

RESOLUTION 85-131

A RESOLUTION GIVING PRELIMINARY APPROVAL AND ACCEPTANCE TO PETITIONS FOR ANNEXATION OF TERRITORY INTO THE CORPORATE LIMITS OF THE CITY OF DELTA, UTAH, WHICH PETITIONS SEEK ANNEXATION OF PROPERTY REFERRED TO AS THE "DELTA AIRPORT ANNEXATION," AND SETTING CONDITIONS FOR FURTHER CONSIDERATION OF SUCH PETITIONS FOR ANNEXATION.

The City Council of the City of Delta, Utah, referred to in this resolution as the "City Council," recites the following as the basis for adopting this resolution:

A. Ormus L. Dutson, Winona D. Dutson, Gary D. Dutson, June L. Dutson, Gill H. Dutson, Catherine Thelma Dutson, L. Derral Christensen, Grace G. Madsen, Robert C. Nelson, L. Derral Christensen Family Trust, Grant S. Nielson, Peter B. Hopkins, and others have submitted petitions seeking annexation of approximately 3,667 acres into the corporate limits of the City of Delta, Utah. The area sought to be annexed is described in the annexation plat attached hereto as Exhibit "A," prepared by James A. Cox, a land surveyor licensed to do business in the State of Utah.

B. The Delta City Planning & Zoning Commission has recommended annexation of the property described in the attached plat, subject to the annexation being completed under certain guidelines.

C. The City Council has determined, after considering the petitions and reviewing the recommendation of the Planning Commission, that certain conditions should be met prior to annexation of the subject property and that if those conditions are met, the annexation of the subject property would be beneficial to the residents of the City of Delta and the petitioners should therefore have opportunity to proceed with developing additional information that will be needed by the City Council in making a final decision whether the subject property should be annexed.

D. The City Council has determined, after receiving the recommendations of the Planning Commission, that the annexation as proposed can meet the requirements of the Delta City Master Annexation Policy Declaration and therefore desires to give preliminary approval to the proposed annexation so that the petitioners can begin preparations to meet the conditions necessary for annexation of the subject property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Delta, Utah:

1. Petitions Accepted. The petitions for annexation of property included within the Delta Airport Annexation as shown on the plat attached hereto as Exhibit "A" are hereby conditionally accepted and given preliminary approval for the limited purpose of preparing a final policy declaration relative to the proposed annexation and for an ordinance, policy declaration, annexation agreements and other documents providing for annexation of the subject property.

2. The City Attorney's office is hereby directed to prepared a proposed ordinance providing for annexation of the territory described in Exhibit "A" for review by the City Council after completion of the conditions set out in paragraph 3 below. The City Manager, in cooperation with the City Engineer, Public Works Superintendent and other departments of the City of Delta is hereby directed to prepare an annexation impact evaluation statement as provided in Paragraph VII of the Delta City Master Annexation Policy Declaration. The City Attorney's office is further directed, in cooperation with the City Manager, City Engineer and other departments of the City to meet with the designated representatives of the petitioners to develop annexation agreements which meet the requirements and conditions set out in this resolution.

3. Conditions Prior to Annexation. The City Council directs that the conditions set out in this paragraph be met prior to the presentation of the final annexation ordinance to the City Council. Each of the following shall be a condition to annexation that must be satisfied prior to annexation of the subject property, except as may be hereafter ordered by resolution or ordinance of the City Council, and the annexation shall further meet such other requirements as may be necessary to comply with the annexation policies and other standards of the City of Delta and the requirements of Part IV of Chapter 2 of Title 10, Utah Code Annotated (1953), as amended:

a. The Annexation Impact Alleviation Evaluation Statement to be prepared by the City Manager shall be completed.

b. A draft annexation agreement between Delta City and the owners of the Christensen/Madsen development shall be submitted with the proposed annexation ordinance relative to the properties presently owned by L. Derral Christensen, Grace G. Madsen, Michael B. Madsen, Edwin Lund Madsen II, Shari Ann Foulger, Robert C. Nelson, Keith S. Christensen and L. Derral Christensen Family Trust providing for:

i. The pattern for development of said property and the manner for approval for each phase of development.

ii. Development of water, sewer and any other municipal utilities. The agreement shall provide that the capital costs for installation and development of such systems, including water rights, shall not be borne by Delta City ratepayers or taxpayers, except to the extent specifically approved by the Delta City Council.

iii. The zoning of the property and the procedure for future zone changes.

iv. The methods for construction, dedication and maintenance of streets.

v. The appropriate improvements to the streets on the five acre subdivision located on the south of the Christensen/Madsen property.

vi. Resolution of the present civil action to which Delta City is a party regarding the so called "Morley" well located on the Christensen/Madsen property.

vii. Expansion of the Delta City sewage treatment lagoons in the event enlargement or expansion of the lagoons is necessary due to development of the Christensen/Madsen property.

viii. Reimbursement to Delta City for the costs of approving annexation and development of the Christensen/Madsen properties.

ix. Development of parks and recreation facilities and land dedications for such facilities within the development.

x. A comprehensive development agreement relative to the proposed Christensen/Madsen development.

c. An annexation agreement shall be prepared and submitted for each of the remaining annexation petitioners providing for financing of water and sewer extensions, access to such services, connection fees, roadway improvements, zoning and development and other needs pertaining to development of properties owned by the annexation petitioners or their successors.

d. The annexation plat attached hereto shall be redrawn to exclude one hundred sixty (160) acres owned by the State of Utah comprising the Northeast quarter of Section 10, Township 17 South, Range 6 West, Salt Lake Base & Meridian and the adjacent property located south of U.S. Highway 50 in the Southeast corner of said Section 10.

e. The annexation ordinance shall establish conditions for extension of Delta City municipal services into the annexation territory so that the capital cost of extending streets, sewer, water and drainage facilities and other municipal services requiring enlargement of existing capital facilities shall not be borne by the ratepayers and taxpayers of the present corporate boundaries of Delta City, except as may be specifically approved by the City Council.

4. Effect of Resolution. The effect of this resolution shall be only to give preliminary approval to the petitions submitted seeking annexation of the territory described in the attached annexation plat in order to prepare the proposed ordinance as set out in paragraph 2 above and to perform the work necessary to meet the conditions set out in paragraph 3 above. The City Council shall have the right at any time prior to adoption and recordation of a final annexation ordinance to adopt such additional requirements for annexation of property into the corporate limits of Delta City as may be necessary to protect the interests of the City and to assure compliance with the criteria set out in Title 10, Chapter 2, Part IV of Utah Code Annotated (1953), as amended, and the policies relating to annexation adopted by the City Council. In the event that the City Council finds that the proposed annexation cannot meet the annexation requirements of Delta City, the City Council shall have the option of not approving the annexation or of approving annexation of any portion of the territory represented in the attached annexation plat which meets the annexation requirements established by Delta City and the State of Utah.

5. Annexation Costs. The costs of preparation of the annexation ordinance, annexation agreements and other costs associated with completing annexation of the territory shown in the attached plat is ordered to be paid by the petitioners to the extent that such costs were incurred by the City of behalf of each such petitioner. Such payment shall be a condition to the annexation becoming effective.

6. Effective Date. This resolution shall become effective upon adoption.

7. Severability. In the event that any provision of this resolution less than the entire resolution is held invalid by a court of competent jurisdiction, this resolution shall be deemed severable and such finding of invalidity shall not affect the remaining portions of this resolution.

8. Repeal of Conflicting Resolutions. To the extent that any resolutions or policies of the City of Delta conflict with the provisions of this resolution, they are hereby amended to be in accordance with the provisions hereof.

PASSED AND APPROVED THIS 15 day of July, 1985.

Grant S. Nielson  
GRANT S NIELSON, Mayor

Attest: Dorothy Jeffery  
DOROTHY JEFFERY,  
City Recorder