

COTTONWOOD HEIGHTS

ORDINANCE NO. 202

AN ORDINANCE ADJUSTING THE COMMON BOUNDARY BETWEEN COTTONWOOD HEIGHTS AND THE CITY OF HOLLADAY

WHEREAS, the city of Cottonwood Heights (the “*City*”) and the City of Holladay (“*Holladay*”) share a common boundary; and

WHEREAS, pursuant to the provisions of UTAH CODE ANN. §10-2-419 through -428, two or more municipalities sharing a common boundary may adjust such common boundary; and

WHEREAS, the City’s city council (the “*Council*”) considers it necessary and desirable and for the benefit of the City to adjust its common boundary with Holladay; and

WHEREAS, to effect such adjustment, pursuant to UTAH CODE ANN. §10-2-419 the City (a) adopted its Resolution No. 2012-68 indicating the City’s intent to adjust the common boundary with Holladay, (b) held a public hearing (the “*Hearing*”) on 26 February 2013 with respect to the proposed adjustment, and (c) published notice of the Hearing and the proposed adjustment as provided by law; and

WHEREAS, no written protests to the proposed boundary adjustment have been filed with the City Recorder by anyone legally authorized to so protest; and

WHEREAS, the Council, in satisfaction of statutory requirements, desires to (a) adopt this ordinance (this “*Ordinance*”) adjusting the City’s common boundary with Holladay, (b) direct the providing of all legally-required notices and filings concerning such boundary adjustment;

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

Section 1. ***Findings and Determinations.*** The Council hereby finds, determines and declares that all actions legally required to be taken prior to the adoption of this Ordinance (including, without limitation, the holding of the Hearing and the giving of proper notice) have been taken. The Council hereby further finds, determines and declares that the adjustment of the City’s common boundary with Holladay, as further described in Section 2 hereof, is in the public interest and is in the best interest of the City and its residents.

Section 2. ***Adjustment of Common Boundary.***

(a) The common boundary between the City and Holladay is hereby adjusted to transfer the following-described real property (the “*Parcel*”) from Holladay to the City:

BEGINNING AT A POINT that is South 89°57'01" West 147.600 feet from the Northeast corner of the Southwest quarter of Section 23, Township 2 South, Range 1 East, Salt Lake Base and Meridian; thence from said corner South 89°57'01" West 216.897 feet to the East right of way of 3000 East Street; thence along said right of way North 12°26'45" Easterly 216.968 feet to a point located at the center of Big Cottonwood Creek; thence along center line of said Creek the following three courses: (1) South 56°02'40" East 37.630 feet; (2) South 51°11'48" East 46.170 feet; and (3) South 46°00'57" East 142.990 feet; thence departing said creek center line South 00°03'09" East 62.430 feet to the point of beginning.

(b) As a result of such transfer of the Parcel, the common boundary between the City and Holladay shall be as shown on the attached exhibit.

Section 3. **Notices and Filings.** The City's Mayor, Manager, Recorder, Attorney and other officers, employees and agents are hereby authorized, empowered and directed to make such filings and to provide such notices as may be legally required to effect and to formalize the boundary adjustment contemplated by this Ordinance, including, without limitation, filing a notice of impending boundary action with the Lt. Governor's office pursuant to UTAH CODE ANN. §10-2-425.

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.

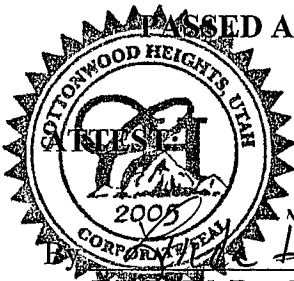
Section 5. **Severability.** All parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not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

Section 6. **Repealer.** All ordinances, resolutions 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. 202, 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 CODE ANN. §10-2-419(5), UTAH CODE ANN. §10-2-425(4) or other applicable Utah statute.

PASSED AND APPROVED this 26th day of March 2013.

COTTONWOOD HEIGHTS CITY COUNCIL



Linda W. Dunlavy, Recorder

By

Kelvyn H. Cullimore, Jr., Mayor

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 office of the City Recorder this 26th day of March 2013.

POSTED this ___ day of March 2013.

594576.1

GILSON
ENGINEERING, INC.
2000 SOUTH 1000 WEST
SALT LAKE CITY, UT 84119
PHONE: 325-1111
FAX: 325-1112
WWW.GILSONENGINEERING.COM

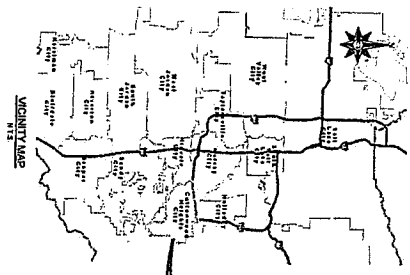
SALT LAKE COUNTY, UTAH
SECTIONS 20-29 + 33-36, T2S, R1E, SLB+M
SECTIONS 1 + 2, T3S, R1E, SLB+M

DATE	REVISION
SEPTEMBER 2002	REVISED FOR COTTONWOOD HEIGHTS RECORDING
NOVEMBER 2002	REVISED FOR COTTONWOOD HEIGHTS RECORDING
DECEMBER 2002	REVISED FOR COTTONWOOD HEIGHTS RECORDING
JANUARY 2003	REVISED FOR COTTONWOOD HEIGHTS RECORDING
FEBRUARY 2003	REVISED FOR COTTONWOOD HEIGHTS RECORDING
MARCH 2003	REVISED FOR COTTONWOOD HEIGHTS RECORDING
APRIL 2003	REVISED FOR COTTONWOOD HEIGHTS RECORDING
MAY 2003	REVISED FOR COTTONWOOD HEIGHTS RECORDING
JUNE 2003	REVISED FOR COTTONWOOD HEIGHTS RECORDING
JULY 2003	REVISED FOR COTTONWOOD HEIGHTS RECORDING
AUGUST 2003	REVISED FOR COTTONWOOD HEIGHTS RECORDING
SEPTEMBER 2003	REVISED FOR COTTONWOOD HEIGHTS RECORDING
OCTOBER 2003	REVISED FOR COTTONWOOD HEIGHTS RECORDING
NOVEMBER 2003	REVISED FOR COTTONWOOD HEIGHTS RECORDING
DECEMBER 2003	REVISED FOR COTTONWOOD HEIGHTS RECORDING

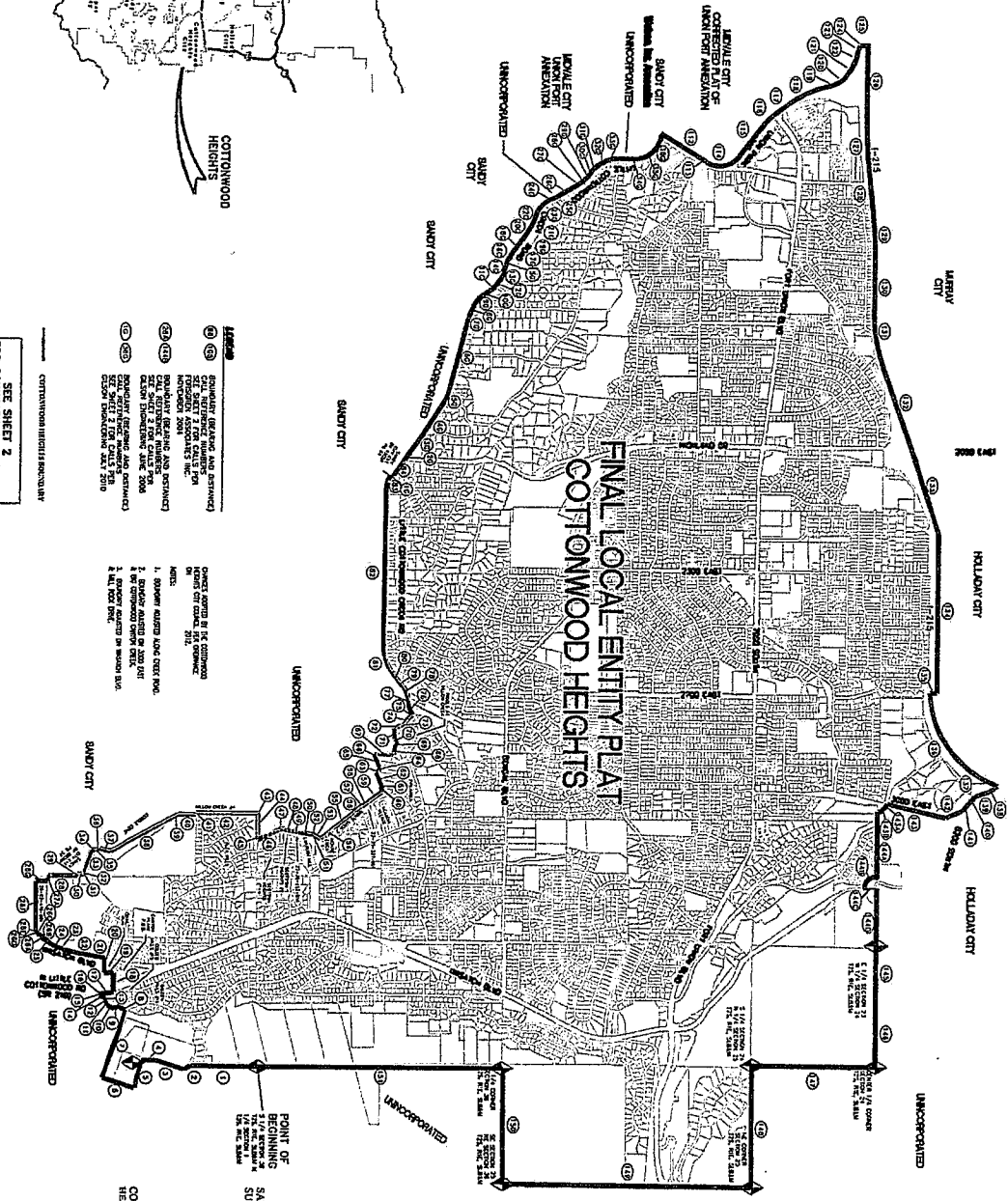


SALT LAKE COUNTY RECORDER
STATE OF UTAH, COUNTY OF SALT LAKE, BEING AND BEING AT THE
DATE: _____ TIME: _____ PLACE: _____
BY: _____ SALT LAKE COUNTY RECORDER

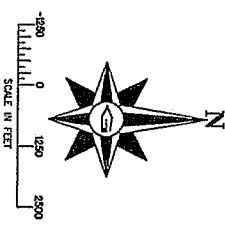
3000 + CREW
REV.
1 OF 2



COTTONWOOD HEIGHTS IS INCORPORATED
SEE SHEET 2
FOR BOUNDARY DESCRIPTION



- LEGEND**
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 - (2) CITY RECORD AND DISTRICT
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THIS DRAWING IS BASED ON THE ORIGINAL COTTONWOOD HEIGHTS INCORPORATION MAP CREATED BY FORSBERG ASSOCIATES INC. S.L.S. AND RECORDED IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER ON FEBRUARY 1ST 2002 BY BOOK 2897 PAGE 22. THIS MAP IS A REPRESENTATION OF THE PARCELS OF LAND BEING ANNEXED INTO COTTONWOOD HEIGHTS, THE ADJUSTED BOUNDARY LINE AGREED UPON BETWEEN HOLLADAY CITY AND COTTONWOOD HEIGHTS AS DETERMINED BY HEKON, AND THE ADJUSTED BOUNDARY ALONG THE CENTERLINE OF GREEN ROAD. NO SURVEY WAS PERFORMED IN THE PROCESS OF CREATING THIS MAP OR ANY PART THEREOF, OR TO VERIFY THE EXISTING BOUNDARIES ON THIS MAP. THIS MAP WAS CREATED BY FORSBERG AND ASSOCIATES AS SHOWN ON THIS MAP. GILSON ENGINEERING WAS REQUESTED IN JUNE 2010 TO UPDATE THE MAP PER THE SALT LAKE COUNTY SURVEY RECORD OF SURVEY AND PER THE SALT LAKE COUNTY SURVEY RECORD OF SURVEY NUMBER 2010-09-0064.

POINT OF BEGINNING
SALT LAKE COUNTY
SURVEYORS APPROVAL
REID J. BERMAN DATE _____

COTTONWOOD HEIGHTS CITY APPROVAL
MAYOR KELVIN H. CHALLENGER DATE _____

