

COTTONWOOD HEIGHTS

ORDINANCE NO. 228

AN ORDINANCE ANNEXING APPROXIMATELY 26 ACRES LOCATED NEAR 1900 EAST CREEK ROAD (“OLD COVENTRY” ANNEXATION)

WHEREAS, the city council (the “*Council*”) of the city of Cottonwood Heights, Utah (the “*City*”) met in regular session on 9 September 2014 to consider, among other things, annexing an area of approximately 26 acres (the “*Property*”) located near 1900 East Creek Road, commonly known as the Old Coventry annexation; and

WHEREAS, various owners of the Property caused a petition for annexation (the “*Petition*”) to be filed with the City, together with an accurate plat of the Property which was prepared by a licensed surveyor; and

WHEREAS, the Council accepted the Petition for further consideration; and

WHEREAS, on or about 31 July 2014, the Council received a notice of certification (the “*Certification*”) from the City Recorder certifying that the Petition meets the requirements of state law; and

WHEREAS, the Council caused notice of the proposed annexation to be published in the Salt Lake Tribune and the Deseret News on 3 August 2014, 10 August 2014 and 17 August 2014; to be timely posted on the Utah Public Notice Website; and to be timely mailed to all “affected entities,” all as required by applicable law, and no timely protests were filed; and

WHEREAS, the Council caused notice of a public hearing regarding the proposed annexation to be published in the Salt Lake Tribune and the Deseret News on 31 August 2014, and to be timely posted on the Utah Public Notice Website, all as required by applicable law;

WHEREAS, on 9 September 2014, the Council held the required public hearing regarding the proposed annexation; and

WHEREAS, after public comment and careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the City and its residents to annex the Property and to grant the Petition.

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. ***Annexation of the Property.*** Pursuant to UTAH CODE ANN. §10-2-407(3)(b) and/or §10-2-408, the real property described on the attached exhibits is hereby annexed to the City and the corporate limits of the City are hereby extended accordingly.

Section 2. **Notices and Filings.** The City shall provide all required notices and make all required filings concerning this annexation, including, without limitation, those required by UTAH CODE ANN. §10-2-425.

Section 3. **Zoning.** Pursuant to UTAH CODE ANN. §10-9a-504, the Council hereby finds that the Property may be unregulated as of the effective date of its annexation into the City, which the Council deems to be of compelling, countervailing public interest. Based upon such finding, the Council (a) establishes temporary zoning regulations for the annexed Property to be effective immediately upon the effective date of this annexation under UTAH CODE ANN. §10-2-425(4), which is anticipated to be 1 January 2015, and (b) pursuant to such temporary zoning regulations, imposes on the Property the zoning designations specified on the attached exhibit, except that any planned unit development conditional use under those zoning designations shall not be available to the Property during the pendency of such temporary zoning regulations; and (c) also imposes on the Property zoning conditions that are identical to any zoning conditions currently imposed on the Property by Salt Lake County. Such zoning designations and zoning conditions shall remain in effect until the first to occur of (y) re-zone of the annexed Property by the Council, or (z) six months from the effective date of the annexation, which is assumed to be 1 July 2015 (i.e., six months after the anticipated 1 January 2015 effective date of this annexation).

Section 4. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

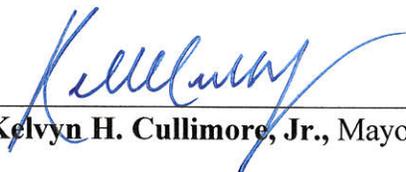
Section 5. **Severability.** All parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 6. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 7. **Effective Date.** This Ordinance, assigned no. 228, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's Recorder, or such later date as may be required by Utah statute; provided, however, that (a) the annexation effected hereby shall take effect as required by UTAH CODE ANN. §10-2-425(4), as amended; and (b) Section 3 of this Ordinance shall take effect upon the effective date of this annexation under UTAH CODE ANN. §10-2-425(4), as amended.

PASSED AND APPROVED this 9th day of September 2014.

COTTONWOOD HEIGHTS CITY COUNCIL

By 

Kelvyn H. Cullimore, Jr., Mayor

ATTEST:

Kory Solorio
Kory Solorio, Recorder



VOTING:

Kelvyn H. Cullimore, Jr.	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael L. Shelton	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael J. Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tee W. Tyler	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

DEPOSITED in the Recorder's office this 9th day of September 2014.

POSTED this 10 day of September 2014.

EXHIBIT

(Attach Map Showing Annexation Property's
Zoning Designations Under Temporary Zoning Regulations)

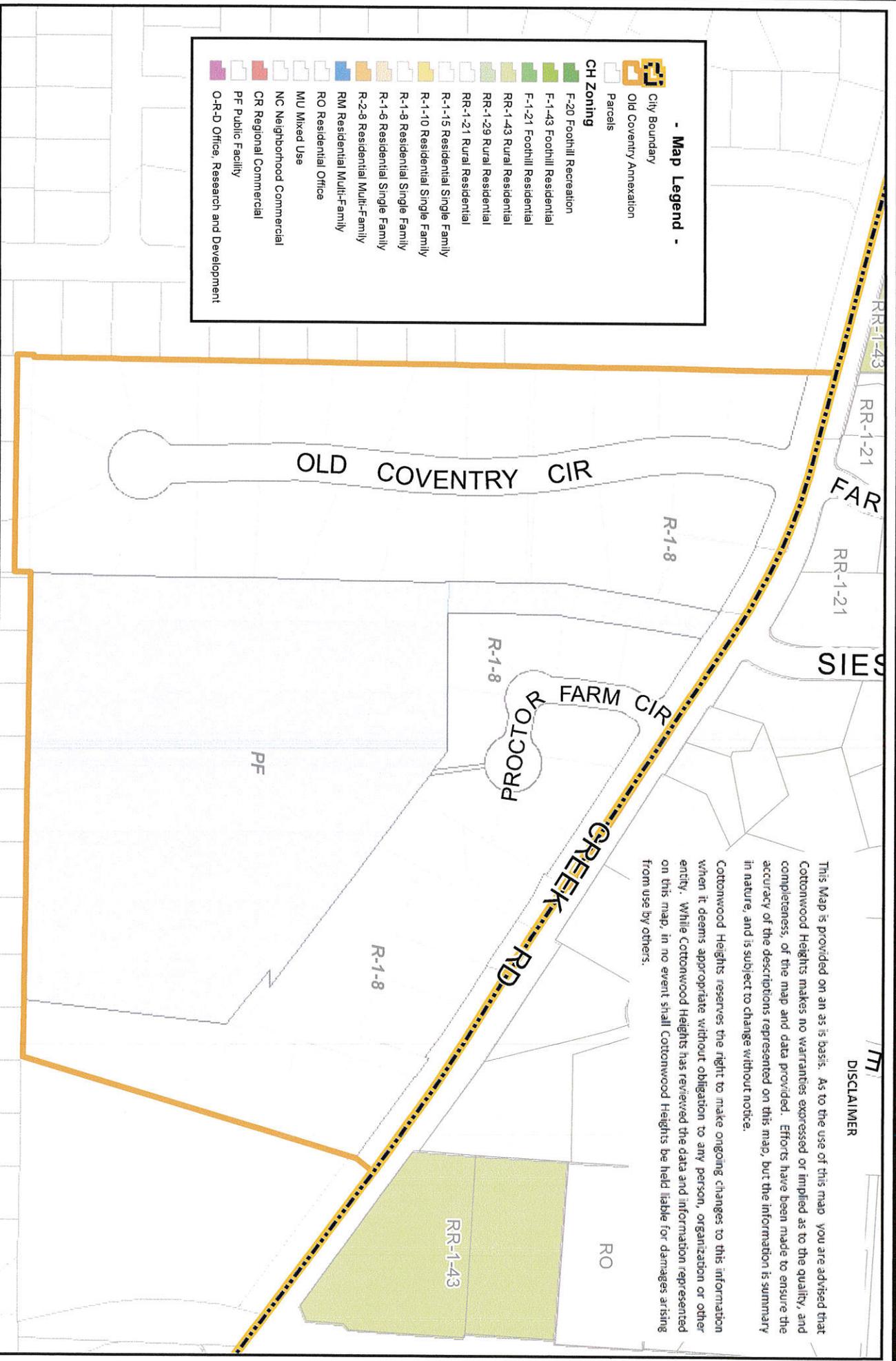
DISCLAIMER

This Map is provided on an as is basis. As to the use of this map you are advised that Cottonwood Heights makes no warranties expressed or implied as to the quality, and completeness, of the map and data provided. Efforts have been made to ensure the accuracy of the descriptions represented on this map, but the information is summary in nature, and is subject to change without notice.

Cottonwood Heights reserves the right to make ongoing changes to this information when it deems appropriate without obligation to any person, organization or other entity. While Cottonwood Heights has reviewed the data and information represented on this map, in no event shall Cottonwood Heights be held liable for damages arising from use by others.

- Map Legend -

-  City Boundary
-  Old Coventry Annexation
-  Parcels
- CH Zoning**
-  F-20 Foothill Recreation
-  F-1-43 Foothill Residential
-  F-1-21 Foothill Residential
-  RR-1-43 Rural Residential
-  RR-1-29 Rural Residential
-  RR-1-21 Rural Residential
-  R-1-15 Residential Single Family
-  R-1-10 Residential Single Family
-  R-1-8 Residential Single Family
-  R-1-6 Residential Single Family
-  R-2-8 Residential Multi-Family
-  RM Residential Multi-Family
-  RO Residential Office
-  MU Mixed Use
-  NC Neighborhood Commercial
-  CR Regional Commercial
-  PF Public Facility
-  O-R-D Office, Research and Development



Proposed Zoning Classifications for the Old Coventry Annexation

Published: 08 September 2014

Part of a Special Projects/Annexation/Proposal 2011-2014 Coventry Annexation/Proposed Zoning Map