

COTTONWOOD HEIGHTS

ORDINANCE NO. 203

AN ORDINANCE ADJUSTING THE COMMON BOUNDARY BETWEEN COTTONWOOD HEIGHTS AND SANDY CITY

WHEREAS, the city of Cottonwood Heights (the “City”) and Sandy City (“Sandy”) 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 Sandy; and

WHEREAS, to effect such adjustment, pursuant to UTAH CODE ANN. §10-2-419 the City (a) adopted its Resolution No. 2012-69 indicating the City’s intent to adjust the common boundary with Sandy, (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 Sandy, (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 Sandy, 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 Sandy is hereby adjusted through transfers from Sandy to the City, or from the City to Sandy, as applicable, of such parcels of real property as may be necessary to result in a common boundary between the two cities that lies in the centerline of Creek Road, as more fully described and 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.

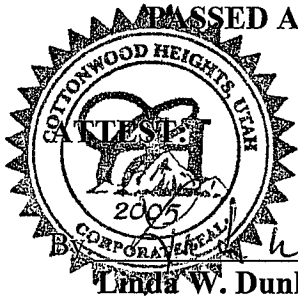
Section 4. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

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. 203, 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.



Linda W. Dunlavy
Linda W. Dunlavy, Recorder

COTTONWOOD HEIGHTS CITY COUNCIL

By *Kelvyn H. Cullimore, Jr.*
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 27th day of March 2013.

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