

RESOLUTION NO. 96-241

**A RESOLUTION ACCEPTING A PETITION FOR ANNEXATION  
(NORTH DELTA) FOR THE PURPOSE OF PREPARING A  
POLICY DECLARATION RELATIVE TO THE PROPOSED  
ANNEXATION TO THE CITY OF DELTA, UTAH, AND  
REPEALING RESOLUTION NO. 96-240**

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

RECITALS

A. Resolution No. 96-240 was passed by the Delta City Council on March 25, 1996, accepting a petition for annexation (North Delta Annexation) and directing the City Attorney to prepare a draft policy declaration relative to said proposed annexation.

B. The plat and the property description previously filed with the Delta City Recorder's Office has been revised to withdraw that portion of the property previously subject to the proposed annexation owned by Peggy Overson and to reflect the appropriate boundaries of the proposed annexation territory.

C. A majority of the owners of real property and the owners of at least one-third in value of the real property (hereinafter referred to as "Petitioners"), as shown by the last assessment rolls in the office of the Millard County Assessor, in territory lying contiguous to the corporate boundaries of Delta City, Utah, desire to annex such territory to Delta City and have caused to be made an accurate plat of said proposed annexation territory under the supervision of a competent surveyor.

D. Said petitioners have executed a "Petition for Annexation to City of Delta, Utah, Annexation: North Delta", a copy of which is attached hereto as Exhibit "1" and incorporated herein by reference, requesting that the property described in Exhibit "A" to Exhibit "1" be incorporated into the boundaries of Delta City, Utah.

E. The petition for annexation and the new plat referred to herein have been filed in the office of the Delta City Recorder, as required by law.

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

**Section 1. Repeal of Resolution No. 96-240.** Resolution No. 96-240 adopted by the City Council on March 25, 1996, accepting a petition for annexation (North Delta Annexation) is hereby repealed in its entirety by this resolution. Accordingly, this

resolution is adopted to comply with § 10-2-416, UCA (1953 ed.) as amended, as it relates to filing a plat and accepting a petition for annexation for the purpose of preparing a policy declaration.

**Section 2. Filing of Plat for Proposed Annexation Territory.** A plat of the proposed annexation territory prepared by a licensed and competent surveyor or a copy of such plat, certified by the surveyor, is on file in the office of the Delta City Recorder.

**Section 3. Acceptance of Petition for Annexation.** The Petition for Annexation to City of Delta, Utah, Annexation: North Delta (Exhibit "1"), also on file in the office of the Delta City Recorder is hereby accepted by the City Council for the purpose of preparing a policy declaration relative to said proposed annexation.

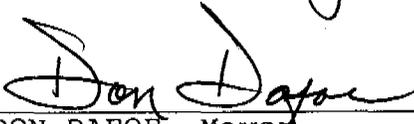
**Section 4. Policy Declaration.** The City Council hereby directs the City Attorney to prepare a draft policy declaration relative to said proposed annexation for Council review, which draft policy declaration shall be considered after holding a public hearing called for such purpose, pursuant to § 10-2-414, UCA (1953), as amended.

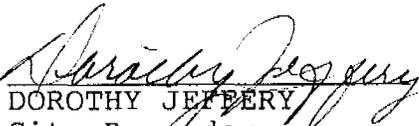
**Section 5. Effective Date.** This resolution shall become effective upon adoption.

**Section 6. Severability.** In the event that any provision of this resolution or the procedures adopted thereby, less than the entire resolution or such procedures, 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.

**Section 7. Repeal of Conflicting Resolutions.** To the extent that any ordinances, 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.

PASSED AND APPROVED this 2nd day of MAY, 1996.

  
DON DAFOE, Mayor

Attest:   
DOROTHY JEFFERY  
City Recorder

andanex.res

PETITION FOR ANNEXATION TO CITY OF DELTA, UTAH

ANNEXATION: NORTH DELTA

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF DELTA,  
UTAH:

We, the undersigned hereby respectfully petition for annexation of territory into the incorporated boundaries of the City of Delta, Utah. The property for which this petition is submitted is a portion of the territory described in the plat attached to this petition, which plat has been prepared by a land surveyor currently licensed by the State of Utah.

The undersigned are owners of land within the area described in the attached plat, which land is described more particularly in the attached Exhibit "A". (Please attach copy of legal description, copy of deed or copy of latest tax notice as Exhibit "A".)

By signing of this annexation petition, we agree, individually and collectively, as follows:

1. If the territory described in the attached plat or any portion thereof is annexed in response to this petition, the petitioners expressly acknowledge and agree that no municipal services shall be extended into the annexation territory by the City of Delta except as set out in the Master Policy Declaration Statement, as amended by Ordinance 83-57.

2. Petitioners expressly acknowledge and agree that extension of any additional roads or improvement of existing roads or extension of any water, sewer and drainage facilities or improvement of any such existing facilities shall not be completed at the expense of the City of Delta or any of its taxpayers or rate payers, but shall be installed by the owner or developer of land in the annexation territory in the manner required by the Delta City development ordinances, which include, without limitation, the Delta City Subdivision Ordinance, Zoning Ordinance, impact fee ordinances, water and sewer ordinances and resolutions and any other ordinances and resolutions regulating land development and the financing and construction of improvements to land.

3. No reliance shall be made on any action taken by Delta City, the Delta City Council or any officials, officers, consultants, staff or employees of Delta City with regard to this annexation petition except as provided in official action of the City Council and no action with regard to annexation shall be deemed binding or final until adoption of an ordinance giving final approval to this annexation petition and the recording of the necessary ordinances and plat in the office of the Millard County Recorder.



April 22, 1996

Following is a list of property owners in the proposed North Delta Annexation:

Shirley G. Schena  
P.O. Box 596  
2495 North 6000 West  
Abraham, UT 84624

Millard School District  
P.O. Box 666  
140 West Main  
Delta, UT 84624

West Millard Jeep Posse  
P.O. Box 1177  
840 East Bristlecone  
Delta, UT 84624

Verna R. Shepherd  
650 North 100 West  
Delta, UT 84624

Delta-Sutherland-Oasis Cemetery  
District  
c/o Howard Bassett  
1220 North 4000 West  
Delta, UT 84624

Millard County  
50 South Main  
Fillmore, UT 84631

Deborah Sperry  
P.O. Box 338  
700 North 350 East  
Delta, UT 84624

Gary L. Bunker  
365 North 100 West  
Delta, UT 84624

Gayle K. Bunker  
262 North 100 East  
Delta, UT 84624

~~Clyde L. Bunker~~  
1670 North Jones Road  
Delta, UT 84624

~~Lyle Bunker~~  
150 East 700 North  
560 North 500 West  
Delta, UT 84624

### ANNEXATION DESCRIPTION

Beginning at a point North 89°47'18" East 25.00 feet along the section line from the Southwest corner of Section 6, Township 17 South, Range 6 West, Salt Lake Base & Meridian; thence North 00°03'44" West 532.13 feet; thence North 29°36'18" East 309.85 feet; thence North 29°18'37" East 367.93 feet; thence North 30°02'14" East 323.22 feet; thence North 40°33'49" East 124.81 feet; thence North 79°29'37" East 55.12 feet; thence North 55°00'36" East 29.01 feet; thence East 98.26 feet; thence North 145.20 feet; thence West 92.91 feet; thence North 690.52 feet to East right-of-way boundary of UPRR spur line; thence North 05°27'00" East 300.47 feet to North boundary of Southwest quarter of said Section 6; thence North 89°22'01" East 2165.65 feet to the Northeast corner of said Southwest quarter; thence North 89°22'01" East 673.07 feet to the Northeast corner of the West 1/2 of the Northwest quarter of the Southeast quarter of said Section 6; thence South 00°37'38" West 791.60 feet along the East boundary of the West 1/2 of the Northwest quarter of the Southeast quarter; thence North 89°23'37" East 676.75 feet to the East boundary of the Northwest quarter of the Southeast quarter of said Section 6; thence South 00°21'40" West 548.85 feet to the Southeast corner of the Northwest quarter of the Southeast quarter of Section 6; thence South 89°33'29" West 458.33 feet along the South boundary of the Northwest quarter of the Southeast quarter to centerline of concrete canal; thence North 84°17'43" West 903.11 feet along said centerline to West boundary of said Southwest quarter; thence South 00°53'39" West 112.91 feet along said West boundary; thence South 89°47'18" West 330.00 feet along North boundary of Vision Development Subdivision; thence South 00°53'39" West 1320.00 feet along West boundary of said Subdivision to the South boundary of said Section 6; thence South 89°47'18" West 2481.24 feet along said South boundary to the point of beginning.

JAMES D. EDWARDS  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 162522

960422.3.5/AMDANEX.DES

EXHIBIT A