

Midway City Council  
18 May 2021  
Regular Meeting

Ordinance 2021-10 /  
Dance Annexation



## **CITY COUNCIL MEETING STAFF REPORT**

**DATE OF MEETING:** May 18, 2021

**NAME OF PROJECT:** Dance Annexation

**NAME OF APPLICANT:** Doug Dance

**AGENDA ITEM:** Annexation

**ACRES:** 6.98 acres

**LOCATION OF ITEM:** 1199 South 900 West

**PROPOSED ZONING:** RA-1-43

### **ITEM: 8**

Doug Dance is petitioning to annex 6.98 acres into the Midway City limits. The property is in the Midway Growth Boundary and located near Cascade Springs Road and Stringtown Road. The proposed zoning for the property is RA-1-43 (rural-agricultural 1 acre).

### **BACKGROUND:**

Doug Dance has petitioned the City to annex 6.98 acres that will be zoned RA-1-43 if approved by the City Council. Currently, the property is in the County and is zoned RA-1. The area does fall within Midway's annexation declaration area so the property can be annexed but the City is under no obligation to annex the property. The Municipal Code does require that numerous issues are analyzed and evaluated before the City considers

approving an annexation. Currently, the City boundary runs along the north side of the proposed annexation property area.

The annexation contains 1 parcel which is owned by the petitioner.

<b>Property Owner</b>	<b>Tax ID#</b>	<b>Signed Petition</b>	<b>Acres</b>	<b>Taxable Value</b>
Douglas Dance Trust	OWC-1172-1	Yes	6.98	\$44,310

The petition does comply with State Code that requires the owners of most of the land sign the petition and that the signers also own at least 1/3 of the taxable value of land in the annexation area. State Code also requires a survey of the area which has been completed. There are other requirements listed in State Code and all seem to be met.

Annexations fall under the category of a legislative action. Therefore, the City Council has broad discretion regarding the petition. It can be approved or denied based on the discretion of the Council members. If the Council feels that the area will contribute to the community and will help promote the goals and policies of the General Plan, then the annexation should be considered. The City Council may consider any issue, included in the staff report or not, as a discussion item. Also, the City may require items from the petitioner that normally would not be allowed if a developer's property were already located and zoned in the City. In the past, petitioners of annexations have donated to the parks fund as part of their annexations. Since the action is legislative, the City Council is not bound to the same rules that an administrative process is bound to.

Per the City Code, the intent of the annexation code is the following:

*It is the intent of this Chapter to ensure that property annexed to the City will contribute to the attractiveness of the community and will enhance the rural, resort image which is critical to the economic viability of the community, and that the potential fiscal effect of an annexation does not impose an unreasonable burden upon City resources and tax base.*

The property petitioned for annexation is in the Midway Growth Boundary and it will not create an incorporated peninsula, so annexation of the property is allowed by State Code. The applicant would like to annex the 6.98 acres and initially build one dwelling on the property. Eventually the applicant would pursue dividing the property into four lots. Potentially, six lots could be located on the property, but he would be willing to agree to a maximum of four that would be a required condition in the annexation agreement. Both the one lot subdivision and the later amendment of the subdivision to four lots would require the approval and the recording of a plat and plat amendment/subdivision, respectively. Annexation would give the applicant access to the City's culinary water system and would allow the applicant to avoid drilling a well and installing the proper equipment for fire flow from a well. Instead, he would extend the City's water lines from The Cascades at Soldier Hollow and install fire hydrants.

This item has been noticed in the local newspaper for two weeks and on the State's website for the City Council meeting. Public notices have also been posted in three public locations in Midway advertising the meeting and agenda and notices were mailed to all property owners within 600 feet of the proposed annexation.

## **ANALYSIS:**

The comments in italicized represent Planning Staff's comments pertaining to compliance or lack of compliance with the findings the City Council must make in considering this request. Section 9.05.020 requires specifically the Staff address the following issues:

- A. The ability to meet the general annexation requirements set forth in this Title; *Planning staff believes that the proposal does comply with most of the general requirements of this Title. There are a couple of issue that have been identified that will be discussed below:*

*The access for the property will be from Cascade Springs Road. Cascade Springs Road was recently paved to Utah County, but access is still limited through the winter months. The proposal would front on a road that would access a proposed development in Wasatch County's jurisdiction to be called The Highlands at Soldier Hollow. The proposed 250-acre, 23 lot Highlands at Soldier Hollow is planned to have two full width access roads from Cascade Springs Road. There is also a third access to Wards Lane that would not be built to a full width standard because of the lack of property. The property owner to the north of Wards Lane would need to grant an easement for Wards Lane to be a full width road and it appears that an easement will not be granted. Therefore, the two main access points for The Highlands at Soldier Hollow will be from the same road, Cascade Springs Road, and for part of the year there will be only one access from Cascade Springs Road which will be to Stringtown Road. This will essentially leave the subdivision with only one full access road for part of the year. The City Code in Section 16.13.44 limits cul-de-sacs to 1,300 feet. If the cul-de-sac is measured from Stringtown Road to the proposed annexation area (this measurement could be considered because of the limited access of Cascade Springs Road for part of the year) then the length is about 3,500 feet. If the cul-de-sac is measured from Cascade Springs Road (this measurement could be considered if Cascade Springs Road is considered a through road or if Wards Lane, not built to a full width standard, is counted as a second access) to the proposed annexation then the length is only about 900' and within Midway standards for a one access road. Steff believes that if the property is annexed with only one access that complies with City standards then the City would be creating a new precedent that future annexations would also want to use.*

- B. An accurate map of the proposed annexation area showing the boundaries and property ownership within the area, the topography of the area and major natural features, e.g. drainage, channels, streams, wooded areas, areas of high water table,



very steep slopes, sensitive ridgeline areas, wildfire/wild land interface areas, and other environmentally sensitive lands: *The proposed annexation concept plan has been submitted and is attached to this report. The property does not contain any sensitive lands.*

- C. Identification of current and potential population of the area and the current residential densities: *Currently there are no homes in the annexation area. The development potential of the area is six dwellings. The average number of people per dwelling in Midway is 2.9 which would increase Midway's population by about 14 people based on the average. If the property is limited to four lots, then the population increase would be about 11 people.*
- D. Land uses presently existing and those proposed: *Currently the land in the area is being used for agricultural purposes. The proposed land use is residential.*
- E. Character and development of adjacent properties and neighborhoods: *The properties surrounding the annexation to the west and south are predominantly being used for low density residential and agriculture. There are several scattered homes surrounding the annexation. The area has a rural feel. The property to the north is the Cascades at Soldier Hollow Subdivision that range in size from 0.50-1 acre which has a more developed feel.*
- F. Present zoning and proposed zoning: *The current County zoning is RA-1 which is a one-acre zone. The planned zoning that midway has established is RA-1-43 which is also a one-acre zone.*
- G. A statement as to how the proposed area, and/or its potential land use will contribute to the achievement of the goals and policies of the Midway City General Plan and the Midway City Vision: *The developer has indicated he wants to keep an open feel of development on the property by only building four lots instead of the potential six lots that would be allowed by the zoning.*
- H. Assessed valuation of properties within the annexation area: *The assessed value of the property is \$44,310.*
- I. Potential demands for various municipal services and the need for land use regulation in the area, e.g. consideration of the distance from the existing utility lines, special requirements for sensitive land review and fire protection in wildfire or wild land areas, location within hazardous soils area, and feasibility of snow removal from public streets: *If the property is annexed, the City will be required to provide services to the area. Office staff in the various City departments will spend time working on the development and with the residents in the annexed area. This includes land use applications, building permits, and utility payments. Also, the City will remove snow from any public streets and will maintain the roads and water lines in the area. These services cost the City money, and though property taxes from the new residents will help offset that cost, the City will need*

*to have some commercial development and the sales taxes collected from the sales generated to help offset those new costs. That is assuming that the new growth will help increase sales in Midway by increasing activity in the current Midway stores or will help new businesses establish in Midway. It is unknown exactly what the impact the new homes will have but we do know the City's cost will increase because of the new growth. The City does have water lines in the immediate area of the annexation and other utilities are located nearby. If the property is annexed and a cul-de-sac is constructed to create four lots on the property, the cul-de-sac would be a City owned and maintained street, but it would not be connected to any other City streets. City plows would cross county roads to access the cul-de-sac. This is not an unsurmountable obstacle, but it would be the first road in the City with this situation and would most likely be an inconvenience to the plow drivers.*

- J. The effect the annexation will have upon City boundaries and whether the annexation will ultimately create potential for future islands, undesirable boundaries, and difficult service areas: *The annexation will increase the City's boundaries. The proposed annexation will not create an unincorporated island or peninsula as defined by State law. The annexation also will not produce any areas that are difficult to service beyond the aforementioned issue of snow removal.*
- K. A proposed timetable for extending municipal services to the area and recommendation on how the cost thereof will be paid: *City services are up to the boundary of the annexation. The developer will need to build the infrastructure within the annexation area for the development so the City will incur no development cost, only maintenance cost, once that infrastructure is approved by the City.*
- L. Comparison of potential revenue from the annexed properties with the cost of providing services thereto: *It appears the development will be a relatively expensive development that may include some second homes. Generally residential development does not pay enough in taxes to cover the cost of the services provided by the City. In very general terms, and as described in the City's General Plan, for every dollar the City collects from a residence the City pays \$1.16 to provide services. Therefore, commercial growth is important for the City which helps offset this unbalanced revenue versus cost. Most likely the City will not generate revenue from this proposal, but the City does gain the ability to control land use to assure the goals of the General Plan are met.*
- M. An estimate of the tax consequences and other potential economic impacts to residents of the area to be annexed: *There are currently no residents in the annexation area.*
- N. Recommendations or comments of other local government jurisdictions regarding the annexation proposal and the potential impact of the annexation on the general county economic needs, goals, or objectives: *No government jurisdiction or*

*agency has objected to the proposed annexation. The City held a review meeting and invited all potentially impacted jurisdictions, agencies and utilities and no major concerns were identified in that meeting.*

- O. Location and description of any historic or cultural resources: *None have been identified*

#### Additional Items of consideration

- The City gains control over zoning once an area is annexed. This helps the city assure that uses on the property will be in harmony with the General Plan. If the City does not annex a parcel, then the owners may develop in the County using the County's land use code. It is possible that if the property is developed in Wasatch County then the density of the subdivision would be six lots instead of the four lots that the developer has agreed to if the property is developed in Midway.
- The most recent applicants for annexation to Midway have contributed to the parks fund. The average cost per acre annexed into Midway has paid \$589.11. Therefore, if following the model of previous annexations, the required parks annexation donation fee is \$4,059 that would be paid before the recording of the annexation plat.
- Because of the access issues that were described earlier in this report, staff has developed another option that may be agreeable to the City and to the property owner. The option includes granting the property owner four connections (water rights will need to be dedicated to the City) to the City's culinary water system if certain conditions were met. The conditions of the will-serve agreement could include limiting the maximum development on the property to four lots, paying an increased rate amount for culinary connections (1.5 x the normal rate) as is required for all properties in the County serviced by City water, and an agreement that the property will be annexed if surrounding contiguous properties are annexed into Midway. This would also save Midway the cost of maintaining a road that is not connected to any other roads maintained by Midway. Further, this would not create a new precedence of allowing development on a road over 1,300' in length from having a second access not built to City standards.

#### **PLANNING COMMISSION RECOMMENDATION:**

**Motion:** Commissioner Ream: I make a motion that we recommend denial annexation of the Cascade View subdivision which would contain four lots on 6.89 acres. The property is in the Midway Growth Boundary and located near Cascade Springs Road and Stringtown Road. The proposed zoning for the property is RA-1-43 (rural-agricultural 1 acre). We recommend a will serve letter from the city with the conditions the number of

lots moved up to 4 and if there are ever two points of access than the applicant can reapply for annexation.

**Seconded:** Commissioner Cliften

**Chairman Nicholas:** Any discussion on the motion?

**Chairman Nicholas:** All in favor.

**Ayes:** Commissioners: Bouwhuis, Wardle, Garland, Ream, Cliften and Simons

**Nays:** None

**Abstained:**

**Motion: Passed**

### **POSSIBLE FINDINGS:**

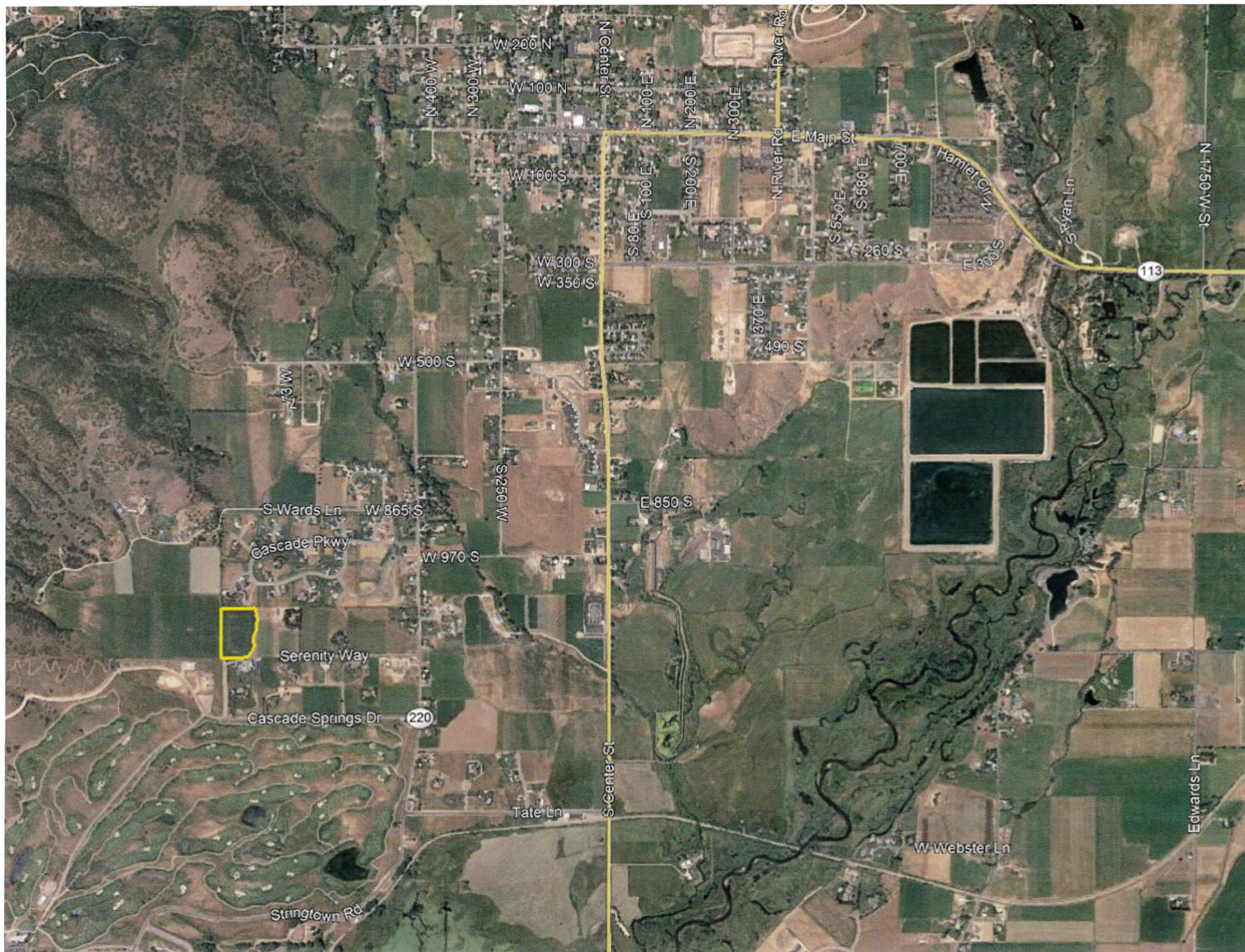
- The City will gain control over land use and zoning if the area is annexed.
- The proposal is a legislative action.
- The proposal will increase density and traffic to the area.
- The density of the project is relatively low at four dwellings on almost seven acres. This will help promote the vision of the general plan to preserve more open area and a rural atmosphere.
- The petitioned annexation area will only have one access that complies with City standards though two are required.

### **ALTERNATIVE ACTIONS:**

1. Approval. This action can be taken if the City Council finds that the annexation is in the best interest of the community.
  - a. Accept staff report
  - b. List accepted findings
  - c. Place condition(s)
2. Continuance. This action can be taken if the City Council finds there are unresolved issues.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for continuance
    - i. Unresolved issues that must be addressed
  - d. Date when the item will be heard again

3. Denial. This action can be taken if the City Council finds that the request is not in the best interest of the community.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial







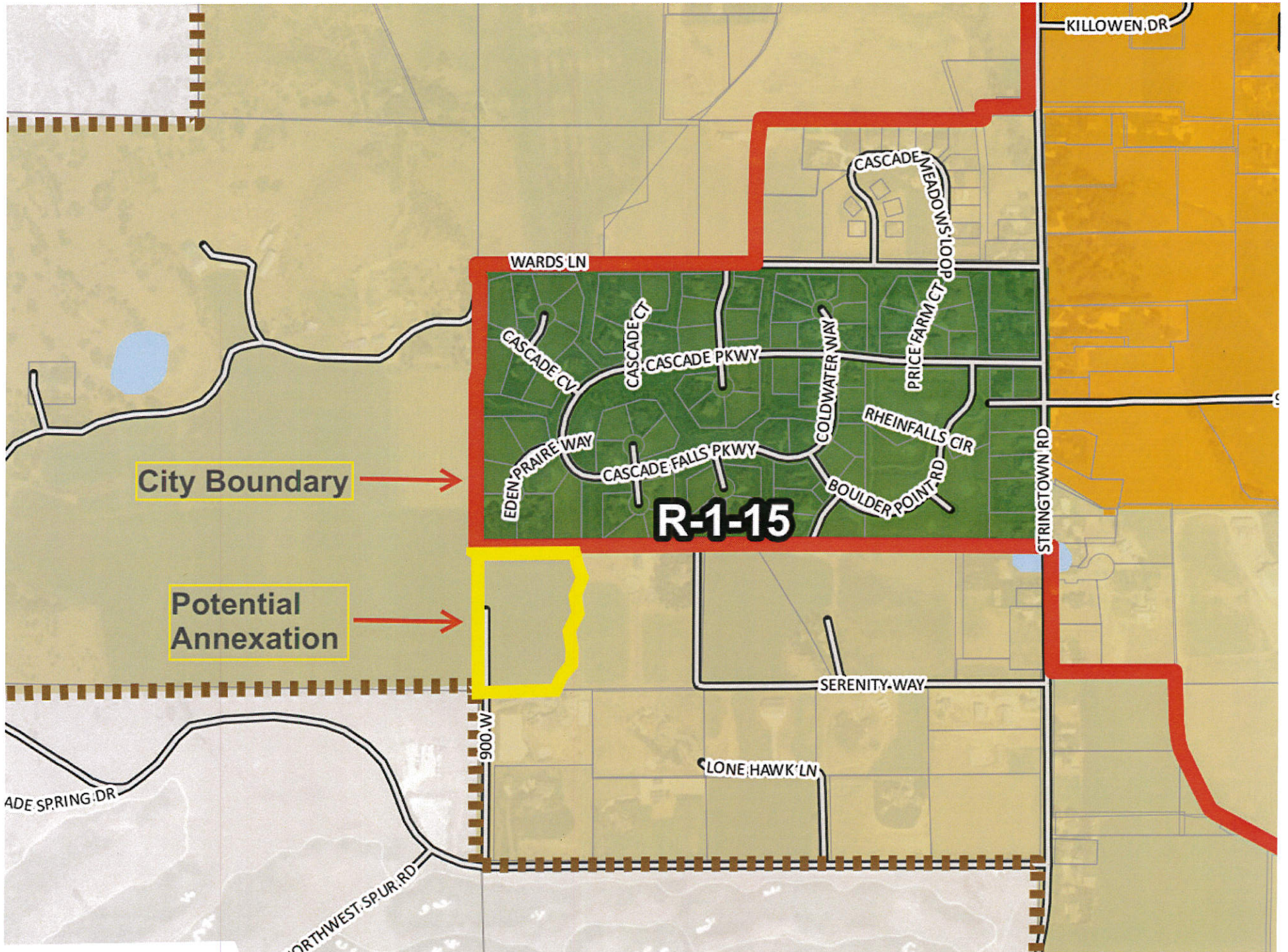




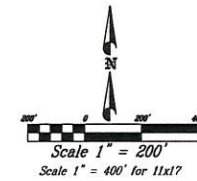
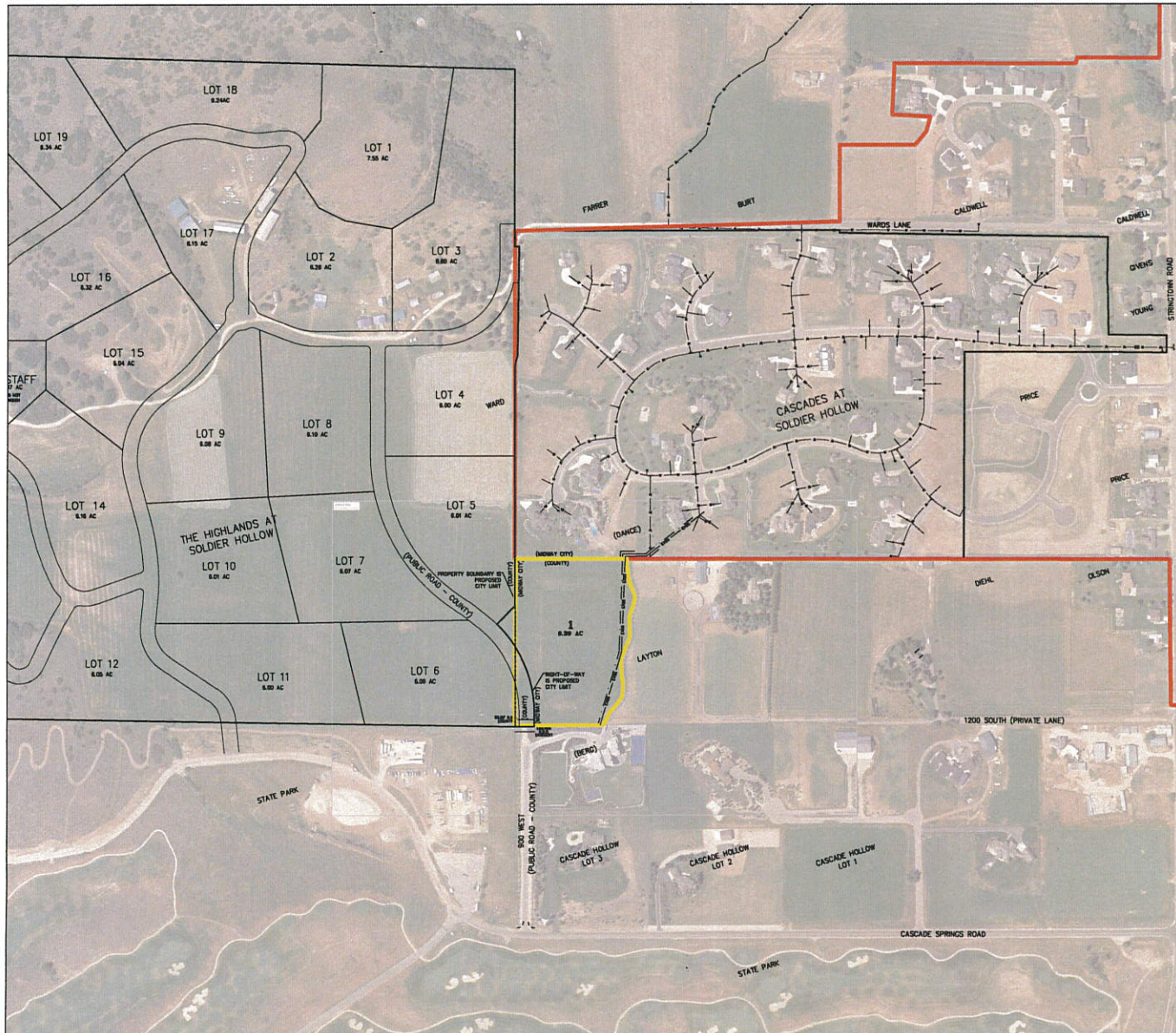


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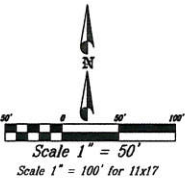
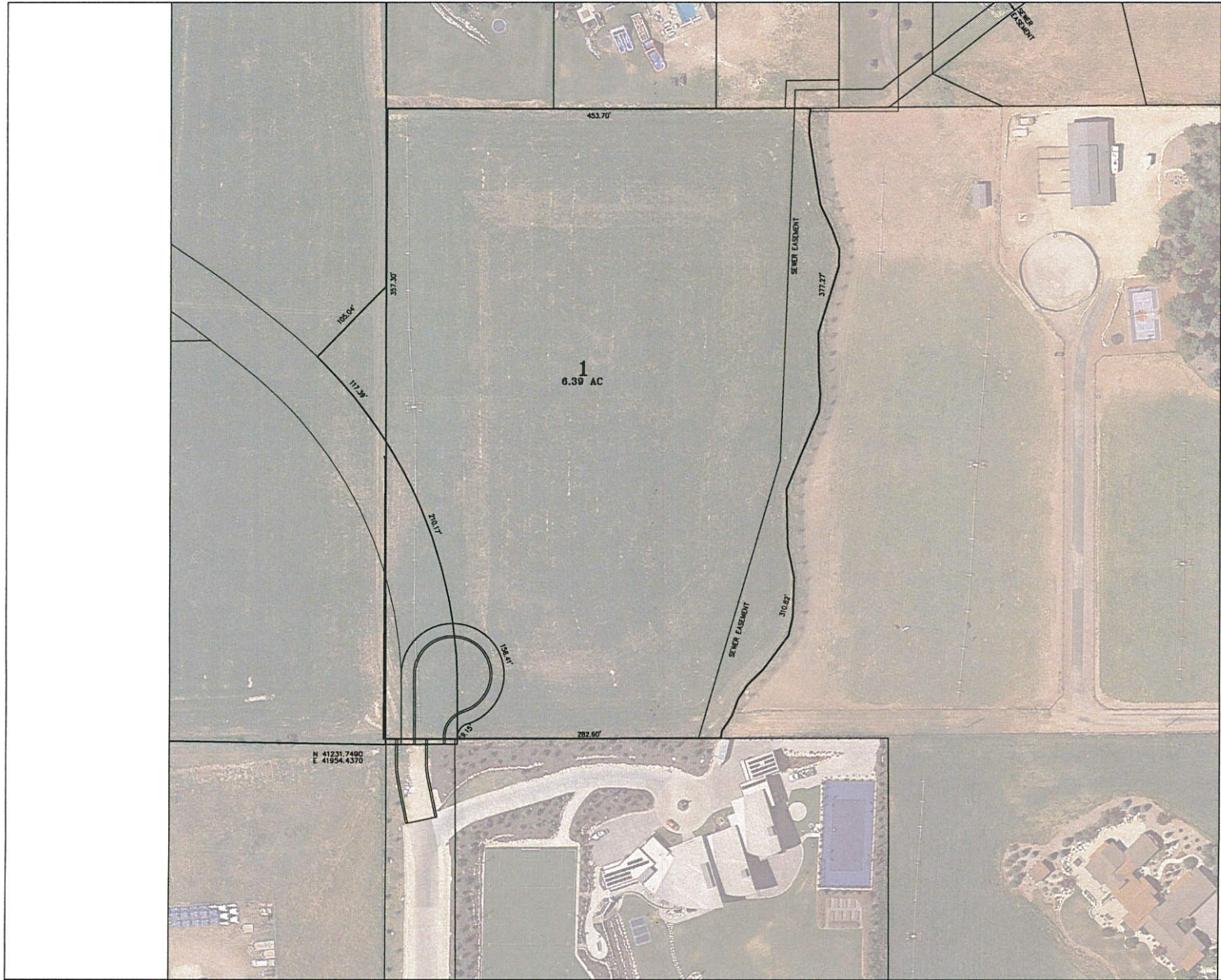


- MIDWAY CITY BOUNDARY
- PROPOSED ANNEXATION & 4 LOT SUBDIVISION
- - - PROPOSED WATER LINE FOR ANNEXATION
- - - EXISTING SEWER

THIS DOCUMENT IS RELEASED  
FOR REVIEW ONLY. IT IS NOT  
INTENDED FOR CONSTRUCTION  
UNLESS SIGNED AND SEALED.  
PAUL D. BERG P.E.  
SERIAL NO. 233295  
DATE: 9 OCT 2020

DOUG DANCE WARD PARCEL SUBDIVISION		
VICINITY MAP		
		
DESIGN BY: PDB	DATE: 9 OCT 2020	SHEET: 2
DRAWN BY: PDB	REV:	

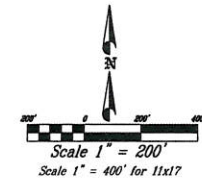
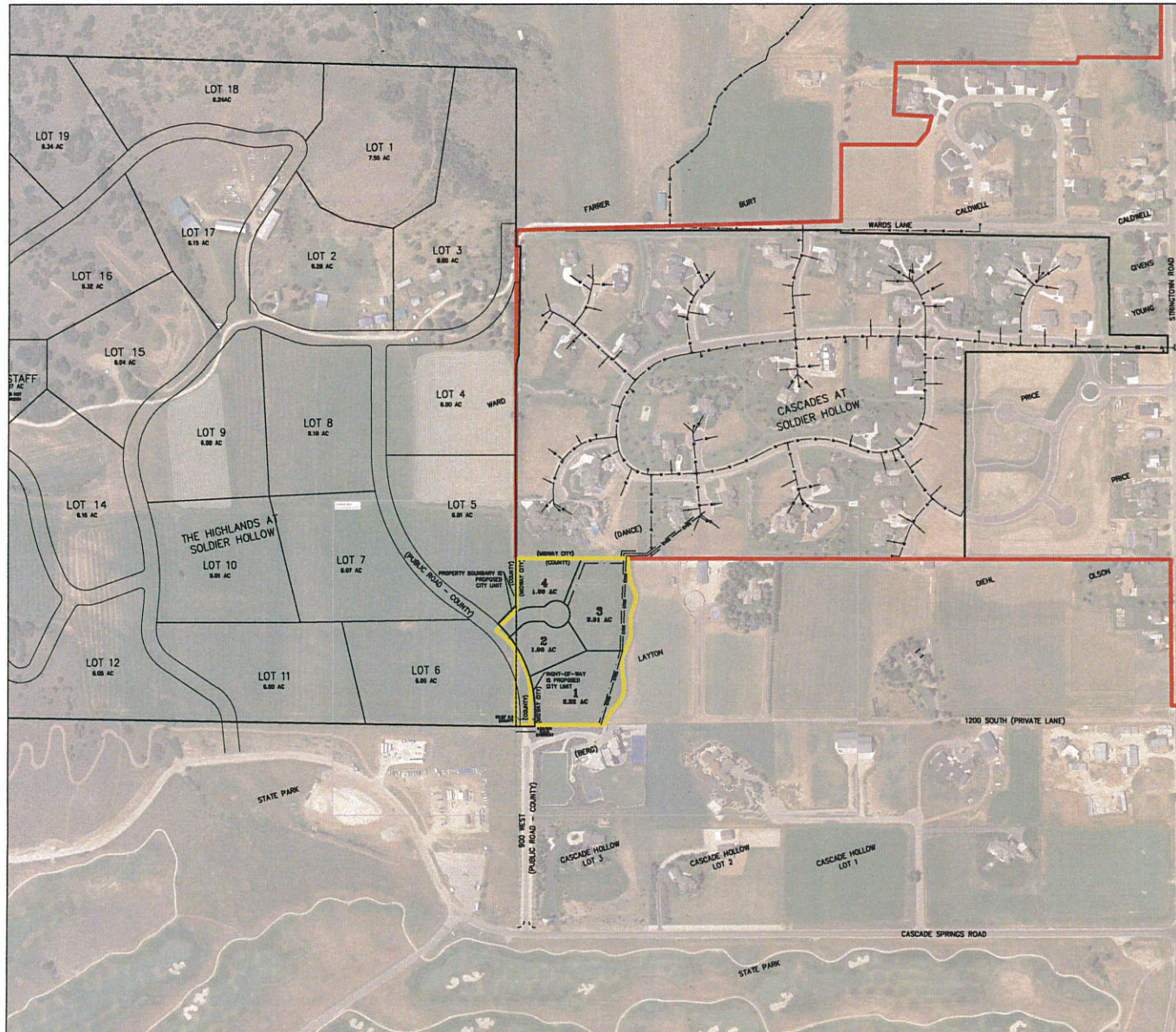




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UNLESS SHOWN AND SEALED.  
PAUL S. BERG P.E.  
SERIAL NO. 250085  
DATE: 8 OCT 2020

DOUG DANCE WARD PARCEL SUBDIVISION		
CONCEPT PLAN #2		
		
DESIGN BY: PSB	DATE: 9 OCT 2020	SHEET
DRAWN BY: PSB	REV:	2



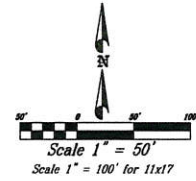


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UNLESS SIGNED AND SEALED.  
PAUL B. BORG, P.E.  
SERIAL NO. 222595  
DATE: 7 OCT 2020

DOUG DANCE WARD PARCEL SUBDIVISION		
VICINITY MAP		
		
RESOURCE GROUP P.C. 380 E Main St. Suite 204 Midway, UT 84049 ph: (435) 657-9749		
DESIGN BY: PDB	DATE: 7 OCT 2020	SHEET
DRAWN BY: PDB	REV:	1





LAND USE CALCS	
TOTAL AREA	6.91 ACRES
ZONE IF ANNEXED INTO MIDWAY	RA-1-43
MIN. FRONTAGE AT 30' SETBACK	150'
OPEN SPACE	0% REQUIRED

- NOTES**
- THIS CONCEPT PLAN MEETS MIDWAY CITY RA-1-43 ZONING CODE. ANNEXATION INTO MIDWAY CITY IS PROPOSED TO RECEIVE CULINARY WATER SERVICE.
  - 900 WEST IS PROPOSED AS A COUNTY ROAD WITH THE HIGHLANDS AT SOLDIER HOLLOW DEVELOPMENT. THE PROPOSED CUL-DE-SAC WOULD BE A MIDWAY CITY ROAD.

THIS DOCUMENT IS RELEASED FOR REVIEW ONLY. IT IS NOT INTENDED FOR CONSTRUCTION. WATER SHOWN AND BEARING: PAUL S. BERG, P.E. SERIAL NO. 250095 DATE: 2.05.2020

DOUG DANCE  
WARD PARCEL SUBDIVISION

CONCEPT PLAN

**BERG ENGINEERING**  
Resource Group P.C.  
380 E Main St. Suite 204  
Midway, UT 84049  
ph: (435) 452-9748

DESIGN BY: PDB DATE: 7 OCT 2020  
DRAWN BY: PDB REV: 1

SHEET 1





RECEIVED

JAN 04 2021

## PETITION FOR ANNEXATION INTO MIDWAY CITY

BY: Mel

We the undersigned owners of certain real property lying contiguous to the present municipal limits of Midway City hereby submit this Petition for Annexation and respectfully represent the following:

1. This petition is made pursuant to the requirements of Section 10-2-403, Utah Code Annotated;
2. The property subject to this petition is an unincorporated area contiguous to the boundaries of Midway City, and the annexation thereof will not leave or create an unincorporated island or peninsula;
3. The signatures affixed hereto are those of the owners of private real property that:
  - a. is located within the area proposed for annexation;
  - b. covers a majority of the private land area within the area proposed for annexation;
  - c. is equal in value to at least 1/3 of the value of all private real property within the area proposed for annexation; and
  - d. lies contiguous to the present boundary of Midway City's corporate limits and is described in the attached *Exhibit A*, and is particularly located

at 1199 South 900 West in Wasatch County, UT

4. Title to the property by those signing this petition is as shown in the deeds or title report attached hereto as *Exhibit B*. (Copies of the deed accompanies this petition.)
5. The manner in which it was established that at least 1/3 of the value of all the private property sought to be annexed is owned by the signers of this petition is shown in the attached *Exhibit C*.
6. The total acres of private land and total assessed value of all private lands sought to be annexed are **6.98 acres** and **\$44,310 assessed value**. The ownership interests and assessed values of the privately-owned lands included in this annexation petition are shown in *Exhibit C*. *The total acreage of the entire annexation may contain more acreage due to the inclusion of public roads, public lands, or minor deed and title issues.*
7. The petitioner has caused an accurate plat or map of the above-described property to be prepared by Kevin Balls, P.L.S. a Utah-licensed surveyor with Summit Engineering Group, Inc., which plat or map is attached herewith;
8. This petition does not propose annexation of all or a part of an area proposed for



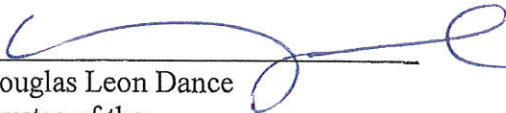
annexation in a previously filed petition that has not been denied, rejected, or granted;

9. This petition does not propose annexation of all or a part of an area proposed to be incorporated in a request for a feasibility study under Section 10-2-103 U.C.A. or a petition under Section 10-2-125, U.C.A. if:
  - a. the request or petition was filed before the filing of the annexation petition, and
  - b. the request, a petition under Section 10-2-109 based on that request, or a petition under Section 10-2-125 is still pending on the date the annexation petition is filed;
10. The petitioner requests the property, if annexed, be zoned Residential Agriculture RA-1-43 as per the Midway City Land Use Map

WHEREFORE, the Petitioners hereby request that this Petition be considered by the Midway City Council at its next regular meeting, January 19, 2021, that a resolution be adopted as required by law accepting this Petition for Annexation for further consideration, and that the governing body take such steps as required by law to complete the annexation herein petitioned.

Dated this day of December 31, 2020.

## PETITIONER

  
\_\_\_\_\_  
Douglas Leon Dance  
Trustee of the  
Douglas and Nancy Dance Living Trust  
Dated June 24, 2015  
**Contact Sponsor/Petitioner**

809 W Cascade Falls Pkwy  
Midway, UT 84049

Phone No. 801-787-9696  
Email: ddance2008@gmail.com


**PROPOSED  
DANCE ANNEXTION  
INTO MIDWAY CITY, UT**

**ANNEXATION INFORMATION SHEET**

CONTACT SPONSOR/PETITIONER:	Doug Dance 801-787-9696 email: ddance2008@gmail.com
AGENT ENGINEER/LAND SURVEYOR:	Mike Johnston, Summit Engineering Group 435-654-9229
TOTAL ANNEXATION AREA:	6.98 acres
ANTIICAPATED TIMETABLE:	Annexation in 2021. One-Lot Plat in 2021
WATER DISCLOSURE:	There are 6.5 shares of Midway Irrigation available for the 6.98-ac parcel.
SENSITIVE LANDS ANALYSIS:	This property is entirely hillside pastureland. There are no sensitive lands of any type within the proposed annexation.

**CERTIFICATION OF DELIVERY OR MAILING:**

I, Doug Dance, hereby certify that I have hand-delivered a complete copy of the Annexation Petition and Annexation Plat to the Wasatch County Clerk's office and also mailed to the Chair of the Midway Planning Commission on January 4, 2021. I further certify that on January 4, 2021 I have mailed a Notice of Intent letter and a copy of the Annexation Plat to all owners of record of the real property within the annexation boundary, and also to owners of record of the real property that is within 300 feet of the proposed annexation boundary.

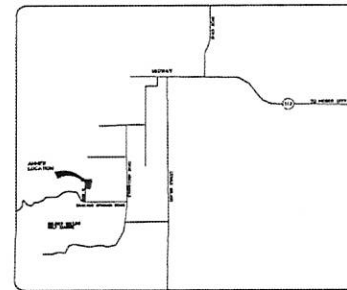
  
\_\_\_\_\_  
Doug Dance  
January 4, 2021



### LEGEND

LINE	LINE TYPE	DISCOUNT
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VICINITY MAP  
N.T.S.



### BOUNDARY DESCRIPTION

## BASIS OF BEARINGS

**SURVEYOR'S CERTIFICATE**

*Kevin W. Ball*  
KEVIN W. BALL  
PROFESSIONAL LAND SURVEYOR

12/30/2020  
DATE



## SURVEYOR'S NARRATIVE

PURPOSE:

CURRENT UTAH CODE REQUIRES THAT AMATEUR PETROLEUM BE ACCOMPANIED BY "AN ACCURATE AND RECORDABLE MAP, PREPARED BY A LICENSED SURVEYOR, OF THE AREA PROPOSED FOR AMATEUR" (U.S.T. 13-25-20). THE UTAH DEPARTMENT OF HERITAGE HAS DEVELOPED A STANDARD SET OF RECORDABLE MAPS PREPARED IN CONFORMANCE WITH UTAH CODE 13-25-20 AS PERTAINING TO MAPS OF BOUNDARY SURVEYS. EXISTING SECTION CORNER SURVEY MONUMENTS WERE USED TO SKETCH BOUNDARY LINES WHERE POSSIBLE, UNDER NO CIRCUMSTANCES WERE ANY MONUMENTS ACCIDENTALLY REMOVED OR DESTROYED. THE MAPS REPRESENT THE RESULTS OF AN ACTUAL SURVEY CONDUCTED BY ME IN CONFORMANCE WITH SECTION 13-25-20 OF THE UTAH CODE. FURTHERMORE, THE BOUNDARY DESCRIPTION AS SHOWN HEREIN BASED ON ATTACHED TO RECORDS OF SURVEY, SURVEY REPORT OF DISTANCE, THE SURVIVABLE BASES OF MEASURED DISTANCES AND BEGINNING OF ALL THE OFFICIALLY RECORDED ANCESTRAL PLATS FOR THE TOWN OF MOUNTAIN REINTERPRET THEREIN

## ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT THE MIDWAY CITY COUNCIL, HAVE RECEIVED A PETITION SIGNED BY THE MAJORITY OF THE OWNERS OF THE TRACT OF LAND SHOWN HEREIN REDUCED, THAT SAID TRACT OF LAND BE ANNEXED BY THE CITY OF MIDWAY CITY; AND THAT A COPY OF THE GRORSHANCE HAS BEEN PREPARED FOR FILING HEREWITH, ALL IN ACCORDANCE WITH THE UTAH CODE ANNOTATED (1953) 10-2-4021 TO 10-2-4248 AS REVISED; AND THAT WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE SAID TRACT OF LAND, THE TRACT OF LAND BEING A PART OF THE CITY OF MIDWAY CITY; AND THAT SAID TRACT OF LAND BE KNOWN HEREAFTER AS THE WASHATCH MOUNTAIN STATE PARK ANNEXATION.

DATED THIS DAY OF \_\_\_\_\_

SIGNATURE: MURRAY C. MURRAY

DATE \_\_\_\_\_

ATTN: MIDWAY CITY RECTOR

DATE \_\_\_\_\_

SIGNATURE: MONROE CITY ATTORNEY

DATE \_\_\_\_\_

COUNTY SURVEYOR

SUNAY, M.

COUNTY RECORDER

PROJECT	PREPARED FOR
L20-366	DOUG DANCE
SHEET	
1 OF 1	DANCE ANNEXATION

LOCATED IN THE SW 1/4  
SECTION 3 TOWNSHIP 4 SOUTH,  
RANGE 4 EAST, SLB&M

WASATCH COUNTY, UTAH

DRAWN BY: KMD	
REVIEWED BY: MPJ	
SCALE: 1" = 50'	ISSUE DATE: 12/30/2020



**Summit Engineering Group Inc.**  
Structural • Civil • Surveying  
20 WEST GERRITSON • P.O. BOX 179  
HEBER CITY, UTAH 84032

[illegible]



# EXHIBIT 'A'

## ANNEXATION BOUNDARY DESCRIPTION FOR THE PROPOSED **DANCE ANNEXTION** INTO MIDWAY CITY, UT

BEGINNING AT THE 1976 WASATCH COUNTY BRASS MONUMENT FOR THE SOUTHWEST CORNER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN;

AND RUNNING THENCE N00°08'05"W 683.00 FEET ALONG A BOUNDARY ESTABLISHED BY A BOUNDARY LINE AGREEMENT (ENTRY NO. 298463 IN THE WASATCH COUNTY RECORDER'S OFFICE) TO THE SOUTHWEST CORNER OF THE CASCADES AT SOLDIER HOLLOW AMENDED SUBDIVISION (ENTRY NO. 317021 IN THE WASATCH COUNTY RECORDER'S OFFICE); THENCE ALONG SAID SUBDIVISION THE FOLLOWING THREE COURSES: (1) S89°59'24"E 269.00 FEET, (2) N89°50'22"E 177.68 FEET, (3) N89°19'07"E 9.89 FEET; THENCE ALONG THE ALIGNMENT OF THE EPPERSON DITCH AS RECORDED IN THAT CERTAIN WARRANTY DEED ENTRY NO. 397089 IN THE WASATCH COUNTY RECORDER'S OFFICE THE FOLLOWING TWENTY THREE COURSES: (1) S04°27'18"W 9.38 FEET; (2) S00°22'07"E 17.26 FEET; (3) S08°47'00"E 23.21 FEET; (4) S09°01'40"E 53.25 FEET; (5) S26°02'45"E 30.05 FEET; (6) S19°17'25"E 21.90 FEET; (7) S00°19'19"W 18.59 FEET; (8) S17°09'06"W 73.82 FEET; (9) S00°31'00"E 42.17 FEET; (10) S04°19'06"E 25.26 FEET; (11) S04°23'27"W 18.57 FEET; (12) S22°26'29"W 90.07 FEET; (13) S01°31'59"E 61.10 FEET; (14) S11°36'08"E 34.56 FEET; (15) S01°54'43"W 42.59 FEET; (16) S13°03'54"W 20.34 FEET; (17) S36°19'11"W 45.39 FEET; (18) S45°38'14"W 24.29 FEET; (19) S33°07'49"W 17.82 FEET; (20) S19°23'15"W 18.04 FEET; (21) S33°49'51"W 20.03 FEET; (22) S11°20'01"W 13.36 FEET TO A POINT ON THE NORTH BOUNDARY OF THE CASCADE HOLLOW SUBDIVISION AMENDED (ENTRY NO. 325179 IN THE WASATCH COUNTY RECORDER'S OFFICE); THENCE S89°31'43"W 360.10 FEET ALONG SAID SUBDIVISION BOUNDARY AND THE SECTION LINE TO THE POINT OF BEGINNING.

PARCEL CONTAINS 6.98 ACRES.

**EXHIBIT 'B'**

**DEEDS OF PETITIONERS**

## Warranty Deed

Grantor: Jeffrey Ward AKA Jeffery F. Ward

hereby

**CONVEY AND WARRANT**

to:

Grantee: Douglas Dance and Nancy Dance, Trustees of the Douglas and Nancy Dance Living Trust,  
dated June 24, 2015.

Of: 809 W Cascade Falls Pkwy, Midway, UT 84049

**FOR THE SUM OF TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION**  
the following described tract of land within Wasatch County, State of UTAH to wit:

Beginning at a point South 13.88 feet and West 2320.67 feet from the South Quarter corner of Section 3, Township 4 South, Range 4 East, Salt Lake Base and Meridian and running thence North 11°20'07" East 8.10 feet; thence North 33°49'57" East 20.03 feet; thence North 19°23'21" East 18.04 feet; thence North 33°07'55" East 17.82 feet; thence North 45°38'20" East 24.29 feet; thence North 36°19'17" East 45.39 feet; thence North 13°0'40" East 20.34 feet; thence North 01°54'49" East 42.59 feet; thence North 11°36'02" West 34.56 feet; thence North 01°31'53" West 61.1 feet; thence North 22°26'35" East 90.07 feet; thence North 04°23'33" East 18.57 feet; thence North 04°19'00" West 25.26 feet; thence North 0°30'54" West 42.17 feet; thence North 17°09'12" East 73.82 feet; thence North 0°19'25" East 18.59 feet; thence North 19°17'19" West 21.90 feet; thence North 26°02'39" West 30.05 feet; thence North 09°01'34" West 53.25 feet; thence North 08°46'54" West 23.21 feet; thence North 0°22'01" West 17.26 feet; thence North 04°27'24" East 7.98 feet; thence South 89°55'01" West 453.38 feet; thence South 0°09'22" West 674.12 feet; thence North 89°55'42" East 361.53 feet to the point of beginning.

**Together with:**

A private road in Cascade Hollow Subdivision Amended, according to the official plat thereof on file and of record in the Wasatch County Recorder's Office,

also

A twenty foot (20') wide right of way as described in Quiet Title Decree recorded 15 April 2005 as Entry No. 281900 in Wasatch County Recorder's Office of Official Records.

Tax ID No.: OWC-1172-1

Together with all appurtenances thereunto belonging.

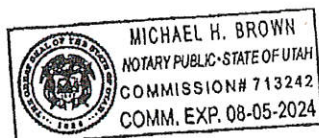
This deed is hereby made expressly subject to all existing and recorded restrictions, exceptions, reservations, easements, rights-of-way, conditions, and covenants of whatever nature, if any, and is expressly subject to all regulations, and restrictions, including statutes and other laws of municipal, county, or other governmental authorities applicable to and enforceable against the premises described herein.

WITNESS THE HAND OF SAID GRANTOR THIS 4<sup>th</sup> DAY OF DECEMBER 2020.

) Jeffrey F. Ward  
) Jeffrey Ward AKA Jeffery F. Ward

State of Utah )  
County of Wasatch ) ss

On the 4<sup>th</sup> day of December 2020, personally appeared before me, Jeffrey Ward AKA Jeffery F. Ward, the signers of the within instrument, who duly acknowledged to me that they executed the same.



[Signature]  
NOTARY PUBLIC

## EXHIBIT 'C'

### ACREAGE WITHIN PROPOSED DANCE ANNEXATION

Annexation requires the "majority of the private land area" and "equal in value to at least 1/3 of the value of all private real property" within the area proposed for annexation.

#### Private Property Owned by Petitioners

Property Owner	Property Serial No.	Acreage	Market Value
Douglas and Nancy Dance Living Trust	OWC-1172-1-003-044	6.98 acres	\$ 44,310
TOTALS		6.98 acres	\$ 44,310

#### Other Private Properties Included in Annexation Petition

Property Owner	Property Serial No.	Acreage	Market Value
NONE			
TOTALS		0.00 acres	\$ -

Total acres of Private Property of Annexation Petition=	6.98
Total Value of Private Property Annexation Petition =	\$44,310
Percentage of Annexation Land Owned by Petitioners =	100%
Percentage of Property Value owned by Petitioners =	100%

**EXHIBIT 'D'**

**PROPERTY OWNERS WITHIN 300-FT  
OF ANNEXATION BOUNDARY**

## PROPERTIES WITHIN 300-FT OF PROPOSED ANNEXATION

PARCEL NO.	NAME 1	NAME 2	ADDRESS	CITY	STATE	ZIP
00-0020-4734	KACHER LARRY	KACHER PAULINE (JT)	1050 S EDEN PRAIRIE WAY	MIDWAY	UT	840496907
00-0020-4733	GEORGALOS DAMON E	GEORGALOS LISA M (JT)	1049 S EDEN PRAIRIE WAY	MIDWAY	UT	840496907
00-0020-4732	CHATWIN DEVELOPMENT INC		1025 S EDEN PRAIRIE WAY	MIDWAY	UT	840496907
00-0020-4735	HINTZ TYSON TR	HINTZ MEGAN TR	10124 W STAGHORN RD	PEORIA	AZ	853839749
00-0020-4731	CHATWIN RICHARD T TR	CHATWIN SUSIE TR	1025 S EDEN PRAIRIE WAY	MIDWAY	UT	840496907
00-0020-4736	MCCULLOUGH LEE S III TR	MCCULLOUGH CHERYL A TR	PO BOX 758	MIDWAY	UT	840490758
00-0020-4737	TELFORD BILL TR	TELFORD BEVERLY A TR	2128 E COBALT DR	ST GEORGE	UT	847906121
00-0020-4766	ANGELOS MARK	ANGELOS CARYL (JT)	7834 HOLISTON CT	DUBLIN	OH	430168659
00-0020-4768	FREHSE STEVEN	FREHSE JANICE	1051 S CASCADE FALLS CIR	MIDWAY	UT	840496201
00-0020-4765	SWENSON JOE NEIL TR	SWENSON JOLENE SWAIN TR	13 E LAKE VIEW DR	VINEYARD	UT	840595548
00-0020-4764	JOHNSON DEVIN C	JOHNSON KACI C (JT)	1010 S CASCADE FALLS CIR	MIDWAY	UT	840496201
00-0008-6426	JEFFS HILLBROOK RANCH LLC	ETAL	4049 S AURA DR	SALT LAKE CITY	UT	841242176
00-0008-5972	WARD JEFFREY	ETAL	4049 S AURA DR	SALT LAKE CITY	UT	841242176
00-0012-8699	LAYTON MARY LOUISE TR		730 W 1180 S	MIDWAY	UT	840496204
00-0020-1453	BERG CHRIS L TR	% BRAD WAGSTAFF	1261 S 900 W	MIDWAY	UT	840496819
00-0020-1452	FARNSWORTH WILFORD M III TR	HAYCOCK MATTHEW B TR	6320 E MONTECITO AVE	SCOTTSDALE	AZ	852511905
00-0020-1451	POWERS LARRY	POWERS SHERRY (JT)	758 W CASCADE SPRINGS DR	MIDWAY	UT	840495011
00-0012-5638	UTAH PARKS & RECREATION		1596 W NORTH TEMPLE	SALT LAKE CITY	UT	841160000
00-0020-9916	STRONG JEFFERY C TR	STRONG SARA D TR	1233 S LONE HAWK LN	MIDWAY	UT	840496232
00-0020-6765	JEFFS ROAD LLC	ETAL	4049 S AURA DR	SALT LAKE CITY	UT	841242176





## ORDINANCE 2021-10

### **AN ORDINANCE APPROVING THE DANCE ANNEXATION AND DESIGNATING ZONING TO APPLY TO THE ANNEXATION PROPERTY**

**WHEREAS**, Title 10, Chapter 2, Part 4 of the Utah Code authorizes a municipality to annex unincorporated areas into the municipality; and

**WHEREAS**, on 4 January 2021, a petition was filed with Midway City to annex approximately 6.98 acres of land known as the Dance Annexation into Midway City; and

**WHEREAS**, the City has reviewed the annexation petition and has verified that it meets all applicable legal requirements; and

**WHEREAS**, on 18 May 2021, the Midway City Council held a duly noticed public hearing to receive public input on the proposed annexation; and

**WHEREAS**, the Midway City Council finds it desirable and in the public interest to approve the proposed annexation at this time.

**NOW THEREFORE**, be it ordained by the City Council of Midway City, Utah, as follows:

Section 1: The real property described in Section 2 below is hereby annexed to Midway City, Utah, and the corporate limits of the City are hereby extended accordingly.

Section 2: The real property subject to this Ordinance is described as follows:

BEGINNING AT THE 1976 WASATCH COUNTY BRASS MONUMENT FOR THE SOUTHWEST CORNER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN;

AND RUNNING THENCE N00°08'05"W 683.00 FEET ALONG A BOUNDARY ESTABLISHED BY A BOUNDARY LINE AGREEMENT (ENTRY NO. 298463 IN THE WASATCH COUNTY RECORDER'S OFFICE) TO THE SOUTHWEST CORNER OF THE CASCADES AT SOLDIER HOLLOW AMENDED SUBDIVISION (ENTRY NO. 317021 IN THE WASATCH COUNTY RECORDER'S OFFICE); THENCE ALONG SAID SUBDIVISION THE FOLLOWING THREE COURSES: (1) S89°59'24"E 269.00 FEET; (2) N89°50'22"E 177.68 FEET; (3) N89°19'07"E 9.89 FEET; THENCE ALONG THE EPPERSON DITCH AS RECORDED IN THAT CERTAIN WARRANTY DEED ENTRY NO. 397089 IN THE WASATCH COUNTY RECORDER'S OFFICE THE FOLLOWING TWENTY THREE COURSES: (1) S04°27'18" W 9.38 FEET; (2) S00°22'07"E 17.26 FEET; (3) S08°47'00"E 23.21 FEET; (4) S09°01'40"E 53.25 FEET; (5) S26°02'45"E 30.05 FEET; (6) S19°17'25"E 21.90 FEET; (7) S00°19'19"W 18.59 FEET; (8) S17°09'06"W 73.82 FEET; (9) S00°31'00"E 42.17 FEET; (10) S04°19'06"E 25.26 FEET; (11) S04°23'27"W 18.57 FEET; (12) S22°26'29"W 90.07 FEET; (13) S01°31'59"E 61.10 FEET; (14) S11°36'08"E 34.56 FEET; (15) S01°54'43"W 42.59 FEET; (16) S13°03'54"W 20.34 FEET; (17) S36°19'11"W 45.39 FEET; (18) S45°38'14"W 24.29 FEET; (19) S33°07'49"W 17.82 FEET; (20) S19°23'15"W 18.04 FEET; (21) S33°49'51"W 20.03 FEET; (22) S11°20'01"W 13.36 FEET TO A POINT ON THE NORTH BOUNDARY OF THE CASCADE HOLLOW SUBDIVISION AMENDED (ENTRY NO. 325179 IN THE WASATCH COUNTY RECORDER'S OFFICE); THENCE S89°31'43"W 360.10 FEET ALONG SAID SUBDIVISION AND THE SECTION LINE TO THE POINT OF BEGINNING.

PARCEL CONTAINS 6.980 ACRES.

Section 3: The real property described in Section 2 above shall be classified as being in the RA-1-43 zone, pursuant to the Midway City Municipal Code, and the official Zoning Map of Midway City shall be amended accordingly.

Section 4: The real property described in Section 2 above shall be subject to all laws, ordinances, and policies of Midway City.

Section 5: This Ordinance shall take effect as and when provided by Utah Code Title 10, Chapter 2, Part 4.

**PASSED AND ADOPTED** by the City Council of Midway City, Wasatch County, Utah  
this                      day of                      2021.

	AYE	NAY
Council Member Steve Dougherty	_____	_____
Council Member Jeff Drury	_____	_____
Council Member Lisa Orme	_____	_____
Council Member Kevin Payne	_____	_____
Council Member JC Simonsen	_____	_____

APPROVED:

\_\_\_\_\_  
Celeste Johnson, Mayor

ATTEST:

\_\_\_\_\_  
Brad Wilson, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Corbin Gordon, City Attorney

(SEAL)