

Ordinance No. 2020-013

AN ORDINANCE GRANTING A PETITION FOR ANNEXATION FOR PARCEL NO.S 02-096-0035, A 5.51-ACRE PARCEL LOCATED IN THE GENERAL AREA OF 580 WEST 300 SOUTH; 02-090-0013, A 7.69-ACRE PARCEL LOCATED IN THE GENERAL AREA OF 310 S HWY165 (COUNTY ADDRESS 1710 SOUTH MAIN); AND 03-002-0007, A 8.20-ACRE PARCEL LOCATED IN THE GENERAL AREA OF 420 S HWY165 AND ASSIGNING ZONING DISTRICTS AS FOLLOWS: 02-090-0013 AND 03-002-0007 COMMERCIAL HIGHWAY DISTRICT, 02-096-0035 MULTI-FAMILY MEDIUM.

WHEREAS, Skarlet Bankhead, the duly appointed and acting City Recorder of Providence City, Cache County, Utah did hereby receive a Petition for Annexation and Plat which was filed with the City by Kathy Fuhriman and Janice Byington, on behalf of Margene Z Low SUC TR, Janice G Byington SUC TR, & Kathryn L Fuhriman CO SUC TR.

WHEREAS, the property described in the annexation petition contains Parcel No.s 02-096-0035, 02-090-0013, and 03-002-0007, located adjacent to the southwest boundary of Providence City, in the general area of 580 W 300 South, 310 S HWY165, and 420 S HWY165, containing 20.672 acres and legally described as follows:

A PART OF THE SOUTHEAST QUARTER OF SECTION 9, SOUTHWEST QUARTER OF SECTION 10, NORTHEAST QUARTER OF SECTION 16 AND A PART OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT THE NORTHWEST CORNER OF LOT 4, BLOCK 4, PLAT D, PROVIDENCE FARM LAND SURVEY LOCATED 4882.06 FEET NORTH 89°58'09" EAST AND 219.46 FEET NORTH 01°31'47" EAST AND 492.97 FEET SOUTH 88°19'27" EAST FROM THE NORTHWEST CORNER OF SECTION 16 (BASIS OF BEARING IS THE WEST LINE OF SECTION 16 WHICH BEARS SOUTH 00°15'50" EAST);

RUNNING THENCE SOUTH 01°40'33" WEST 731.60 FEET ALONG THE WEST LINE OF SAID LOT 4 TO THE NORTHEAST CORNER OF MARLIN & LYN HOTH PROPERTY, TAX ID NO. 03-002-0008; THENCE NORTH 87°40'14" WEST 465.80 FEET ALONG THE NORTH LINE OF SAID HOTH PROPERTY TO THE EASTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 165; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING SIX (6) COURSES: (1) NORTH 00°07'37" WEST 166.72 FEET; (2) NORTH 13°24'35" WEST 79.62 FEET; (3) NORTH 01°31'47" EAST 862.35 FEET; (4) NORTH 88°28'13" WEST 10.00 FEET; (5) NORTH 01°31'47" EAST 270.44 FEET; AND (6) NORTH 46°31'47" EAST 14.14 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF 300 SOUTH STREET; THENCE SOUTH 88°19'27" EAST 824.66 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE NORTHWEST CORNER OF WAYNE & MADELINE BARLOW PROPERTY, TAX ID NO. 02-096-0036; THENCE SOUTH 01°40'33" WEST 660.00 FEET ALONG THE WEST LINE OF SAID BARLOW PROPERTY TO THE NORTH LINE OF SAID LOT 4; THENCE NORTH 88°19'27" WEST 330.00 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING. CONTAINING 20.672 ACRES.

WHEREAS, the Petition was accepted by the Providence City Council for further consideration pursuant to UTAH CODE ANN. § 10-2-405 by Resolution 033-2020 adopted and passed by the City Council on September 16, 2020; and

WHEREAS, Skarlet Bankhead did certify, based on information received from Cache County and in consultation with the Providence City Attorney, that the Petition met the requirement of UTAH CODE ANN. Subsections 10-2-403(3), (4), and (5), and on October 16, 2020, did give Notice to the Providence City Council, the Contact Sponsor for said Petition, and Cache County of Certification; and

WHEREAS, pursuant to UTAH CODE ANN. § 10-2-406, Skarlet Bankhead did give Notice of Certification of Annexation Petition to each affected entity; and

1 **WHEREAS**, the Notice of Annexation was published in the Herald Journal on October 24 &31, and
2 November 7, 2020; and

3
4 **WHEREAS**, no formal protests to the Petition have been received; and

5
6 **WHEREAS** the Providence City Council advertised and held a public hearing, in accordance with UTAH CODE
7 ANN. § 10-2-407(7), on December 16, 2020; and

8
9 **WHEREAS**, Providence City desires to provide for the health, safety, and welfare, and promote the
10 prosperity, peace and good order, comfort, convenience, and aesthetics of each municipality and its
11 present and future inhabitants and businesses, to protect the tax base, to secure economy in
12 governmental expenditures, to foster the state's agricultural and other industries, to protect both urban
13 and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide
14 fundamental fairness in land use regulation, and to protect property values in areas that may be
15 considered sensitive, including but not limited to fire danger, slope, soil content, by following its
16 Annexation Policy Plan and its General Plan; and

17
18 **WHEREAS**, Utah Code Ann. § 10-9a-506(1) states that the legislative body of each municipality shall assign
19 a land use zone or a variety thereof to territory to territory annexed to the municipality at the time the
20 territory is annexed; and Providence City Code 10-3-6:A. states that new areas annexed into the City shall
21 be annexed into the City as agricultural, or as an already defined zone per the city's map, "Future
22 Rezoning of Existing Districts and Annexed Areas of the City of Providence, Utah;" any other zoning
23 proposal shall be submitted to the Planning Commission for consideration and recommendation to the
24 City Council; and

25
26 **WHEREAS**, the Petitioner is requesting the following zoning districts: 02-090-0013 and 03-002-0007
27 Commercial Highway District (CHD), 02-096-0035 Multi-Family Medium (MFM); and

28
29 **WHEREAS**, the city's map, "Future Rezoning of Existing Districts and Annexed Areas of the City of
30 Providence, Utah;" shows all three parcels as Commercial Highway District (CHD); and

31
32 **WHEREAS**, on November 10, 2020, the Providence Planning Commission held a public hearing and made
33 the following recommendation regarding the request Multi-Family Medium (MFM) for Parcel 02-096-
34 0035:

35 *Motion to recommend to the city council the proposal to assign multi-family medium (MFM) zone*
36 *to Parcel No. 02-096-0035, located in the general area of 580 W 300 S containing approximately*
37 *5.51 acres, recognizing the findings of fact, conclusions of law, and conditions as set forth by the*
38 *staff of Providence City: — M Fortune, second — R Cecil*

39 *Vote:*

40 *Yea: K Alder, R Cecil, J Chambers, M Fortune, R Perry*

41 *Nay:*

42 *Abstained:*

43 *Excused: L Banda*

44 and;

45
46 **WHEREAS**, specific conditions that apply to the development of the above referenced property have been
47 outlined in the Annexation Agreement approved by Resolution 042-2020, adopted by the Providence City
48 Council on January 26, 2021.

49
50 **THEREFORE, BE IT ORDAINED** that the Providence City Council:

- 1 • Grants the Petition for Annexation filed by Kathy Fuhrman and Janice Byington, on behalf of
- 2 Margene Z, Suc TR Low, subject to the conditions described in the Annexation Agreement
- 3 referenced above; and
- 4 • The Providence City Corporate limits will be modified to include said property as described
- 5 above; and
- 6 • The annexed parcels shall be zoned as follows: parcel No.s 02-090-0013 and 03-002-0007 shall be
- 7 zoned Commercial Highway District (CHD), and Parcel No. 02-096-0035 shall be zoned Multi
- 8 Family Medium (MFM).
- 9 • The Providence City Zoning Map shall also be changed to include the property as described and
- 10 zoned above; and
- 11 • This Ordinance will become effective immediately upon passage and certification from the Lt.
- 12 Governor's Office.

14 Passed by vote of the Providence City Council this 20th day of January 2021.

15 Council Vote:

16 Eck, Kristina	(X) Yes	() No	() Excused	() Abstained	() Absent
17 Kirk, Carrie	(X) Yes	() No	() Excused	() Abstained	() Absent
18 Paulsen, Joshua	(X) Yes	() No	() Excused	() Abstained	() Absent
19 Sealy, Jeanell	() Yes	(X) No	() Excused	() Abstained	() Absent
20 Speth, Brent	(X) Yes	() No	() Excused	() Abstained	() Absent

22 Signed by Mayor John Drew this 1st day of February 2021.

24 Providence City

27 John Drew, Mayor

29 Attest:

31 Skarlet Bankhead, Recorder



**PLAT OF ADDITION TO
THE CORPORATE LIMITS OF PROVIDENCE CITY
ANNEXATION PLAT ORDINANCE NO. _____**

A PART OF THE SOUTHWEST QUARTER OF SECTION 9, SOUTHWEST QUARTER OF SECTION 15,
NORTHWEST QUARTER OF SECTION 18 AND A PART OF THE NORTHWEST QUARTER OF SECTION 15,
TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN

SURVEYOR'S CERTIFICATE

I, _____, Surveyor, do hereby certify that the above described plat of addition to the corporate limits of Providence City was prepared by me or under my direct supervision and that the same is a true and correct copy of the original as shown to me by the petitioner.

DATED THIS _____ DAY OF _____, 2021.

Surveyor

ANNEXATION BOUNDARY DESCRIPTION

The boundary of the annexation is as follows: _____

ACCEPTANCE BY LEGISLATIVE BODY

This is to certify that the City Council of Providence City, Cache County, Utah, on this _____ day of _____, 2021, has accepted the annexation of the above described property to the City of Providence, Utah, and that the same is a true and correct copy of the original as shown to me by the petitioner.

City Clerk

DEPUTY COUNTY SURVEYOR'S CERTIFICATE

I, _____, Deputy County Surveyor, do hereby certify that the above described plat of addition to the corporate limits of Providence City was prepared by me or under my direct supervision and that the same is a true and correct copy of the original as shown to me by the petitioner.

Deputy County Surveyor

CACHE COUNTY RECORDS

FILED FOR RECORD AND INDEXING
ON _____ OF _____, 2021
AT _____ OF THE OFFICE RECORDS
FILED

Recorder