

COTTONWOOD HEIGHTS

ORDINANCE NO. 226

AN ORDINANCE ANNEXING APPROXIMATELY 210 ACRES LOCATED NEAR 9300 SOUTH WASATCH BOULEVARD (GRANITE OAKS ANNEXATION)

WHEREAS, the city council (the “*Council*”) of the city of Cottonwood Heights, Utah (the “*City*”) met in regular session on 26 August 2014 to consider, among other things, annexing an area of approximately 210 acres (the “*Property*”) located near 9300 South Wasatch Boulevard, commonly known as the Granite Oaks annexation; and

WHEREAS, various owners of the Property caused a petition for annexation (the “*Petition*”) to be filed with the City, together with an accurate plat of the Property which was prepared by a licensed surveyor; and

WHEREAS, the Council accepted the Petition for further consideration; and

WHEREAS, on 19 June 2014, the Council received a notice of certification (the “*Certification*”) from the City Recorder certifying that the Petition meets the requirements of state law; and

WHEREAS, the Council caused notice of the proposed annexation to be published in the Salt Lake Tribune and the Deseret News on 22 June 2014, 6 July 2014 and 13 July 2014; to be timely posted on the Utah Public Notice Website; and to be timely mailed to all “affected entities,” all as required by applicable law, and no timely protests were filed; and

WHEREAS, the Council caused notice of a public hearing regarding the proposed annexation to be published in the Salt Lake Tribune and the Deseret News on 3 August 2014, and to be timely posted on the Utah Public Notice Website, all as required by applicable law;

WHEREAS, on 12 August 2014, the Council held the required public hearing regarding the proposed annexation; and

WHEREAS, after public comment and careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the City and its residents to annex the Property and to grant the Petition.

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. ***Annexation of the Property***. Pursuant to UTAH CODE ANN. §10-2-407(3)(b) and/or §10-2-408, the real property described on the attached exhibits is hereby annexed to the City and the corporate limits of the City are hereby extended accordingly.

Section 2. **Notices and Filings.** The City shall provide all required notices and make all required filings concerning this annexation, including, without limitation, those required by UTAH CODE ANN. §10-2-425.

Section 3. **Zoning.** Pursuant to UTAH CODE ANN. §10-9a-504, the Council hereby finds that the Property may be unregulated as of the effective date of its annexation into the City, which the Council deems to be of compelling, countervailing public interest. Based upon such finding, the Council (a) establishes temporary zoning regulations for the annexed Property to be effective immediately upon the effective date of this annexation under UTAH CODE ANN. §10-2-425(4), which is anticipated to be 1 January 2015, and (b) pursuant to such temporary zoning regulations, imposes on the Property the zoning designations specified on the attached exhibit, except that any planned unit development conditional use under those zoning designations shall not be available to the Property during the pendency of such temporary zoning regulations; and (c) also imposes on the Property zoning conditions that are identical to any zoning conditions currently imposed on the Property by Salt Lake County. Such zoning designations and zoning conditions shall remain in effect until the first to occur of (y) re-zone of the annexed Property by the Council, or (z) six months from the effective date of the annexation, which is assumed to be 1 July 2015 (i.e., six months after the anticipated 1 January 2015 effective date of this annexation).

Section 4. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

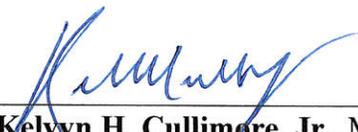
Section 5. **Severability.** All parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 6. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 7. **Effective Date.** This Ordinance, assigned no. 226, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's Recorder, or such later date as may be required by Utah statute; provided, however, that (a) the annexation effected hereby shall take effect as required by UTAH CODE ANN. §10-2-425(4), as amended; and (b) Section 3 of this Ordinance shall take effect upon the effective date of this annexation under UTAH CODE ANN. §10-2-425(4), as amended.

PASSED AND APPROVED this 26th day of August 2014.

COTTONWOOD HEIGHTS CITY COUNCIL

By 
Kellvyn H. Cullimore, Jr., Mayor

ATTEST:



Kory Solorio
Kory Solorio, Recorder

VOTING:

Kelvyn H. Cullimore, Jr.	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael L. Shelton	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael J. Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tee W. Tyler	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

DEPOSITED in the Recorder's office this 26th day of August 2014.

POSTED this 26 day of August 2014.

EXHIBIT

(Attach Map Showing Annexation Property's
Zoning Designations Under Temporary Zoning Regulations)



Published: 26 August 2014
 Sources: Utah State AGRC
 Cottonwood Heights Planning Department

0 0.0325 0.065 0.13
 Miles

Cottonwood Heights
 1265 E. Fort Union Blvd.,
 Suite 250
 Cottonwood Heights, UT 84047
 (801) 944-7000

Map Legend

- Parcels
- City Boundary

Cottonwood Heights Zoning

- F-20 Forestry
- F-1-43 Foothill Residential
- RR-1-43 Rural Residential
- RR-1-21 Rural Residential
- R-1-15 Residential Single Family
- Non Wilderness Forest Areas

DISCLAIMER

This Map is provided on an as-is basis. As to the use of this map, you are advised that Cottonwood Heights makes no warranties expressed or implied as to the quality, and completeness, of the map and data provided. Efforts have been made to ensure the accuracy of the descriptions represented on this map, but the information is summary in nature, and is subject to change without notice.

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Proposed Granite Annexation

Proposed Cottonwood Heights Zoning

Path: Y:\Projects\SpecialProjects\Annexation\Proposals\2013\Granite Annexation.CH\Zoning Map - 11x17.mxd