

RESOLUTION NO. 97-250

**A RESOLUTION ACCEPTING A PETITION FOR ANNEXATION
(LOVELL/TURNER) FOR THE PURPOSE OF PREPARING A
POLICY DECLARATION RELATIVE TO THE PROPOSED
ANNEXATION TO THE CITY OF DELTA, UTAH.**

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

RECITALS

A. A majority of the owners of real property and the owners of at least one-third in value of the real property (hereinafter referred to as "Petitioners"), as shown by the last assessment rolls in the office of the Millard County Assessor, in territory lying contiguous to the corporate boundaries of Delta City, Utah, desire to annex such territory to Delta City and have caused to be made an accurate plat of said proposed annexation territory under the supervision of a competent surveyor.

B. Said petitioners have executed a "Petition for Annexation to City of Delta, Utah, Lovell/Turner Annexation," a copy of which is attached hereto as Exhibit "1" and incorporated herein by reference, requesting that the property described in Exhibit "A" to Exhibit "1" be incorporated into the boundaries of Delta City, Utah.

C. The petition for annexation, together with a copy of the plat referred to herein have been filed in the office of the Delta City Recorder, as required by law, pursuant to § 10-2-416, U.C.A. (1953) as amended.

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

Section 1. Acceptance and Filing of Plat for Proposed Annexation Territory. A plat of the proposed annexation territory prepared by a licensed and competent surveyor or a copy of such plat, certified by the surveyor, is on file in the office of the Delta City Recorder.

Section 2. Acceptance of Petition for Annexation. The Petition for Annexation to the City of Delta, Utah, Lovell/Turner Annexation (Exhibit "1"), also on file in the office of the Delta City Recorder is hereby accepted by the City Council for the

purpose of preparing a policy declaration relative to said proposed annexation.

Section 3. Policy Declaration. The City Council hereby directs the City Attorney to prepare a draft policy declaration relative to said proposed annexation for Council review, which draft policy declaration shall be considered after holding a public hearing called for such purpose, pursuant to § 10-2-414, UCA (1953), as amended.

Section 4. Effective Date. This resolution shall become effective upon adoption.

Section 5. Severability. In the event that any provision of this resolution or the procedures adopted thereby, less than the entire resolution or such procedures, 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.

Section 7. Repeal of Conflicting Resolutions. To the extent that any ordinances, 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 28TH day of July, 1997.

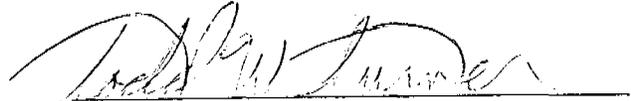

DON DAFOE, Mayor

Attest: 
DOROTHY JEFFERY
City Recorder

PETITION FOR ANNEXATION
TO CITY OF DELTA, UTAH,
LOVELL/TURNER ANNEXATION

We, the undersigned, would like to petition the Delta City Council for annexation into the corporate boundaries of Delta City. The property we would like to annex is platted and shown on the plat map attached as Exhibit "A".

Also attached, as Exhibit "B", is a copy of the Warranty Deed showing ownership of said property.


Todd W. Turner


Stanton Lovell

EXHIBIT I

WARRANTY DEED

HOMER U. PETERSEN and ALMA L. PETERSEN, GRANTORS, hereby CONVEY AND WARRANT against all claiming by, through or under said HOMER U. and ALMA L. PETERSEN to STANTON LOVELL AND TODD TURNER, as Tenants in Common, of 198 South, 500 West Delta, UT 84624, GRANTEES, for the sum of TEN AND NO/HUNDREDTHS (\$10.00) and other good and valuable consideration the following described real property situated in the County of Millard, State of Utah:

PARCEL 1

Beginning at the Southeast corner of the Southwest quarter of Section 12, Township 17 South, Range 7 West, Salt Lake Base and Meridian; thence West 30 feet more or less to the West boundary line of the Del Park Annexation, thence Northeasterly 190 feet more or less along said boundary, thence East 22 feet more or less to the East boundary of Section 12, thence South 188.82 feet to the point of beginning.

PARCEL 2

Beginning at a point that is West 30 feet more or less to the West boundary line of the Del Park Annexation from the Southeast corner of the Southwest quarter of Section 12, Township 17 South, Range 7 West, Salt Lake Base and Meridian; thence West 84 rods more or less to the East boundary of the railroad right-of-way, thence Northeasterly along the railroad right-of-way 28 rods, thence East 987.11 feet more or less, thence South 13 rods, thence East 181.494 feet more or less to the West boundary of the Del Park Annexation, thence Southwesterly 190 feet more or less along said Del Park Annexation boundary to the point of beginning.

SUBJECT TO a right-of-way for a County Road and incidental purposes as now exists.

Both Parcels: SUBJECT TO an overriding royalty interest in certain geological, geophysical, and geochemical data foundational to the development of prospects, including the acquiring of oil and gas leases, pursuant to an Agreement dated October 12, 1994 by and between Douglas H. Willson and CST Oil & Gas Corporation as Sellers and St. Anselm Exploration Company as Purchaser and an Agreement dated October 12, 1994 by and between Douglas H. Willson and Atoka Exploration Company as Sellers and St. Anselm Exploration Company as Purchaser.

Both Parcels: SUBJECT TO Oil and Gas Lease dated January 17, 1996 from Homer U. Petersen and Alma L. Petersen, husband and wife to Kidd Family Partnership Limited for a term of 5 years from date and so long thereafter as oil and gas are produced in paying quantities, upon the terms, conditions, and covenants therein provided; recorded March 1, 1996 as Entry No. 106249 in Book 296 at Page 618-619 of Official Records.

Both Parcels: SUBJECT TO AND TOGETHER WITH all reservations, restrictions, easements, appurtenances, rights-of-way, and other matters presently of record or which may be ascertained from an inspection of the property.

00117450 Bk00316 Pg00666-00667

MILLARD COUNTY RECORDER - LINDA S CARTER
1997 JUN 19 10:57 AM FEE \$13.00 BY IMS
REQUEST: WADDINGHAM & PETERSON

WITNESS the hands of said Grantors, this 18th day of June, 1997.

Homer U. Petersen
HOMER U. PETERSEN

Alma L. Petersen
ALMA L. PETERSEN

STATE OF UTAH)
 Jun 18 : ss
COUNTY OF ~~MILLARD~~)

On the 18th day of June, 1997, personally appeared before me HOMER U. PETERSEN and ALMA L. PETERSEN, signers of the foregoing Warranty Deed, who duly acknowledged that they executed the same.

Lon R. Wickel
Notary Public

960321\7-83\c:\wpwin60\wpdocs\warranty.doc

