

**CITY OF MOAB
PUBLIC HEARING
PROPOSED ORDINANCE 2024-01**

The City of Moab will hold a Public Hearing on Tuesday, May 28, 2024, at approximately 6:00 p.m. in the Council Chambers of the Moab City Offices at 217 East Center Street, Moab, Utah.

The purpose of this hearing is to solicit public input on Proposed Ordinance 2024-01 – An Ordinance of the City Council of Moab Annexing the TJ Moab Enterprises Property at 1082 South Main Street to the City of Moab and Assigning the Zone of C-4 General Commercial to the Parcel.

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

Posted in the Moab City Offices at 217 E. Center St., Moab, Utah, on May 14, 2024.

Posted on the Moab City's website – www.moabcity.org on May 14, 2024.

Published on State of Utah's Public Meeting Notice Website – www.utah.gov/pmn on May 14, 2024.

Class B notice - mailed to all property owners within 1/2 mile radius of the property on May 14, 2024.

CITY OF MOAB ORDINANCE #2024-01

AN ORDINANCE OF THE CITY COUNCIL OF MOAB ANNEXING THE TJ MOAB ENTERPRISES PROPERTY AT 1082 SOUTH MAIN STREET 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. TJ Moab Enterprises filed a petition (the “Petition”) with the Moab City Council (the “Council”) seeking to annex certain property of approximately 0.52 acres 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 September 12, 2023, 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 April 25, 2024, 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 TJ Moab Enterprises Annexation, as described in “Exhibit 1” and illustrated on the attached plat, “Exhibit 2”, and located at 1082 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.

2. This ordinance shall take effect immediately upon its posting pursuant to U.C.A. 10-3-711 and 63G-30-102(1).

PASSED AND APPROVED this ____ day of _____ 2024, by a majority of the City of Moab City Council.

SIGNED:

Joette Langianese, Mayor

Date

ATTEST:

Sommar Johnson, Recorder

(Complete as Applicable)

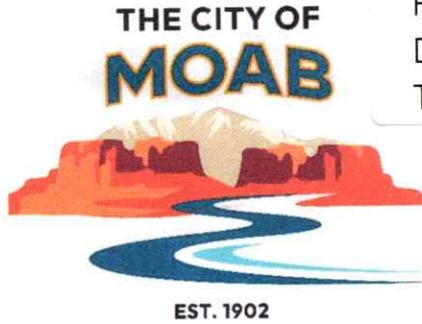
Summary of ordinance posted to Moab City Website, the Utah Public Notice Website, and in a public location within the City boundaries pursuant to U.C.A. 10-3-711 and 63G-30-102 on

Effective date of ordinance: _____

“Exhibit 1”

Lot 5, Block “A”, Plat “A”, Westwood Acres Subdivision as recorded in the Office of the Grand
County Recorder

DRAFT



Application no. 24-0004
Received by: 2-21-24
Date received: SOMMARR JOHNSON
Treasurer receipt no. 166742229
\$600.00

PETITION FOR ANNEXATION

We, the undersigned owners of certain real property, hereby submit this Petition for Annexation and respectfully represent the following:

1. That this petition and the annexation meet the requirements of the Utah Code and the Moab City Municipal Code.
2. That the real property is described as follows:

Approximate location: 1082s. Main st. Moab Utah 84532

Legal description:

Lot 5, Block "A", Plat "A", Westwood Acres Subdivision as recorded in the office of the Grand County Recorder.

3. That up to five of the signers of this petition are designated as sponsors, one of whom is designated as the contact sponsor, with the name and mailing address of each sponsor indicated as follows:

Contact Sponsor

Mailing Address

Tye Shumway

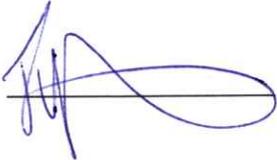
285s. 400e. Moab utah 84532

Contact Sponsor

Mailing Address

4. That this petition is accompanied by the following documents:
 - a. An accurate and recordable map, prepared by a licensed surveyor, of the area proposed for annexation.
 - b. A copy of the notice of intent sent to affected entities.
 - c. A list of the affected entities to which notice was sent.
5. A copy of this petition and the accompanying map was also delivered or mailed to the Grand County Clerk and the chair of the Moab City Planning Commission.
6. That the petitioner(s) request the property, if annexed, be zoned C-4 General Commerical.
7. That the petitioner(s) acknowledge that the City may charge them for any fees and costs the City incurs in reviewing and processing the annexation.
8. For annexations involving real property owned by a public entity other than the federal government, this petition contains the signatures of the owners of all of the publicly owned real property located within the area proposed for annexation.
9. For annexations involving private real property, that this petition contains the following signatures from real property owners that:
 - a. Own 100% of rural real property within the area proposed for annexation, if any;
 - b. Own 100% of private real property within the area proposed for annexation if the area is located within an agricultural protection area;
 - c. Covers a majority of the private land area within the area proposed for annexation; and
 - d. Is equal in market value to at least 1/3 of the market value of all private real property within the area proposed for annexation.

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 the City of Moab. If you choose to withdraw your signature, you shall do so no later than 30 days after the City of Moab receives notice that the petition has been certified.

<u>Petitioner</u>	<u>Signature</u>	<u>Acres</u>	<u>Market Value</u>	<u>Tax ID Number</u>
TJ Moab Enterprises		.52	1,100,000.00	02-0SWE-0005
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____



88 East Center Street
Moab, UT 84532
435.259.8171

STANDARD LEGEND

<ul style="list-style-type: none"> PROV. CORNER FOUND PROP. CORNER SET MAG NAIL FOUND MAG NAIL SET BLOCK CORNER SECTION MONUMENT 	<ul style="list-style-type: none"> PROPERTY LINES EASEMENTS PROPERTY ADJOINING
<ul style="list-style-type: none"> POWERPOLE POW LINE POW WIRE LIGHT POLE ELECTRIC WATER ELECTRIC BOX GENERATOR RECORD DATA MEASURED DATA CALCULATED DATA 	<ul style="list-style-type: none"> WATER LINE WATER VALVE WATER METER WATER MANHOLE HYDRANT TELEPHONE FEEDSTALK CAS METER CAS FEEDSTALK CAS LINE BRICK ASPHALT
<ul style="list-style-type: none"> CLEAN OUT MAN HOLE LINE SEWER MANHOLE CABLE BOX CABLE FEEDSTALK STOP SIGN DRIVE 3.00 CONTOURS 	

PROJECT TYPE:
ENGINEERING SURVEY

PROJECT ADDRESS:
1082 US-191
Moab, Utah 84532

PROJECT LOCATION:
GRAND COUNTY, STATE OF UTAH

PREPARED FOR:
TY SHUMWAY

DATE:
10/5/22

JOB NUMBER:
188-22

FLOOD DATA This property is in Zone X
of the Flood Insurance Rate Map, Community Panel No. 49019C178660
which has an effective date of APRIL 2, 2009 and IS NOT in a Special
Flood Hazard Area. Field surveying was not performed to determine this zone.
An elevation certificate may be needed to verify this determination or apply
for an amendment from the Federal Emergency Management Agency.

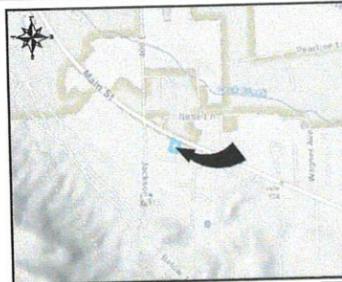
IT IS THE CONTRACTOR'S RESPONSIBILITY TO LOCATE ALL UTILITIES,
WHETHER SHOWN ON THIS SURVEY OR NOT PRIOR TO COMMENCEMENT
OF WORK. THIS SURVEY HAS BEEN PREPARED USING AVAILABLE
UTILITY DATA. THIS SURVEYOR DOES NOT MAKE STATEMENTS OF ACCURACY
BASED UPON MAPS AND UTILITY LOCATES OF OTHERS.



Know what's below
Call before you dig

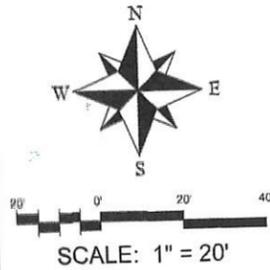
ENGINEERING SURVEY

LOCATED WITHIN
THE NORTHEAST QUARTER OF SECTION 1, T26S, R21E, S1B&M

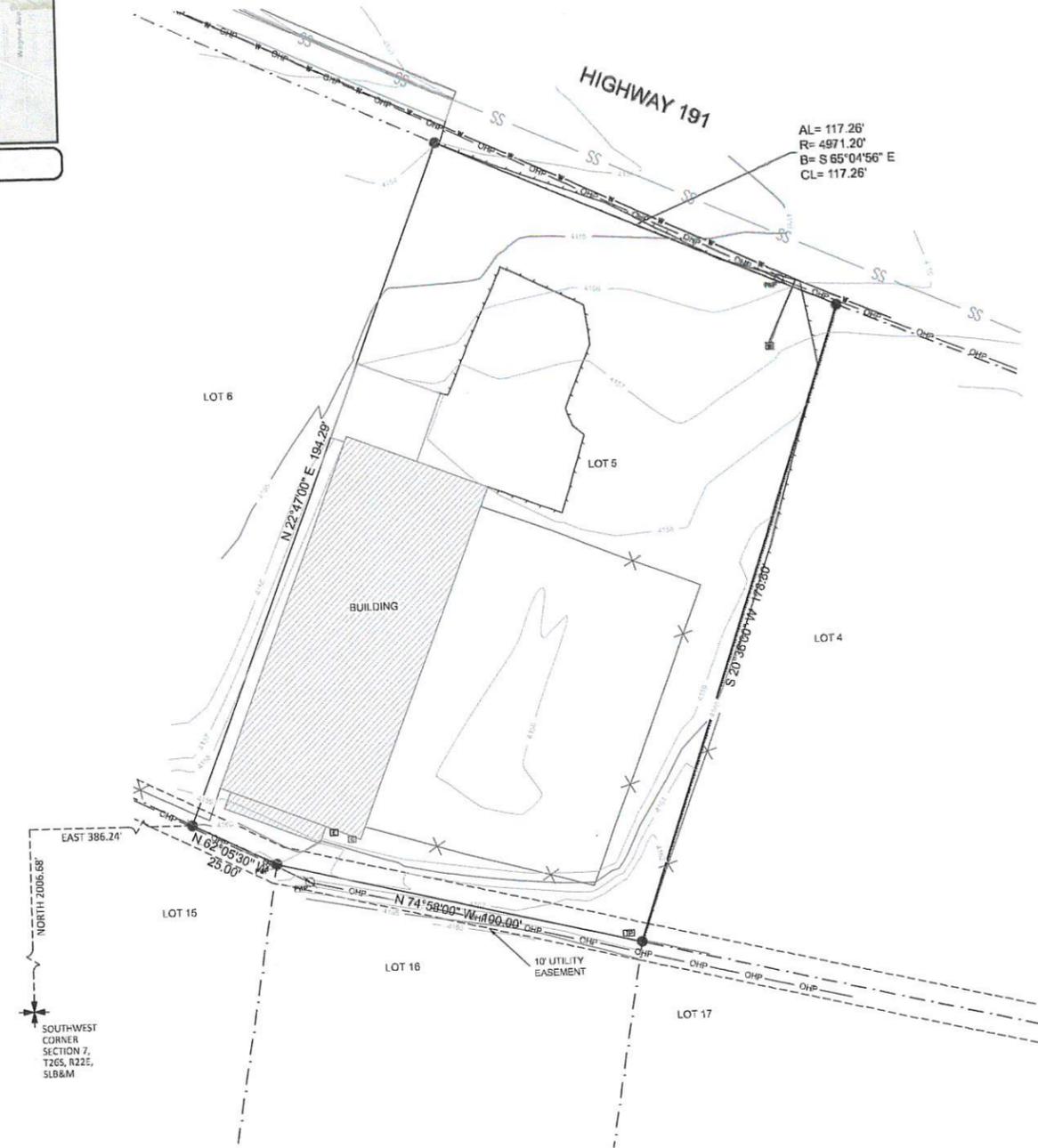


VICINITY MAP

NOT TO SCALE



SCALE: 1" = 20'



AL= 117.26'
R= 4971.20'
B= S 65° 04' 56\"/>

SURVEYOR'S CERTIFICATION

I, Lucas Blake, certify that I am a Professional Land Surveyor as prescribed under the laws of the State of Utah and that I hold license no. 7540504. I further certify that an engineering survey was made of the property described below, and the findings of that survey are as shown hereon.

Lucas Blake
License No. 7540504

Lucas Blake
License No. 7540504

10/5/22
DATE

LEGAL DESCRIPTION

Lot 5, Block "A", Plat "A", Westwood Acres Subdivision as recorded in the office of the Grand County Recorder.

SURVEYOR NOTES

COORDINATE SYSTEM UTAH STATE PLANE CENTRAL (NAD83, US SURVEY FEET)
NAVD88 VERTICAL DATUM (US SURVEY FEET)

THE INTENT OF THE SURVEY IS TO MONUMENT OR LOCATE ORIGINAL PROPERTY CORNERS. THE SURVEY WAS PERFORMED USING BEST LEGAL EVIDENCE OF OCCUPATION IMPROVEMENTS LOCATED ON THE GROUND. OUR RESEARCH AND SITE WORK HAS DETERMINED NOTES OF IMPORTANCE AS FOLLOWS.

1 LOCATED LOT CORNERS OF PREVIOUS SURVEY

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT TITLE REPORT. RED DESERT LAND SURVEYING, LLC MAKE NO GUARANTEES AS TO THE SIZE, LOCATION, OR EXISTENCE OF EASEMENTS, RIGHT OF WAY, SETBACK LINES, AGREEMENTS OR OTHER SIMILAR MATTERS.

Grand County
125 East Center
Moab, Utah 84532

Grand County School District
264 South 400 East
Moab, Utah 84532

Moab Fire Department
45 South 100 East
Moab, Utah 84532

Grand Water & Sewer Agency
3025 East Spanish Trail
Moab, Utah 84532
259-8121

Grand County Hospital Service District
245 West Williams Way
Moab, Utah 84532

Health Department of Southeastern Utah
149E 100S
Price, Utah

Cemetery District
2651 spanish Valley Dr.
Moab, Utah 84532

Moab Mosquito Abatement District
1000E Sand flats Rd
Moab, Utah 84532

Grand County Library Board
275E center st
Moab, Utah 84532

Solid Waste District
2295S Hwy 191
Moab, Utah 84532

Recreation District
P.O. Box 715
Moab, Utah 84532

Grand County Boundary Commission
125 East Center
Moab, Utah 84532

Notice of Intent to File a Petition to Annex

Attention: Your property may be affected by a proposed annexation.

Records show that you own property within an area that is intended to be included in a proposed annexation to City of Moab (“**Moab**”) or that is within 300 feet of that area. If your property is within the area proposed for annexation, you may be asked to sign a petition supporting the annexation. You may choose whether or not to sign the petition. By signing the petition, you indicate your support of the proposed annexation. If you sign the petition but later change your mind about supporting the annexation, you may withdraw your signature by submitting a signed, written withdrawal with the Moab recorder or clerk within 30 days after Moab receives notice that the petition has been certified.

There will be no public election on the proposed annexation because Utah law does not provide for an annexation to be approved by voters at a public election. Signing or not signing the annexation petition is the method under Utah law for the owners of property within the area proposed for annexation to demonstrate their support of or opposition to the proposed annexation.

You may obtain more information on the proposed annexation by contacting (Tye Shumway 285s 400e Moab Ut 84532, (Tye@twconstruct.com), Sommar Johnson Moab City Recorder 217 E. Center Street, Moab Utah 84532 sommar@moabcity.org, or John Cortes Grand County Recorder 125 E. Center Street, Moab, Utah 84532, jcortes@grandcountyutah.net. Once filed, the annexation petition will be available for inspection and copying at the office of the Moab City Recorder.

The parcel numbers of the parcels to be annexed are Grand County Parcel Nos. [02-0SWE-0005](#)

A map identifying the area proposed for annexation is also enclosed.



City of Moab
 217 E Center St
 Moab, UT 84532
 (435) 259-5123
 treasurer@moabcity.org

XBP Confirmation Number: 166742229

Transaction detail for payment to City of Moab.		Date: 02/28/2024 - 8:29:11 AM MT	
Transaction Number: 214075899 Visa — XXXX-XXXX-XXXX-8524 Status: Successful			
Account #	Item	Quantity	Item Amount
	450 Building Permit - Permits Other Fees	1	\$600.00
Notes: PETITION FOR ANNEXATION APPLICATION NO. 24.0004-1082 S MAIN ST.			

TOTAL: \$600.00

Billing Information
 TYE W SHUMWAY TWS
 CONSTRUCTION
 84532
 (435) 459-9724

Transaction taken by: Admin hreinhardt