

**CITY OF MOAB
PUBLIC HEARING
PROPOSED ORDINANCE 2023-10**

The City of Moab will hold a Public Hearing on Tuesday, June 13, 2023, at approximately 6:00 p.m.

The purpose of this hearing is to solicit public input on Proposed Ordinance 2023-10 – An Ordinance of the Governing Body of Moab Approving the Annexation of 3.006 Acres of land located at approximately 1480 S. Highway 191.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the Recorder's Office at 217 East Center Street, Moab, Utah 84532; or phone (435) 259-5121 at least three (3) working days prior to the meeting.

/s/ Sommar Johnson
City Recorder

Published in the Times-Independent, June 1, 2023, and June 8, 2023.

CITY OF MOAB ORDINANCE #2023-10

AN ORDINANCE OF THE CITY COUNCIL OF MOAB ANNEXING THE SHAMROCK PROPERTIES XX, LLC, PROPERTY AT APPROXIMATELY 1480 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. Shamrock Properties XX, LLC filed a petition (the “Petition”) with the Moab City Council (the “Council”) seeking to annex certain property of approximately 3.006 acre in size as described in Exhibit “1” hereto; and,
- b. The property has been proposed for development with allowed uses 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 November 8, 2022, setting forth minimum project development standards in Section 6 of the pre-annexation agreement; and,
- d. The Moab Planning Commission reviewed the Petition in a public meeting held on June 8, 2023, 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. As required by law, the Council must consider comments from affected entities, if any, and no protests that complied with the requirements of U.C.A. 10-2-407 were filed after publication of notice of the Petition; and
- f. The Council has determined that the property meets the requirements of Moab City's annexation policy plan; and
- g. The Council has determined that the property meets the annexation requirements of Utah State Code, including but not limited to the Utah Annexation Act, U.C.A. 10-2-401, et. seq., as amended (the “Act”); and
- h. The Council endorses the intent of the Act and finds that the Petition meets the criteria for annexation of the property into the City because:
 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’s 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.

6. The annexed area does not include rural real property or private real property located in a mining protection area; and

i. The Council has held the appropriate public hearings and given the appropriate public notice and received public input pursuant to U.C.A. 10-2-407(6) – (7).

NOW, THEREFORE, BE IT ORDAINED by the Moab City Council that:

1. The Petition is approved and the property known as the Shamrock Properties XX, LLC, Annexation, as described in “Exhibit 1” and illustrated on the attached plat, “Exhibit 2”, and located at approximately 1480 South Highway 191, 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.

2. This ordinance shall take effect immediately upon its posting pursuant to U.C.A. 10-3-711 and 63G-30-102.

PASSED AND APPROVED this 13th day of June 2023, by a majority of the City of Moab City Council.

SIGNED:

Joette Langianese, Mayor

Date

ATTEST:

Sommar Johnson, Recorder

(Complete as Applicable)

Summary of ordinance posted to Moab City Website, the Utah Public Notice Website, and in a public location within the City boundaries pursuant to U.C.A. 10-3-711 and 63G-30-102 on

Effective date of ordinance: _____

“Exhibit 1”

BEGINNING AT A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF HIGHWAY 191, SAID POINT BEING NORTH 89°57'00" WEST 593.60 FEET ALONG THE SECTION LINE FROM THE SOUTHEAST CORNER OF SECTION 7, TOWNSHIP 26 SOUTH, RANGE 22 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH 00°03'00" WEST 260.92 FEET; THENCE NORTH 89°57'00" WEST 333.90 FEET; THENCE NORTH 00°03'00" EAST 523.36 FEET TO A POINT ON SAID SOUTHWESTERLY RIGHT OF WAY LINE; THENCE SOUTH 51°47'00" EAST 424.69 FEET ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

CONTAINS 3.006 ACRES, MORE OR LESS

DRAFT

