

CITY OF MOAB ORDINANCE #2020-08

AN ORDINANCE OF THE CITY COUNCIL OF MOAB ANNEXING THE LIONS BACK HOLDINGS, LLC, PROPERTY AT 938 AND 940 SOUTH HIGHWAY 191 TO THE CITY OF MOAB AND ASSIGNING THE ZONE OF C-4 GENERAL COMMERCIAL TO THE PARCEL

The following findings describe the intent and purpose of this ordinance:

- a. The Moab governing body received a petition for annexation of certain property approximately 3.12 acre in size as described in Exhibit “1” hereto; and,
- b. The property has been proposed for development with overnight accommodations, an allowed use in the requested zoning designation, at the time of application; and,
- c. The City Council reviewed and approved a pre-annexation agreement in a regularly scheduled meeting held on January 28, 2020, setting forth minimum project development standards in Section 3.2 of the pre-annexation agreement; and,
- d. The Moab Planning Commission reviewed the application in a public meeting held on May 14, 2020, to review the annexation and the requested zoning for C4 (General Commercial) Zone and found that the zone is acceptable for the types of uses proposed for the area; and
- e. The Moab Planning Commission recommended that the City Council add an additional condition of approval as follows: the developer shall comply with future C-4 overnight accommodations regulations if they are finalized prior to site plan approval; and
- f. As required by law, the City Council must consider comments from affected entities, if any, and no notice of protest has been filed subsequent to the publication of notice of the application; and
- g. The City Council has determined that the property meets the requirements of the City's annexation policy plan; and
- h. The City Council has determined that the property meets the annexation requirements of Utah State Code; and
- i. The City Council endorses the intent of the Utah Annexation Act, U.C.A. 10-20401, et. seq., as amended, and finds this annexation meets the criteria for acceptance. Criteria and findings for annexation of property to the City are as follows:
 1. The property must be contiguous to the boundaries of the City. The property is contiguous with City boundaries.
 2. The property must lie within the area projected for the City municipal expansion. The property is contiguous with the City boundaries.
 3. The property must not be included within the boundaries of another incorporated municipality. The property is not incorporated within the boundaries of another municipality.
 4. The annexation must not create unincorporated islands within the boundaries of the City. The annexation does not create unincorporated islands within the boundaries of the City.
 5. The property proposed to be annexed hereunder will not be annexed for the sole purpose of acquiring municipal revenue or for retarding the capacity of any other municipality to

annex into the same or related area.

j. The governing body has held the appropriate public hearings and given the appropriate public notice and received public input.

k. Therefore, be it ordained by the governing body of the City of Moab that:

The property known as the Lions Back Holdings, LLC, Annexation, as described in “Exhibit 1” and illustrated on the attached plat, “Exhibit 2”, and located at 938 and 940 South Main Street, is hereby annexed into the City of Moab and the zoning designation, upon recommendation from the Planning Commission for said annexation, shall be C4 Zone.

This ordinance shall take effect immediately upon passage and this ordinance constitutes an amendment to the articles of incorporation for the City of Moab.

PASSED AND APPROVED this 23rd day of June, 2020, by a majority of the City of Moab City Council.

SIGNED:

Emily S. Niehaus, Mayor

Date

ATTEST:

Sommar Johnson, Recorder

“Exhibit 1”

Parcel 1:

A PARCEL OF LAND IN THE SE1/4NE1/4 SECTION 12, T26S, R21E SLM, GRAND COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a chain link fence corner post, said post bears North 17° 48' West 3035. 8 feet from the Southeast corner Section 12, T26S, R21 E, SLM, and proceeding thence with a chain link fence South 44° 31' West 367.0 feet to a chain link fence corner post, thence with a chain link fence North 55°49' West 31.0 feet; thence North 45°14' East 377.7 feet to a chain link fence; thence with said chain link fence South 45°45' East 24.3 feet to the point of beginning. (Parcel No. 02-0012-0037)

Parcel 2:

ALSO A DESCRIPTION OF A PARCEL OF LAND IN THE EAST½ SECTION 12, T26S, R21 E, SLM, GRAND COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point which bears North 0°05' East 83.0 feet from the Center East 1 /16 of Section 12, T26S, R21E, SLM, and proceeding thence with the 1/16 line North 0°05' East 294.5 feet; thence North 48°33' East 216.6 feet; thence South 44°14' East 298.9 feet; thence South 45°14' West 365.9 feet; thence North 73°05' West 116.2 feet to the point of beginning. (Parcel of 02-0012-0037)

DESCRIPTION OF A PARCEL OF LAND IN THE SE1/4NE1/4, SECTION 12, T26S, R21 E, SLM, GRAND COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Northeast corner of the Heath Property, said corner by record bears North 3048.3 feet and West 790. feet from the Southeast corner of Section 12, Township 26 South, Range 21 East, SLM, and proceeding thence South 47°45' West 208.73 feet to the Southeast corner of the Heath property; thence with the Southwest line of Heath North 44°14' West 100.0 feet; thence North 47°45' East 205.4 feet to the Southwesterly Right of Way of U.S. Highway 191; thence with said Right of Way along a 4971.2 foot radius curve to the left 100.0 feet to the point of beginning. (Parcel No. 02-0012-0011)