

RESOLUTION NO. 85-~~139~~ 141

A RESOLUTION GIVING PRELIMINARY APPROVAL AND ACCEPTANCE TO PETITIONS FOR ANNEXATION OF TERRITORY INTO THE CORPORATE LIMITS OF THE CITY OF DELTA, UTAH, WHICH PETITIONS SEEK ANNEXATION OF TERRITORY REFERRED TO AS THE "SUGAR FACTORY ROW ANNEXATION," AND APPROVING A POLICY DECLARATION AMENDMENT FOR SAID ANNEXATION.

RECITALS

The City Council of the City of Delta, Utah, referred to in this resolution as the "City Council," recites the following as the basis for adopting this resolution:

A. Robert I. Barber, Dorothy W. Barber, Daniel L. Hanse, Lucille Hansen, Petrolane-Utah Gas Service, and other property owners have submitted petitions seeking annexation of territory into the corporate limits of the City of Delta. The area sought to be annexed is described in the annexation plat attached hereto as Exhibit "A", prepared by James D. Edwards, a licensed land surveyor.

B. The Delta City Planning and Zoning Commission has recommended annexation of the property described in the attached plat, by approval of a master policy declaration setting out those areas which would be favored for annexation into the City of Delta, which policy declaration area included the proposed annexation.

C. The City Council has reviewed proposed amendments to the Delta City Master Annexation Policy Declaration relative to the proposed annexation and has further determined that the proposed annexation should be approved if the conditions set out in the policy declaration amendments adopted hereby are met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Delta, Utah:

1. Petitions Accepted. The petitions for annexation of property included within the Sugar Factory Row annexation, as said annexation is shown on the plat attached hereto as Exhibit "A", are hereby conditionally accepted and given preliminary approval for the purpose of holding a public hearing relative to the proposed annexation and the policy declaration prepared in response thereto.

2. Policy Declaration Amendments Approved. The proposed amendments to the Delta City Master Annexation Policy Declaration, a copy of which amendments are attached hereto as Exhibit "B", are hereby given preliminary approval for the

limited purpose of holding a public hearing thereon in accordance with the provisions of Section 10-2-414, Utah Code Annotated (1953), as amended.

3. Annexation Documents. The City Attorney's office is hereby directed to prepare a proposed ordinance providing for annexation of the territory described in Exhibit "A", which proposed ordinance shall be reviewed by the City Council at or prior to the time of the proposed public hearing on the Sugar Factory Row annexation. The City Manager, in cooperation with the City Engineer, Public Works Superintendent and other departments of the City of Delta is hereby directed to prepare an annexation impact evaluation statement as provided in paragraph VII of the Delta City Master Annexation Policy Declaration.

4. Public Hearing Set. The date of December 17, 1985, is hereby established as the public hearing date for consideration of the proposed Sugar Factory Row annexation and the policy declaration amendments attached hereto as Exhibit "B". The public hearing shall be held at 6:00 p.m. at the City Council Chambers at 76 North 200 West in the City of Delta, Utah. The City Recorder's office is further directed to send a notice of said public hearing to each governmental entity having taxing jurisdiction over the area within the proposed annexation and to provide for publication of a notice of the public hearing in the Millard County Chronicle.

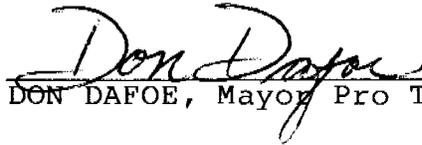
5. Effect of Resolution. The effect of this resolution shall be only to give preliminary approval to the petitions submitted seeking annexation of the territory described in the attached annexation plat in order to prepare the proposed ordinance and other documents set out in paragraph 3 above and to set the public hearing as established 4 above. The City Council shall have the right at any time prior to adoption and recording of a final annexation ordinance to adopt such additional requirements for annexation of property into the corporate limits of as may be necessary to protect the interests of the City and its residents and to assure compliance with the criteria set out in Title 10, Chapter 2, Part IV of Utah Code Annotated (1953), as amended, and the policies relating to annexation adopted by the Delta City Council. In the event that the City Council finds that the proposed annexation cannot meet the annexation requirements of Delta City, the City Council shall have the option of not approving the annexation or of approving annexation of any portion of the territory represented in the attached annexation plat which does meet the annexation requirements established by Delta City and the State of Utah.

6. Effective Date. This resolution shall become effective upon adoption.

7. Severability. In the event that any provision of this resolution less than the entire resolution is held invalid by a court of competent jurisdiction, this resolution shall be deemed severable and such finding of invalidity shall not affect the remaining portions of this resolution.

8. Repeal of Conflicting Resolutions. To the extent that any resolutions or policies of the City of Delta conflict with the provisions of this resolution, they are hereby amended to be in accordance with the provisions hereof. To the extent that the procedures set out in this resolution conflict with the procedures established by the City Council under Resolution No. 83-86, the procedures established thereby are deemed amended to conform hereto as they relate to the Sugar Factory Row annexation, but the provisions of said Resolution No. 83-86 shall otherwise remain in effect.

ADOPTED AND APPROVED this 25th day of November, 1985.


DON DAFOE, Mayor Pro Tempore

Attest: 
DOROTHY JEFFERY,
City Recorder

PROPOSED AMENDMENTS TO DELTA CITY ANNEXATION POLICY DECLARATION

Sugar Factory Row Annexation

I - INTRODUCTION

A. Petition for Annexation. A joint petition for annexation of territory into the corporate boundaries of the City of Delta, Utah, has been submitted by several parties. These parties include, among others, Robert Barber, Shirley Pace, Petrolane-Utah Gas Service, Thomas Investments, L. Jack Thomas and Ronald Wright. These petitioners apparently represent the majority of property owners within the proposed annexation territory and represent at least one-third (1/3) of the assessed value. The property owners within the area do not unanimously support this annexation.

B. Purpose of Document. This document sets out the amendments to the Delta City Master Annexation Policy Declaration that are proposed by the City Council as being necessary to accommodate this annexation. The policies and criteria set out in this document may be included in the ordinance annexing the subject territory, with such changes or modifications as may be required by the Delta City Council after review of the proposed annexation and this document at a public hearing to be held for that purpose on December 17, 1985 at 6:00 p.m.

C. Definitions. As used in this document, the following terms shall have the meaning specified:

1. "City Council" shall refer to the City Council of the City of Delta, Utah.

2. "Planning Commission" shall refer to the Delta City Planning and Zoning Commission.

3. "City" shall refer to the City of Delta, Utah

4. "Petitioners" shall include those persons or entities who have submitted petitions for annexation to the office of the Delta City Recorder.

II - PURPOSE OF ANNEXATION

A. General Statement. This annexation is favored to accomplish several purposes as set out under this section.

B. Jurisdiction Over Service Delivery Areas. The principal purpose for annexation of the territory described in the Sugar Factory Row annexation is to bring those areas presently

receiving substantial municipal services from Delta City within the corporate boundaries of the City. Inasmuch as the Sugar Factory Row area already receives water service, some sewer service and routine police patrols and fire protection services from Delta City, City Council favors inclusion of the area within Delta City so that the services being provided by Delta City are equitably financed through City property taxes and through appropriate water and sewer service charges. The City Council recognizes that water users within the present Sugar Factory Row water distribution area are paying charges high than those paid by residents of Delta. Upon annexation, the water rates for such users will be decreased to the present rate paid by water users from Delta City. This will help offset the increases in property taxes in the Sugar Factory Row area that will be brought about through imposition of the City tax levy.

C. Delta City Properties. A second purpose for annexation of the Sugar Factory Row area is to include critical and substantial properties owned by Delta City into the city boundaries. These properties include the Delta City public works shops and offices located immediately north and adjacent to the present Delta City boundaries. Such properties also include the 100,00 gallon elevated water storage tank and two water wells, pumps and related facilities located within the Sugar Factory Row annexation. The City Council wishes to obtain municipal jurisdiction over these properties to allow criminal jurisdiction over persons causing damage to such properties, building and zoning regulation jurisdiction and other powers inherent to properties located within the corporate boundaries of Delta City.

III - COMPLIANCE WITH STATUTORY CRITERIA

A. Statutory Criteria. This section is designed as a statement of whether the proposed annexation complies with the statutory criteria for annexation of property into the City of Delta as set out in the Utah Boundary Commission Act. The annexation petitions are for purposes of this statement incorporated as a part of this document as though fully set forth herein.

B. Analysis of Statutory Criteria.

1. Contiguity. The proposed annexation is contiguous to the north boundary of the present Delta City limits, being adjacent on the north section line of Section 7, Township 17 South, Range 6 West, Salt Lake Base & Meridian; also being contiguous with Blocks 102 and 103 of the Amended Plat of Delta Townsite, Plat A, according to the official plat thereof on record in the office of the Millard County, Utah Recorder.

2. Policy Declaration Area. The proposed annexation lies within the area proposed for annexation into Delta City under the various annexation policy declarations adopted by the City Council since 1981, including the policy declaration adopted by Resolution No. 83-86.

3. Other Municipalities. The territory proposed for annexation is not within the boundaries of another incorporated municipality, nor is it within the area proposed for annexation by other presently incorporated municipalities.

4. Unincorporated Islands. The proposed annexation will not create islands of unincorporated territory within the boundaries of Delta City.

5. Municipal Services. The territory proposed for annexation includes urban development, consisting largely of residential housing and light warehousing, all of which uses have been in place for a considerable period of time. Delta City has historically provided most of the municipal services into the proposed annexation area, including water services, sewer services and to some extent fire and police protection services. It is anticipated that the annexation will cause no loss of tax revenues to any entity which may be considered an affected entity. Services not provided by Delta City are being provided by Millard County and service districts created by Millard County. The annexation will not affect the authority of either Millard County or any of the service districts to enforce present property tax levies, nor would it cause a decrease in such levies. The annexation may, however, reduce the obligation of Millard County to provide municipal services.

6. Purpose of Annexation. As is more particularly described below, the annexation is not proposed for the sole purpose of acquiring municipal revenue or for retarding the capacity of another municipality to annex the same or related territory. The principal purpose for the annexation is to improve the quality of municipal services already provided by Delta City, principally water services.

IV - EXTENSION OF SERVICES TO ANNEXED TERRITORY

A. Water Service Extensions. Delta City presently provides water service to the proposed annexation territory. It is not expected that further water line extensions will be necessary, nor be made, as a result of the annexation. There may, however, be opportunity for further urban development within the proposed area after annexation of and improvement of the water delivery facilities as specified herein. The proposed water service improvement is projected to include the following:

1. Existing water service within the proposed annexation area is provided by Delta City through an existing two-inch (2"), cast-iron water main. This water line has deteriorated significantly in recent years and is in critical need of replacement. Delta City has been unable to provide for replacement of the water line without annexation of the proposed territory. Annexation would facilitate the improvement of the existing water line.

2. The City proposes to replace the existing two-inch water main with a six-inch (6") PVC water main. Financing for this replacement would come through funds provided by the Utah Board of Water Resources, and, if possible, funded from the Utah Natural Resources Community Impact Board. The funding would include a loan component, which Delta City proposes to repay from water service revenues in the proposed area.

3. The proposed improvements would allow for improved pressure and circulation within the annexed territory through cross-connection with other components of the existing City system, as well as improved fire protection by placement of fire hydrants.

4. Any extensions or service laterals from the present or proposed water lines would be paid by the prospective water users requesting such extensions or service laterals.

B. Sewer Service Extensions.

1. Existing Sewer Service. Delta City presently provides sewer service to a portion of the annexed territory.

2. Extension of the present sewer service within the proposed territory would require installation of main collection lines and service laterals and related facilities and probably a lift station. The City proposes that such extensions would be constructed under the following conditions:

a. Owners of properties beyond the present Delta sewer system request extension of sewer service.

b. Sufficient interest is shown by land owners to finance such extensions through means such as pooling arrangements or creation of a municipal improvement district.

c. Main line extensions to such properties would be financed by the property owners, in addition to payment of the normal connection fee for access to the City sewer system.

d. Such extensions would be installed in accordance with Delta City construction standards and as approved by the City Council, City Engineer and Utah Department of Health.

C. Streets and Roads. The annexation territory is presently served by streets and roads constructed by property owners and by Millard County. The existing street system appears to be adequate to meet the needs of the annexed area for the foreseeable future. The roads as presently constructed would be maintained by the Delta City streets department after annexation. Any improvements to such roads would be financed through municipal improvement districts or other such means, or by construction of such improvements in accordance with the Delta City Subdivision Ordinance and other development codes.

D. Other Municipal Services. Other municipal services will be provided to the annexed territory through property taxes, user fees and other revenue sources presently available to Delta City for properties subject to taxation. The services will include, among other things, fire protection, police protection, zoning and planning for land use and other general municipal services. Those properties within the annexation territory will receive municipal services on either a general basis, or, as to proprietary type services, on a contractual basis.

V - WATER RIGHTS

A. Water Rights to Existing Connections. Those properties in the annexed territory already connected to the Delta City municipal water system will be regarded as part of the Delta municipal system after annexation and will not be required to pay further connection fees or water dedication fees, or provide any water rights in order to continue to receive Delta municipal water system services.

B. Water Rights for New Connections. Water connections made to the Delta municipal water system after annexation will be required to meet the same conditions as new water connections in other territories annexed into Delta City; namely, that a connection fee be paid, that any necessary water line extensions be made and a water rights dedication be made by the water user. The water rights dedication requirement can be met by either providing Delta City with payment, in cash, of a sufficient amount to acquire water rights necessary to serve the property in question, and to obtain approval of the right to use such water rights within the Delta municipal water system. In the alternative, the water user will be entitled to convey title to sufficient water rights to supply the proposed use, as determined by Delta City. Such water rights must be approved by the State of Utah for diversion from Delta City wells.

VI - APPROVAL OF DEVELOPMENT

A. General Development. The annexation territory is already extensively developed in residential and light ware-

housing type activities, with some heavier industrial facilities at the north end of the annexed territory. It is anticipated that future development will continue largely in the same pattern. Any future development within territory annexed to Delta City must be done in accordance with the Delta City zoning code, subdivision code and other development codes. Construction of improvements must be in accordance with the Uniform Building Code and related codes as adopted by Delta City.

B. Future Development. Any future development within the annexed territory must be completed in a manner compatible with the aesthetic appearance of Delta City and must be conducted in a way to promote the health, safety and general welfare of the residents of the present city and the annexed territory.

C. Zoning. The zoning for the annexed territory is recommended to be the same zoning as presently exists within Millard County, with such adjustments as are necessary to conform the general zoning categories presently enforced by Millard County to those similar zones under the Delta City zoning code.

VII - CONCLUSION

This policy declaration amendment sets forth the criteria for annexation of the Sugar Factory Row area. A public hearing should be set to receive public comment on this statement. The criteria set forth in this statement should be incorporated into any ordinance or resolution approving annexation of the subject territory as an amendment to the Delta City general annexation policy declaration.