

VIRGIN TOWN

ORDINANCE # 2018-36

AN ORDINANCE AMENDING VIRGIN TOWN'S OFFICIAL ZONING MAP BY RE-ZONING APPROXIMATELY 36.61 ACRES OF REAL PROPERTY LOCATED AT APPROXIMATELY MESA ROAD AND SR9 PARCEL NUMBER V-2-1-21-2-20001 ("SUBJECT PROPERTY") FROM ITS PRESENT DESIGNATION OF RURAL RESIDENTIAL TO COMMERCIAL.

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 to Commercial 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 Mesa Road and SR9 parcel numbers V-2-1-21-2-20001, with Virgin Town, Washington County, State of Utah, previously zoned Rural Residential as shown on the Official Virgin Town Zoning Map is hereby re-classified and re-zoned to Commercial.
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 _____, 2018, based upon the following vote:

<u>Council Member:</u>		
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- 36

Account Number 0748106

Parcel Number V-2-1-21-20001

Tax District 12 - Virgin Town

Acres 36.61

Situs 0, 0

Legal S: 21 T: 41S R: 12W BEG W1/4 COR SEC 21 T41S R12W TH E 5280 FT; TH S 2640 FT; TH W 3057 FT; TH N 23°E 435 FT; TH N38°40' E 800 FT; TH N05° W 400 FT; TH N69° W 500 FT; TH N12°30' E 295 FT; TH N82°14' W 2525 FT N 422.7 FT TO BEG.

LESS: 12.46 AC

LESS: 2.09 AC M/L TO STRATTON.

LESS: 10 AC TO H & S CORNELIUS.

LESS .684 AC TO WALLACE.

LESS: 4AC JOHNSON.

LESS: 1.911 AC TO H A PATTERSON.

LESS: 2.201 TO BEAMS.

LESS: .5 AC TO PATTERSON.

LESS: LAND TO STOUT.

LESS: 2.993 AC TO DADO.

LESS: 1.297 AC TO HAMMOND.

LESS: .733 AC TO PATTERSON.

LESS: 1.16 AC TO LACOSSE.

LESS: 1.29 TO LACROSSE.

LESS: 2.49 AC TO STOUT.

LESS: 3 AC TO HENDERLIDER.

LESS: 2.02 AC TO LACROSSE.

LESS: 1 AC TO STOUT.

LESS: .267 AC TO LACOSSE.

LESS: 1.07 AC TO LACOSSE.

LESS: 2.78 AC TO CHIVERS.

LESS: LAND TO 50 SOUTH ST.

LESS: 5.29 AC TO DRENNAN.

LESS: 1.572 AC TO BINGHAM & ISOM.

LESS: BEG AT PT S89°38'17 E ALG 1/4 SEC/L 577 FT FM W1/4 COR SEC 21 T41S R12W; TH S89°38'17 E ALG 1/4 SEC/L 289.19 FT; TH S0° W 436.27 FT TO PT ON N R/W/L HWY U-9; TH N82°09'32 W ALG SD R/W/L 291.92 FT; TH N0° E 398.28 FT TO POB.

LESS: BEG S89°38'17 E ALG 1/4 SEC/L 866.19 FT FM W1/4 COR SEC 21 T41S R12W; TH S89°38'17 E ALG 1/4 SEC/L 287.25 FT; TH S0° W 473.61 FT TO PT ON N R/W/L HWY U-9; TH N82°14'15 W ALG SD R/W/L 289.90 FT; TH N0° E 436.27 FT TO POB.

LESS: 1.77 AC TO BALLARD.

LESS: 2.036 AC TO BALLARD.

LESS: 25.825 AC DEEDED AWAY.

LESS: BEG N89°38'16 W ALG 1/4 SEC/L 1226.79 FT FM E1/4 COR SEC 21 T41S R12W; TH N89°38'16 W ALG 1/4 SEC/L 271.30 FT; TH S07°47'03 W 821.53 FT M/L TO PT ON N R/W/L HWY U-9; TH S82°12'57 E ALG SD R/W/L 374.03 FT; TH N07°47'03 E 250 FT; TH N82°12'59 W 105 FT; TH N07°47'03 E 606.57 FT TO POB.

LESS: LAND IN 700 WEST ST.

LESS: BEG 104.56 FT S & 857.72 FT W FM E1/4 COR SEC 21 T41S R12W; TH N89°38'16 W 278.17 FT; TH S07°47'03 W 58.49 FT; TH S89°38'16 E 333.40 FT; TH ALG 50 FT RAD CUR RGT ARC LNGTH 84.92 FT LG CHD BEARS N39°03'17 W 75.08 FT TO POB.

LESS: BEG N89°38'16 W ALG 1/4 SEC/L 1120.90 FT & S07°47'03 W 561.76 FT FM E1/4 COR SEC 21 T41S R12W; TH S07°47'03 W 58.49 FT; TH N82°12'57 W 105 FT; TH N07°47'03 E 58.49 FT; TH S82°12'57 E 105 FT TO POB.

LESS: LAND IN SHEEP BRIDGE RD.

LESS: BEG N89°56'29 W ALG SEC/L 717.02 FT FM SE COR SEC 21; TH N89°56'29 W ALG SEC/L 134 FT; TH N0°0'43 E 304.14 FT TO ARC 350 FT RAD CUR RAD BEARS N10°02'16 W BEING ON S R/W/L 50 FT WD RDWY; TH NELY LFT ALG ARC CUR & R/W/L 145.53 FT THRU CTL ANG 23°49'26; TH S0°0'43 W 358.29 FT TO POB.

LESS: LAND IN WEST TEMPLE RDWY.

LESS: BEG N89°56'29 W ALG SEC/L 557 FT FM SE COR SEC 21 T41S R12W; TH N89°56'29 W ALG SEC/L 160.02 FT;

TH N0°0'43" E 358.29 FT TO S R/W/L 50 FT ST; TH N56°08'18" E ALG R/W/L 167.07 FT TO BEG 300 FT RAD CUR; TH NELY RGT ALG ARC CUR 24.99 FT THRU CTL ANG 4°46'22"; TH LEAV R/W/L S0°0'43" W 464.59 FT TO POB.
LESS: COM S1/4 COR SEC 21 T41S R12W; TH N0°14'15" W ALG 1/4 SEC/L 298.73 FT; TH S89°56'29" E 666.52 FT TO TRUE POB; TH N0°03'31" E 324.34 FT; TH N89°59'59" E 640.02 FT; TH S0°03'31" W 275.00 FT TO PT ON N R/W/L OF 50 SOUTH STREET; TH ALG SD R/W/L THRU FOL 3 CRSES; N89°56'31" W 312.46 FT TO PT OF CURV OF TNGT CUR NE HAV RAD OF 25.00 FT & CTL ANG OF 48°11'20"; TH ALG SD CUR RGT 21.03 FT TO END OF SD CUR & BEG OF 50.00 FT RAD CUR; TH WLY LFT ALG ARC OF SD CUR 146.76 FT THRU CTL ANG OF 16°10'29"; TH DEPART SD R/W/L RN N89°56'29" W 228.36 FT TO TRUE POB.
LESS: COM AT S1/4 COR SEC 21 T41S R12W; TH N89°56'29" W ALG SEC/L 430.81 FT TO F/L; TH ALG F/ THRU FOL 7CRSES; N60°06'15" E 36.95 FT; TH N25°28'40" E 395.59 FT; TH N45°29'23" E 467.92 FT; TH N45°30'35" E 244.42 FT; TH N15°38'57" E 376.49 FT; TH N28°21'21" W 253.73 FT; TH N61°52'20" W 43.03 FT TO TRUE POB; TH S0°07'55" E 3.41 FT; TH N85°41'36" W 148.35 FT; TH N65°24'00" W 372.74 FT; TH N11°40'49" W 322.61 FT TO PT ON S R/W/L HWY U-9; TH S82°12'57" E ALG R/W/L 585.27 FT; TH DEPART SD R/W/L RN S4°52'06" W 328.32 FT; TH S00°7'55" E 72.61 FT TO TRUE POB.
LESS: BEG AT PT N89°38'16" W 91.69 FT FM E1/4 COR SEC 21 T41S R12W; TH S00°21'44" W 110.00 FT TO PT ON NLY R/W/L OF ST FRANCIS STREET; TH N89°38'16" W 240.06 FT ALG SD NLY R/W/L; TH N07°30'48" E 110.86 FT TO PT ON C/S/L; TH S89°38'16" E 226.26 FT ALG SD LN TO POB.
LESS: MESA ROAD

LESS: BEGINNING AT A POINT ALONG THE NORTHERLY RIGHT-OF-WAY OF STATE HIGHWAY SR-9, LOCATED S00°00'43"W ALONG THE SECTION LINE 1024.44 FEET AND N82°12'57"W ALONG SAID NORTHERLY RIGHT-OF-WAY OF STATE HIGHWAY SR-9 203.81 FEET FROM THE EAST QUARTER CORNER OF SECTION 21, TOWNSHIP 41 SOUTH, RANGE 12 WEST, SALT LAKE BASE AND MERIDIAN; THENCE N82°12'57"W ALONG SAID NORTHERLY RIGHT-OF-WAY OF STATE HIGHWAY SR-9 245.41 FEET TO THE EASTERLY RIGHT-OF-WAY OF WEST TEMPLE STREET (775 WEST STREET); THENCE N07°30'48"E ALONG THE EASTERLY RIGHT-OF-WAY OF WEST TEMPLE STREET (775 WEST STREET) 426.78 FEET; THENCE S77°31'51"E 162.82 FEET; THENCE S03°51'07"E 422.15 FEET TO THE POINT OF BEGINNING.

LESS: BEGINNING AT A POINT WHICH LIES SOUTH 0°00'43" WEST 1024.44 FEET ALONG THE SECTION LINE AND NORTH 82°12'57" WEST 507.22 FEET ALONG THE NORTHERLY RIGHT OF WAY LINE OF STATE HIGHWAY SR-9 FROM THE EAST QUARTER CORNER OF SECTION 21, TOWNSHIP 41 SOUTH RANGE 12 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING; THENCE NORTH 82°12'57" WEST 522.83 FEET ALONG SAID RIGHT OF WAY; THENCE NORTH 7°47'03" EAST 466.69 FEET; THENCE SOUTH 82°12'54" EAST 246.70 FEET; THENCE SOUTH 7°47'03" WEST 158.81 FEET; THENCE SOUTH 82°12'57" EAST 274.68 FEET TO A POINT ON THE 'WESTERLY RIGHT OF WAY OF WEST TEMPLE STREET (775 WEST) THENCE SOUTH 7°30'48" WEST 307.88 FEET ALONG SAID' WESTERLY RIGHT OF WAY TO THE POINT OF BEGINNING.