

# **VIRGIN TOWN**

## **ORDINANCE # 2018-09**

AN ORDINANCE AMENDING VIRGIN TOWN'S OFFICIAL ZONING MAP BY RE-ZONING APPROXIMATELY 80.528 ACRES OF REAL PROPERTY LOCATED AT APPROXIMATELY SOUTH OF SR9 AT 393 W ("SUBJECT PROPERTY") FROM ITS PRESENT DESIGNATION OF RURAL RESIDENTIAL (RR) TO HIGHWAY RESORT ZONE (HRZ).

### **RECITALS**

WHEREAS, Virgin Town ("Town") is an incorporated municipality duly organized under the laws of the State of Utah;

WHEREAS, the Town is authorized pursuant to Utah Code Annotated, Title 10, Chapter 9A, to enact ordinances necessary or appropriate for the use of land within the Town's municipal boundaries;

WHEREAS, pursuant to Utah Code Annotated, Title 10, Chapter 3b, Section 301, the Virgin Town Council ("Town Council") is designated as the governing body of the Town.

WHEREAS, pursuant to Utah Code Annotated Title 10, Chapter 9a, Sections 502 thru 505, the Town Council may only amend the Town's Official Zoning Map to rezone properties within the Town after the proper notice is given compliance with Utah Code Annotated Title 10, Chapter 9a, Section 205 and an ordinance on the subject receives a recommendation from the Town's Planning Commission "Town P&Z Commission" after a public hearing is held.

WHEREAS, the Town has received a request submitted by an authorized agent of the Subject Property (which is described and/or depicted more fully in Exhibit "A" attached hereto and incorporated herein by this reference) requesting that it be re-zoned from its current zoning designation of Rural Residential (RR) to Highway Resort Zone (HRZ) zoning designation and that the Town's Official Zoning Map be amended accordingly ("Zone Change Request").

WHEREAS, the Town P&Z Commission has reviewed and made a recommendation to the Town Council regarding the Zone Change Request and a draft of this Ordinance effectuating the same after providing proper notice and conducting a public hearing wherein public input was taken in compliance with Utah law and the Town's Uniform Land Use Ordinances ("VULU").

WHEREAS, after reviewing the recommendation from the Town P&Z Commission, the Town Council finds it to be in the best interest of the health, safety and general welfare of the Town that the Zone Change Request be granted.

### **ORDINANCE**

NOW THEREFORE be it ordained by Virgin Town, Washington County, State of Utah, acting by and through the Town Council:

1. Zone Change. The Subject Property located at approximately South of SR9 at 393 W, with Virgin Town, Washington County, State of Utah, previously zoned Rural Residential (RR) as shown on the Official Virgin Town Zoning Map is hereby re-classified and re-zoned to Highway Resort Zone (HRZ).
2. Amendment of Virgin Town Official Zoning Map. The Town's Official Zoning Map is hereby amended and restated/redrawn to reflect the Zone Change set forth in Section 1, above.
3. Severability. If any Section, clause or portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.
4. Conflicts/Repealer. This Ordinance repeals and supersedes the provisions of any prior ordinance in conflict herewith.
5. Effective Date. This Ordinance shall become effective immediately upon adoption by the Town Council and execution by the Virgin Town Mayor.

ADOPTED AND APPROVED BY THE TOWN COUNCIL this \_\_\_ day of \_\_\_\_\_, 20\_\_\_ based upon the following vote:

Council Member:

Dan Snyder	AYE ___	NAE ___
LeRoy Thompson	AYE ___	NAE ___
Kevin Stout	AYE ___	NAE ___
Jay Lee	AYE ___	NAE ___
Matthew Spendlove, Mayor	AYE ___	NAE ___

VIRGIN TOWN  
a Utah municipal corporation

\_\_\_\_\_  
Matthew Spendlove, Mayor

ATTEST:

\_\_\_\_\_  
Monica Bowcutt, Town Clerk

**EXHIBIT "A"**  
to Virgin Town Ordinance 2018-09

(Legal Description and/or Depiction of Subject Property)

ZONE CHANGE DESCRIPTION (80.528 acres)

Beginning at a point South 00°00'43" West, 1335.69 feet along the Section Line and North 89°57'23" East, 524.96 feet along the southwest 1/16 line from the West 1/4 Corner of Section 22, Township 41 South, Range 12 West, Salt Lake Base and Meridian; Running thence North 89°57'23" East, 314.51 feet along the southwest 1/16 line to the southeast corner of the "Bagley" property, Parcel ID #V-96-E; thence North 00°00'44" East, 95.47 feet along the east line of said property to the southerly right-of-way line of "Highway U-9"; thence South 82°12'08" East, 236.21 feet along said right-of-way to a right-of-way marker stamped PC STA 5015+22.11; thence continuing along said right-of-way South 82°07'07" East, 458.67 feet to the point of an 11,519.16 foot radius curve to the left, said curve having a radius point bearing of North 05°29'32" East; thence Easterly 272.82 feet along the arc of said curve and right-of-way through a central angle of 01°21'25"; thence leaving said right-of-way line running South 00°01'36" East, 304.90 feet; thence North 89°57'23" East, 30.00 feet; thence South 00°01'36" East, 22.00 feet; thence North 89°57'23" East, 148.00 feet; thence North 00°01'36" West, 90.00 feet; thence North 89°57'23" East, 334.31 feet; thence South 00°01'12" East, 340.00 feet; thence South 89°58'48" West, 100.00 feet; thence South 00°01'12" East, 298.00 feet; thence South 89°58'48" West, 38.00 feet; thence South 00°01'12" East, 436.295 feet to the south line of the Southwest 1/4 of said Section 22 (Section Line); thence South 89°55'06" West, 0.12 feet along said section line to the northerly line of Parcel 4, Special Warranty Deed Document No. 20070025657 ("Kerlin Properties, LLC", Parcel ID #V-10-A-5), recorded and filed in the office of the Recorder for Washington County, State of Utah; thence along the northerly and westerly boundary of said Parcel 4 in the following two courses: North 69°19'36" West, 517.93 feet; thence South 22°15'49" East, 280.74 feet to the westerly line of Parcel 1 of said Special Warranty Deed Document No. 20070025657 (Parcel ID #V-10-A-2); thence along said westerly line in the following five courses: South 37°29'04" East, 231.50 feet; thence South 08°53'56" West, 72.20 feet; thence South 37°08'04" East, 188.30 feet; thence South 53°54'04" East, 119.96 feet; thence North 76°39'56" East, 51.80 feet to the westerly boundary of Parcel 2 (Parcel ID numbers V-11-A-1 and V-11-B-1)) as shown on a Record of Survey by Ballard & Campbell Surveyors for John Edgel, Dated May 20, 1989; thence along the westerly and southerly Boundary of said Parcel 2 in the following three courses: South 20°29'00" West, 179.57 feet; thence South 61°09'04" East, 105.50 feet; thence South 85°22'04" East, 198.40 feet to the westerly right-of-way line of "Mathew's Lane"; thence South 04°53'04" East, 37.75 feet along the southeasterly extension of said right-of-way line to the southeast corner of Lot 1, Block 6, Plat A, "Virgin City Survey" (Filed May 15, 1918) as shown on said Record of Survey by Ballard & Campbell Surveyors; thence South 04°53'04" East, 49.03 feet along a further extension of said right-of-way line to the intersection with the southerly right-of-way line of "Water Street"; thence North 86°16'08" East, 52.92 feet along said right-of-way line to the northwest corner of Block 5, said Plat A; thence South 01°43'52" East, 474.20 feet along the west line of said Block 5 and along the east line of said Block 6 to the southeast corner of said Block 6, said point also being on the northwest 1/16 line of Section 27, Township 41 south, Range 12 West, Salt Lake Base and Meridian; thence South 89°55'33" West, 1162.58 feet along the south line of said Block 6 and said 1/16 line to the southwest corner of said Block 6, said point being on the west 1/16 line of said Section 27; thence North 00°24'15" East, 893.33 feet along the west line of said Block 6 and along said west 1/16 line to the southeast corner of Parcel ID #V-2-1-27-411; thence North 41°48'05" West, 589.45 feet to the northwest corner of said Parcel, said point being on the south line of said Section 22; thence South 89°55'06" West, 887.83 feet along the section line to the east boundary of "3 Little Birds Subdivision", said point being North 89°56'04" East, 52.00 feet from the southwest corner of said Section 22; thence North 00°00'43" East, 198.01 feet along said subdivision boundary; thence leaving said subdivision boundary and running North 40°36'57" East, 342.64 feet along the southerly boundary line of Parcel ID #V-88-A-10; thence North 42°32'49" East, 678.95 feet along the southerly boundary line of Parcel ID numbers V-88-A-13 and V-88-A-12; thence North 00°00'43" East, 320.00 feet along the east boundary line of Parcel ID #V-88-A-12; thence South 89°58'30" West, 209.00 feet along the north boundary line of Parcel ID #V88-A-12 to the east right-of-way line of 200 North Street; thence North 00°01'30" West, 57.815 feet along said right-of-way line to the Point of Beginning.  
Containing 80.528 Acres more or less.