

Toquerville City
NIGHTLY RENTAL PERMIT
Fee: \$400.00



Nightly Rental: The act of leasing a dwelling, or any part thereof, by a person or entity to another for a consecutive period of 30 calendar days or less in exchange for direct or indirect remuneration.

APPLICATION & SUBMITTAL CHECKLIST

Name: Mark + Lora Merkling Telephone: [REDACTED]

Address: 152 N. Toquer Blvd

Email: [REDACTED]

Registered Name of Business: Two Riders

Address of Subject Property: 152 N Toquer Blvd

Tax ID of Subject Property: _____ Zone District: R-1-12

Secondary Emergency Contact Name for Business: Karen Straw

Secondary Emergency Contact Phone Number: 623-806-3253

This application shall be accompanied by the following:

- 1/10 1) A vicinity map showing the general location of the application.
- 1/10 2) Three (3) copies of a site map showing the following:
- ☒ Property boundaries, dimensions and existing streets
 - ☒ Floor Plan of Dwelling (House Plans) - a reduced copy of plan (8 1/2 x 11 if readable, or 11 x 17) if original plans are larger.
 - ☒ Off-street parking plan (adequate off-street parking for all residents and guests). There shall be no overnight on-street parking by guests or residents.
- na/1/10 3) Building elevations for new construction, noting proposed materials and colors. Any modifications should be in the keeping with the residential character of the neighborhood.
- 1/10 4) Warranty Deed: (see Affidavit of Property owner attached) showing evidence that the applicant has his/her primary residence within the municipal boundaries of the city and who owns the controlling interest of the residence, or a business entity of which a natural principal person holding a controlling 51% of the entity.
- 1/10 5) Applicant will provide a map showing all properties within 300 feet of property boundaries; copies may be acquired (minimal or no charge) from the Washington County Recorder's Office (downstairs) at 197 E. Tabernacle, St George. Applicant will provide addressed and stamped envelopes for each property

owner shown. Toquerville City will provide the letter of notice and map to mail out notice for the Planning Commission (PC) Public Hearing date scheduled for affected residents.

na 6) Health Requirements: National, State, or Local Health Certificates (i.e. proof of food handlers permit if food is prepared by owner)

na 7) Sign Design Plan: Show dimensions and placement of sign on property.

Acknowledgement of Requirements

Applicant shall acknowledge each requirement by initializing each standard:

lbm *One Structure: Each Nightly Rental must occur within and under one roof of a Dwelling and not in a temporary structure.*

lev *Maximum Guests: No more than ten (10) occupants per dwelling used for a nightly rental (including the owner and his/her family).*

lbm *Penalties/Violations/Enforcement/Revocation:*

1. *First violation: Two Hundred Fifty dollars (\$250.00).*
2. *Second violation: One thousand five hundred dollars (\$1,500.00).*
3. *Third violation: Four thousand dollars (\$4,000.00).*
4. *Fourth violation: Nightly Rental Permit automatically revoked.*
5. *Review: Upon the second or subsequent violation of this Chapter and Subsection, there shall be a mandatory review conducted before the City's Planning Commission, who shall have the ability and right to revoke the Nightly Rental Permit in its sole and absolute discretion. Revocation of a Nightly Rental Permit, for any reason, shall result in a minimum twelve (12) month waiting period prior to any new application, which revocation shall run with the land. Upon revocation, there is no guarantee of any future issuance of a Nightly Rental Permit and all applications will be processed under the then current ordinances. Failure to pay a fine within thirty (30) days of its issuance shall constitute grounds for automatic revocation of the owner's Nightly Rental Permit.*
6. *Enforcement: In addition to the fines set forth in Subsection I, all violations of this Chapter and Section shall constitute a Class B misdemeanor and shall be enforced in compliance with Chapter 5 of Toquerville City Code.*
7. *Revocation of Permit: The Nightly Rental Permit may be revoked at any time, upon notice and a hearing conducted by the Planning Commission, should the use of a Dwelling for Nightly Rental become a Nuisance per Title 4, Chapter 1 of the City Code.*

Ann Annual Renewal of Nightly Rental Permit - Site Approval, Public Hearing: A Nightly Rental Permit has the duration of **one year** and must be renewed annually. For renewal, an applicant must submit a renewal application in a form set by the City Staff along with an updated site plan and floor plan for the Lot and Dwelling indicating where the Nightly Rental will occur or is limited to. Each renewal application shall be approved, approved with additional conditions or denied by the Planning Commission, after a public hearing.

Ann Log: The holder of the Nightly Rental Permit shall maintain and provide, upon request, the Name, Address and Phone Number of all renters. Log shall be provided to Law Enforcement or City Staff for review.

Ann Business License Required: Room Tax: Applicant must apply for and obtain a business license pursuant to Title 3, Chapter 1 of this Code and pay the current State Transient Room Tax.

NOTE: It is important that all applicable information noted above is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. Contact the Planning Department for the deadline date for submissions.

Once your application is deemed complete, it will be put on the agenda for the next Planning Commission meeting. A deadline missed due to an incomplete application could result in a month's delay.

I certify that all information contained herein is accurate, to the best of my knowledge. I certify that I have read, understand, and will comply with the nightly/short term rental regulations listed in the City of Toquerville 10-17-3. I certify the property meets all local, safety, and building code requirements. I acknowledge that prior to using the property as a nightly/short term rental I must obtain all pertinent inspection approvals and pay all fees due. I acknowledge the City has the right to inspect this property. I will notify the City of any changes to the permit. I understand I must keep a current business license and acknowledge this permit is non-transferrable.

(Office Use Only)

DATE RECEIVED: 5/19/22 RECEIVED BY: Daisy Fuentes

DATE APPLICATION DEEMED TO BE COMPLETE: 5/19/22

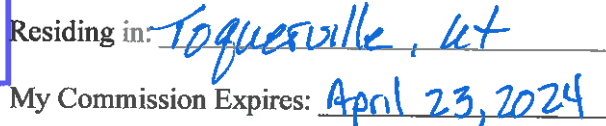
COMPLETION DETERMINATION MADE BY: m. w. Lh
Signature

STATE OF UTAH)
COUNTY OF *Washington*) :ss

Mark B. Mark
(Property Owner)

Lora B. Mark
(Property Owner)

18 day of May 2022
Karen Green
(Notary Public)



to act in all respects as our agent in matters pertaining to the above described property.

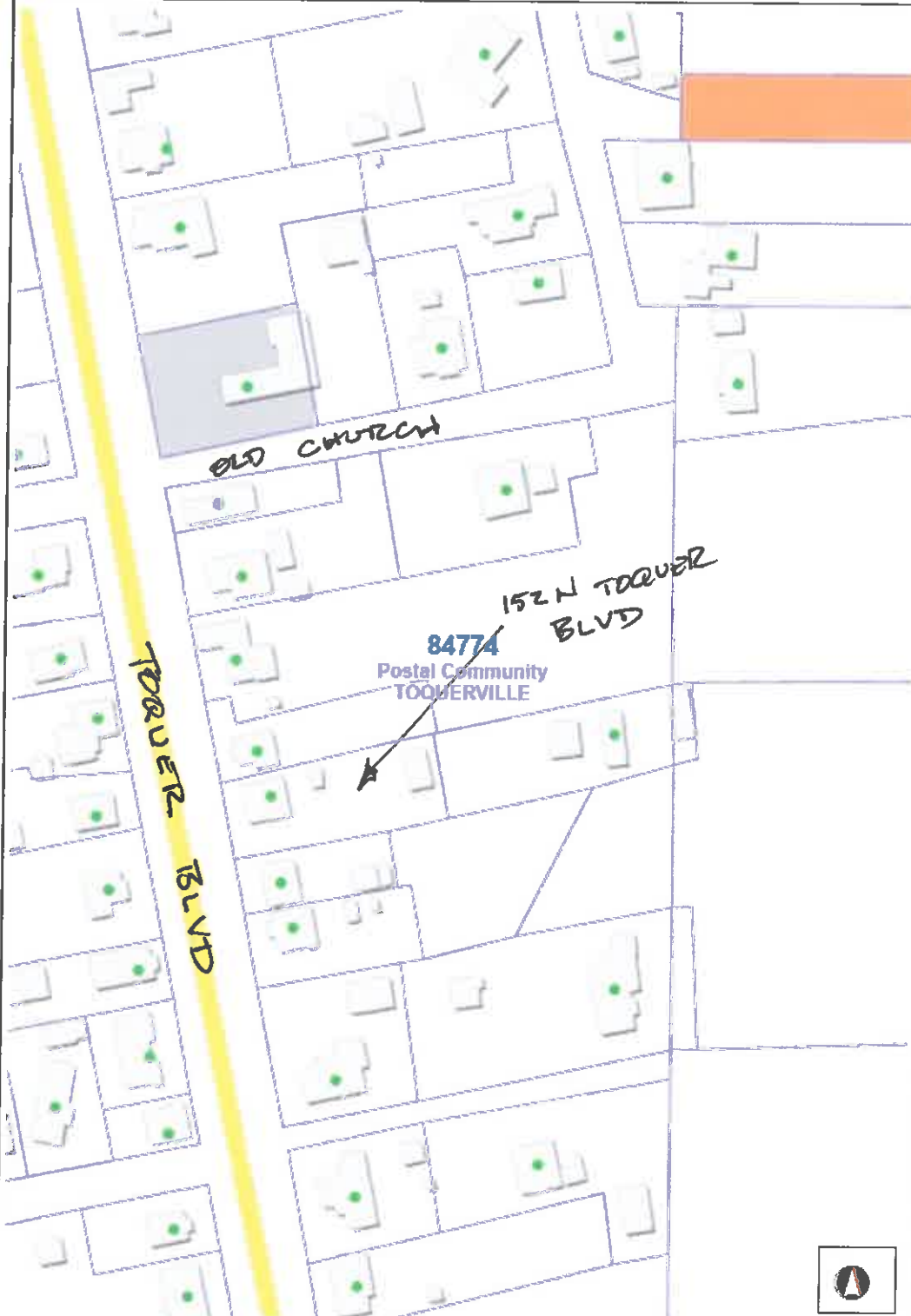
Mark H. Hark
(Property Owner)

Lois B. Hark
(Property Owner)

My Commission Expires: _____



Merkling 152 N Toquer Area



Legend

- Site Address Points
- ZIP Codes
- Parcels
- Ownership**
 - U.S. Forest Service
 - U.S. Forest Service Wilderness
 - Bureau of Land Management
 - Bureau of Land Management Wildlife
 - National Park Service
 - Shivwits Reservation
 - Utah Division of Wildlife Resources
 - Utah Division of Transportation
 - State Park
 - State of Utah
 - Washington County
 - Municipally Owned
 - School District
 - Privately Owned
 - Water
 - Water Conservancy District
 - State Assessed Oil and Gas
 - Mining Claim



Notes

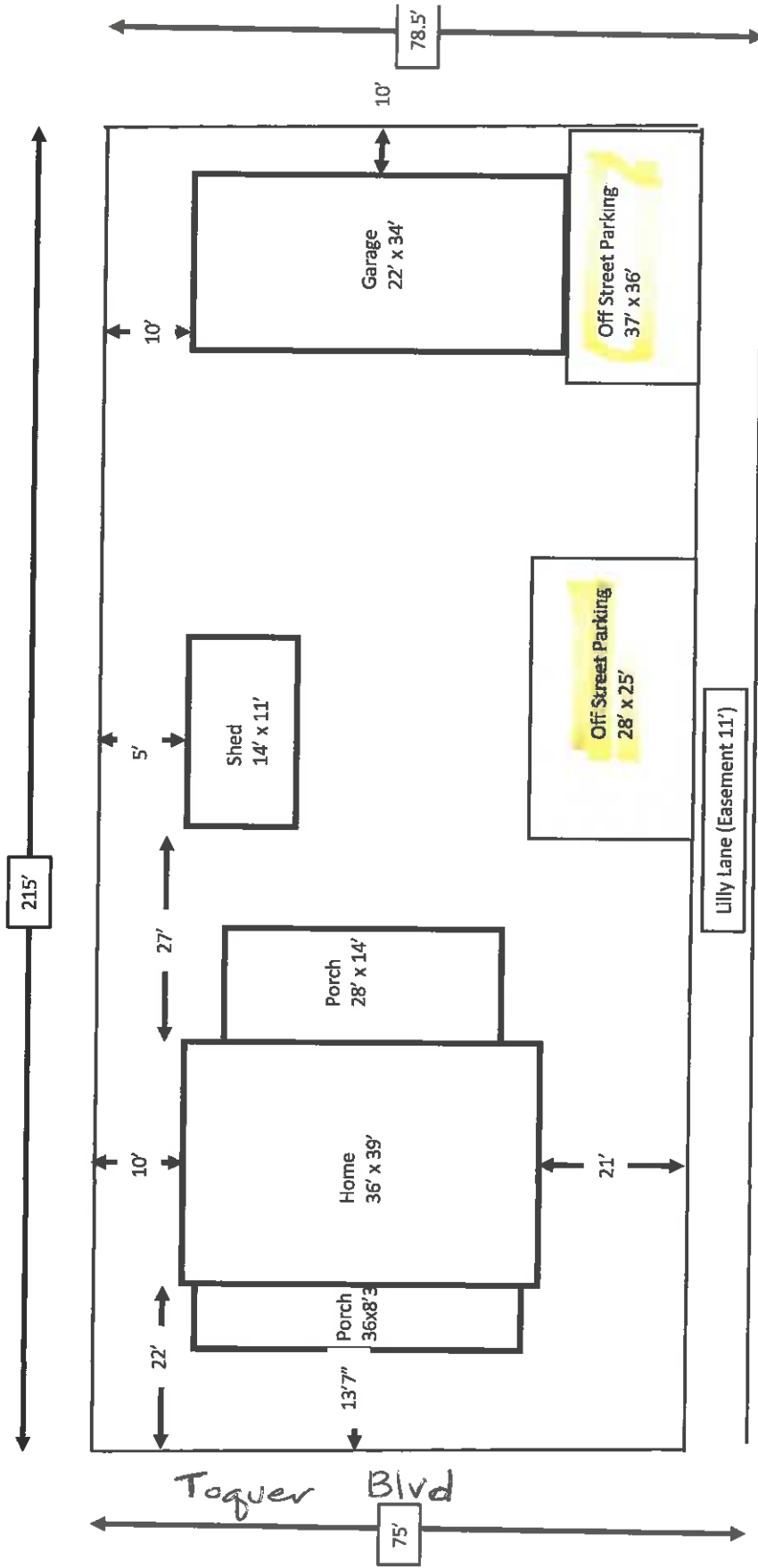
376.2 0 188.08 376.2Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Washington County, Utah will not be held responsible for any claims, losses or damages resulting from the use of this map.

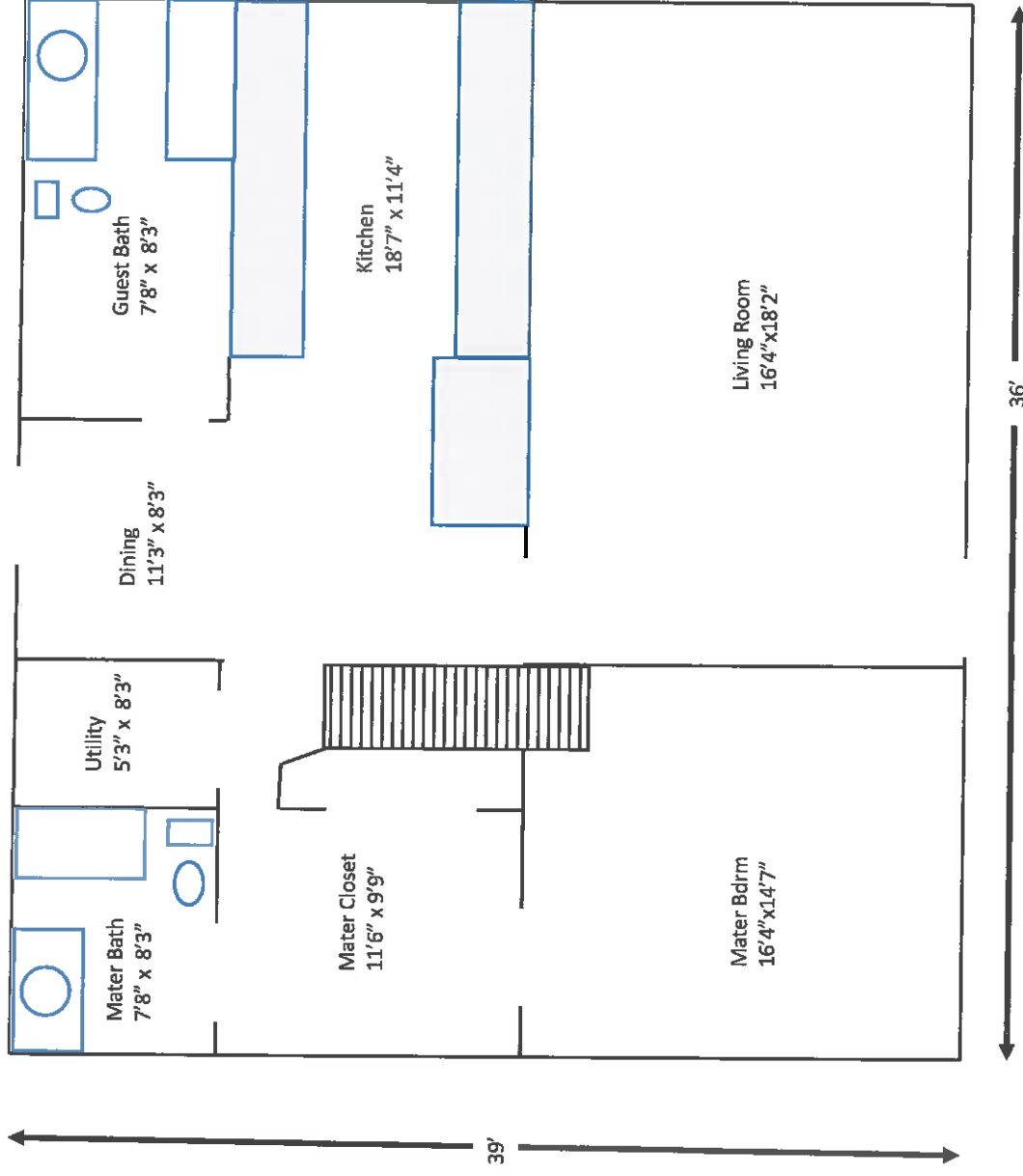


152 N Toquer Blvd FRONT ELEVATION

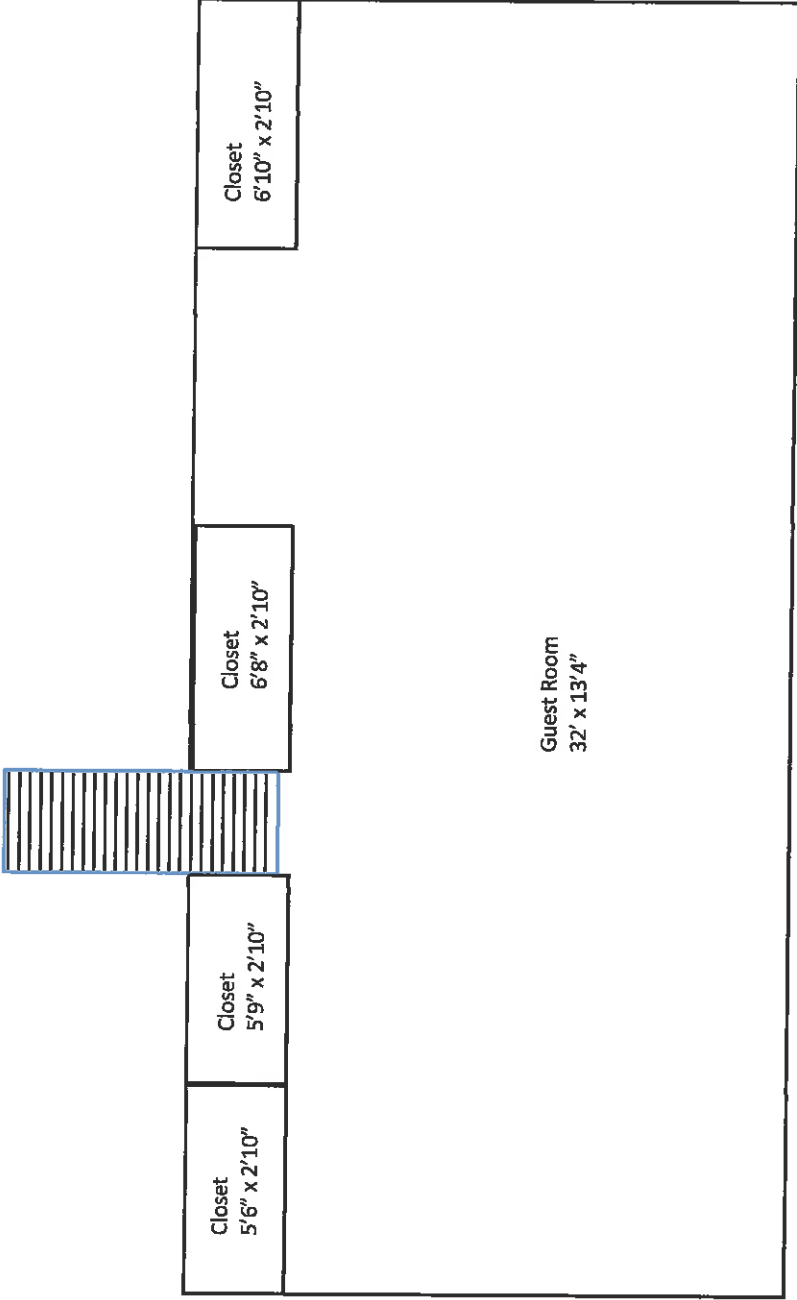


152 N Toquer Blvd Plot Plan

offstreet parking plan



152 N Toquer Blvd 1st Floor Plan



152 N Toquer Blvd 2nd Floor Plan

Warranty Deed Page 1 of 4
 Russell Shirts Washington County Recorder
 06/22/2017 01:33:21 PM Fee \$16.00 By
 SOUTHERN UTAH TITLE COMPANY

When recorded mail deed and tax notice to:

Mark L. Merkling and Lora B. Merkling, Trustees of
 Merkling Living Trust dated May 5, 2014

~~152 N Toquerville Blvd~~ **10248 Perry Park Road**
~~Toquerville, UT 84774~~ **Larkspur CO. 80116**



SOUTHERN UTAH TITLE
 Making Good Deeds for Over 60 Years

Order No. 193866 - MTS
 Tax I.D. No. T-69-A-2-B

Space Above This Line for Recorder's Use

WARRANTY DEED

Sebastian Opal Zane Glasgow, who acquired title as:

Sebastian Clinger, grantor(s), of SALT LAKE CITY, County of Washington, State of UT, hereby **CONVEY** and **WARRANT** to

Mark L. Merkling and Lora B. Merkling, Trustees of Merkling Living Trust dated May 5, 2014, grantee(s) of Toquerville, County of Washington, State of Utah, for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION the following described tract of land in Washington County, State of Utah:

See Attached Exhibit "A"

See Water Rights Addendum to Land Deeds attached hereto and made a part hereof

TOGETHER WITH all improvements and appurtenances there unto belonging, and being SUBJECT TO easements, rights of way, restrictions, and reservations of record and those enforceable in law and equity.

WITNESS the hand(s) of said grantor(s), this 20 day of June, 2017.

Sebastian Clinger
 Sebastian Clinger

Sebastian Opal Zane Glasgow, who acquired title as
 Sebastian Clinger
 STATE OF Utah)

COUNTY OF Washington)

Sebastian Opal Zane Glasgow who acquired

On the 20 day of June, 2017, personally appeared before me/Sebastian Clinger, the signer of the within instrument title who duly acknowledged to me that he/she executed the same. as:



M. TODD SPRIGGS
 Notary Public
 State Of Utah
 My Commission Expires 10-21-2018
 COMMISSION NO. 679612

NOTARY PUBLIC

My Commission Expires: 10/21/18

WATER RIGHTS ADDENDUM TO LAND DEEDS

Grantor: Sebastian Clinger
Grantee: Sebastian Clinger, Opal Zane Glasgow who acquired title as Sebastian Clinger
Tax ID Number(s): T-69-A-2-B
Mark L. Merklings and Lora B. Merklings, Trustees of Merklings Living Trust dated May 5, 2014

In connection with the conveyance of the above referenced parcel(s), Grantor hereby conveys to Grantee without warranty, except for a warranty of title as to all claiming title by or through Grantor, the following interests in water and/or makes the following disclosures:

Check one box only

- 1 ☐ All of Grantor's water rights used on Grantor's Parcel(s) are being conveyed.
2 ☐ Only a portion of Grantor's water rights are being conveyed. (County Recorder should forward a copy of this form to the Utah Division of Water Rights if Box 1 or 2 above is checked)
3 ☒ No water rights are being conveyed.
4 ☐ Water rights are being conveyed by separate deed.

Proceed to Section

A
B

C
C

Important Notes
(see other side)

Section		
A	The water right(s) being conveyed included Water Right No(s) along with all applications pertaining to the water right(s) listed in this Section A, and all other appurtenant water rights (Proceed to Section C)	N1 N2 N3
B	Only the following water rights are being conveyed (check all boxes that apply) <input type="checkbox"/> All of Water Rights No(s). <input type="checkbox"/> acre-feet from Water Right No. for families acres of irrigated land: stock water for Equivalent Livestock Units; and/or for the following other uses <input checked="" type="checkbox"/> acre-feet from Water Right No. for families acres of irrigated land: stock water for Equivalent Livestock Units; and/or for the following other uses Along with all applications pertaining to the water right(s) listed in this Section B. (Proceed to Section C)	N1 N4 N5 N5 N2
C	Disclosures By Grantor (check all boxes that apply) <input type="checkbox"/> Grantor is endorsing and delivering To Grantee stock certificates for Shares stock in the following water company: <input checked="" type="checkbox"/> Culinary water service is provided by: Toquerville City <input type="checkbox"/> Outdoor water service is provided by: <input type="checkbox"/> There is no water service available to Grantor's Parcel(s). <input checked="" type="checkbox"/> Other water related disclosures: a secondary water connection Washington County Water Conservancy District. No certificate issued	N6 N7 N8 N9 N10

Attach and sign additional copies of this form if more space is needed.

The undersigned acknowledge sole responsibility for the information contained herein even though they may have been assisted by employees of the Utah Division of Water Rights, real estate professionals, or other professionals, except to the extent that title insurance or a legal opinion concerning such information is obtained.

Grantor's Signature:

Sebastian Clinger

Grantee's Acknowledgment of Receipt: Sebastian Opal Zane Glasgow who acquired title as Sebastian Clinger
Merklings Living Trust dated May 5, 2014

Mark L. Merklings, Trustee

Lora B. Merklings, Trustee

Grantee's Address: 152 N Toquerville Blvd., Toquerville, Utah 84774

10248 Perry Park Road Larkspur CO. 80118

NOTE: GRANTEE MUST KEEP A CURRENT ADDRESS ON FILE WITH THE UTAH DIVISION OF WATER RIGHTS.

NOTES TO WATER RIGHTS ADDENDUM TO LAND DEEDS

Please read the following notes carefully in order to avoid problems and the possible loss of the water rights being conveyed in connection with this transaction.

The mere purchase of a water right does not guarantee: (1) that the water right is in good standing with the Utah Division of Water Rights; (2) that the owner has clear title to the water right; (3) that the Division will recognize the ownership change; or (4) that the Division will approve any proposed changes or extensions regarding the water right. You are encouraged to conduct proper "due diligence" research into any water right before purchasing it.

- N1 Once this Water Rights Addendum has been recorded at the County Recorder's Office, Grantee must prepare a "Report of Water Right Conveyance" or "ROC" (available from the Utah Division of Water Rights) and file it with the Utah Division of Water Rights in order to: (1) have the Division's records updated with current ownership and address information; (2) file any application on these water rights; and (3) receive notifications concerning deadlines and other essential information pertaining to these rights. Failure to do so PROMPTLY may result in the loss of these water rights. Help with reviewing the water rights and completing the ROC can be obtained from the Utah Division of Water Rights and/or water professionals, such as attorneys, engineers, surveyors, and title professionals with experience in water rights and water law.
- N2 A water right often has one or more applications on file with the Utah Division of Water Rights that affect that water right, such as change applications, extension requests, and non-use applications. These applications should be transferred with the water right. The Grantee should review the water right applications and other documents on file with the Utah Division of Water Rights.
- N3 Water rights owned by the Grantor and used on Grantor's Parcel may be "appurtenant" to Grantor's Parcel. Not all appurtenant water rights have been assigned a water right number because not all water rights are "of record." If Section A is being completed, this conveyance includes all appurtenant water rights, whether or not they are listed by water right number or are of record. Grantee should investigate each water right listed and determine if there are any water rights that are not of record. If there are water rights not of record, Grantee should seriously consider making them of record by filing the appropriate forms with the Utah Division of Water Rights.
- N4 100% of the water rights listed here are being conveyed to Grantee. A Report of Water Right Conveyance (see N1 above) should be filed on each water right listed here. The Water Rights listed in Section B may not provide sufficient water for all of the historic water uses.
- N5 Less than 100% of the water right listed is being conveyed to Grantee. The exact portion to be conveyed, expressed in terms of the beneficial uses associated with this portion of the water right must be described. This description generally consists of: (1) the number of families for domestic (indoor culinary) uses (generally quantified as 0.45 acre-foot per family for a year-round residence and 0.25 acre-foot per family for a seasonal residence); (2) the number of acres irrigated (this involves issues of "irrigation duty" (the number of acre-feet of water allowed per acre of irrigated land) and "sole supply/supplemental supply" (the amount of water allocated to each water right when more than one right is used on the same land or for the same livestock); and (3) the number of livestock being watered (expressed in terms of equivalent livestock units or "ECUS" which are quantified at the rate of 0.028 acre-foot per EAU for full-year use. Any other uses being conveyed should be similarly described. Help with evaluating, quantifying, and/or describing the uses can be obtained from the Utah Division of Water Rights and/or water professionals.
- N6 Shares of stock in water companies (including irrigation, canal, and ditch companies) are generally not transferred by deed. Each company has procedures for transferring ownership. The company should be contacted to ascertain the appropriate procedures to follow. The most common procedure is for the Grantor to endorse and deliver the stock certificate to the Grantee, who then presents that certificate to company for issuance of a new certificate in the Grantee's name. If another procedure is to be followed, that should be noted on the "Other water related disclosures" line in Section C of this form. Each company also defines how much water is associated with a particular share and what fees and assessments are charged. The Grantee should contact the company about all such issues.
- N7 If culinary water service is currently being provided to the Grantor's Parcel by a municipality, a water district, or a water company, that entity should be listed here and the Grantee should contact that entity to ascertain what is required to continue receiving such service.
- N8 If outdoor/secondary/irrigation water service is currently being provided to the Grantor's Parcel by a municipality, a water district, or a water company, that entity should be listed here and the Grantee should contact that entity to ascertain what is required to continue receiving such service.
- N9 If this box is checked, the Grantee should investigate what water, if ANY is available for use on the Grantor's Parcel.
- N10 This space should be used for any other information that the Grantor has which is relevant to water issues associated with the Grantor's Parcel.

The Utah Division of Water Rights (often referred to as the State Engineer's Office) is located at 1594 W. North Temple, Suite 220, PO Box 146300, Salt Lake City, Utah 84114-6300 Telephone: 801-553-7240 Web Address: www.waterrights.utah.gov

Sebastian Opal Zane Glasgow who acquired title
Attachment to that certain Warranty Deed executed by Sebastian Clinger grantor(s), to Mark L. Merkling and Lora B. as:
Merkling, Trustees of Merkling Living Trust dated May 5, 2014 grantee(s).

Order No. 193868
Tax I.D. No. F-69-A-2-B

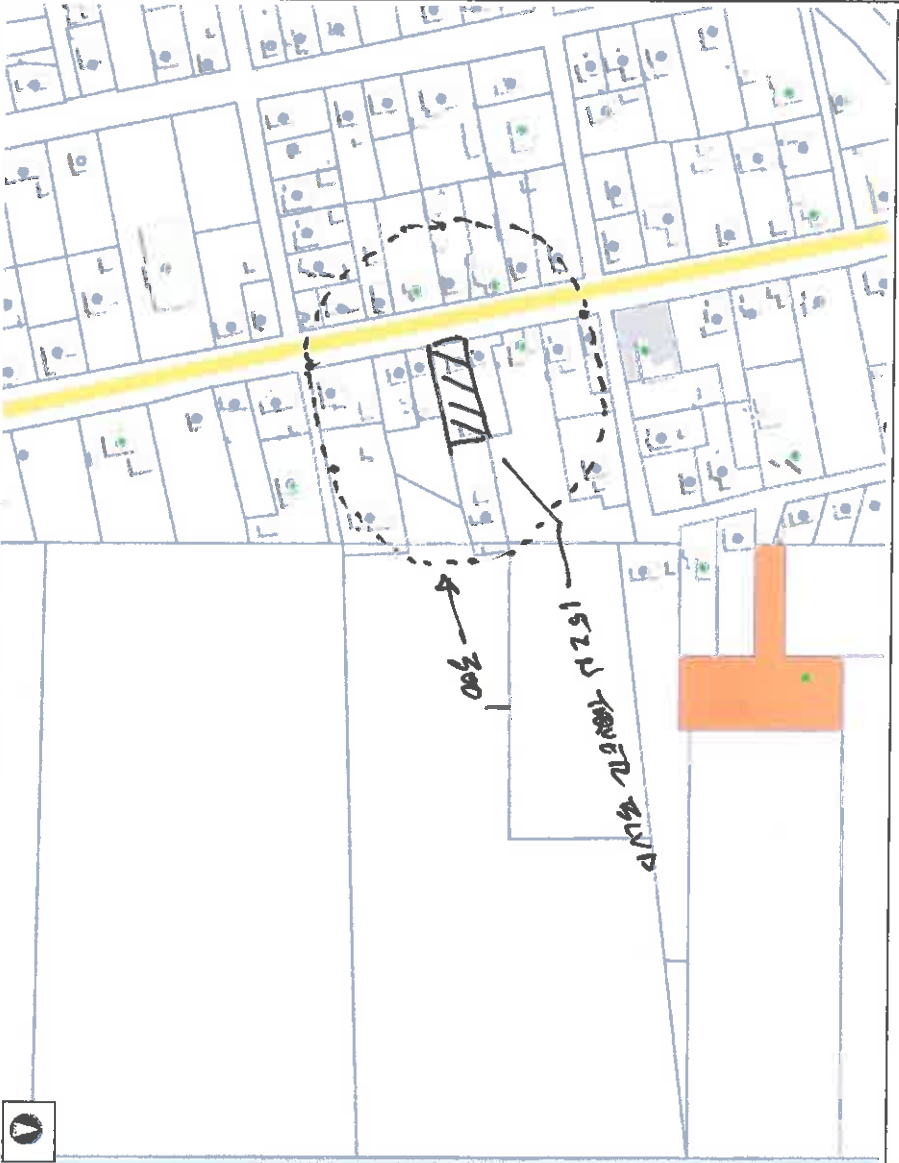
EXHIBIT "A"

BEGINNING at a point assumed to be the Southwest corner of Lot 3, Block 13, of the Toquerville Townsite Survey, said point being on the North edge of an existing concrete driveway and on line with an old fence as described in Warranty Deed, Book 540, Page 125 of records; thence North 11°30'30" West, 75.00 feet along the West line of said Lot 3; thence North 77°16'39" East, 215.05 feet; thence South 11°30'30" East, 78.48 feet; thence South 78°12'19" West, 215.00 feet along the South line of said Lot 3, to the Point of Beginning.

Initials SG



152 N 300'



752.3 0 376.17 752.3 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display only and should not be relied upon without independent verification as to its accuracy. Washington County, Utah will not be held responsible for any claims, losses or damages resulting from the use of this map.



Legend

- Address Points
- Parcels
- Ownership
 - U.S. Forest Service
 - U.S. Forest Service Wilderness
 - Bureau of Land Management
 - Bureau of Land Management Wild
 - National Park Service
 - Silvatic Reservation
 - Utah Division of Wildlife Resources
 - Utah Division of Transportation
 - State Park
 - State of Utah
 - Washington County
 - Municipally Owned
 - School District
 - Privately Owned
 - Water
 - Water Conservancy District
 - State Assessed Oil and Gas
 - Mining Claim

Notes

Parcel	Address	Name
T-62-A	175 N Toquer Blvd	Bruce JONES
T-59-A-1-A	163 N Toquer Blvd	Ladd & Rebecca HUNTSMAN
T-65-A	143 N Toquer Blvd	Rayne & Julianne ROHRBACH
T-57-A-2-A	137 N Toquer Blvd	Todd & Tami YOUNG
T-57-B	131N Toquer Blvd	Todd & Tami YOUNG
T-56-A	119 N Toquer Blvd	Ervin & Christine COX
T-56-B	111 N Toquer Blvd	Marianne MICHAELS
T-56-C	22 W Pecan Ave	Shane & Elizabeth MILES
T-32-A-3	94 N Toquer Blvd	Jerald & Barbara VANTINE
T-67-A-1	108 N Toquer Blvd	Thomas & Linda HARMON
T-68-A-3	132 N Toquer Blvd	Jacob & Tirsia STEWART
T-68-A-2	142N Toquer Blvd	Mark & Lora MERKLING
T-69-A-2-B	152 N Toquer Blvd	AirBnB Location
T-SEB-2	176 N Toquer Blvd	Gerard BELLI & Katherine RUTECKI
T-SEB-1	178 N Toquer Blvd	Sebastian GLASGOW
T-72-A-1	188 N Toquer Blvd	Andrew TOMKINSON
T-69-A-2-A	144 N Toquer Blvd	Mark & Sally SHELTON
T-67-C-1	47 E Pecan Ln	Steve & Georgia CARPENTER
T-32-A-1	34 E Pecan Ln	Dade & Marissa HARDINGER
	197 N Toquer Blvd	Morgan JENSEN