STATE OF UTAH

OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF ANNEXATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT there has been filed in my office a notice of annexation from TOWN OF ELMO, dated June 17th, 2009, complying with Section 10-2-425, Utah Code Annotated, 1953, as amended.

NOW, THEREFORE, notice is hereby given to all whom it may concern that the attached is a true and correct copy of the notice of annexation, referred to above, on file with the Office of the Lieutenant Governor pertaining to TOWN OF ELMO, located in Emery County, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 23rd day of July, 2009 at Salt Lake City, Utah.

Gary R Herbert

GARY R. HERBERT
Lieutenant Governor

CERTIFICATION OF ANNEXATION PETITION

Whereas the Town of Elmo has adopted an Annexation Policy Plan by ordinance defining those areas that the Town will consider for annexation and the process for consideration of annexation petitions, and

Whereas the attached petition for annexation has been delivered to the Town Recorder of Elmo Town consistent with the Annexation Policy Plan, and

Whereas the Town Council has reviewed this petition and instructed the Town Recorder to meet with the County Clerk, County Recorder and County Attorney to determine if the petition meets the requirements of Utah Law for further consideration, and

Whereas the Town Recorder has met with the County Clerk, Recorder, and Attorney and has determined that the attached petition meets the conditions of Utah Law for further consideration by Elmo Town.

Now therefore, the Town Recorder hereby submits this Certification to the Town Council of Elmo along with the attached Annexation Petition for further consideration consistent with the Annexation Policy Plan and Utah Law.

Signed: Delena Fish Date: 7-10-09
Town Recorder

Date of Delivery to City Council: 5-15-09

Received

JUL 16 2009
Map Sent 7/16
Gary R. Herbert
Lieutenant Governor

ORDINANCE NO. 06-17-2009A

AN ORDINANCE ANNEXING SKELLY'S PROPERTY TO ELMO, UTAH

PREAMBLE

The Town Council of Elmo Town finds that the owners of the real property described herein petitioned for annexation of the real property to the corporate limits of Elmo Town and that all required notices were given and provided to affected entities and others as required by law.

The real property described herein is an unincorporated area contiguous to the current boundary of Elmo Town and the annexation will not leave or create an unincorporated island or peninsula.

The Town Council finds that it is in the public interest to annex the real property to Elmo Town and has caused a plat of the real property to be prepared by a licensed surveyor.

After public comment and careful consideration, the Town Council has determined to annex the referenced property and therefore, finds that it should grant a petition for annexation with respect to the real property described herein.

BE IT ORDAINED by the Town Council of Elmo Town, Utah:

1. The real property described on the attached annexation plate, referenced as Exhibit A is hereby annexed to Elmo Town and the corporate limits of Elmo Town are hereby amended and extended to incorporate the real property described herein.

2. A certified copy of this ordinance and an original plat describing the property so annexed shall be filed with Emery County Recorder within (30) days after the date this ordinance is adopted.

3. Amended Articles of Incorporation shall be filed with the Utah Lieutenant Governor's office as required by law.

4. A certified copy of this ordinance, an original plat describing the property annexed and a Notice of Annexation pursuant to Utah Code Ann. 10-1-116, shall be filed with the Utah State Tax Commission within forty-five (45) days after the date this ordinance is adopted.

5. This ordinance shall be effective on the date of its first publication.

6. The Mayor or the designee of the Mayor is authorized to notify and implement this annexation with respect to local, county and state governmental entities.

ADOPTED by the Town Council of Elmo Town, Utah, this 17 day of June 2009.

ELMO TOWN, UTAH

By: _____
Kirt Rasmussen, Mayor

ATTEST:

_____
Delena Fish
Clerk

Exhibit A

Property Description of Annexed Parcel:

The land referred to is located in Emery County, State of Utah, and is described as follows:

> Beginning at the center of Section 32, Township 16 South. Range 10 East. Salt Lake Base and Meridian. thence East 43 rods: thence South 19 rods: thence West 43 rods: thence North 19 rods to the point of beginning

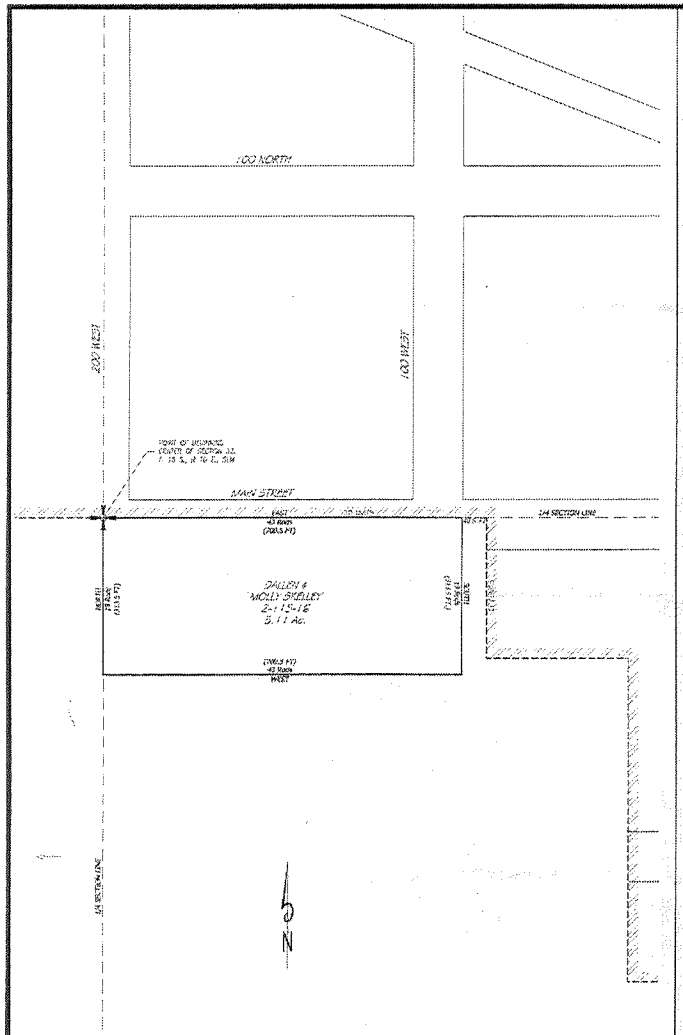
Tax Serial No. 2-115-16

Property Address: 115 West Main Street, Elmo, Utah 84521

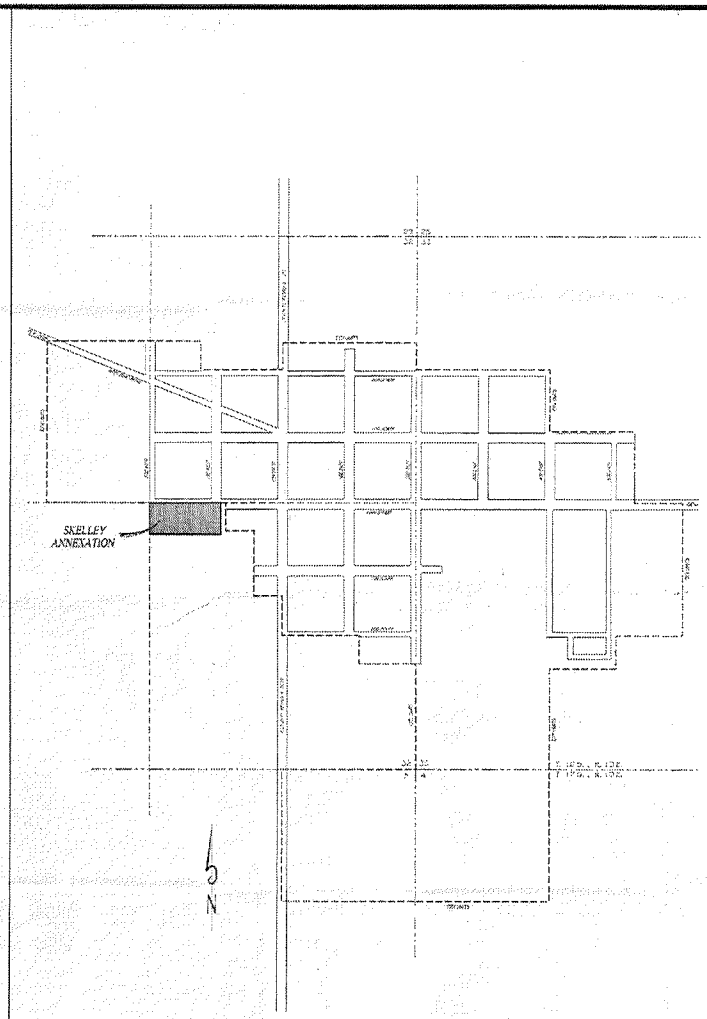
Exhibit B

Legal Description of Shelly Parcel:

Beginning at the center of Section 32, Township 16 South. Range 10 East. Salt Lake Base and Meridian. thence East 43 rods: thence South 19 rods: thence West 43 rods: thence North 19 rods to the point of beginning



SKELLEY ANNEXATION



LOCATION MAP
ELMO CITY

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE MAP OF THE TRACT OF LAND TO BE ANNEXED TO ELMO CITY, EMERY COUNTY, UTAH

LEE M. SWASEY — 6/12/2009 DATE

BOUNDARY DESCRIPTION

BEGINNING AT THE CENTER OF SECTION 32, TOWNSHIP 19 SOUTH, RANGE 10 EAST, SALT LAKE BASE AND MERIDIAN, SAID POINT BEING ON THE EXISTING ELMO CITY LIMITS; THENCE EAST, 43 RODS, ALONG SAID CITY LIMITS; THENCE SOUTH, 19 RODS; THENCE WEST, 43 RODS, THENCE NORTH, 19 RODS TO THE POINT OF BEGINNING.

CONTAINING 5.11 ACRES MORE OR LESS.

ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT WE, THE ELMO CITY COUNCIL, HAVE RECEIVED A PETITION SIGNED BY A MAJORITY OF THE OWNERS OF THE TRACT SHOWN HEREON, REQUESTING THAT SAID TRACT BE ANNEXED TO THE CITY OF ELMO AND THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR FILING HEREWITH. ALL IN ACCORDANCE WITH THE UTAH CODE ANNOTATED 10-2-401 et. seq. AS REVISED, AND THAT WE HAVE EXAMINED, AND DO HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT SHOWN AS A PART OF THE SAID CITY AND THAT SAID TRACT OF LAND IS KNOWN AS THE SKELLEY ANNEXATION.

DATED THIS 17 DAY OF June, 2009.

MAYOR — COUNCILMAN

COUNCILMAN — COUNCILMAN

COUNCILMAN — COUNCILMAN

ATTEST — CITY RECORDER

SKELLEY ANNEXATION

TO

ELMO CITY, EMERY COUNTY, UTAH

Johansen & Tuttle ENGINEERING INC.
BOX 487, CASTLE DALE, UTAH 84513 (435) 381-2523
FAX (435) 381-2522 email: jt@etv.net