

HILDALE CITY ORDINANCE No. 2021-014

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF HILDALE, ANNEXING SECTIONS 30 AND 31 OF TOWNSHIP 43 SOUTH, RANGE 10 WEST, AND SECTIONS 25 AND 36 OF TOWNSHIP 45 SOUTH, RANGE 11 WEST PURSUANT TO UTAH CODE SECTION 10-2-418.

WHEREAS, the City of Hildale (the “City”) is a municipal corporation of the State of Utah, organized and existing under Utah law, and is therefore empowered pursuant to Title 10, Chapter 2, Part 4 of the Utah Code to annex unincorporated areas without an annexation petition, under certain circumstances;

WHEREAS, the City has identified a portion of an unincorporated peninsula contiguous to the City’s boundaries and within the City’s expansion area that may be annexed pursuant to Section 10-2-418 of the Utah Code, described as follows (the “Proposed Annexation Area”):

T. 43 S., R. 10 W. (Township 43 South, Range 10 West)

secs. 30 and 31

T. 43 S., R. 11 W. (Township 43 South, Range 11 West)

secs. 25 and 36

The areas described aggregate 2,206.32 acres.

WHEREAS, the Proposed Annexation Area consists of a portion of an unincorporated peninsula contiguous to the municipality which has fewer than 800 residents, and the City has provided one or more municipal-type services to the area for at least one year;

WHEREAS, because the portion of unincorporated peninsula outside the Proposed Annexation Area is characterized by rugged geography and presents unique challenges to both development and provision of municipal services, the City Council finds that not annexing the entire unincorporated peninsula is in the City’s best interest;

WHEREAS, the City has determined it is able to provide all necessary municipal services to the Proposed Annexation Area;

WHEREAS, the Town of Apple Valley has agreed to the proposed annexation;

WHEREAS, on September 1, 2021, the City Council adopted Resolution No. 2021-09-01, indicating the City’s intent to annex the Proposed Annexation Area;

WHEREAS, on October 6, 2021, the City Council held a duly convened public hearing for the purpose of obtaining public input on the proposed annexation, having given proper notice thereof pursuant to Utah Code Sections 10-2-418(6) and (7);

WHEREAS, because the owners of at least 75% of the total private land area and at least 75% of the value of the private real property within the Proposed Annexation area have

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consented in writing to the proposed annexation, the City is not required to allow or consider protests to the proposed annexation;

WHEREAS, the City Council finds that it is in the best interests of the health, safety and welfare of the inhabitants of Hildale to approve the proposed annexation; and

WHEREAS, the City Council now desires to adopt this ordinance in compliance with Section 10-2-418(8)(b), approving the annexation of the Proposed Annexation Area.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF HILDALE, UTAH:

Section 1. The Hildale City Council hereby annexes the properties described and depicted by the Annexation Plat attached hereto as Exhibit A, incorporated herein by reference.

Section 2. The City Council hereby amends the Hildale City Zoning Map to zone the annexed properties as A-5 (Agricultural 5).

Section 3. Should any part or provision of this Ordinance or of the plan adopted herein be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of any part of the Ordinance or plan other than the part so declared to be unconstitutional or invalid.

Section 4. This ordinance shall become effective immediately after publication or posting as required by law.

PASSED AND ADOPTED BY THE HILDALE CITY COUNCIL, STATE OF UTAH, ON THIS 10TH DAY OF NOVEMBER, 2021.

		YES	NO	ABSTAIN	ABSENT
Lawrence Barlow	Council Member				
Stacy Seay	Council Member				
Jared Nicol	Council Member				
JVar Dutson	Council Member				
Maha Layton	Council Member				

Donia Jessop, Mayor

Attest:

(seal)
Athena Cawley, City Recorder