ORDINANCE NO. 15-6

AN ORDINANCE OF THE ELK RIDGE CITY COUNCIL ANNEXING THE PROPERTY LOCATED WITHIN THE HASKELL DRYLAND ANNEXATION PLAT IN THE VICINITY OF 11400 GOLDEN EAGLE WAY,

WHEREAS, on January 9, 2019, Lee Haskell filed an Application for Annexation by Resolution with Elk Ridge City requesting annexation of approximately 45.50 acres in the vicinity of 11400 Golden Eagle Way, which property is shown and more particularly described in the Elk Ridge Annexation Application as Haskell Dryland Annexation Plat which is attached hereto as Exhibit "A" and by reference is made a part hereof (hereinafter referred to as the "Dryland Annexation"); and

WHEREAS, and the request for planned residential land uses matches the Elk Ridge General Plan, as adopted on March 8, 2018, for the area; and

WHEREAS, Elk Ridge City has determined an ability to provide all necessary municipal services to the Dryland Annexation Plat properties; and

WHEREAS, on February 2, 2019 the Elk Ridge City Council adopted a resolution for the Intent to Annex the properties located within the Dryland Annexation Plat; and

WHEREAS, , a public notice regarding the application for annexation was published in the **Payson Chronicle and The Daily Herald Newspaper**, newspapers of general circulation within the City, for three consecutive weeks; and at least 30 days after of the adoption of the resolution

WHEREAS, the Elk Ridge Planning Commission held a public hearing on the 1st day of August, 2019, to consider the request for annexation, which public hearing was preceded by the posting of a notice of public hearing in at least three (3) public places within the City limits of Elk Ridge City, and which notice of public hearing was published in the **Daily Herald Newspaper**, a newspaper of general circulation within the City; and

WHEREAS, the notice of public hearing by the Planning Commission was posted and published not less than three weeks before the date of the public hearing; and

WHEREAS, the notice of hearing which was posted and published by the Planning Commission contains specific advance notice that the proposed ordinance, as set forth herein, would be considered and that copies thereof were available for inspection in the city offices; and

WHEREAS, the Public Hearing was held no earlier than 30 days after the adoption of the Resolution by the City Council.; and

WHEREAS, during the thirty day notice period no valid protests had been filed; and

WHEREAS, the applicant desires to go forward with the request to annex the Dryland Annexation Plat properties into Elk Ridge; and

WHEREAS, the proposed annexation is located within the Elk Ridge Annexation Boundary Plan and meets the applicable City and State requirements for annexation; and

WHEREAS, the City Council has determined that the R&L 1-20,000 residential zoning designation, as designated in the 2018 Elk Ridge City General Plan is an appropriate zone for the Dryland Annexation properties; and

WHEREAS, the Elk Ridge City Council has determined that the adoption of this ordinance is necessary for the general welfare of the City and its inhabitants;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF ELK RIDGE CITY, UTAH, AS FOLLOWS:

1. The City Council hereby annexes the properties known as the Dryland Annexation Plat, the location and description of which is contained in the Dryland Annexation Plat which is attached hereto as Exhibit "A" and by reference is made a part hereof.

2. The City Council hereby amends the Zoning Map of Elk Ridge City, to include within the City boundaries the properties shown in the Dryland Annexation Plat as "R&L – 1-20,000."

3. This ordinance shall take effect immediately upon passage and publication in a newspaper of general circulation in Elk Ridge.

4. All other resolutions and policies in conflict herewith, either in whole or part, are hereby repealed.

SECTION I. Codification, Inclusion in the Code, and Scrivener's Errors. It is the intent of the City Council that the provisions of this ordinance be made part of the City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filling a corrected or re-codified copy of the same with the City Recorder.

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

SECTION III. Posting. A copy of this Ordinance shall be deposited in the office of the Elk Ridge City Recorder, and on _____, the Elk Ridge City Recorder shall certify that this Ordinance has been posted in three public places within the municipality on that date, as provided in Utah State Code Annotated § 10-3-711(1).

SECTION IV. EFFECTIVE DATE. This ordinance shall become effective immediately upon passage.

Passed and duly adopted this ___ day of _____, 2019.

_____
Ty Ellis, MAYOR

Councilmember Nelson Abbott	Voted ____
Councilmember Tricia Thomas	Voted ____
Councilmember Paul Crook	Voted ____
Councilmember Jared Peterson	Voted ____
Councilmember Jim Chase	Voted ____

ATTEST:

_____
ROYCE SWENSEN
Elk Ridge City Deputy Recorder

STATE OF UTAH)

) ss.

COUNTY OF UTAH)

I, ROYCE SWENSEN, City Deputy Recorder of the City of Elk Ridge, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of

Ordinance # 15-6, passed by the City Council of the City of Elk Ridge, Utah, on the

___ day of _____, 2019, entitled

"AN ORDINANCE OF THE ELK RIDGE CITY COUNCIL ANNEXING THE PROPERTY LOCATED WITHIN THE DRYLAND ANNEXATION PLAT IN THE VICINITY OF 11400 GOLDEN EAGLE WAY"

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Elk Ridge City Utah this _____ day of _____, 2019.

_____
ROYCE SWENSEN
Elk Ridge City Deputy Recorder

AFFIDAVIT OF POSTING

STATE OF UTAH)

) ss.

COUNTY OF UTAH)

I, ROYCE SWENSEN, City Deputy Recorder of the City of Elk Ridge, Utah, do hereby certify and declare that I posted in three (3) public places Ordinance #_15-6_, which is attached hereto on the ____ day of _____, 2019.

The three places are as follows:

1. The Elk Ridge City Office, 80 E Park Drive
2. The pole located at Elk Ridge Drive and Goosenest Drive
3. The pole on Goosenest Drive, east of 817 West Goosenest Drive

I further certify that copies of the ordinance so posted were true and correct copies of said ordinance.

_____
ROYCE SWENSEN
Elk Ridge City Deputy Recorder

The foregoing instrument was acknowledged before me this _____day of _____, 2019, by ROYCE SWENSEN.

My Commission Expires:

_____
Notary Public

Residing at: Utah County