



ENT 26077:2019 PG 1 of 14  
 JEFFERY SMITH  
 UTAH COUNTY RECORDER  
 2019 Sep 04 11:23 am FEE 0.00 BY SW  
 SECTION FOR SARATOGA SPRINGS CITY

**ORDINANCE NO. 19-22 (7-2-19)**

**AN ORDINANCE ADOPTED PURSUANT TO SECTION 10-2-408(1)(b) OF THE UTAH CODE, APPROVING THE RUSHTON/~~CANTON RIDGE~~ ANNEXATION OF APPROXIMATELY 166.14 ACRES OF LAND; ANNEXING SUCH LAND INTO THE CITY; AND RELATED MATTERS.**

**WHEREAS**, Fieldstone Homes, on behalf of Property Owners, Alma E & Ethyl B Rushton Family Partnership, has submitted to the City Recorder a Petition for Annexation (such Annexation, together with all attached and related materials, is referred to herein as the “Petition”), requesting that the City annex certain property into the City, which property is located within portions of unincorporated Utah County contiguous to the boundaries of the City, and which is more particularly described in Exhibit A (“Rushton Property”); and

**WHEREAS**, the Rushton Property contains approximately 166.14 acres; and

**WHEREAS**, the Rushton Property is situated within the portion of unincorporated Utah County included in the Annexation Policy Plan Map adopted by the City Council of the City of Saratoga Springs on June 19, 2012 as part of Ordinance No. 12-7 (6-19-12) and amended in 2016 and 2017; and

**WHEREAS**, on May 15, 2018 the City Council accepted the Petition for further consideration; and

**WHEREAS**, on June 12, 2018 the City Recorder (a) certified the Petition, and (b) mailed or delivered written notification of such certification to the City Council, contact sponsor, and the Utah County Commission, in satisfaction of Section 10-2-405(2)(c) of the Utah Code, a copy of which certification and notification is attached hereto as Exhibit B; and

**WHEREAS**, following receipt of notice of such certification from the City Recorder on June 12, 2018, the City Council caused notice of the proposed annexation to be published (a) for three consecutive weeks on June 19, June 26, and July 3, 2018 in the Daily Herald, a newspaper of general circulation within (i) the area circumscribed by the Rushton Property, and (ii) the unincorporated area within ½ mile of the Rushton Property, and (b) at least three weeks starting on or about June 19, 2018 on the website established pursuant to Section 45-1-101 of the Utah Code, which notices, together with affidavits of publication thereof, are attached hereto as Exhibit C; and

**WHEREAS**, following receipt of notice of such certification from the City Recorder the City Council caused a notice thereof to be mailed on June 19, 2018 to affected entities, copies are of which notices are attached hereto as Exhibit D; and

**WHEREAS**, the notices identified the deadline of July 14, 2018 (the “Protest Deadline”), for the filing of protests under Section 10-2-407 of the Utah Code; and

**WHEREAS**, no protests were filed; and

**WHEREAS**, the City Council, at a regular meeting on July 2, 2019, carefully reviewed and considered the Petition and all materials submitted by the petition sponsors in connection therewith and in support thereof, including materials required to be submitted pursuant to the City's Annexation Policy Plan; and

**WHEREAS**, in its July 2, 2019 meeting, the City Council discussed the Annexation Agreement ("Agreement"), attached as Exhibit E, that specifies the conditions of annexation, Land Use Designation and Zoning on the Rushton Property, and conditions under which the Property can be developed in accordance with the zoning; and

**WHEREAS**, in light of the foregoing, and after due deliberation, the City Council desires to approve the Petition and proceed with the proposed annexation and other related matters.

**NOW THEREFORE**, it is hereby ordained by the City Council of the City of Saratoga Springs, Utah, as follows:

**SECTION 1. Findings.** The City Council does hereby find and determine that the annexation of the Rushton Property, as proposed in the Petition, furthers the health, safety, and general welfare of the City and its residents. The City Council also adopts herein by reference the findings and conditions contained in the staff reports filed in the office of the City Recorder.

**SECTION 2. Approval of Annexation; Effective Date.** The City Council approves the Petition, subject to the conditions in the Annexation Agreement, approves the annexation of the Rushton Property as described in the Petition, and does hereby annex the Rushton Property into the City. The effective date of such annexation shall be the date of issuance by the Utah Lieutenant Governor of the Certificate of Annexation, under Section 10-2-425 of the Utah Code.

**SECTION 3. Land Use.** The City Council adopted the Annexation Agreement ("Agreement") on July 2, 2019, filed in the office of the City Recorder. The General Plan Land Use Designation of the Rushton Annexation shall be as specified in the Agreement. Specifically, the Land Use shall be Low Density Residential and Agricultural, attached as Exhibit F.

**SECTION 4. Zoning.** The City Council adopted the Annexation Agreement ("Agreement") on July 2, 2019, filed in the office of the City Recorder. The zoning designation of the Rushton Annexation shall be as specified in the Agreement. Specifically, the zoning shall be R1-10 and Agricultural (subject to compliance with all required conditions per City regulations and to the provisions of this Annexation Agreement) attached as Exhibit F.

**SECTION 5. Authorized Actions.** The Mayor, the City Recorder, the City Manager, and all other officers and employees of the City are hereby authorized and directed to take, in a timely manner, any and all actions required or advisable to be taken to give effect to the annexation hereby approved; including, without limitation, the giving of all notices and the filing of all items required pursuant to Sections 10-2-401 et seq. of the Utah Code.

**SECTION 6. Publication of Ordinance.** A copy of this Ordinance shall be delivered to the City Recorder immediately upon execution by the Mayor, and the City Recorder is hereby

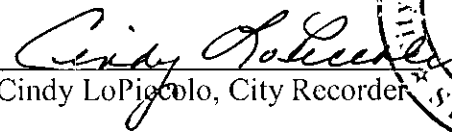
authorized and directed to cause a summary thereof to be published on the earliest possible date in the Daily Herald. This Ordinance shall become effective immediately upon such publication.

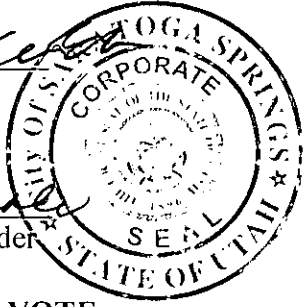
**SECTION 7. Amendment of Conflicting Ordinances.** If any ordinances, resolutions, policies, or zoning maps of the City of Saratoga Springs heretofore adopted are inconsistent herewith they are hereby amended to comply with the provisions hereof. If they cannot be amended to comply with the provisions hereof, they are hereby repealed.

**SECTION 8. Severability.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**ADOPTED AND PASSED** by the City Council of the City of Saratoga Springs, Utah, this 2<sup>nd</sup> day of July, 2019.

Signed:   
Jim Miller, Mayor

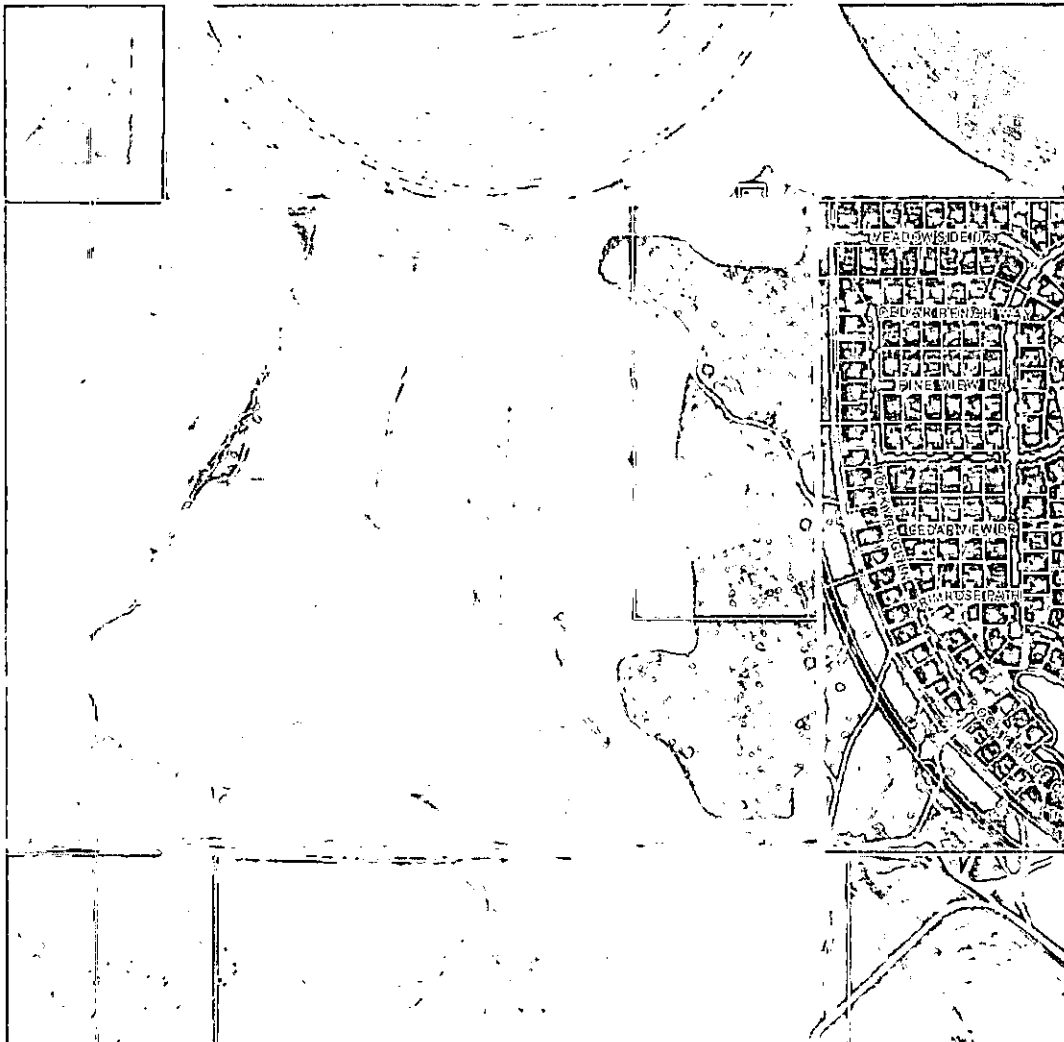
Attest:   
Cindy LoPiccolo, City Recorder



	<b>VOTE</b>
Shellie Baertsch	<i>aye</i>
Chris Porter	<i>aye</i>
Michael McOmber	<i>aye</i>
Stephen Willden	<i>excused</i>
Ryan Poduska	<i>aye</i>

EXHIBIT A

Map of Unincorporated Rushton Property



Legal Description

THE SOUTHWEST ¼ OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, LOCATED IN SARATOGA SPRINGS, UTAH.

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, THENCE N0°29'13"E ALONG THE SECTION LINE 2653.78 FEET TO THE WEST ¼ OF SAID SECTION 34; THENCE S89°50'7"E ALONG THE QUARTER SECTION LINE 2702.98 FEET TO THE CENTER OF SAID SECTION 34; THENCE S0°23'55"E ALONG THE QUARTER SECTION LINE 2660.75 FEET TO THE SOUTH ¼ OF SAID SECTION 34; THENCE N89°41'30"W ALONG THE SECTION LINE 2744.09 FEET TO THE POINT OF BEGINNING. CONTAINS +/- 166.14 ACRES.



EXHIBIT B

Notice of Certification



## CITY OF SARATOGA SPRINGS

### NOTICE OF CERTIFICATION OF ANNEXATION PETITION

Pursuant to UTAH CODE ANN. § 10-2-405, I, Cindy LoPiccolo, City Recorder for the City of Saratoga Springs (“Saratoga Springs”) give the following notice:

1. A petition titled “Rushton Annexation” (“Petition”) proposing annexation of an area has been filed with Saratoga Springs.
2. On May 15, 2018, the Saratoga Springs City Council accepted the Petition for further consideration.
3. The area proposed for annexation in the Petition consists of approximately 166.07 acres of real property that is located in the vicinity of ¼ Section West of the Benches.
4. The complete Petition is available for inspection and copying at the office of the Saratoga Springs City Recorder, 1307 N. Commerce Drive, Suite 200, Saratoga Springs, Utah 84045.
5. I have reviewed the Petition and hereby certify that the Petition meets the requirements of Utah Code Subsections 10-2-403(3), (4), and (5).

Dated: June 12, 2018.

Cindy LoPiccolo MMC, City Recorder  
City of Saratoga Springs, Utah

EXHIBIT C

Published Notice of Proposed Annexation



# Affidavit of Publication

STATE OF UTAH }  
COUNTY OF UTAH } SS

Miranda Hubert, being duly sworn, says:

That she is Legal Billing Clerk of the Daily Herald, a newspaper of general circulation, printed and published in Provo, Utah County, Utah; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

June 19, 2018, June 26, 2018, July 03, 2018

That said newspaper was regularly issued and circulated on those dates. Same was also published online at utahlegals.com, according to Section 45-1-101 - Utah Code Annotated, beginning on the first date of publication, for at least 30 days thereafter and a minimum of 30 days prior to the date of scheduled sale.

SIGNED: Miranda Hubert  
Legal Billing Clerk

Subscribed to and sworn to me this 3rd day of July 2018.

Willy Shaw  
Willy Shaw, Notary Public, Utah County, Utah

My commission expires: September 24, 2021

### Notice of Annexation Petition

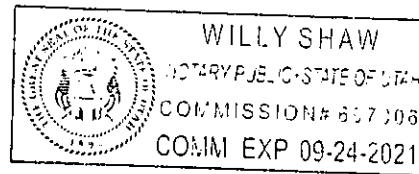
A Petition for annexation has been filed in the office of the City Recorder of the City of Saratoga Springs, Utah for the purpose of requesting annexation of portions of a certain parcel of land owned by Alma E & Ethyl B Rushton Family Partnership, Utah County Parcel number: 58:041:0020, which is more specifically described as follows:

The Southwest ¼ of Section 34, Township 5 South, Range 1 West, Salt Lake Base and Meridian, Located in Saratoga Springs, Utah.

Beginning at the Southwest Corner of Section 34, Township 5 South, Range 1 West, Salt Lake Base and Meridian, thence N029°13"E along the section line 2653.78 feet to the west ¼ of said Section 34; Thence S8950°7"E along the Quarter Section Line 2702.98 feet to the center of said Section 34; Thence S023°55"E along the quarter section line 2660.75 feet to the South ¼ of said Section 34; Thence N8941°30"W along the Section Line 2744.09 Feet to the point of beginning. Contains +/- 166.14 acres.

The City of Saratoga Springs City Council received a Notice of Certification from the City Recorder on June 14th, 2018. This notice as well as the complete annexation petition is available for inspection and copying at the office of the City Recorder located at 1307 N. Commerce Drive, Suite 200, Saratoga Springs, Utah 84045. The City of Saratoga Springs may grant the petition and annex the area described in the petition unless a written protest to the annexation is filed with the Boundary Commission at 100 East Center, Provo, Utah 84604, and a copy of the protest is delivered to the City Recorder of the City of Saratoga Springs, Utah by July 14th, 2018.

Legal Notice 26934 Published in The Daily Herald June 19, 26; July 3, 2018

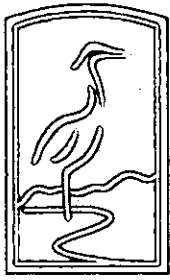


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City of Saratoga Springs - leg  
City of Saratoga Springs - legal  
1307 N. Commerce Dr.  
Saratoga Springs, UT 84045

EXHIBIT D

Notice to Affected Entities



# SARATOGA SPRINGS

*Life's just better here*

## Notice of Annexation Petition

A Petition for annexation has been filed in the office of the City Recorder of the City of Saratoga Springs, Utah for the purpose of requesting annexation of portions of a certain parcel of land owned by Alma E & Ethyl B Rushton Family Partnership, Utah County Parcel number: 58:041:0020, which is more specifically described as follows:

The Southwest  $\frac{1}{4}$  of Section 34, Township 5 South, Range 1 West, Salt Lake Base and Meridian, Located in Saratoga Springs, Utah.

Beginning at the Southwest Corner of Section 34, Township 5 South, Range 1 West, Salt Lake Base and Meridian, thence  $N0^{\circ}29'13''E$  along the section line 2653.78 feet to the west  $\frac{1}{4}$  of said Section 34; Thence  $S89^{\circ}50'7''E$  along the Quarter Section Line 2702.98 feet to the center of said Section 34; Thence  $S0^{\circ}23'55''E$  along the quarter section line 2660.75 feet to the South  $\frac{1}{4}$  of said Section 34; Thence  $N89^{\circ}41'30''W$  along the Section Line 2744.09 Feet to the point of beginning. Contains +/- 166.14 acres.

The City of Saratoga Springs City Council received a Notice of Certification from the City Recorder on June 14<sup>th</sup>, 2018. This notice as well as the complete annexation petition is available for inspection and copying at the office of the City Recorder located at 1307 N. Commerce Drive, Suite 200, Saratoga Springs, Utah 84045.

The City of Saratoga Springs may grant the petition and annex the area described in the petition unless a written protest to the annexation is filed with the Boundary Commission at 100 East Center, Provo, Utah 84604, and a copy of the protest is delivered to the City Recorder of the City of Saratoga Springs, Utah by July 14<sup>th</sup>, 2018.

/s/ Nicolette Fike, Deputy City Recorder  
Published: June 19, 26, and July 3, 2018

CERTIFICATE OF MAILING

On this 18 day of June, 2018, I certify that I mailed a true and correct copy of the attached Notice of Annexation Petition to the following affected entities:

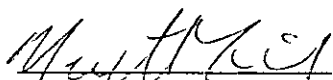
Utah County Commission  
100 East Center Street  
Provo UT 84606

Rocky Mountain Power  
Annexations  
PO Box 400  
Portland OR 9729609499

Timpanogos Special Service District  
PO Box 923  
American Fork UT 84003

Central Utah Water Conservancy District  
355 West University Parkway  
Orem UT 84058

Eagle Mountain City  
1650 E Stagecoach Run  
Eagle Mountain UT 84005



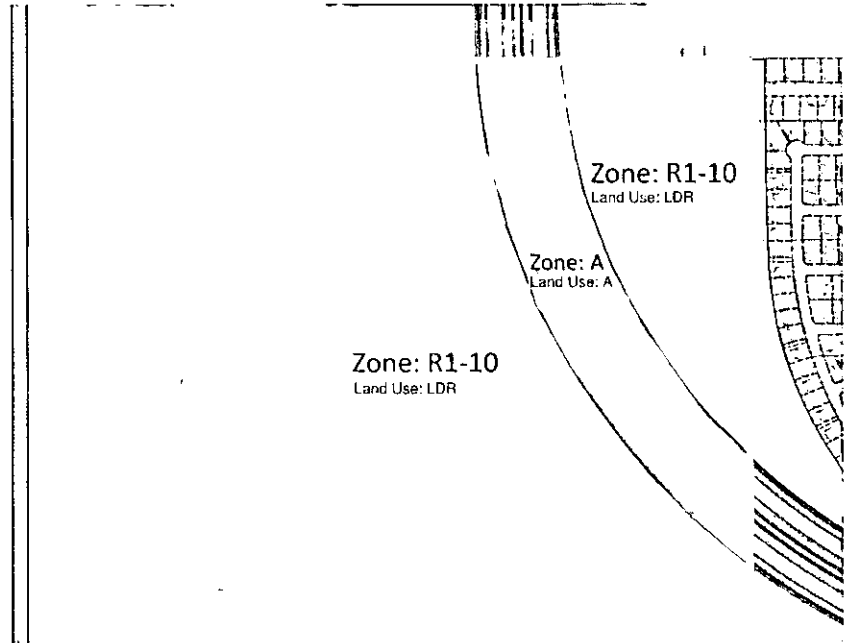
Nicolette Fike  
Deputy City Recorder

EXHIBIT F

Land Use and Zoning Designations

Zoning Map  
Canton Ridge/Rushton  
166 acres  
Saratoga Springs, UT

Annexation Boundary



# Affidavit of Publication

STATE OF UTAH }  
COUNTY OF UTAH } SS

### PUBLIC NOTICE

Notice is hereby given that the City Council of the City of Saratoga Springs, Utah, at their meeting of July 2, 2019, passed and adopted the following Ordinances:

- 1) Ordinance 19-22 (7-2-19) Approving the Ruston/Canton Ridge Annexation.
- 2) Ordinance 19-23 (7-2-19) Adopting Amendments to the Land Use Map of the General Plan and Zoning Map for certain real property located at the NE corner of Pioneer Crossing and Redwood Road.

Copies of these Ordinances are on file in the office of the City of Saratoga Springs City Recorder and are available for review during City business hours.  
Legal Notice 42337 Published in The Daily Herald on July 6, 2019.

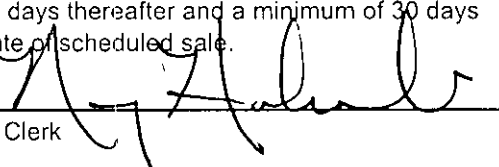
Nancy Holcomb, being duly sworn, says:

That she is Legals Billing Clerk of the Daily Herald, a newspaper of general circulation, printed and published in Provo, Utah County, Utah; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

July 06, 2019

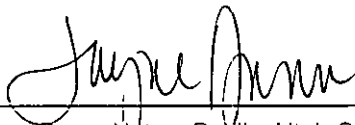
That said newspaper was regularly issued and circulated on those dates. Same was also published online at utahlegals.com, according to Section 45-1-101 - Utah Code Annotated, beginning on the first date of publication, for at least 30 days thereafter and a minimum of 30 days prior to the date of scheduled sale.

SIGNED:

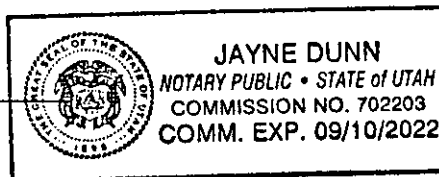


Legals Billing Clerk

Subscribed to and sworn to me this 6th day of July 2019.



Jayne Dunn, Notary Public, Utah County, Utah



My commission expires: September 10, 2022

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City of Saratoga Springs - leg  
City of Saratoga Springs - legal  
1307 N. Commerce Dr.  
Saratoga Springs, UT 84045