

RESOLUTION NO. 00-267

A RESOLUTION REPEALING RESOLUTION NOS. 80-07, 80-12, 81-23, 81-39, 82-67, AND 83-86 PROVIDING FOR STANDARDS AND PROCEDURES FOR ANNEXATION OF TERRITORY INTO THE CITY OF DELTA, UTAH.

RECITALS

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

A. Delta City has heretofore adopted policies governing the procedures and requirements for annexation of property into Delta City limits.

B. On or about September 15, 1980, Resolution No. 80-07 amending an annexation policy to provide for annexation fees or deferment of annexation fees was purportedly passed and approved by the City Council. However, the September 15, 1980 Regular City Council Meeting Minutes do not reflect that such Resolution was passed and adopted on said date. Furthermore, there is no evidence that said Resolution was ever adopted by the City Council. Nevertheless, for purposes of this Resolution only, the City Council will assume that Resolution No. 80-07 was in effect.

C. On or about September 15, 1980, Delta City passed Resolution No. 80-12, adopting standards for annexation of territory into the corporate limits of the City of Delta, Utah. Specifically, said Resolution 80-12 adopted a "Policy Declaration Statement for Annexation" and "Amendments to Policy Declaration Statement for Annexation" as the standards for consideration of petitions for annexation of land to the City of Delta, Utah.

D. On or about March 16, 1981, Delta City passed Resolution No. 81-23 amending the Policy Declaration Statement for Annexation and providing alternative times at which water rights, parks and recreation property required as a condition of annexation could be dedicated to the City of Delta, Utah.

E. On or about July 6, 1981, Delta City passed Resolution No. 81-39 setting certain administrative fees for services provided by Delta City in furtherance of an annexation request.

F. On or about April 12, 1982, Delta City passed Resolution No. 82-67 amending the Policy Declaration Statement for Annexation and providing an alternative means for acquiring water rights and culinary supply to annexed areas and modifying the requirements for

parks dedication to provide for payment of an impact fee in lieu of property dedication.

G. On or about March 21, 1983, Delta City passed Resolution No. 83-86 amending the Policy Declaration Statement for Annexation and providing for revised standards and procedures for annexation of territory into the City of Delta, Utah. Specifically, said Resolution No. 83-86 adopted a "Delta City Master Annexation Policy Declaration" and amended and incorporated certain resolutions alleged therein, as part of the Delta City Master Annexation Policy Declaration.

H. Resolution No. 81-23 purports to amend Resolution No. 80-07; Resolution No. 82-67 purports to amend Resolution Nos. 80-07 and 81-24; and Resolution No. 83-86 purports to amend Resolution Nos. 80-07, 81-24, and 82-67. However, a review of the aforementioned Resolutions and Regular City Council Meeting Minutes of the Delta City Council indicate that Resolution No. 81-23 actually amended Resolution No. 80-12; Resolution No. 82-67 actually amended Resolution Nos. 80-12 and 81-23; and Resolution No. 83-86 actually amended Resolution Nos. 80-12, 81-23, and 82-67. Accordingly, any reference to Resolution Nos. 80-07 and 81-24 were inadvertent and were applicable to Resolution Nos. 80-12 and 81-23, respectively.

I. In 1997, the Utah State Legislature amended Title 10, Chapter 2, Part 4, entitled "Annexation" which sets forth the procedures and requirements for annexation of property into the corporate limits of a city or town.

J. Utah State law no longer requires a policy declaration statement as a prerequisite for annexation and the City Zoning Official and City Council have determined that the requirements of preparing a policy declaration statement, together with other required documentation set forth in the Delta City Master Annexation Policy Declaration, are no longer necessary. Delta City now desires to repeal such resolutions and procedures pertaining thereto.

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

Section 1. Repeal of Delta City Resolutions Pertaining to Standards and Procedures for Annexation of Territory Into the City of Delta, Utah. Resolution Nos. 80-07, 80-12, 81-23, 81-39, 82-67 and 83-86 are hereby repealed in their entirety.

Section 2. New Standards and Procedure for Annexation of Territory Into the City of Delta, Utah. Delta City shall hereafter

adopt new standards and procedures for annexation of territory into the City of Delta, Utah. The City Council hereby directs the Public Works Director and City Attorney to prepare new standards and procedures for annexation of territory into the corporate limits of Delta City, Utah and coordinate such efforts through the Delta City Mayor.

Section 3. Effective Date. This Resolution shall become effective upon adoption.

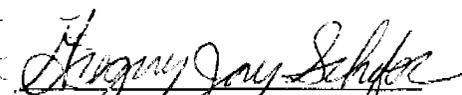
Section 4. Severability. In the event that any provision of this Resolution less than the entire Resolution is held invalid by a court of competent jurisdiction, this Resolution shall be deemed severable and such finding(s) of invalidity shall not affect the remaining valid portions of this Resolution.

Section 5. Repeal of Conflicting Resolutions. To the extent that any Resolutions, procedures or policies of the City of Delta, Utah conflict with the provisions of this Resolution, they are hereby amended to be in accordance with the provisions hereof.

PASSED AND ADOPTED this 11th day of September, 2000.



GAYLE BUNKER, Mayor Pro Tempore

Attest: 

GREGORY JAY SCHAFFER
City Recorder

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