CONTAINING 3,157.96 ACRES OF LAND MORE OR LESS

("Subject Property").

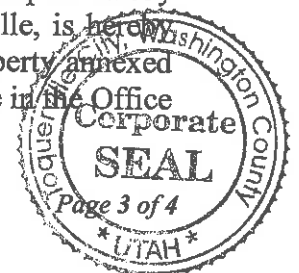
2. NEW CORPORATE LIMITS. The corporate limits of Toquerville City is hereby extended and increased so as to include and embrace within the corporate limits of the City, the Subject Property herein and such territory is hereby declared to be a part of Toquerville City.

3. ZONING DESIGNATION OF SUBJECT PROPERTY

Zoning for the Subject Property is hereby set at and the property is declared to be zoned as:

- a. Parcel 3126-LC (private property – 23.89 acres) – Agricultural (A), and
- b. All other parcels (public property – 3134.07 acres) Multiple Use 20 (MU-20).

4. ACCURACY OF ANNEXATION PLAT MAP. The annexation plat map to this Ordinance is an accurate map of the Subject Property being annexed and such map is hereby adopted as the official map of the territory annexed, and the Mayor of Toquerville, is hereby authorized and directed to certify the map as an accurate map of the Subject Property annexed under the provisions of this Ordinance, and to record in the Official Records on file in the



of the Recorder of Washington County, State of Utah, this Ordinance, together with a certified copy of the official annexation plat map attached.

5. PRIOR ORDINANCES AND RESOLUTIONS. The body and substance of any and all prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are hereby reaffirmed and readopted.

6. REPEALER OF CONFLICTING ENACTMENTS. All orders, ordinances and resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which are in conflict with any of the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.


7. SAVINGS CLAUSE. If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Ordinance and the provisions of this Ordinance being deemed to be the separate independent and severable act of the City Council of Toquerville City.

8. EFFECTIVE DATE. This Ordinance shall be effective on the 8th day of June, 2017, and after publication or posting as required by law.

TOQUERVILLE CITY ORDINANCE #ORD. 2017.06, WAS PASSED AND ADOPTED BY THE TOQUERVILLE CITY COUNCIL, STATE OF UTAH, ON THIS 8<sup>th</sup> Day of June, 2017 BY THE FOLLOWING VOTE:

Councilperson:	Keen Ellsworth	AYE <u>X</u>	NAE <u>   </u>
	Brad Langston	AYE <u>X</u>	NAE <u>   </u>
	Ty Bringham	AYE <u>   </u>	NAE <u>Absent</u>
	Paul Heideman	AYE <u>X</u>	NAE <u>   </u>
	Mark Fahrenkamp	AYE <u>X</u>	NAE <u>   </u>

**TOQUERVILLE CITY**  
a Utah municipal corporation

  
M. Darrin LeFevre, Mayor

Date: 6-8-2017

ATTEST:

  
Dana M. McKim, City Recorder

Date: 6-8-2017

