

Welcome to

# Garden City

Utah

Where Families Play

After Recording mail to  
Town of Garden City  
PO Box 207  
Garden City, Utah 84028

## TOWN OF GARDEN CITY

### Covenant to run with the land

ON THIS 11th DAY OF FEBRUARY, 2021 COMES NOW the Town of Garden City, a Class 4 municipality, acting by and through its duly appointed Mayor, (hereinafter known as the "town") and, Shawn Anderson property owner in the Town of Garden City, Utah (hereinafter known as the "owners") and owners of certain real property in the Town of Garden City, Rich County, State of Utah, known generally as, Parcel #'s 41-30-090-0024, and 41-30-090-0025 more particularly described as follows:

Parcel #1: LT 24, EAGLE FEATHER AT SHUNDAHAI SUB  
Parcel #2: LT 25, EAGLE FEATHER AT SHUNDAHAI SUB

(Hereinafter known as "property") and do hereby enter into this Agreement and Covenant as follows:

WHEREAS the Town of Garden City has duly enacted ordinances and statutes prescribing zoning land use policies and requirements of the Town of Garden City; and

WHEREAS owners are desirous of utilizing their land and improvements in a manner not strictly in conformity with the ordinances or statutes; and

WHEREAS the Town is willing to grant an encumbrance permit to the subject property based on the owner's providing the Town with a covenant to run with the land applicable to any and all heirs, successors of interest or assigns as set forth herein.

NOW THEREFORE, for valuable consideration received, the sufficiency of which is hereby acknowledged by the owners, the Town and the Owners do hereby covenant, promise, and agree as follows:

For and in consideration the encumbrance permit granted by the town, owners, their successors in interest heirs or assigns, covenant and irrevocably agree that the above described 2 parcels of real property shall remain in common ownership of the owners or their successors in interest heirs or assigns and shall not, under any circumstances so long as the encumbrance permit shall be effective, be sold separately or for any reason shall one parcel be segregated from ownership interest of the other parcel. In the event that such segregation or separate ownership shall occur, the owner of parcel 1 and 2 as described above, covenants and agrees to forthwith demolish and remove from the property any and all structures not in conformance with the Garden City Ordinances or regulations at the time of the segregation or separation. The structures not in conformance with the Garden City Ordinances or requirements at the time of the segregation or separation will be removed or demolished within 30 days of any such segregation of ownership.

This would also require the owner to bring property into conformity with any and all Garden City requirements, ordinances and regulations at the time of segregation.

1. THIS COVENANT shall be a covenant that runs with the land and shall be in perpetuity.
2. THIS COVENANT shall be binding on all heirs, successors in interest, assigns, sureties, or any other persons hereinafter acquiring any interest in the property.
3. THIS COVENANT shall be governed by the laws of the State of Utah and shall be enforceable through any and all remedies allowable at law including, but not limited to, injunctive or declaratory relief. The owner does hereby stipulate that the failure to abide by the covenants would leave the Town irreparably injured, and that there is no adequate remedy at law save and except injunctive relief.
4. THAT SHOULD THIS COVENANT have to be enforced, requiring the services of an attorney, either in Court, or in any administrative proceedings or otherwise, the Town shall be entitled to recover against the owners, or their successors, assigns, or heirs a reasonable attorney's fee for the enforcement of the covenant herein, as well as all costs and fees incurred therein.
5. OWNER, HIS HEIRS, SUCCESSORS IN INTEREST OR ASSIGNS promise to abide by the covenant and understand that the failure to abide by this covenant shall, be grounds for the Town to revoke the conditional use permit in addition to all other remedies, granted by the Town upon 10 days written notice to the property owners. Thereafter, the Town may enforce strict compliance with its land use planning and other ordinance allowable at law, and no claim or waiver estoppel shall apply as against the Town.

Covenant to run with the land  
Shawn Anderson  
February 11, 2021  
Page 3

DATED this 11<sup>th</sup> day of February, 2021.

APPROVED:

Attest:

\_\_\_\_\_  
Mike Leonhardt, Mayor

\_\_\_\_\_  
Kathy Hislop, Town Clerk

\_\_\_\_\_  
Shawn Anderson, Owner

State of Utah            )  
                                  )§  
County of \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_, 2021, personally appeared before me, Shawn Anderson who duly acknowledged to me that they executed the same.

\_\_\_\_\_  
Notary

**Application for Project Review  
Garden City, Utah**

This application must be accompanied with the necessary and appropriate materials, as stated on the project checklist, before it will be accepted for processing. The date upon which the project will appear on an agenda is determined by the notification schedule required by the State of Utah. The project will be scheduled for the next meeting for which a legal notice has not yet been prepared, after an application is accepted as complete by the Town Staff.

Type of Application (check all that apply):

- Annexation
- Appeal
- Conditional Use Permit
- Condominium/Townhouse
- Encumbrance
- Extension of Time
  
- Lot Split/Lot Line Adjustment
- PUD Conceptual
- PUD Phase Approval/Preliminary or Final
- PRUD Conceptual
- PRUD Phase Approval/Preliminary or Final
- Subdivision
- Vacation of Subdivision
- Variance
- Water Transfer
- Zone Change
- Other Land Use Permit \_\_\_\_\_

Ordinance Reference:

- 11A-301
- 11B-400
- 11C-500
- 11E-524 or 11E-525
  
- Subdivision 11E-503/PUD or PRUD
- 11F-107-A-2
- 11E-506
- 11C-1950, 11E-100, and 11F-100
- 11C-1950, 11E-100, and 11F-100
- 11C-1950, 11E-100, and 11F-100
- 11C-1950, 11E-100, and 11F-100
- 11E-100
- 11E-523
- 11B-308
- 13A-1300

Project Name: Anderson Encumbrance Current Zone: RR Proposed Zone: n/a

Property Address: 497 & 485 S. Balsamorhiza Road

Parcel # 41 - 30 - 090 - 0024, 25

Contact Person: Alan Arthur Phone #: 720-202-3621

E-mail address: alan@sturdy-structures.com

Mailing Address: PO Box 386, Garden City, UT 84028

Applicant (if different): Shawn Anderson Phone #: 801-891-3819

Mailing Address: 1275 Bridge Park Way, Layton, UT 84041

Property Owner of Record (if different): \_\_\_\_\_ Phone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Project Start date: 4/1/2021 Completion date: 4/1/2022

Describe the proposed project as it should be presented to the hearing body and in the public notices.  
Encumber lots 24 & 25 in the Eagle Feather at Shundahai subdivision

Lot Size in acres or square feet: 1.81 acres Number of dwellings or lots: 2

Non-residential building size: n/a

I certify that the information contained in this application and supporting materials is correct and accurate.

Shawn Anderson  
Signature of Applicant

I certify that I am the Owner of Record of the subject property and that I consent to the submittal of this application. **Owner of Record MUST sign the application prior to submitting to Garden City.**

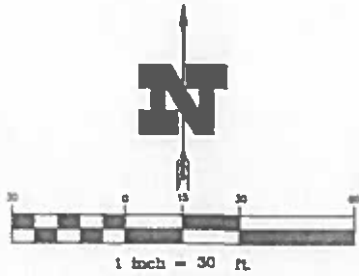
Shawn Anderson  
Signature of Owner of Record

\_\_\_\_\_  
Signature of Owner of Record



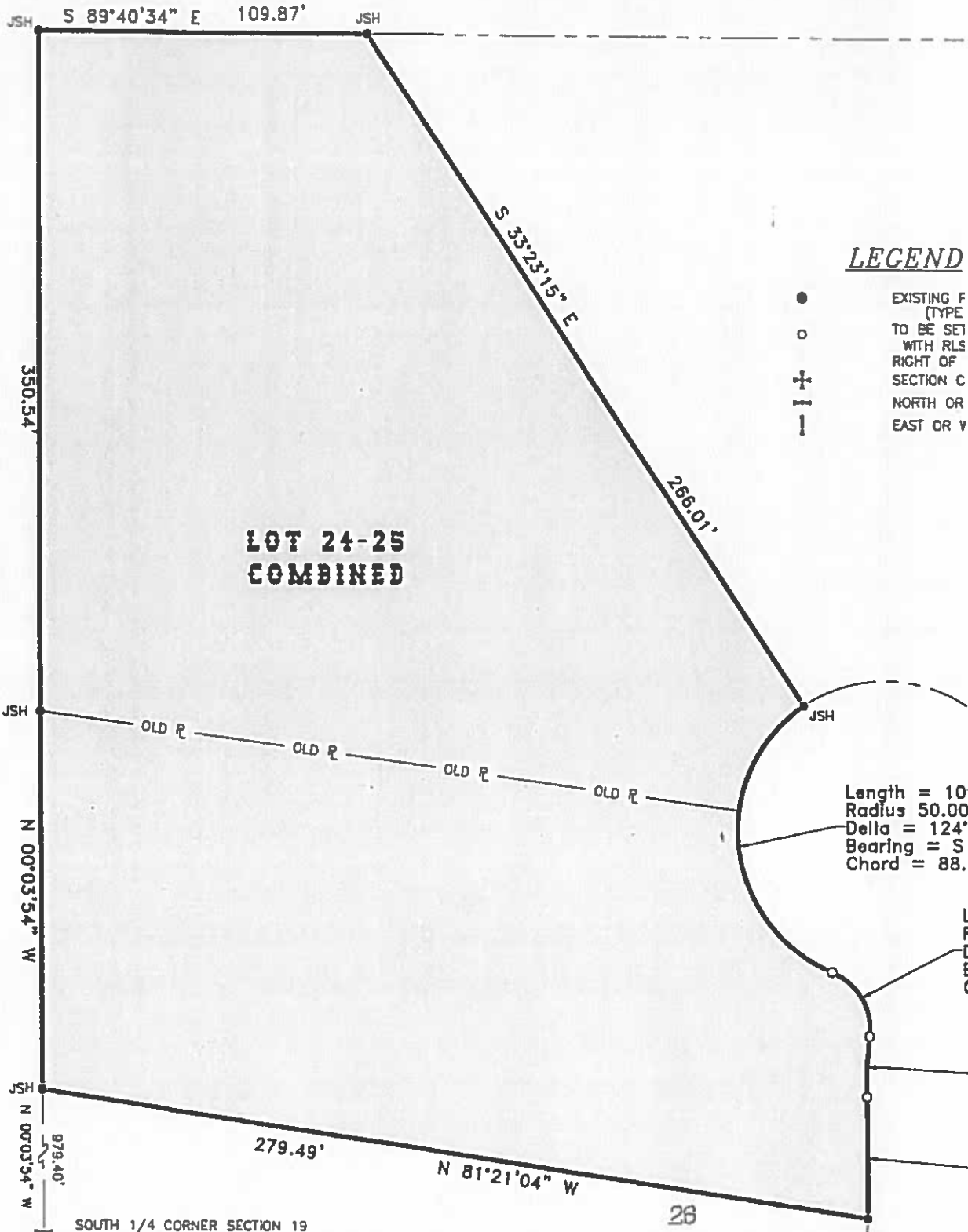
\_\_\_\_\_  
Signature of Owner of Record

Office Use Only
Date Received: _____
Fee: _____
By: _____



**SURVEYOR'S CERTIFICATE**

I, Jeff S. Hansen, do hereby certify that I am a Registered Land Surveyor, and that I hold Certificate No. 325023 as prescribed by the Laws of the State of Utah, and that I have made and/or Supervised the survey of the property shown and described hereon and that this plat is a true and correct representation of said survey to the best of my knowledge and belief.



**LEGEND**

- EXISTING F (TYPE TO BE SET WITH RLS RIGHT OF SECTION C NORTH OR EAST OR V)
- EXISTING F (TYPE TO BE SET WITH RLS RIGHT OF SECTION C NORTH OR EAST OR V)
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- EXISTING F (TYPE TO BE SET WITH RLS RIGHT OF SECTION C NORTH OR EAST OR V)

Length = 10  
 Radius 50.00  
 Delta = 124°  
 Bearing = S  
 Chord = 88.

L  
F  
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E  
C

**ORDINANCE #21-04**

**AN ORDINANCE UPDATING THE LAW IN DISCHARGING GUNS, FLIPPERS, AND RULES AND REGULATIONS THEREOF.**

WHEREAS, the Town of Garden City is a town duly incorporated under the general law of the State of Utah; and

WHEREAS, the Garden City Town Council is the governing body for the Town of Garden City and must administer the Garden City Municipal Code; and

WHEREAS, The Garden City Town Council is authorized to govern the health, safety and wellness of the citizens and visitors of the Town of Garden City.

NOW, THEREFORE, BE IT ORDAINED BY THE GARDEN CITY TOWN COUNCIL THAT ORDINANCE #12-403 BE CHANGED AS FOLLOWS:

**CHAPTER 12-403 Offenses Against Public Health, Safety, Welfare and Morals.**

**12-403 An Ordinance Establishing the Law in Discharging Guns, Flippers, and Rules and Regulations Thereof.**

- A. **Discharging Guns. It shall be unlawful for any person to discharge any center fire or rim fire long-range firearm, as defined by Utah Code, or pistol within 600 feet of any structure. It shall also be unlawful to discharge any type of firearm, air soft guns, sparrow guns, BB guns, air rifles, slingshots or other similar contrivance on city owned property.**
- B. **Discharging of air soft guns, sparrow guns, BB guns, air rifles, slingshots, or other similar contrivance shall be allowed within the limits of Garden City, with appropriate consequences for irresponsible use, i.e. breaking windows or damaging property.**
- C. **Exception; in defense of person or property, or in the case of any civil officer in the discharge of his duty.**

**APPROVED AND ADOPTED** this 11<sup>th</sup> day of February, 2021

APPROVAL:

Attest:

\_\_\_\_\_  
Michael Leonhardt, Mayor

\_\_\_\_\_  
Kathy Hislop

Voting	Aye	Nay
Argyle	___	___
Hansen	___	___
Parry	___	___
Pope	___	___
Leonhardt, Mayor	___	___

**ORDINANCE #21-04**

**AN ORDINANCE UPDATING THE LAW IN DISCHARGING GUNS, FLIPPERS, AND RULES AND REGULATIONS THEREOF.**

WHEREAS, the Town of Garden City is a town duly incorporated under the general law of the State of Utah; and

WHEREAS, the Garden City Town Council is the governing body for the Town of Garden City and must administer the Garden City Municipal Code; and

WHEREAS, The Garden City Town Council is authorized to govern the health, safety and wellness of the citizens and visitors of the Town of Garden City.

NOW, THEREFORE, BE IT ORDAINED BY THE GARDEN CITY TOWN COUNCIL THAT ORDINANCE #12-403 BE CHANGED AS FOLLOWS:

**CHAPTER 12-403 Offenses Against Public Health, Safety, Welfare and Morals.**

**12-403 An Ordinance Establishing the Law in Discharging Guns, Flippers, and Rules and Regulations Thereof.**

- A. Discharging Guns. It shall be unlawful for any person to discharge any **center fire or rim fire long range** firearm, as defined by Utah Code, or pistol within the limits of Garden City, except in defense of person or property, or in the case of any civil officer in the discharge of his duty. ~~or in case of target shooting after the erection of a proper breastwork or battery for the protection of the citizens.~~
- B. Discharging of air soft guns, sparrow guns, BB guns, air rifles, slingshots, or other similar contrivance shall be allowed within the limits of Garden City, with appropriate consequences for irresponsible use, i.e. breaking windows or damaging property.

**APPROVED AND ADOPTED** this 7<sup>th</sup> day of January, 2021

APPROVAL:

Attest:

\_\_\_\_\_  
Michael Leonhardt, Mayor

\_\_\_\_\_  
Kathy Hislop

Voting	Aye	Nay
Argyle	___	___
Hansen	___	___
Parry	___	___
Pope	___	___
Leonhardt, Mayor	___	___



Kathy Hislop &lt;kathyh@gardencityut.us&gt;

**Firearm ordinance**

1 message

Kathy Hislop &lt;kathyh@gardencityut.us&gt;

Fri, Jan 15, 2021 at 11:59 AM

To: Howard Pope <hpope@cut.net>, Jordan Parry <Jordan@lakeviewcustom.com>, Ken Hansen <khansen4545@gmail.com>, "Mike Leonhardt [Pepsi-7up]" <mikel@gardencityut.us>, Pat Argyle <pargyle@hotmail.com>

Hello everyone,

I have been looking through other cities ordinances, just a couple, and they are very similar:

**Santaquin:**

It is unlawful for any person to discharge or shoot any gun, pistol, BB gun, pellet gun or bow and arrow within the limits of the city, except in self-defense, or in case of any peace officer in the discharge of his duty, or under specified conditions at an approved archery or gun range. A violation of this section shall be a class C misdemeanor. (Prior code § 11-8-16)

Logan, this is only part of their ordinance because some of it wouldn't apply to GC, we don't have Law Enforcement Officers.

9.28.10

It is unlawful for any person to discharge any firearm within the limits of the city, except in defense of person or property or in the case of any peace officer or city employee in the discharge of such person's duty. (Ord. 09-61 § 1, 2009)

**9.28.050: EXCEPTION FOR SPECIFIC PREMISES:**

The prohibition of section 9.28.010 of this chapter shall not apply to licensed shooting ranges or agricultural zoned lands west of 1600 West within the limits of Logan City as to owners of said lands or those on said lands with express permission of the owner as to the discharging of shotguns only using six (6) chill shot or smaller. (Ord. 09-61 § 1, 2009)

**9.28.060: EXCEPTION FOR AUTHORIZED OFFICIALS:**

The prohibition of this chapter shall not be construed to forbid United States marshal, sheriffs, constables and their deputies or any regular, special or official police officer, or any other law enforcement officer from carrying or wearing such weapons as shall be necessary in the proper discharge of their duties. (Ord. 91-4 § 2, 1991: prior code § 12-12-7)

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Thank you,  
Kathy Hislop  
Town Clerk

ORDINANCE #21-05

AN ORDINANCE UPDATING THE FINAL SUBDIVISION PLAT REQUIREMENTS

WHEREAS, The Town of Garden City is a town duly incorporated under the general law of the State of Utah; and

WHEREAS, the Garden City Town Council is the governing body for the Town of Garden City and must administer the Garden City Municipal Code; and

WHEREAS, the Garden City Town Council is authorized to govern the health, safety and wellness of the citizens and visitors of the Town of Garden City.

NOW THEREFORE BE IT ORDAINED by the Town Council of Garden City, Rich County, Utah that Ordinance **TITLE 11E – 510, LAND USE, Final Plat requirements** be updated as follows:

**TITLE 11E – 510-E Block Requirements**

~~E. Corner lots shall contain a building envelope outside of a seventy-five (75) foot radius from the intersection of the streets.~~

Effective Date. This Ordinance shall become effective after publication of such in accordance with applicable State Law.

PASSED AND ADOPTED by the Garden City Council, Garden City, UT this 11<sup>th</sup> day of February, 2021

APPROVED:

Attest:

\_\_\_\_\_  
Mike Leonhardt, Mayor

\_\_\_\_\_  
Kathy Hislop, Town Clerk

Voting:

	Aye	Nye
Argyle	___	___
Hansen	___	___
Parry	___	___
Pope	___	___
Leonhardt, Mayor	___	___

**ORDINANCE #21-06**

**AN ORDINANCE UPDATING ACCESSORY BUILDING SETBACKS.**

WHEREAS, the Town of Garden City is a town duly incorporated under the general law of the State of Utah; and

WHEREAS, the Garden City Town Council is the governing body for the Town of Garden City and must administer the Garden City Municipal Code; and

WHEREAS, The Garden City Town Council is authorized to govern the health, safety and wellness of the citizens and visitors of the Town of Garden City,

NOW, THEREFORE, BE IT ORDAINED BY THE GARDEN CITY TOWN COUNCIL AND THE PLANNING COMMISSION THAT ORDINANCE #11C-906 BE CHANGED AS FOLLOWS:

**11C-906 – ACCESSORY BUILDINGS**

~~11C-906 Private Garage with Side Yard – Reduced Yards. On any interior lot where a private garage, containing a sufficient number of parking spaces to meet the requirements of this ordinance, has a side yard equal to the minimum side yard required for a dwelling in the same zone, the width of the other side yard for the dwelling may be reduced to equal that of the minimum required side yard, except in R-A and R-E zones; and on any lot where such garage has such side yard, also has a rear yard of at least fifteen (15) feet.~~

**11C-906 Accessory buildings need to be entirely in the rear or side yard and 6’ away from main dwelling structure. Accessory buildings shall have a 3’ setback for up to a 15’ structure. A 1’ additional setback for each additional foot over 15’ in height is required. Once you reach the zone setbacks, follow that zone. The eaves shall have a minimum setback of 1’ from the rear and side property lines.**

**APPROVED AND ADOPTED** this 11<sup>th</sup> day of February, 2021

APPROVAL:

Attest:

\_\_\_\_\_  
Michael Leonhardt, Mayor

\_\_\_\_\_  
Kathy Hislop

Voting	Aye	Nay
Argyle	___	___
Hansen	___	___
Parry	___	___
Pope	___	___
Leonhardt, Mayor	___	___

**CAPITAL IMPROVEMENT PLAN**

**Garden City, Utah**

**Updated February 11, 2021**

<b>PRIORITY</b>	<b>DESCRIPTION OF IMPROVEMENT</b>	<b>COST</b>	<b>SOURCE OF FUNDS</b>
	<b>ROADS</b>		
1	Connect 1 <sup>st</sup> West to 3 <sup>rd</sup> West at 150 South and 350 South	\$300,000	General Fund/ Road Impact Fees
2	Slurry Seal and Stripe	\$80,000	General Fund
3	Update Transportation Map	\$25,000	General Fund
4	Extend Paradise Parkway going south from Buttercup to Hodges Canyon	\$3,800,000	General Fund/ Road Impact Fees/Grants
	<b>PARK/BIKE PATH</b>		
1	Repair and maintenance of walking & bike path, North & South	\$25,000	General Fund
2	Work on general improvements of Garden City Heritage Park	\$50,000	General Fund/ Park Impact Fees
3	Purchase and install sports equipment/facilities, i.e. softball field, soccer field and pickleball courts, etc. Heritage Park	\$1,200,000	General Fund/ Park Impact Fees TRT Grants
4	Create new boardwalk and re-do the existing boardwalk	\$100,000	General Fund
5	Splash Park	\$50,000	General Fund/ Grant
	<b>BUILDINGS</b>		
	<b>BEAUTIFICATION</b>		
1	Beautification project along highway which could include flowers, trees, repair sidewalks.	\$50,000	General Fund

	<b>WATER</b>		
1	Drill future well, including all infrastructure	\$1,500,000	Enterprise Fund/ Impact Fees and grants
2	Replace Pickleville Tank with a 1,000,000 gallon tank and infrastructure at appropriate location	\$1,750,000	Enterprise Fund/ Impact Fees Grants and loans
3	Install water line under the future Paradise Parkway, Pickleville Parkway, and Little Valley Parkway	\$500,000	Enterprise Fund/ Impact Fees
4	Update Water Master Plan and rate structure	\$25,000	Enterprise Fund
	<b>BEACH</b>		
1	Improvements	\$30,000	Beach Fund
2	Improve sand at beach park	\$5,000	Beach Fund
	<b>LIBRARY</b>		
1	Technology	\$10,000	General Fund/ PPAL

## **Procedure Policy for Purchasing Water Without an Account**

The Garden City Town Council realize that there are temporary instances when someone needs to purchase water for a specific temporary project.

This policy is an outline and summarizes the instances that would allow someone to purchase water from the Town of Garden City water system on a temporary basis.

1. Approval must be granted by the Public Works Director or Mayor prior to connecting to the Garden City Water System. If approval has not been granted fines may be assessed per the Code Infraction Schedule for theft of services.
2. Water use will be metered by a city owned meter. Water use will be calculated based on the metered amount.
3. Location will be determined by the Public Works Director.

The price breakdown is as follows:

1. Projects inside the Garden City limits will be charged \$14.00 per 1,000 gallons.
2. Projects that are outside the Garden City limits will be charged \$21 per 1,000 gallons.
3. Any project directly related to a city sponsored project or a project that will benefit Garden City and has prior approval from the Public Works Director or Mayor will be exempt from the fees. Water use must be approved prior to connecting to the city system.