

RESOLUTION NO. 96- 244

**A RESOLUTION ACCEPTING A PETITION FOR ANNEXATION OF
TERRITORY TO THE CITY OF DELTA, STATE OF UTAH**

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. 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, have caused to be made an accurate plat of said proposed annexed territory under the supervision of a competent surveyor; and

B. Said petitioners have executed a "Petition for Annexation to City of Delta, Utah", 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, and

C. The petition and the 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. Acceptance of Petition for Annexation. The Petition for Annexation to City of Delta, Utah, (Exhibit "1"), on file in the office of the Delta City Recorder, is hereby accepted by the City Council.

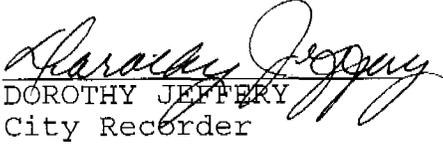
Section 2. Effective Date. This resolution shall become effective upon adoption.

Section 3. 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 4. 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 25TH day of NOVEMBER, 1996.


DON DAFOE, Mayor

Attest: 
DOROTHY JEFFERY
City Recorder

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PETITION FOR ANNEXATION TO CITY OF DELTA, UTAH

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 Resolution 83-86.

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.

EXHIBIT 1

4. The petitioners specifically agree to comply with the terms of Delta City Resolution 83-86 and the applicable development standards, ordinances and procedures established by the City of Delta in development of the property described in Exhibit "A" after annexation thereof to the City of Delta.

Leah R Hollingshead
Dee R Hollingshead
Signature of Petitioner

Leah R Hollingshead
Dee R Hollingshead
Name of Petitioner
(printed or typewritten)

[Signature]
Signature of Petitioner

Susan B Dutton
Name of Petitioner
(printed or typewritten)

Signature of Petitioner

Name of Petitioner
(printed or typewritten)

Signature of Petitioner

Name of Petitioner
(printed or typewritten)

TOTAL 2.830 ACRES

October 3, 1996

Parcel 1

Beginning at a point 99' West of the Southwest corner of Block 15, Plat B, Delta Townsite, thence South 540' ±, thence South 81° 25' West 65'±, thence North 89°31' West 42.57'±, thence North 89°31' West 107'±, thence North 547.32'±, thence East 214'±, to point of beginning.

Parcel 2

Beginning at a point 99' West of the Southwest corner of Block 15, Plat B, Delta Townsite, thence South 540'± to a point intersecting with State and U. S. Highway No. 6 and 50, thence East 66'±, thence North 540'±, to point of beginning.

EXHIBIT A