

ORDINANCE NO. 2022- 03

AN ORDINANCE AMENDING THE ZONING MAP OF AND FOR THE CITY OF LaVERKIN, UTAH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the *City Zoning Map* of and for the City of LaVerkin, Utah, was adopted January 17, 2007; and

WHEREAS, Section 10-2-9 of the *LaVerkin City Code* provides the legal support and procedural requirements for a change in any zoning district or districts within the city limits of the LaVerkin; and

WHEREAS, an application for a re-zone has been submitted to the Planning Commission and City Council—for review and recommendation and/or action, as per the requirements, provisions, and procedures of the aforesaid section—for and concerning a certain set of parcels of property, currently zoned in part as *Low Density Residential* (R-1-14) and in part as *General Commercial* (C), such property being located in the southeastern quadrant of the City and situated along and east of State Street (State Route 9, or SR-9), and south of 300 South (extending nearly to 480 South and, a small portion to 100 East), and collectively known on the County land records as **Parcel Numbers / Tax I.D. Numbers LV-44-A-2-A and LV-42-A-2-J-1-A**, also known herein as “**the Hugh & Margaret Howard Parcel #2**” or “**the Property**,” and legally described below and at **Exhibit A** hereto, *to wit*:

Commencing at the East ½ Corner of Section 26, Township 41 South, Range 13 West, Salt Lake Base and Meridian; Thence North 00°43'57" West, along the Section line, a distance of 1121.65 feet; thence North 89°46'00" East, a distance of 169.23 feet, to the Point of Beginning; Said point also being located on the South right of way line of 300 South Street; Thence departing said right of way line and running South 00°24'56" East, a distance of 542.88 feet; Thence South 71°43'18" West, a distance of 27.48 feet; Thence South 57°42'15" West, a distance of 97.79 feet; Thence South 54°16'20" West, a distance of 136.86 feet, to the Westerly face of an existing block wall; Thence South 48°27'54" West, along said Westerly face, a distance of 42.31 feet; Thence South 33°36'13" West, along said Westerly face, a distance of 47.34 feet; Thence South 28°24'26" West, along said Westerly face, a distance of 46.44 feet; Thence leaving said block wall and running South 63°11'31" East, a distance of 229.03 feet; Thence South 15°36'30" West, a distance of 235.66 feet, to the East ½ Corner of said Section 26; Thence South 00°43'15" East, a distance of 37.00 feet; Thence North 89°56'35" West, a distance of 152.92 feet; Thence North 00°00'01" East, a distance of 238.34 feet; Thence North 79°01'01" West, a distance of 149.62 feet; Thence North 74°15'00" West, a distance of 241.44 feet; Thence North 19°40'11" East, a distance of 99.59 feet, to an existing fence corner; Thence North 75°34'34" West, a distance of 11.87 feet, to an existing fence corner; Thence North 00°54'44" West, a distance of 228.86 feet, to an existing fence corner; Thence North 80°31'32" West, along an existing fence line, a distance of 76.94 feet, to the Easterly right of way line of State Route-9; Thence along said right of way line the following three courses: North 20°21'53" East, a distance of 6.48 feet, to an existing right of way marker; Thence South 81°28'11" East, a distance of 10.25 feet, to an existing right of way marker; Thence North 21°12'20" East, a distance of 516.69 feet, to a point located on the South right of way line of said 300 South Street; Thence departing said State Route-9 and running North 89°46'00" East, along the South line of said 300 South Street, a distance of 544.83 feet to the Point of Beginning.

Containing: 12.90 acres, more or less.

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and visually depicted at **Exhibit B** hereto; and

WHEREAS, said petition requests that the Property be re-zoned as *Tourist Commercial* (COMM-T); and

WHEREAS, such rezone is intended to provide for tourist-related commercial services to be located and conducted on the Property; and

WHEREAS, a public hearing was duly advertised (“noticed up”) and held on the 9 day of March, 2022, and public input taken with regards to the abovementioned application; and

WHEREAS, upon consideration of said public input and further discussion of the members of the Planning Commission, the Planning Commission recommended that the City Council approved the requested zone changes as herein set forth; and

WHEREAS, the City Council deems it to be in the best interests of the City and its residents, guests, and businesses to amend the *City Zoning Map* as set forth herein.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF LaVERKIN, UTAH:

SECTION I: ZONE CHANGES APPROVED.

That the proposed re-zone of the hereinabove-described parcels of land—collectively known on the County land records as **Parcel Numbers / Tax I.D. Numbers LV-44-A-2-A and LV-42-A-2-J-1-A**, also known herein as “**the Hugh & Margaret Howard Parcel #2**” or “**the Property**,” from *Low Density Residential* (R-1-14) and *General Commercial* (C) to *Tourist Commercial* (COMM-T)—is hereby **approved**.

SECTION II: SECTION 2: MAP AMENDED.

- A. That the *City Zoning Map* of and for the City of LaVerkin is amended to reflect the zone changes approved herein and the portions of the map not amended shall continue with their current zoning designations as shown on the map.
- B. That, when hereafter updated, the *City Zoning Map* will be revised to show the zone changes approved herein; *provided that*, no such updating shall be required simply as a result of the adoption of this Ordinance.

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SECTION III: OFFICIAL MAP.

That the map as amended herein is and shall be the official zoning map for the City of LaVerkin (*i.e., City Zoning Map*).

SECTION IV: REPEAL OF CONFLICTING PROVISIONS.

That all ordinances or resolutions, or parts or provisions thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent that they conflict herewith.

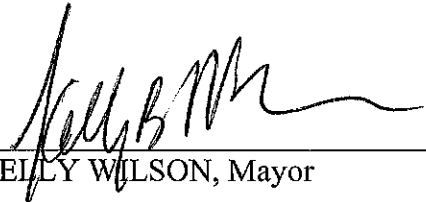
SECTION V: SEVERABILITY.

That the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

SECTION VI: EFFECTIVE DATE.

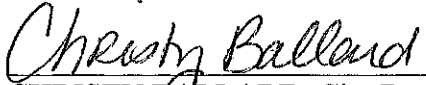
That, in the opinion of the City Council of LaVerkin City, it is necessary for the preservation of the peace, welfare, health, and safety of the inhabitants of LaVerkin City that this Ordinance take effect as soon as possible. This Ordinance, therefore, shall take effect immediately upon its passage and first publication as provided by law.

PASSED AND ADOPTED by the City Council of LaVerkin City this 16 day of April, 2022.



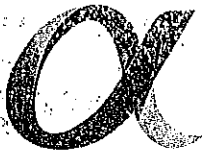
KELLY WILSON, Mayor

ATTEST:



CHRISTY BALLARD, City Recorder

Exhibit A



ALPHA
ENGINEERING

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St George, Utah 84770 F 435.628.6553

alphaengineering.com

EXHIBIT "A"

HUGH & MARGARET HOWARD PARCEL #2 DESCRIPTION

(LV-44-A-2-A & LV-42-A-2-J-1-A)

(January 6, 2022)

Commencing at the East $\frac{1}{4}$ Corner of Section 26, Township 41 South, Range 13 West, Salt Lake Base and Meridian; Thence North $00^{\circ}43'57''$ West, along the Section line, a distance of 1121.65 feet; thence North $89^{\circ}46'00''$ East, a distance of 169.23 feet, to the Point of Beginning; Said point also being located on the South right of way line of 300 South Street; Thence departing said right of way line and running South $00^{\circ}24'56''$ East, a distance of 542.88 feet; Thence South $71^{\circ}43'18''$ West, a distance of 27.48 feet; Thence South $57^{\circ}42'15''$ West, a distance of 97.79 feet; Thence South $54^{\circ}16'20''$ West, a distance of 136.86 feet, to the Westerly face of an existing block wall; Thence South $48^{\circ}27'54''$ West, along said Westerly face, a distance of 42.31 feet; Thence South $33^{\circ}36'39''$ West, along said Westerly face, a distance of 47.34 feet; Thence South $28^{\circ}24'26''$ West, along said Westerly face, a distance of 46.44 feet; Thence leaving said block wall and running South $63^{\circ}11'31''$ East, a distance of 229.03 feet; Thence South $15^{\circ}36'30''$ West, a distance of 235.66 feet, to the East $\frac{1}{4}$ Corner of said Section 26; Thence South $00^{\circ}43'15''$ East, a distance of 37.00 feet; Thence North $89^{\circ}56'35''$ West, a distance of 152.92 feet; Thence North $00^{\circ}00'01''$ East, a distance of 238.34 feet; Thence North $79^{\circ}01'01''$ West, a distance of 149.62 feet; Thence North $74^{\circ}15'00''$ West, a distance of 241.44 feet; Thence North $19^{\circ}40'11''$ East, a distance of 99.59 feet, to an existing fence corner; Thence North $75^{\circ}34'34''$ West, a distance of 11.87 feet, to an existing fence corner; Thence North $00^{\circ}54'44''$ West, a distance of 228.86 feet, to an existing fence corner; Thence North $80^{\circ}31'32''$ West, along an existing fence line, a distance of 76.94 feet, to the Easterly right of way line of State Route-9; Thence along said right of way line the following three courses: North $20^{\circ}21'53''$ East, a distance of 6.48 feet, to an existing right of way marker; Thence South $81^{\circ}28'11''$ East, a distance of 10.25 feet, to an existing right of way marker; Thence North $21^{\circ}12'20''$ East, a distance of 516.69 feet, to a point located on the South right of way line of said 300 South Street; Thence departing said State Route-9 and running North $89^{\circ}46'00''$ East, along the South line of said 300 South Street, a distance of 544.83 feet to the Point of Beginning.

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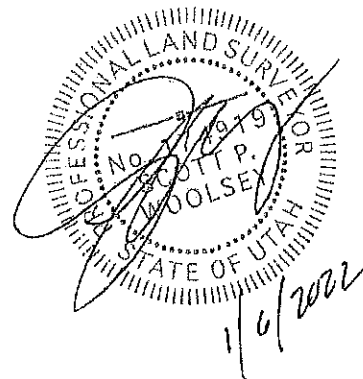
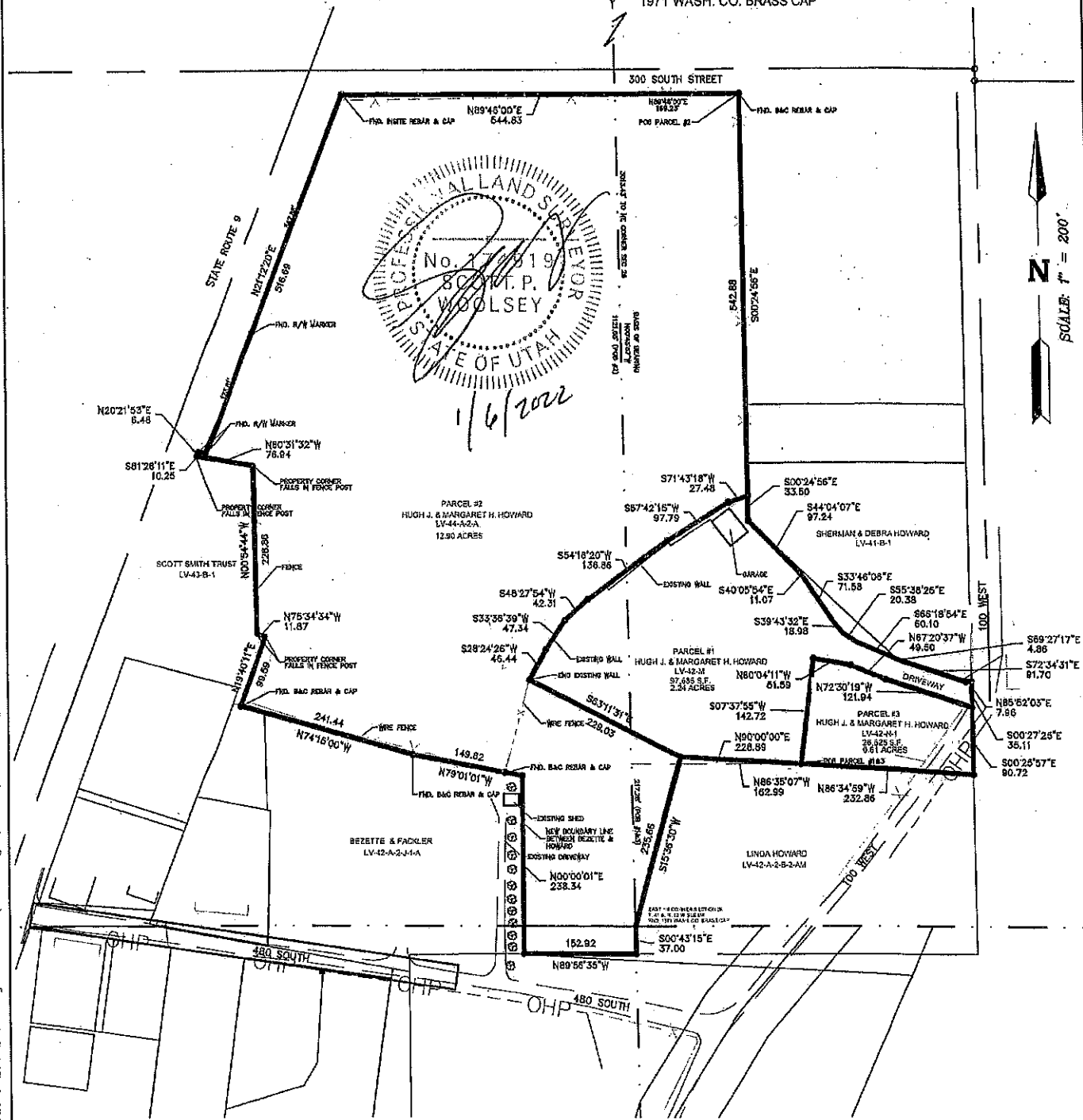


Exhibit B

P:\1711-01 Hugh Howard Lot Line Adjustments\Drawings\Survey Drawings\1711-01 SVY-EXHIBIT.dwg, EXHIBIT, 1/6/2022 7:26:21 AM.

SOUTHWEST CORNER SECTION 24,
T. 41 S. R. 13 W. SLB&M.

NORTHEAST CORNER SECTION 28,
T. 41 S. R. 13 W. SLB&M.
1971 WASH. CO. BRASS CAP



HUGH & MARGARET HOWARD
QUIT-CLAIM DEEDS
EXHIBIT "B"



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SPW

JANUARY 6, 2022