STATE OF UTAH

OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF ANNEXATION

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT there has been filed in my office a notice of annexation from LEVAN TOWN, dated June 8th, 2011, 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 LEVAN TOWN, located in Juab County, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 11th day of July, 2011 at Salt Lake City, Utah.

GREG BELL
Lieutenant Governor

LEVAN TOWN

20 North Main * P.O. Box 40
Levan, UT 84639

June 23, 2011

Greg Bell, Lt. Governor
State of Utah
Utah State Capitol Complex
P.O. Box 142325
Salt Lake City, Utah 84114-2325

Re: Notice of An Impending Boundary Action

Enclosed please find documents concerning the annexation known as the Levan Cemetery Annexation into the Town of Levan. The enclosed documents include a final local entity plat and a certified copy of the Annexation Ordinance.

As the Mayor of Levan Town and on behalf of the Levan Town Council I hereby certify that all legal requirement applicable to the Annexation has been met pursuant to Utah Code 67-1A-6.5.

We look forward to receiving the Certificate of Annexation from your office.

Sincerely,

Russell Mangelson
Mayor

Phone: 435-623-1959 Fax: 435-623-2730
www.levantown.org

Cemetery Annexation

TOWN OF LEVAN
Non-Petition Annexation Form

Date Initiated: 12/08/2010 Pursuant to Utah Law

1. Identification of Area that qualifies to be annexed, the reason, tax impact, services available, etc.

2. Council Resolution indicating its intent to annex the area.

3. Publish a Notice of the Town's intent to annex in the paper and send to affected entities the same notice including:

   a. State the date, time, and place of the public hearing:

   b. Describe the area proposed for annexation; and

   c. State in conspicuous and plain terms that the Town Council will annex the area unless written protests to the annexation are filed by the owners of private real property.

   d. State that the area covers a majority of the total private land area within the entire area proposed for annexation; and

   e. State that the property being annexed is equal in value to at least ½ the value of all private real property within the entire area proposed for annexation.

4. Pursuant to Utah Law the first publication of the notice required shall be within 14 days of the municipal legislative body's adoption of the resolution on their intent to annex the area.

5. The Town Council shall hold a public hearing on the proposed annexation no earlier than 60 days after the adoption of the resolution of the Town's intent to annex. Upon conclusion of the public hearing the Town Council shall adopt an ordinance annexing the area proposed for annexation under this section unless, at or before the hearing, written protests to the annexation have been filed with the Town Clerk or the owners of private real property that:

   a. Is located within the area proposed for annexation;

   b. Covers a majority of the total private land area within the entire area proposed for annexation; and

   c. Is equal in value to at least ½ the value of all private real property within the entire area proposed for annexation.

6. If qualified protests are filed according to #5 above, the Town Council shall not adopt an ordinance annexing the area proposed for annexation, and the annexation proceedings under this section shall be considered terminated.

Process has been completed according to Utah Law and this Ordinance.

Signed: _____ Date: 2-9-2011
Mayor

ORDINANCE NO. 11-02

AN ORDINANCE ANNEXING AN AREA OF 19.32 ACRES KNOWN AS THE CEMETERY ANNEXATION TO LEVAN TOWN, UTAH AND ESTABLISHING ZONING FOR THE ANNEXED LAND

PREAMBLE

The Town Council of Levan Town finds that the property described herein qualifies for a non-petition annexation of real property to the corporate limits of Levan Town and that all required notices were given and provided to affected entities as required by law.

The Town Council finds that it is in the Town's interest to annex the real property described into Levan Town Limits. Pursuant to Utah Law the Town Council has deemed that:

a. The area to be annexed consists of one or more unincorporated islands within; or unincorporated peninsulas contiguous to the current boundary of Levan Town and the annexation will not leave or create an unincorporated island or peninsula;
b. The majority of each island or peninsula consists of residential or commercial development;
c. The area proposed for annexation requires the delivery of municipal-type services; and
d. The municipality has provided most or all of the municipal-type services to the area for more than 1 year.

The Town Council finds that the land to be annexed should be zoned for land use as Residential (R-1) in accordance with the current zoning standard of Levan Town as found in *Chapter 12-700 Zone Standards*.

WHEREAS, a notification of the legislative body's intent to annex was mailed to the following: Affected real property owners within the annexation area; Kasey Wright, Levan Town Attorney; Juab School District; Juab County Recorder's Office; Levan Ambulance; Juab Special Service Fire District; Pat Ingram, Juab County Clerk; Juab County Commissioners: Val Jones, Chad Winn, LuWayne Walker; Levan Irrigation Company; Juab County Health Department; Utah Department of Health.

WHEREAS, public notice of the certification of annexation and notice of public hearing was published in the Nephi Times News; and

WHEREAS, The Levan Town Council held a public hearing regarding the annexation. The Levan Town Clerk and The Levan Town Council did not receive any timely protests in accordance with Section 10-2-407 (2) of the Utah Code.

NOW THEREFORE, after public comment, written consent from at least 75% of total land owners in the proposed area and careful consideration, the Town Council has determined to annex the referenced property into the Levan Town limits.

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

1. The real property described on the attached annexation plat, and description of property referenced as Exhibit A is hereby annexed to Levan Town and the corporate limits of Levan Town are hereby amended and extended to incorporate the real property described herein.
2. The land described in Exhibit A is hereby zoned for residential use (R-1).
3. A certified copy of this ordinance and an original plat describing the property so annexed shall be filed with the Juab County Recorder within thirty (30) days after the date this ordinance is adopted.
4. Amended Articles of Incorporation shall be filed with the Utah Lieutenant Governor's office as required by law.
5. A certified copy of this ordinance, and 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.
6. This ordinance shall be effective on the date of its first publication.
7. 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 and ordered PUBLISHED by the Town Council of Levan Town, Utah, this 8th day of June, 2011 as follows:

	Aye	Nay
Mayor Russell Mangelson	☑	☐
Council Member Lawrence Durffee	☑	☐
Council Member Paul Mangelson	☑	☐
Council Member Brady Taylor	☑	☐
Council Member Brent Taylor	☑	☐

Vote unanimous

LEVAN TOWN, UTAH

By: Russell Mangelson
Russell Mangelson, Mayor

ATTEST: Heather Taylor
Heather Taylor
Levan Town Clerk

EXHIBIT
A

Legal Description of Annexed Parcels:
Levan Cemetery Annexation Description

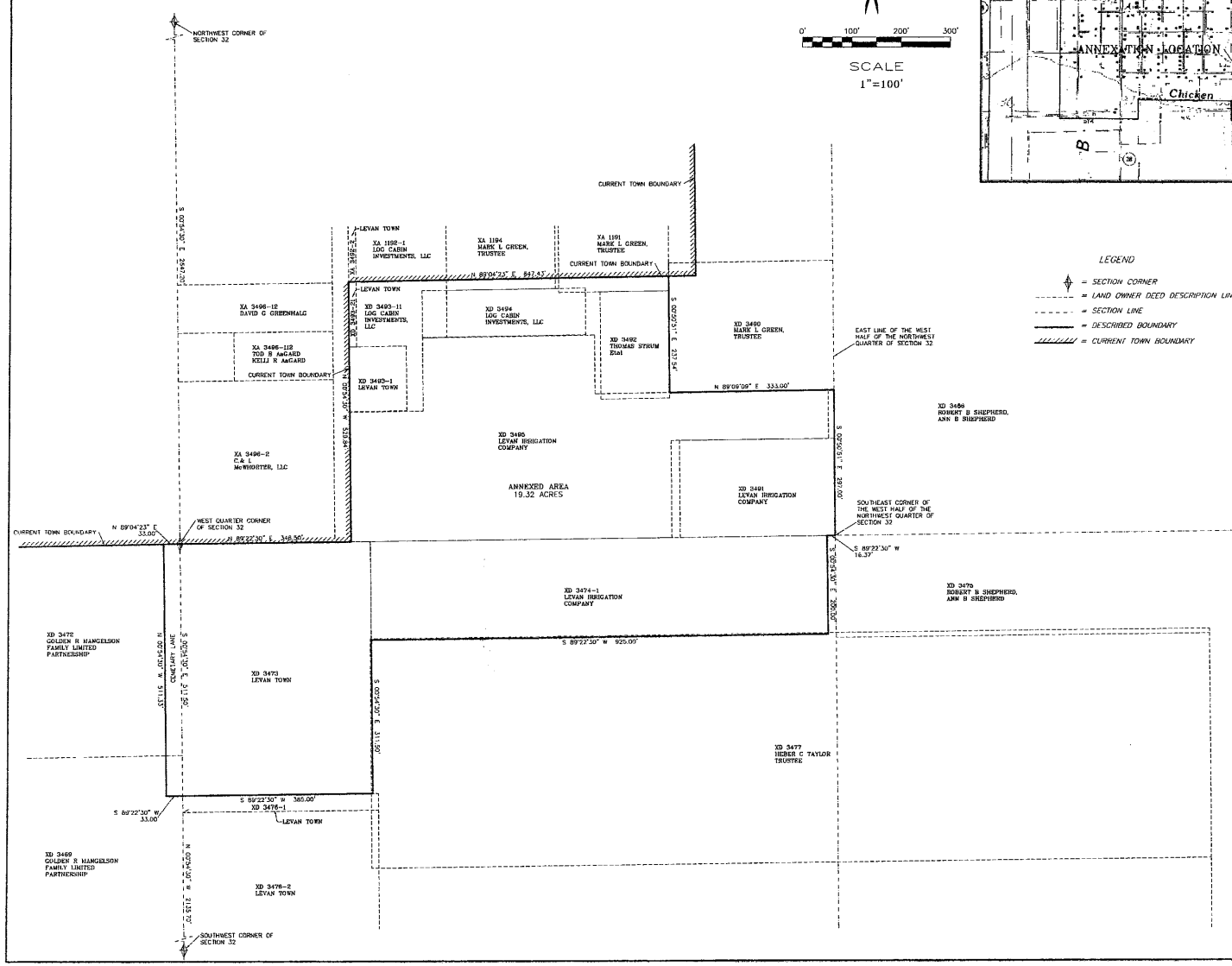
Beginning at the West Quarter corner of Section 32, Township 14 South, Range 1 East, Salt Lake Base and Meridian; thence N 89°22'30" E 346.50 feet along the existing City Boundary; thence N 00°54'30" W 529.84 feet along the existing City Boundary; thence N 89°04'23" E 647.43 feet to the West boundary line of tax parcel XD 3490 described in Book 405 Page 105 in the Juab County Recorder's Office; thence S 00°50'51" E 237.54 feet to the Southwest corner of said parcel XD 3490; thence N 89°09'09" E 333.00 feet to the Southeast corner of said parcel XD 3490 and the East line of the West Half of the Northwest Quarter of said Section 32; thence S 00°50'51" E 297.00 feet to the Southeast corner of the West Half of the Northwest Quarter of said Section 32; thence S 89°22'30" W 16.37 feet along the South line of said Quarter to the East boundary of tax parcel XD 3474-1 described in Book 417 Page 190 in the Juab County Recorder's Office; thence S 00°54'30" E 200.00 feet to the Southeast corner of said tax parcel XD 3474-1; thence S 89°22'30" W 925.00 feet along the South line of said tax parcel XD 3474-1 to the East line of Tax parcel XD 3473 described in Book 141 Page 445 in the Juab County Recorder's Office; thence S 00°54'30" E 311.50 feet to the Southeast corner of said tax parcel XD 3473; thence S 89°22'30" W 385.00 feet to the Southwest corner of said tax parcel XD 3473; thence S 89°22'30" W 33.00 feet; thence N 00°54'30" W 511.33 feet to the North line of the Southeast Quarter of Section 31 and the Existing City Boundary; thence N 89°04'23" E 33.00 feet to the point of beginning.

Containing 19.32 acres.

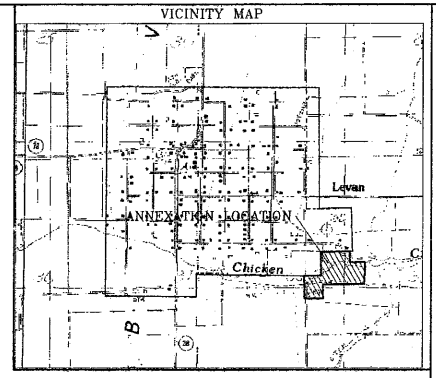
(Map)

LEVAN CEMETERY ANNEXATION

SECTIONS 31, & 32, TOWNSHIP 14 SOUTH, RANGE 1 EAST
SALT LAKE BASE AND MERIDIAN



VICINITY MAP



SURVEYOR'S CERTIFICATE

I, STEPHEN L. LUDLOW, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH, AND THAT I HOLD CERTIFICATE NO. 152774 AS PRESCRIBED UNDER TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT. I FURTHER CERTIFY THAT THIS IS A TRUE AND ACCURATE MAP OF THE TRACT OF LAND ANNEXED TO LEVAN TOWN, JUAB COUNTY, UTAH

BOUNDARY DESCRIPTION

Beginning at the West Quarter corner of Section 32, Township 14 South, Range 1 East, Salt Lake Base and Meridian, thence N 89°22'30" E 346.50 feet along the existing City Boundary, thence S 00°54'30" W 529.84 feet along the existing City Boundary, thence N 89°04'23" E 847.43 feet to the West boundary line of tax parcel XD 3490 described in Book 455 Page 105 in the Juab County Recorders Office; thence S 00°54'51" E 237.54 feet to the southwest corner of said parcel XD 3490; thence N 89°09'09" E 333.00 feet to the Southeast corner of said parcel XD 3490 and the East line of the West Half of the Northwest Quarter of said Section 32; thence S 00°54'51" E 297.00 feet to the Southeast corner of the West Half of the Northwest Quarter of said Section 32; thence S 89°22'30" W 16.37 feet along the South line of said Quarter to the East boundary of tax parcel XD 3474-1 described in Book 417 Page 190 in the Juab County Recorders Office; thence S 00°54'30" E 200.00 feet to the Southeast corner of said tax parcel XD 3474-1; thence S 89°32'20" W 925.00 feet along the South line of said tax parcel XD 3474-1 to the East line of tax parcel XD 3473 described in Book 141 Page 440 in the Juab County Recorders Office; thence S 00°54'30" E 311.50 feet to the Southeast corner of said tax parcel XD 3473; thence S 89°22'30" W 385.00 feet to the Southeast corner of said tax parcel XD 3472; thence S 89°22'30" W 33.00 feet; thence N 00°54'30" W 511.33 feet to the North line of the Southeast Quarter of Section 31 and the Levan City Boundary; thence N 89°04'23" E 33.00 feet to the point of beginning

Containing 19.32 acres.

Embracing part of Sections 31, & 32, Township 14 South, Range 1 East, Salt Lake Base and Meridian. Affecting Parcels XD-3493, XD-3491-11, XD-3494, XD-3492, XD-1195, XD-3491, XD-3473, XD-3474-1, XD-3466, XD-3477, XA-1194, & XA1192

BASIS OF BEARING is U.S. State Plane (1983), Utah Central Zone

DATE

STEPHEN L. LUDLOW

ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT WE, THE MEMBERS OF THE LEVAN TOWN COUNCIL HAVE RECEIVED A PETITION BY A MAJORITY OF OWNERS OF THE TRACT SHOWN HEREON REQUESTING THAT SAID TRACT BE ANNEXED TO THE TOWN OF LEVAN, AND THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR FILING HEREWITH, ALL IN ACCORDANCE WITH THE UTAH CODE ANNOTATED 10-2-801 ET SEQ. AS REQUIRED, AND THAT WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT AS SHOWN AS A PART OF SAID TOWN, AND SAID TRACT OF LAND IS TO BE KNOWN HEREAFTER AS THE LEVAN CEMETERY ANNEXATION

This _____ day of _____ A.D. _____

MAYOR Russell Mangelson

Brady Taylor

Lawrence Durflee

Brent Towns

Paul V Mangelson

APPROVED TOWN ATTORNEY Kody L. Wright

ATTEST CLERK-RECORDER Heather L. Taylor

COUNTY SURVEYOR

Approved in compliance with Section 17-23-20 of the Utah Code this _____ day of _____, 20__

Juab County Surveyor Craig W. Sperry

Deputy Juab County Surveyor Daryl N. Fairbourn License No. 151774

ANNEXATION PLAT

LEVAN CEMETERY ANNEXATION

_____ TOWN OF LEVAN, JUAB _____ COUNTY, UTAH

SCALE 1"= 100 FEET

COUNTY RECORDER

LUDLOW ENGINEERING & LAND SURVEYING 645 N. MAIN, NEPHI, UTAH, PHONE (435) 623-0087