

## **ORDINANCE NO. 09-01-2022**

**AN ORDINANCE AMENDING THE ZONING MAP OF SANTAQUIN CITY, MORE SPECIFICALLY, APPROVING THE REZONING OF APPROXIMATELY 6.78 ACRES WITH APPROXIMATELY 0.59 ACRES OF PROPERTY BEING REZONED FROM RESIDENTIAL COMMERCIAL (RC) ZONE TO RESIDENTIAL R-10 ZONE, APPROXIMATELY 2.78 ACRES OF PROPERTY BEING REZONED FROM MAIN STREET COMMERCIAL (MSC) TO RESIDENTIAL COMMERCIAL (RC) ZONE, AND APPROXIMATELY 3.41 ACRES OF PROPERTY BEING REZONED FROM MAIN STREET COMMERCIAL ZONE TO COMMERCIAL LIGHT MANUFACTURING (CLM) ZONE, PROVIDING 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 City Council has specific authority pursuant to Title 10, Chapter 9a Utah Code Ann. (1953 as amended) to adopt a zoning plan including an ordinance and map which divide the municipality into districts or zones and within such districts to regulate the erection, construction, reconstruction, alteration, repair and uses of buildings and structures and the uses of land; and

**WHEREAS**, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the city to pass ordinances which are reasonably and appropriately related to the objectives of that power, providing for the public safety, health, morals, and welfare; and

**WHEREAS**, On September 7, 2021, the City Council adopted Resolution 09-01-2021 which approved a Master Development Agreement for Ercanbrack Mixed Use Development with W.M. Ercanbrack Co., Inc., a Utah corporation; and

**WHEREAS**, On July 7, 2022, W.M Ercanbrack Co., Inc., a Utah corporation sold and assigned approximately 19.38 acres of property to Vanquish Capital, LLC, a Utah Limited Liability Company; and

**WHEREAS**, Santaquin City desires to work with the property owner to amend the Master Development Agreement for Ercanbrack Mixed Use Development to mutually benefit the City and the property owner; and

**WHEREAS**, the Santaquin City Planning Commission held a public hearing during their September 13, 2022 meeting, 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-205 of the Utah State Code; and

**WHEREAS**, after the noted public hearing, the Santaquin City Planning Commission forwarded a recommendation to the City Council regarding the proposed rezoning of property; and

**WHEREAS**, the Santaquin City Council desires to amend the Official Zoning Map of Santaquin City, more specifically the rezoning of approximately 6.78 acres with approximately 0.59 acres of property being rezoned from Residential Commercial (RC) zone to Residential R-10 zone, approximately 2.78 acres of property being rezoned from Main Street Commercial (MSC) to Residential Commercial (RC) zone, and approximately 3.41 acres of property being rezoned from Main Street Commercial zone to Commercial Light Manufacturing (CLM) zone, which property is located at approximately 580 West Main Street.

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

### **Section I.**

That the official zoning map of the City be amended such that approximately 0.59 acres of property be rezoned from Residential Commercial (RC) zone to Residential R-10 zone, approximately 2.78 acres of property be rezoned from Main Street Commercial (MSC) to Residential Commercial (RC) zone, and approximately 3.41 acres of property be rezoned from Main Street Commercial zone to Commercial Light Manufacturing (CLM) zone as shown on the attached map labeled as Exhibit "A" and by this reference made part hereof.

### **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 V. Posting and Effective Date**

This ordinance shall become effective at 5:00 p.m. on Wednesday, September 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 September 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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Camille Moffat, Deputy City Recorder

[illegible]

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )

I, CAMILLE MOFFAT, Deputy 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 September 2022, entitled

**“AN ORDINANCE AMENDING THE ZONING MAP OF SANTAQUIN CITY, MORE SPECIFICALLY, APPROVING THE REZONING OF APPROXIMATELY 6.78 ACRES WITH APPROXIMATELY 0.59 ACRES OF PROPERTY BEING REZONED FROM RESIDENTIAL COMMERCIAL (RC) ZONE TO RESIDENTIAL R-10 ZONE, APPROXIMATELY 2.78 ACRES OF PROPERTY BEING REZONED FROM MAIN STREET COMMERCIAL (MSC) TO RESIDENTIAL COMMERCIAL (RC) ZONE, AND APPROXIMATELY 3.41 ACRES OF PROPERTY BEING REZONED FROM MAIN STREET COMMERCIAL ZONE TO COMMERCIAL LIGHT MANUFACTURING (CLM) ZONE, PROVIDING 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 September 2022.

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Camille Moffat  
Deputy City Recorder

(SEAL)

AFFIDAVIT OF POSTING

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )

I, Camille Moffat, Deputy 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 21st day of September 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.

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Camille Moffat  
Deputy City Recorder

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
by Deputy City Recorder.

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Notary Public