



January 4, 2022

Fruit Heights City Council
910 S Mountain Road
Fruit Heights, UT 84037

Board of Davis County Commissioners
PO Box 618
Farmington, UT 84025

RE: Notice of Certification – Samuel G. Raymond Inc. Annexation Petition

Commissioners and Council Members,

I am in receipt of the "Samuel G. Raymond Inc. Annexation" Petition ("Petition") and attachments filed on October 12, 2021. The Fruit Heights City Council discussed the Petition at their regular meeting on January 4, 2022. Under UCA §10-2-405, the Petition was deemed accepted for further consideration on January 4, 2022.

As the City Recorder, I am statutorily tasked with evaluating the Petition and its attachments to determine if the requirements outlined in UCA §10-2-403(3) and (4) have been met. For reference, those statutes are as follows:

• ***UCA §10-2-403(3)***

3) *Each petition under Subsection (1) shall:*

- a) *be filed with the applicable city recorder or town clerk of the proposed annexing municipality;*
- b) *contain the signatures of, if all the real property within the area proposed for annexation is owned by a public entity other than the federal government, the owners of all the publicly owned real property, or the owners of private real property that:*

(i) is located within the area proposed for annexation;

(ii)

(A) subject to Subsection (3)(b)(ii)(C), covers a majority of the private land area within the area proposed for annexation;

(B) covers 100% of rural real property within the area proposed for annexation; and

(C) covers 100% of the private land area within the area proposed for annexation, if the area is within an agriculture protection area created under Title 17, Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials Protection Areas, or a migratory bird production area created under Title 23, Chapter 28, Migratory Bird Production Area; and

(iii) is equal in value to at least 1/3 of the value of all private real property within the area proposed for annexation;

- c) *be accompanied by:*
 - (i) *an accurate and recordable map, prepared by a licensed surveyor in accordance with Section 17-23-20, of the area proposed for annexation; and*
 - (ii) *a copy of the notice sent to affected entities as required under Subsection (2)(a)(i)(B) and a list of the affected entities to which notice was sent;*
- d) *contain on each signature page a notice in bold and conspicuous terms that states substantially the following:*

"Notice:
There will be no public election on the annexation proposed by this petition because Utah law does not provide for an annexation to be approved by voters at a public election.
If you sign this petition and later decide that you do not support the petition, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of (state the name of the proposed annexing municipality). If you choose to withdraw your signature, you shall do so no later than 30 days after (state the name of the proposed annexing municipality) receives notice that the petition has been certified.";
- e) *if the petition proposes a cross-county annexation, as defined in Section 10-2-402.5, be accompanied by a copy of the resolution described in Subsection 10-2-402.5(4)(a)(iii)(A); and*
- f) *designate up to five of the signers of the petition as sponsors, one of whom shall be designated as the contact sponsor and indicate the mailing address of each sponsor.*

- **UCA 510-2-403(4)**

- 4) *A petition under Subsection (1) may not propose the annexation of all or part of an area proposed for annexation to a municipality in a previously filed petition that has not been denied, rejected, or granted.*

After consulting with counsel, **I have determined that the "Samuel G. Raymond Inc. Annexation" Petition submitted to my office on January 4, 2022, meets the relevant requirements and as such, I am certifying the Petition.**

In accordance with UCA § 10-2-405(2)(c)(i), this letter serves as written notification of the certification of the Petition. Notice of the certification has also been given to the main sponsor of the Petition. After receipt of this letter by the Fruit Heights City Council, the process of providing notice of the certification will begin in accordance with UCA § 10-2-406.

Please call me if you have any questions.

Sincerely,



R. Brandon Green

City Manager/City Recorder

Fruit Heights City

T: 801.546.0861

bgreen@fruitheightscity.com

Certificate of Mailing

I HEREBY CERTIFY that on the 1st day February 2022, the attached foregoing letter dated January 4, 2022, RE: *Notice of Certification – Samuel G. Raymond Inc. Annexation Petition*, was sent via US Mail to the following recipients:

**Fruit Heights City Council
910 S Mountain Road
Fruit Heights, UT 84037**

**Davis County Clerk/Auditor
Attn: Curtis Koch
PO Box 618
Farmington, UT 84025**

Cc: Samuel G. Raymond Inc.
135 S Mountain Road
Fruit Heights, UT 84037



**R. Brandon Green
Fruit Heights City Manager/City Recorder**