

## **ORDINANCE NO. 12-02-2022**

**AN ORDINANCE ADOPTING THE ANNEXATION POLICY PLAN OF SANTAQUIN CITY, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.**

**WHEREAS**, the City of Santaquin is a fourth-class city of the state of Utah; and

**WHEREAS**, the Santaquin City Council entered into an Interlocal Cooperation Agreement on August 25, 2011; and

**WHEREAS**, the Santaquin City Council approved Resolution 04-07-2021 on April 6, 2021, a resolution approving an Addendum to the Interlocal Cooperation Agreement Establishing the Payson/Santaquin Annexation Boundary; and

**WHEREAS**, Section 10-2-401.5 of Utah Code Annotated 1953 requires that a municipality adopt an annexation policy plan before annexing an unincorporated area located within a specified county; and

**WHEREAS**, the Santaquin City Council drafted an amendment to the Santaquin Annexation Policy Plan to reflect the arrangements made with Payson City in the Addendum to the Interlocal Cooperation Agreement Establishing the Payson/Santaquin Annexation Boundary; and

**WHEREAS**, in accordance with Section 10-2-401.5 of Utah State Code Annotated 1953, Santaquin City provided notice of a public meeting for the Planning Commission to each affected entity at least 14 days before the meeting; and

**WHEREAS**, in accordance with Section 10-2-401.5 of Utah State Code Annotated 1953, the Santaquin City Planning Commission held a public meeting on November 8, 2022, and a comment period followed to allow affected entities to examine the proposed amendments and provide input as necessary, which comment period lasted until November 18, 2022; and

**WHEREAS**, no comments were received by affected entities; and

**WHEREAS**, in accordance with Section 10-2-401.5 of Utah State Code Annotated 1953, Santaquin City provided notice of a public hearing at a Planning Commission meeting to each affected entity at least 14 days before the meeting; and

**WHEREAS**, the Santaquin City Planning Commission held a public hearing on November 22, 2022, which hearing was preceded by the posting of public notice in at least three public places within the City limits of Santaquin City in accordance with Section 10-9a-204 of the Utah State Code; and

**WHEREAS**, after the noted public hearing, the Santaquin City Planning Commission forwarded a recommendation to the City Council;

**WHEREAS**, in accordance with Section 10-2-401.5 of Utah State Code Annotated 1953, Santaquin City provided notice of a public hearing at a City Council meeting to each affected entity at least 14 days before the meeting; and

**WHEREAS**, the Santaquin City Council held a public hearing on December 20, 2022, which hearing was preceded by the posting of public notice in at least three public places within the City limits of Santaquin City in accordance with Section 10-9a-204 of the Utah State Code; and

**WHEREAS**, after the noted public hearing, the Santaquin City Council considered the recommendation of the Planning Commission and reviewed the draft of the proposed Annexation Policy Plan;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Santaquin City, State of Utah, as follows:

### **Section I. Adoption of Annexation Policy Plan**

The attached Annexation Policy Plan including all maps, is hereby adopted as the official annexation policy plan of Santaquin City.

### **Section II. Severability**

If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

### **Section III. Codification, Inclusion in the Code, and Scrivener's Errors**

It is the intent of the City Council that the provisions of this ordinance be made part of the Santaquin City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, and that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

### **Section IV. Posting and Effective Date**

This ordinance shall become effective at 5:00 p.m. on Wednesday, December 21, 2022. Prior to that time, the City Recorder shall deposit a copy of this ordinance in the official records of the City and place a copy of this ordinance in three places within the City.

PASSED AND ADOPTED this 20<sup>th</sup> day of December 2022.

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Daniel M. Olson, Mayor

Councilmember Art Adcock	Voted	___
Councilmember Elizabeth Montoya	Voted	___
Councilmember Lynn Mecham	Voted	___
Councilmember Jeff Siddoway	Voted	___
Councilmember David Hathaway	Voted	___

ATTEST:

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Amalie R. Ottley, City Recorder

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )

I, AMALIE R. OTTLEY, City Recorder of Santaquin City, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the City Council of Santaquin City, Utah, on the 20<sup>th</sup> day of December 2022, entitled

**“AN ORDINANCE ADOPTING THE ANNEXATION POLICY PLAN OF SANTAQUIN CITY, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER’S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.”**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this 20<sup>th</sup> day of December 2022.

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Amalie R. Ottley  
Santaquin City Recorder

(SEAL)

AFFIDAVIT OF POSTING

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH            )

I, Amalie R. Ottley, City Recorder of Santaquin City, Utah, do hereby certify and declare that I posted in three (3) public places the ordinance, which is attached hereto on the 20<sup>th</sup> day of December 2022.

The three places are as follows:

1.     Zions Bank
2.     Post Office
3.     City Office

I further certify that copies of the ordinance so posted were true and correct copies of said ordinance.

\_\_\_\_\_  
Amalie R. Ottley  
Santaquin City Recorder

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by Amalie R. Ottley.

\_\_\_\_\_  
Notary Public