



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: July 7, 2026

NAME OF PROJECT: Grant B. Kohler Trust Annexation

NAME OF APPLICANT: Grant B. Kohler Trust and Chad Himmer

AGENDA ITEM: Annexation

ACRES: 2.23 acres

LOCATION OF ITEM: 970 River Road

COUNTY ZONING: RA-1

PROPOSED ZONING: RA-1-43

ITEM: 8

Grant B. Kohler Trust and Chad Himmer are requesting annexation of a 2.23-acre parcel located at 970 River Road. The property is currently zoned RA-1 under Wasatch County zoning, which allows one dwelling unit per acre. As part of the annexation request, the applicants are petitioning for Midway City RA-1-43 zoning, which also allows one dwelling unit per acre.

BACKGROUND:

The City has received an annexation petition from the Grant B. Kohler Trust and Chad Himmer for a potential annexation of 2.23 acres. The first step in the annexation process for the City Council is to determine that the annexation petition provides the information and representations required by the City Code. If the City Council determines that the application is complete, then the petition may be accepted for further consideration. The

City Council did consider further consideration of the annexation during their meeting on April 21, 2026, and did decide to allow the petition to continue the annexation process.

The proposed annexation area falls within Midway's annexation declaration area so the property may be annexed, but the City is under no obligation to annex the property. The Municipal Code requires that numerous issues are analyzed and evaluated before the City considers approving an annexation. Currently, the City boundary runs along the west and north sides of the proposed annexation property area where the property fronts River Road. The subject property lies contiguous to the corporate limits of Midway City and will not create an incorporated peninsula, so annexation of the property is allowed by State Code.

The applicants represent in the petition that they own 100% of the property for which they seek annexation, thus the petition complies with the signatory requirements under state law. State Code requires a survey of the proposed annexation area, which has been completed and is attached as the proposed plat amended. The City also signed the application because 0.17 acres is in the City owned right-of-way of River Road.

The property is currently zoned RA-1 (Residential Agriculture, 1 unit per acre) in Wasatch County. The applicant has requested the subject property to be annexed and designated as RA-1-43. Currently, there is one dwelling on the property. If the annexation is approved, the applicants plan to subdivide the property into two lots which would allow for one additional dwelling to be built in the annexation area.

Annexations fall under the category of legislative action. Therefore, the City Council has broad discretion regarding the petition. It can be approved or denied based on the discretion of the Council members. If the Council feels that the area will contribute to the community and will help promote the goals and policies of the General Plan, then the annexation should be considered. The City Council may consider any issue, included in the staff report or not, as a discussion item. Also, the City may require items from the petitioner that normally would not be allowed if a developer's property were already located and zoned in the City. In the past, petitioners of annexations have donated to the parks fund as part of their annexations. Since the action is legislative, the City Council is not bound to the same rules that an administrative process is bound to.

Per the City Code, the intent of the annexation code is the following:

It is the intent of this Chapter to ensure that property annexed to the City will contribute to the attractiveness of the community and will enhance the rural, resort image which is critical to the economic viability of the community, and that the potential fiscal effect of an annexation does not impose an unreasonable burden upon City resources and tax base.

This item has been noticed in the local newspaper for two weeks and on the State's website for the Planning Commission meeting. Public notices have been posted in three public locations in Midway advertising the meeting and agenda and notices will be

mailed to all property owners within 600 feet of the proposed annexation for the public hearing that will held by the City Council.

ANALYSIS:

The comments italicized represent Planning Staff's comments pertaining to compliance or lack of compliance with the findings the Planning Commission, and ultimately the City Council, must make in considering this request. Section 9.05.020 requires specifically that Staff address the following issues:

- A. The ability to meet the general annexation requirements set forth in this Title; *Planning staff believes that the proposal does comply with the general requirements of this Title.*
- B. An accurate map of the proposed annexation area showing the boundaries and property ownership within the area, the topography of the area and major natural features, e.g. drainage, channels, streams, wooded areas, areas of high water table, very steep slopes, sensitive ridgeline areas, wildfire/wild land interface areas, and other environmentally sensitive lands: *The proposed annexation plat and concept plan have been submitted and are attached to this report. The proposed annexation plat depicts the boundaries. The applicant has stated that there are no sensitive land on the property.*
- C. Identification of current and potential population of the area and the current residential densities: *Currently there is one dwelling in the annexation area. The proposed use for the property to be annexed is to subdivide the property into two lots so that one (1) additional single-family dwelling may be constructed.*
- D. Land uses presently existing and those proposed: *Currently the land in the area contains one dwelling which is surrounded by manicured lawn. The proposed use for the property to be annexed is to subdivide the property into two lots so that one (1) additional single-family dwelling may be constructed.*
- E. Character and development of adjacent properties and neighborhoods: *The properties surrounding the proposed annexation are predominantly being used as follows: to the south, the Kohler Dairy of which much of the acreage is in a conservation easement and will never be developed; to the north is the Dutch Fields Planned Unit Development; to the west, is the northern River Road roundabout which is an entry corridor into Midway; and to the east, is a single-family home which is surrounded by the Kohler Dairy.*
- F. Present zoning and proposed zoning: *The current County zoning is RA-1, which is a one-acre residential zone. The planned zoning that Midway has established is RA-1-43.*
- G. A statement as to how the proposed area and/or its potential land use will

contribute to the achievement of the goals and policies of the Midway City General Plan and the Midway City Vision: *The petitioner has indicated that the 2.23-acre parcel will be subdivided so that one additional (1) single-family dwelling may be built. This matches the vision described in the General Plan for low-density residential in the RA-1-43 zone.*

H. Assessed valuation of properties within the annexation area: *The petition includes market values of the property which include the following:*

- | | | |
|-------------------------|------------|-----------|
| • Grant B. Kohler Trust | 0.58 acres | \$116,00 |
| • Chad Himmer | 1.00 acres | \$530,075 |
| • Midway City | 0.17 | \$0 |

I. Potential demands for various municipal services and the need for land use regulation in the area, e.g. consideration of the distance from the existing utility lines, special requirements for sensitive land review and fire protection in wildfire or wild land areas, location within hazardous soils area, and feasibility of snow removal from public streets: *If the property is annexed, the City will be required to provide additional services to the area. Office staff in the various City departments will spend time working on the development and with the residents in the annexed area. This includes land use applications, building permits, and utility payments. These services cost the City money, but the applicant advises this will be limited to two (2) single family residences. The City does have water lines fronting the area of the proposed annexation and other utilities are located nearby. The subject property fronts River Road so the City will not take on any more burden for road maintenance since this section of River Road is already maintained by the City.*

J. The effect the annexation will have upon City boundaries and whether the annexation will ultimately create potential for future islands, undesirable boundaries, and difficult service areas: *The annexation will increase the City's boundaries. The proposed annexation will not create an unincorporated island or peninsula as defined by State law. The annexation also will not produce any areas that are difficult to service.*

K. A proposed timetable for extending municipal services to the area and recommendation on how the cost thereof will be paid: *City services are up to the boundary of the annexation, so the applicant will only have to connect to existing services and the City should incur no development cost.*

L. Comparison of potential revenue from the annexed properties with the cost of providing services thereto: *The increase in tax revenue from two single-family homes, most likely, does not offset the cost to the City to provide services.*

M. An estimate of the tax consequences and other potential economic impacts to residents of the area to be annexed: *There is one dwelling in the proposed*

annexation area which, once annexed, will pay additional taxes to Midway City.

- N. Recommendations or comments of other local government jurisdictions regarding the annexation proposal and the potential impact of the annexation on the general county economic needs, goals, or objectives: *No government jurisdiction or agency has objected to the proposed annexation. A letter has been received from Midway Sanitation District (see attached) with a list requirements that the applicant must follow regarding sewer services.*
- O. Location and description of any historic or cultural resources: *None have been identified.*

Additional Items of consideration

- The City gains control over zoning once an area is annexed. This helps the City ensure that uses on the property will be in harmony with the General Plan.
- Driveway access should be limited to the existing driveway servicing the property. Adding a new driveway to an area along River Road that is curved is not recommended because of safety issues. The City should dictate this prohibition as a condition of the annexation if approved.
- The City can dictate the required setback for any new structures in the annexation area. The minimum required setback for a small-scale subdivision along River Road is 50'. Since this is an entry corridor into Midway, the City could require a greater setback of 100' to help maintain openness along River Road and view corridors along one of the most transited Roads in Midway.
- The most recent applicants for annexation to Midway have contributed to the parks fund as well as trail funds and/or reimbursement. The average cost per acre annexed into Midway for the parks fund has paid \$589.11 per acre. If following the model of previous annexations, the required parks annexation donation fee is $\$589.11 \times 2.23 \text{ acres} = \$1,313.71$.
- Water – The water rights for the property will be required to be dedicated to the City before the plat for the planned subdivision is recorded.
- Sewer – The applicant will need to connect the existing dwelling and the future dwelling with the approval of the future subdivision on the property.

PLANNING COMMISSION RECOMMENDATION:

Motion by Commissioner Farrell: “I’ll make a motion that we go ahead and approve the annexation of 2.23 acres, with all the conditions and findings as outlined by the staff.”

Second: Commissioner Nokes

Ayes: Commissioners Nokes, Facer, Farrell, Knight, Lineback

Nays: None

Motion: Passed

Motion to adjourn: Commissioner Lineback

POSSIBLE FINDINGS:

- The proposal is a legislative action.
- The proposed annexation does comply with the intent of the annexation code.
- The City will gain control over land use and zoning if the area is annexed.
- The proposal will increase density and traffic to the area, but the density of the project is relatively low at one new single-family dwelling. This will help promote the vision of the general plan to preserve more open area and a rural atmosphere.

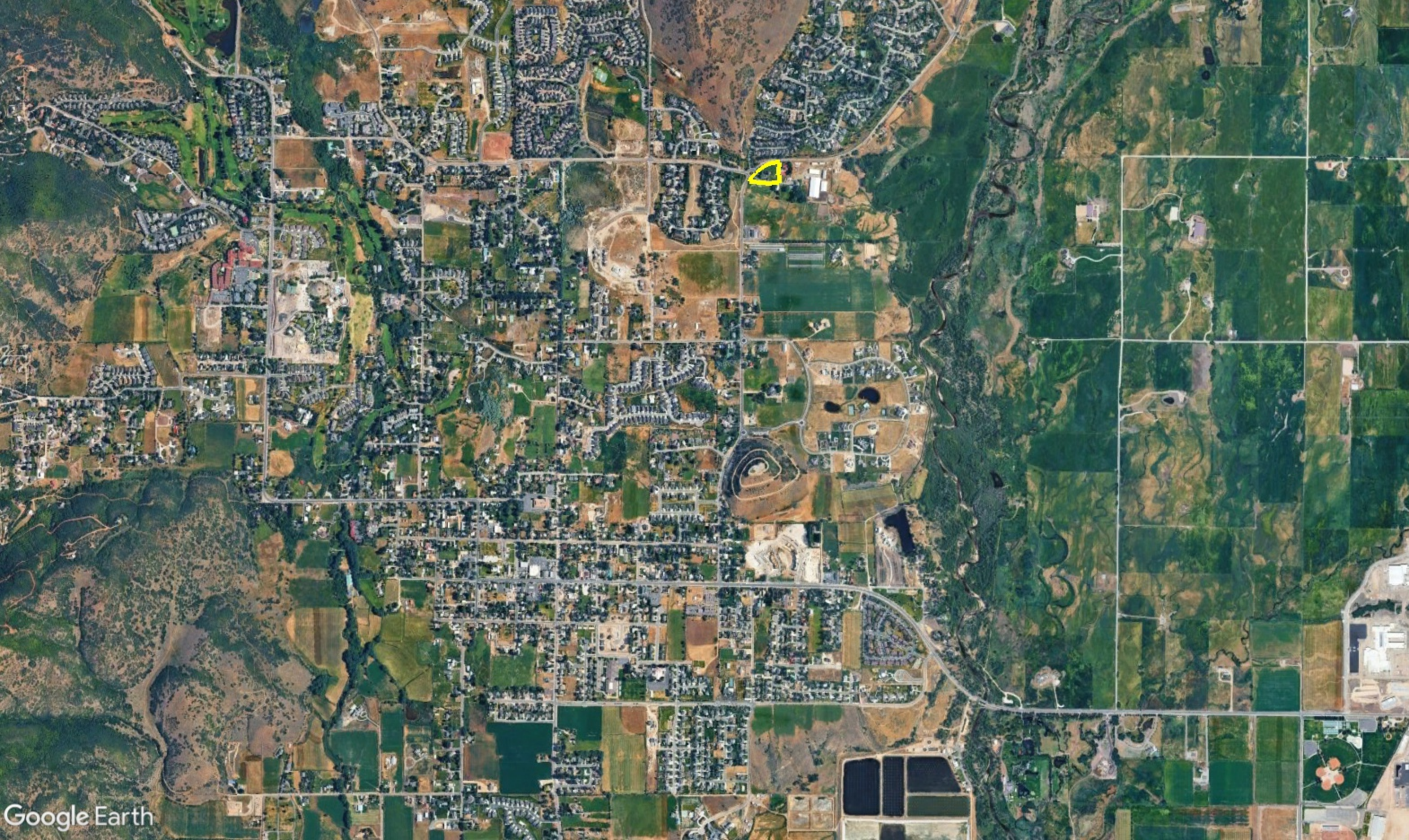
ALTERNATIVE ACTIONS:

1. Approval. This action can be taken if the City Council finds that the annexation is in the best interest of the community.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)
2. Continuance. This action can be taken if the City Council finds there are unresolved issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again

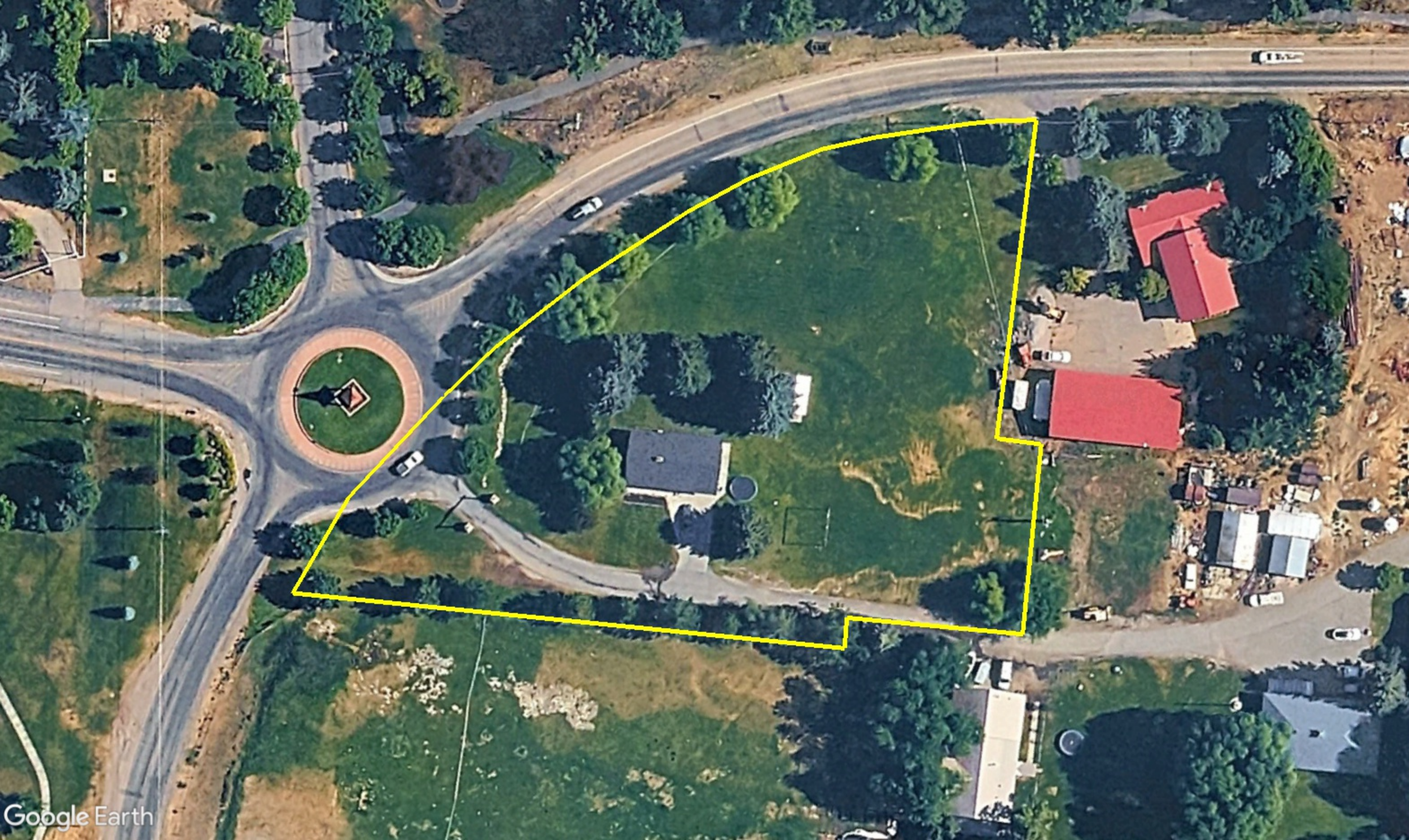
3. Denial. This action can be taken if the City Council finds that the request is not in the best interest of the community.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

PROPOSED CONDITIONS:

1. All required water rights will be dedicated to the City, before the subdivision plat is recorded, as recommended by the Midway Water Advisory Board
2. No additional driveway will be added along River Road. The proposed new lot will access the from the existing driveway on the southern boundary of the annexation area.
3. A park donation fee of \$1,313.71 is required prior to recording of the annexation plat.
4. A 100' setback from River Road is required for all new structures in the annexation area.
5. The applicant shall comply with all Midway City, Midway Sanitation District's letter, and Midway Irrigation Company Requirements for water and sewer, or as negotiated with entity.









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

Approximate location:

970 North River Road

Legal description:

See Attachment A for the annexation legal description.

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:

<u>Contact Sponsor</u>	<u>Mailing Address</u>
<u>Grant B Kohler Trust</u>	<u>970 River Road, Midway, Utah 84049</u>

<u>Sponsor</u>	<u>Mailing Address</u>
<u>Chad Himmer</u>	<u>970 River Road, Midway, Utah 84049</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

4. That this petition is accompanied by the following documents:
- An accurate and recordable plat map, prepared by a licensed surveyor, of the area proposed for annexation.
 - A copy of the notice of intent sent to affected entities.
 - A list of the affected entities to which notice was sent.
 - A representation as to the anticipated timetable for development, if applicable, for the property being annexed.
 - If the proposed area is intended for development, a complete copy of the development concept plan which was filed with the City Planner.
 - Depending on the scope and intensity of the proposed development of the annexation area and the anticipated impact on adjacent lands, a review and analysis of the surrounding property (Municipal Code 9.05.050).
 - A full disclosure statement of all water owned or historically utilized on the property to be annexed.
 - A sensitive lands analysis of the full area being considered for annexation.
 - Such other information as may be required by the City Planner to enable the staff to prepare an annexation impact report.
5. A copy of this petition and the accompanying map was also delivered or mailed to the Wasatch County Clerk and the chair of the Midway City Planning Commission.
6. That the petitioner(s) request the property, if annexed, be zoned RA-1-43.
7. That this petition contains the following signatures of the owners of private real property that:
- Covers a majority of the private land area within the area proposed for annexation.
 - 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.

8. If the property is owned by a public entity other than the federal government, the signature of the owner of all the publicly owned property within the area proposed for annexation.
9. The following fees must be paid when the petition is submitted:

Five (5) acres or less

\$1,000 application fee (Non-refundable)

\$100/acre (\$1,000 minimum and \$10,000 maximum). * \$1,000 minimum review deposit

More than five (5) acres

\$200 per acre application fee (Non-refundable)

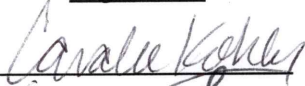
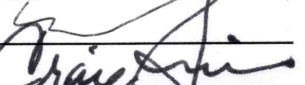
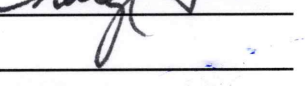
\$100/acre (\$1,000 minimum and \$10,000 maximum). *

* If the amount of the deposit reaches $\frac{1}{4}$ of the initial amount then the annexation process is put on hold. The hold is in place until the amount is increased to the initial amount of the deposit, or a lesser amount is determined. The lesser amount is determined by staff based on how much of the process has been completed. All fees must be paid prior to the recording of the annexation plat map. Any deposit amount remaining, at the end of the annexation process, may be refunded.

Note: A fee for future parks and recreation infrastructure will be negotiated during the annexation approval process and must be paid prior to the recording of the annexation plat map.

The signature page follows.

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

<u>Petitioner</u>	<u>Signature</u>	<u>Acres</u>	<u>Market Value</u>	<u>Serial Number</u>
Grant B Kohler Tr.		0.58	\$116,000	OWC-0298-3-026-03
Chad Himmer		1.00	\$530,075	OWC-0298-2-026-03
Midway City		0.17	\$0	OMI-0563-0-26-034

Property Acreage Note:

Acreage listed in this table for the privately owned parcels (1.58 acres) is per the Wasatch County Records Office. The acreage for these parcels per the property survey is (2.06 acres). The survey found that 0.17 acres of the River Road right-of-way is in Wasatch County. This area is mostly in the River Road and Burgi Lane roundabout.

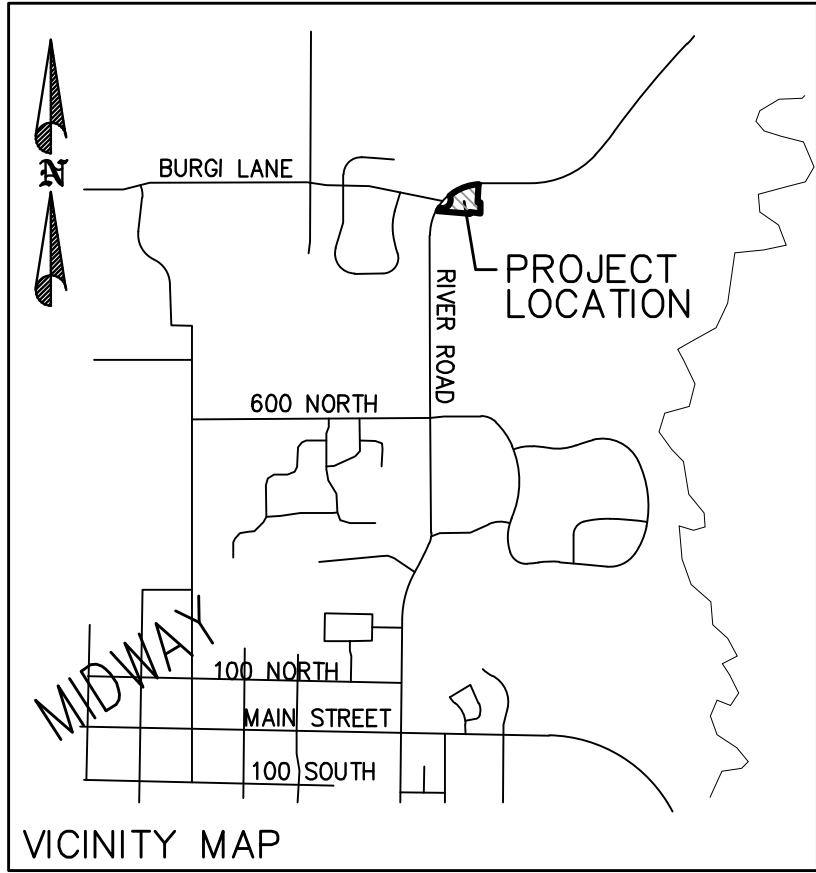
Notice: There will be no public election on the annexation proposed by this petition because Utah law does not provide for an annexation to be approved by voters at a public election. If you sign this petition and later decide that you do not support the petition, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Midway City. If you choose to withdraw your signature, you shall do so no later than 30 days after Midway City receives notice that the petition has been certified.

Attachment A
Grant B Kohler Trust
Annexation Legal Description

BEGINNING AT A POINT THAT IS SOUTH 37°58'22" WEST 3428.60 FEET FROM THE NORTHEAST CORNER OF SECTION 25, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 03°33'17" WEST 193.67 FEET; THENCE SOUTH 84°05'59" EAST 31.00 FEET; THENCE SOUTH 117.57 FEET TO A POINT ON THE NORTH LINE OF PARCEL 12-4607; THENCE ALONG SAID NORTH LINE NORTH 83°43'32" WEST 114.91 FEET; THENCE LEAVING SAID NORTH LINE SOUTH 06°16'28" WEST 16.57 FEET TO A POINT ON AN EXISTING FENCE LINE; THENCE NORTH 85°10'02" WEST 351.38 FEET; THENCE ALONG THE ARC OF A 548.78 FOOT CURVE TO THE LEFT 555.66 FEET (CENTRAL ANGLE OF 58°00'50" AND A CHORD BEARING NORTH 57°11'36" EAST 532.22 FEET) TO THE POINT OF BEGINNING.

CONTAINING 2.23 ACRES

Attachment B – Annexation Plat

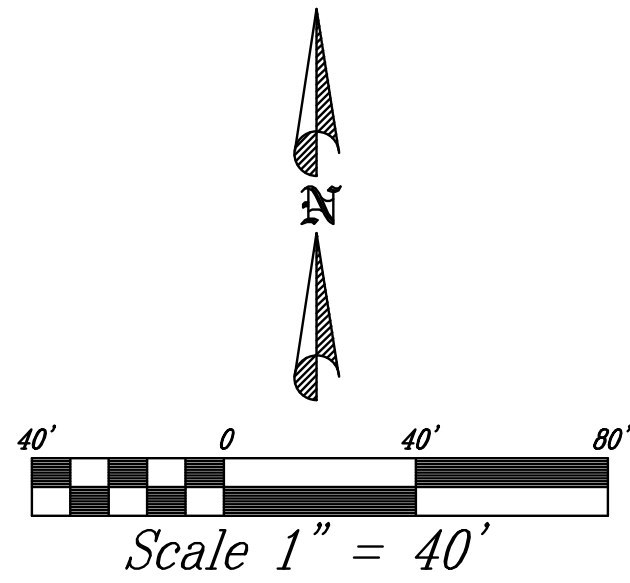


LEGEND

- MIDWAY CITY LIMITS
- PROPOSED ANNEXATION BOUNDARY
- DEED LINES
- EXISTING ASPHALT

GRANT B. KOHLER TRUST ANNEXATION

LOCATED IN SOUTHEAST QUARTER SECTION 26 TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN.



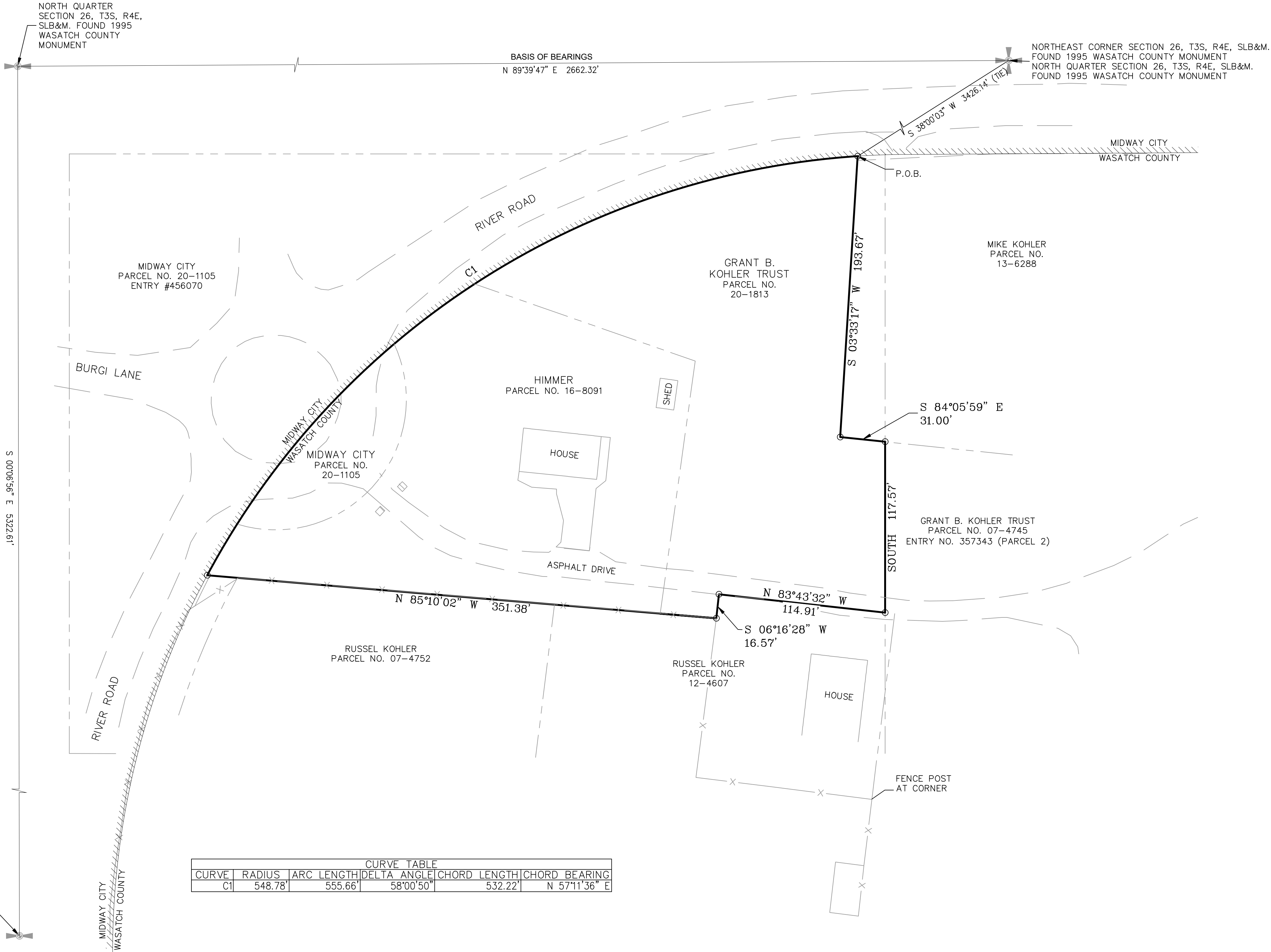
BASIS OF BEARING

THE BASIS OF BEARINGS FOR THIS SURVEY WAS ESTABLISHED AS SOUTH 89°39'47" EAST 2662.32 FEET BETWEEN THE NORTHEAST AND NORTH QUARTER CORNERS OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

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CONTAINING 2.23 ACRES



CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD LENGTH	CHORD BEARING
C1	548.78'	555.66'	58°00'50"	532.22'	N 57°11'36" E

Plate X-Vol 10-2026, Section 2026, March 30, 2026 | plotted by: Dand
Title: X-Vol 10-2026, Section 2026, March 30, 2026 | printed by: Dand
File Name: 0012-ANNEX-PLAT.dwg | Plot Date: March 30, 2026

SURVEYOR
DEREK KOHLER, PLS
TITAN LAND SURVEYING
983 EAST 270 NORTH
HEBER CITY, UT 84032
PHONE (435) 671-0392
DATE OF SURVEY: JAN 2026

COUNTY RECORDER

COUNTY SURVEYOR

APPROVED AS TO FORM ON THIS _____ DAY OF _____, 20____.

ROS # _____

COUNTY SURVEYOR _____

SURVEYOR'S CERTIFICATE

I, DEREK KOHLER, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 11725351 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT THIS IS A TRUE AND ACCURATE MAP OF THE TRACT OF LAND TO BE ANNEXED TO MIDWAY CITY, WASATCH COUNTY, UTAH.

SURVEYOR _____ DATE _____

SURVEYOR'S SEAL

ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT WE THE UNDERSIGNED HAVE ADOPTED A RESOLUTION OF ITS INTENT TO ANNEX THE TRACT OF LAND SHOWN HEREON AND HAVE SUBSEQUENTLY ADOPTED AN ORDINANCE ANNEXING SAID TRACT INTO HEBER CITY, UTAH; AND THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR FILING HERewith ALL IN ACCORDANCE WITH UTAH CODE SECTION 10-2-418 AS REVISED AND THAT WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT AS SHOWN AS A PART OF SAID HEBER CITY, AND THAT SAID TRACT OF LAND IS TO BE KNOWN AS THE HIGH SCHOOL ANNEXATION.

DATED THIS ____ DAY OF _____, ____.

MAYOR _____ DATE _____

CITY ATTORNEY _____ DATE _____

CITY ENGINEER _____ DATE _____

ATTEST:
CITY RECORDER _____ DATE _____

RECORDER'S SEAL

GRANT B. KOHLER TRUST ANNEXATION

DATE: 4 MARCH 2026	DRAWING NO. 01_ANNEX_PLAT	EXHIBIT A
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Attachment C – Notice of Intent to Affected Entities

Notice of Intent to File Annexation Petition

Name of Annexation: **Grant B. Kohler Trust Annexation**

Petitioner Representative Name: Paul Berg
Mailing Street Address: 380 East Main Suite 204
City, State, Zip: Midway, Utah 84049
Phone: (435) 657-9749
Email: paul@bergeng.net

Date: February 23, 2026

Dear Representative of Affected Entities:

Pursuant to Utah State Code Section 10-2-403, we, the undersigned and real property owner(s), respectfully notify you, as an Affected Entity, that we intend to file a petition to annex certain real property depicted in the attached exhibit, into Midway City, Utah.

Sincerely,

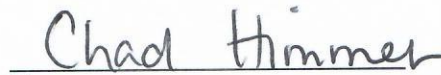
Grant B. Kohler Trust


Signature

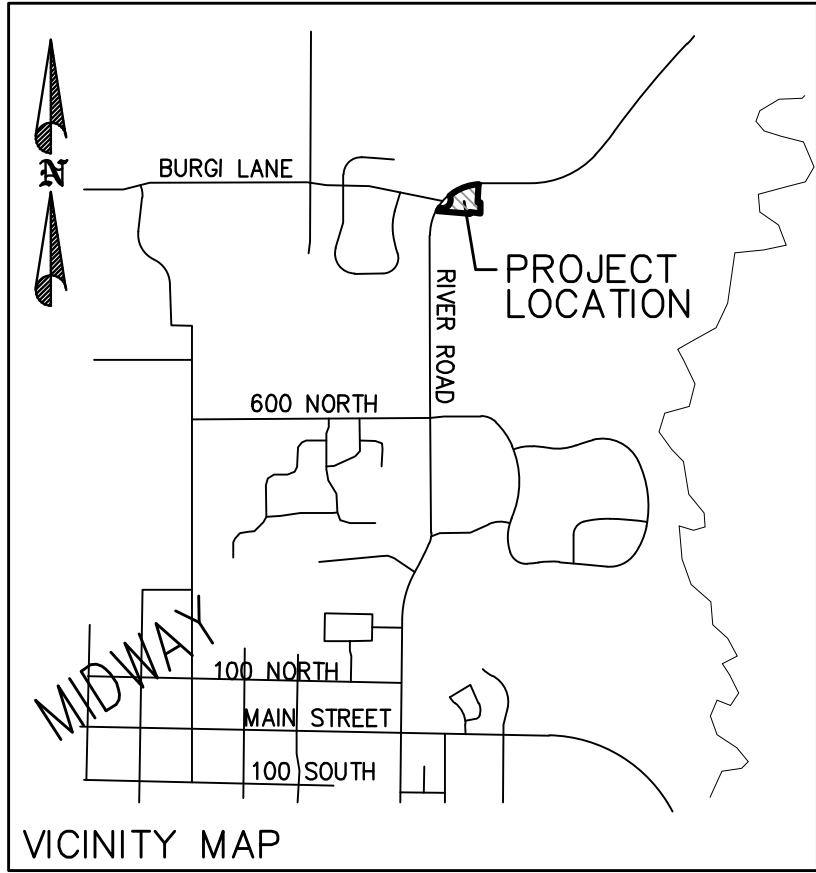

Name

Chad Himmer


Signature


Name

Accurate Map of Proposed Annexation

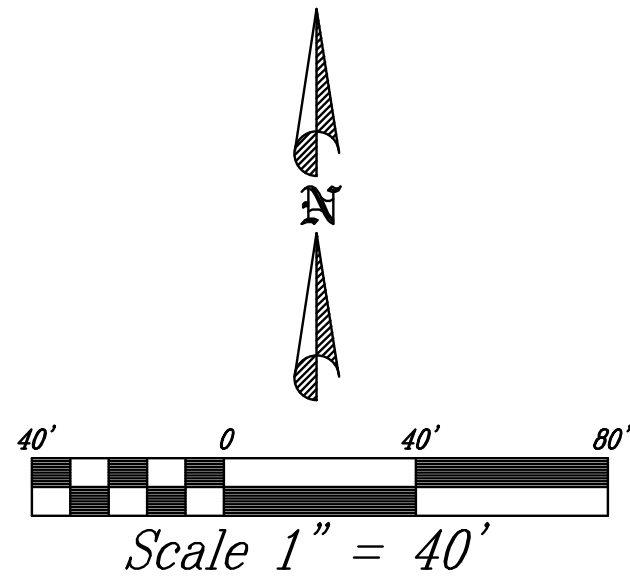


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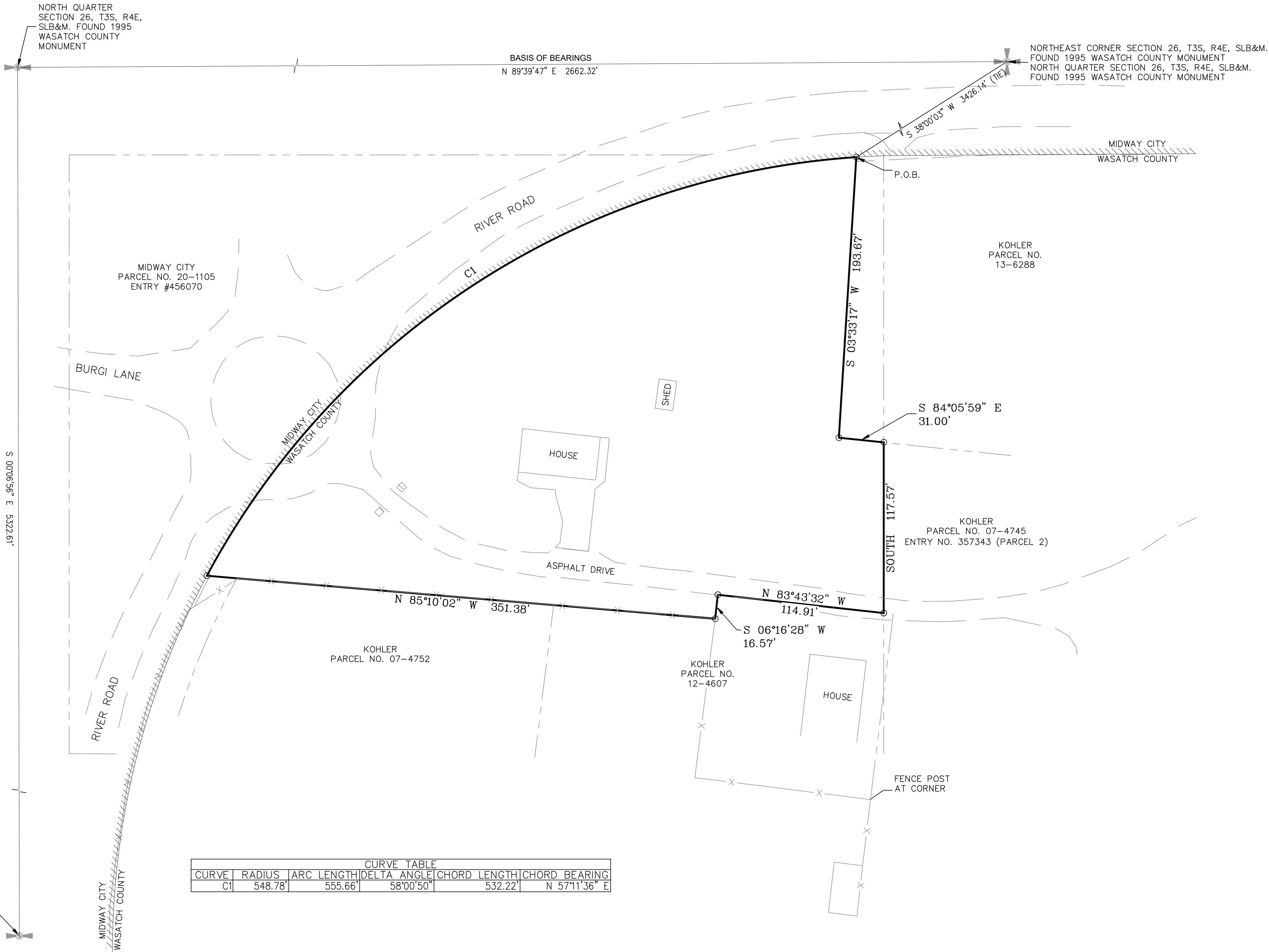
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SURVEYOR

DATE

ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT WE THE UNDERSIGNED HAVE ADOPTED A RESOLUTION OF ITS INTENT TO ANNEX THE TRACT OF LAND SHOWN HEREON AND HAVE SUBSEQUENTLY ADOPTED AN ORDINANCE ANNEXING SAID TRACT INTO HEBER CITY, UTAH; AND THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR FILING HERewith ALL IN ACCORDANCE WITH UTAH CODE SECTION 10-2-418 AS REVISED AND THAT WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT AS SHOWN AS A PART OF SAID HEBER CITY, AND THAT SAID TRACT OF LAND IS TO BE KNOWN AS THE HIGH SCHOOL ANNEXATION.

DATED THIS ____ DAY OF _____, ____.

MAYOR _____ DATE _____

CITY ATTORNEY _____ DATE _____

CITY ENGINEER _____ DATE _____

ATTEST:
CITY RECORDER _____ DATE _____

SURVEYOR'S SEAL

RECORDER'S SEAL

GRANT B. KOHLER TRUST ANNEXATION

DATE:
4 MARCH 2026

DRAWING NO.
01_ANNEX_PLAT

EXHIBIT
A

Attachment D – Affected Entities

Paul Berg

From: Paul Berg
Sent: Tuesday, March 24, 2026 5:49 PM
To: 'Brad Wilson'
Cc: James Goodley; Steve Farrell; Michael Henke; Becky Wood
Subject: Grant B Kohler Trust Annexation - Notice of Intent to Annex Into Midway City
Attachments: Grant B Kohler Trust Notice of Intent to Annex into Midway City.pdf

To: Midway City Affected Entities
(Midway City, Midway Irrigation Company, Midway Sanitation District and the Heber Valley Special Service District)

Attached is a Notice of Intent to file an annexation petition with Midway City for the Grant B Kohler Trust property located near the intersection of River Road and Burgi Lane. This notice is being sent to you as a possible affected entity. If you have any questions regarding this notice, please call me at (435) 657-9749.

Paul Berg, P.E.
Berg Engineering
380 East Main Suite 204
Midway, Utah 84049
435-657-9749

Attachment E

Timetable for Development

The anticipated timeline for the proposed two (2) lot subdivision with one (1) new home within the subdivision by the Grant B Kohler Trust annexation is outlined below.

Annexation Approval	June 2026
Small Scale Subdivision Approval	September 2026
Construction of the Small Scale Subdivision Improvements	October 2026
Building Permit Approval	November 2027
Construction of the New Home Begins	December 2027
Construction of the New Home Completed	September 2027

Attachment F – Subdivision Concept Plan



MIDWAY CITY
PARCEL NO. 20-1105
ENTRY #456070

RIVER ROAD

296' FRONTAGE
33' HALF
R.O.W.
236' AT 30' SETBACK

LOT 2
1.00 AC

LOT 1
1.06 AC

EXISTING HOUSE

EX. SHED

10'

136'

ASPHALT DRIVEWAY

EXISTING FENCE

KOHLER
PARCEL NO. 07-4752

KOHLER
PARCEL NO. 12-4607

EXISTING HOUSE

MIKE KOHLER
PARCEL NO. 13-6288

EXISTING HOUSE

EXISTING SHED

KOHLER
PARCEL NO. 07-4745

EX. SHED

EX. SHED

LEGEND:

----- ADJACENT PARCELS

CONCEPT NOTE:

THIS IS A CONCEPT PLAN ONLY. THIS CONCEPT HAS NOT BEEN APPROVED BY MIDWAY CITY.

LAND USE CALCULATIONS:

ZONE RA-1-43
MIN. LOT SIZE 1 ACRE
MIN. FRONTAGE 150'

NOTES:

1. CONNECTION TO THE EXISTING SEWER EAST OF THE SUBDIVISION IS REQUIRED.
2. ANNEXATION INTO MIDWAY CITY IS REQUIRED. THE ANNEXATION PROCESS HAS STARTED AND IS ONGOING.

THIS DOCUMENT IS INCOMPLETE
AND IS RELEASED TEMPORARILY
FOR INTERIM REVIEW ONLY. IT IS
NOT INTENDED FOR CONSTRUCTION,
BIDDING, OR PERMIT PURPOSES.
PAUL D. BERG P.E.
SERIAL NO. 295595
DATE: 19 MAR 2026



SCALE: 1"=40'
Scale 1" = 80' for 11x17

KOHLER
FARM SUBDIVISION

2026 CONCEPT PLAN



DESIGN BY: PDB
DRAWN BY: DWA

DATE: 19 MAR 2026
REV:

SHEET
3

Attachment G

Impacts to Adjacent Land

The property to the east (Mike Kohler), south (Russell Kohler), west (Chad Himmer) and the north (River Road and Dutch Fields) have all been developed and are all properties that were part of the original Kohler family farm. The proposed subdivision proposes one (1) addition home in this area.

Access for the new home will be from an existing driveway. No new impacts or driveways are proposed to River River.

Utilities needed for the subdivision already exist in the area.

Attachment H – Water Rights

A portion of the following water right will be used for the subdivision proposed within the annexation.

Water Right Details for 55-1513

Utah Division of Water Rights

4/3/2026 11:59 AM

(WARNING: Water Rights makes NO claims as to the accuracy of this data.)

Water Right: 55-1513

Application/Claim: D1418

Certificate:

Owners:

Name: Albert Kohler
Address: 9518 Spring Harvest Circle
South Jordan, UT 84095

Interest:

Remarks:

General:

Type of Right: Diligence Claim	Source of Info.: Proposed Determination	Status: Water User's Claim
Quantity of Water: 0.31 CFS OR 19.394 ACFT		
Source: House and Field Springs		
County: Wasatch		
Common Description:		
Proposed Det. Book: 55-10	Map:	Pub. Date: 03/27/2026
Land Owned by Appl.:		County Tax Id#:

Dates:

Filing:	Filed: 04/27/1965	
Priority:	/ /1900	Decree/Class:
Advertising:	Publication Began:	Publication End:
	Protest End Date:	Newspaper:
		Protested: Not Protested
		Hearing Held:
Approval:	State Eng. Action:	Action Date:
	Recon. Req. Date:	Recon. Req Type:
Certification:	Proof Due Date:	Extension Filed Date:
	Election or Proof:	Election/Proof Date:
	Cert./WUC Date:	Lapsed, Etc. Date:
		Lap. Ltr. Date:
Wells:	Prov. Well Date:	Most Recent Well Renovate/Replace Date:

Points of Diversion:

Points of Diversion - Surface:	
Stream Alteration Required: No	
(1) N 2196 ft. E 840 ft. from S4 corner, Sec 26 T 3S R 4E SLBM	
Diverting Works:	Source: House Spring
Elevation:	UTM: 461073, 4486452 (NAD83)
(2) N 1875 ft. E 833 ft. from S4 corner, Sec 26 T 3S R 4E SLBM	
Diverting Works:	Source: Field Spring
Elevation:	UTM: 461071, 4486354 (NAD83)

Water Uses:

Water Uses - Group Number: 402434																				
Water Rights Appurtenant to the following use(s): 55-1513(WUC), 55-13188(WUC),																				
Water Use Types:																				
Irrigation -Beneficial Use Amount: 4 acres						Group Total: 12						Period of Use: 04/01 to 10/31								
Stock Water -Beneficial Use Amount: 248						Group Total: 248						Period of Use: 01/01 to 12/31								
Domestic -Beneficial Use Amount: 1 EDUs						Group Total: 1						Period of Use: 01/01 to 12/31								
Place of Use (which includes all or part of the following legal subdivisions):																				
				North West				North East				South West				South East				Section
				NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	Totals
Sec 26 T 3S R 4E SLBM																X	X			12
Group Acreage Total :																			12	

Use Totals:	
Irrigation sole-supply total: 4 acres	for a group total of: 12 acres
Stock Water sole-supply total: 248 ELUs	for a group total of: 248 ELUs
Domestic sole-supply total: 1 EDUs	for a group total of: 1 EDUs

Other Comments:
The authorized use of water is described herein; however, the water user is using this right for unauthorized uses. A change application has not been filed to permit these uses.

Segregation History:										
This Right was Segregated from: none										
as originally filed:	Flow in CFS	AND/ OR/ BLANK	Quantity in Acre-Feet	Water Uses						
				Irrigated Acreage	Stock (ELUs)	Domestic (EDUs)	Acre-Feet			
							Municipal	Mining	Power	Other
	0.69		43.394	12.0	248.0	1.0				
The following Water Rights have been Segregated from 55-1513:										
(1) WrNum: 55-13188	[0.38]		[24.0]	[8.0]						
AppNum: D1418										
Name: Christian Michel, LLC										
Filed: 06/12/2020										
Comment:										
This Right as currently calculated:	Flow in CFS		Quantity in Acre-Feet	Water Uses						
				Irrigate Acreage	Stock (ELUs)	Domestic (EDUs)	Acre-Feet			
							Municipal	Mining	Power	Other
	0.31		19.394	4.0	248.0	1.0				

Attachment I

Sensitive Lands

FEMA 100 Year Floodplain

The property is not within the boundary of the 100 year floodplain. Please see the attached FEMA Firmette for additional information.

Wetlands

The National Wetlands Inventory Map does not show any wetlands within the Grant B Kohler Trust annexation. Please see the attached map for additional information.

Hillsides and Steep Slopes

The property does not contain any hillsides or slopes over 25%.

Ridgelines and Benches

The property does not contain any ridgelines or benches.

Springs and Wells

The property does not contain any springs or wells. The House and Field Spring is located to the east of the annexation on the Kohler Farm.

Geological Features

There are no geological features such as hot pots or rock outcroppings on the property. The Utah Geological Survey shows no faults within the annexation. The near hazardous fault is approximately 6 miles away in the Jordanelle area as shown on the attached map.

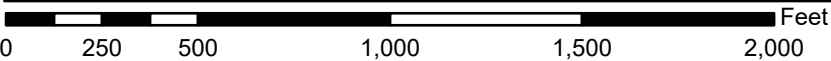
Wildlife Habitat

The property within the annexation does not contain any critical wildlife habitat.

National Flood Hazard Layer FIRMMette



111°28'W 40°31'56"N



1:6,000

111°27'22"W 40°31'29"N

Basemap Imagery Source: USGS National Map 2023

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 3/25/2026 at 4:16 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

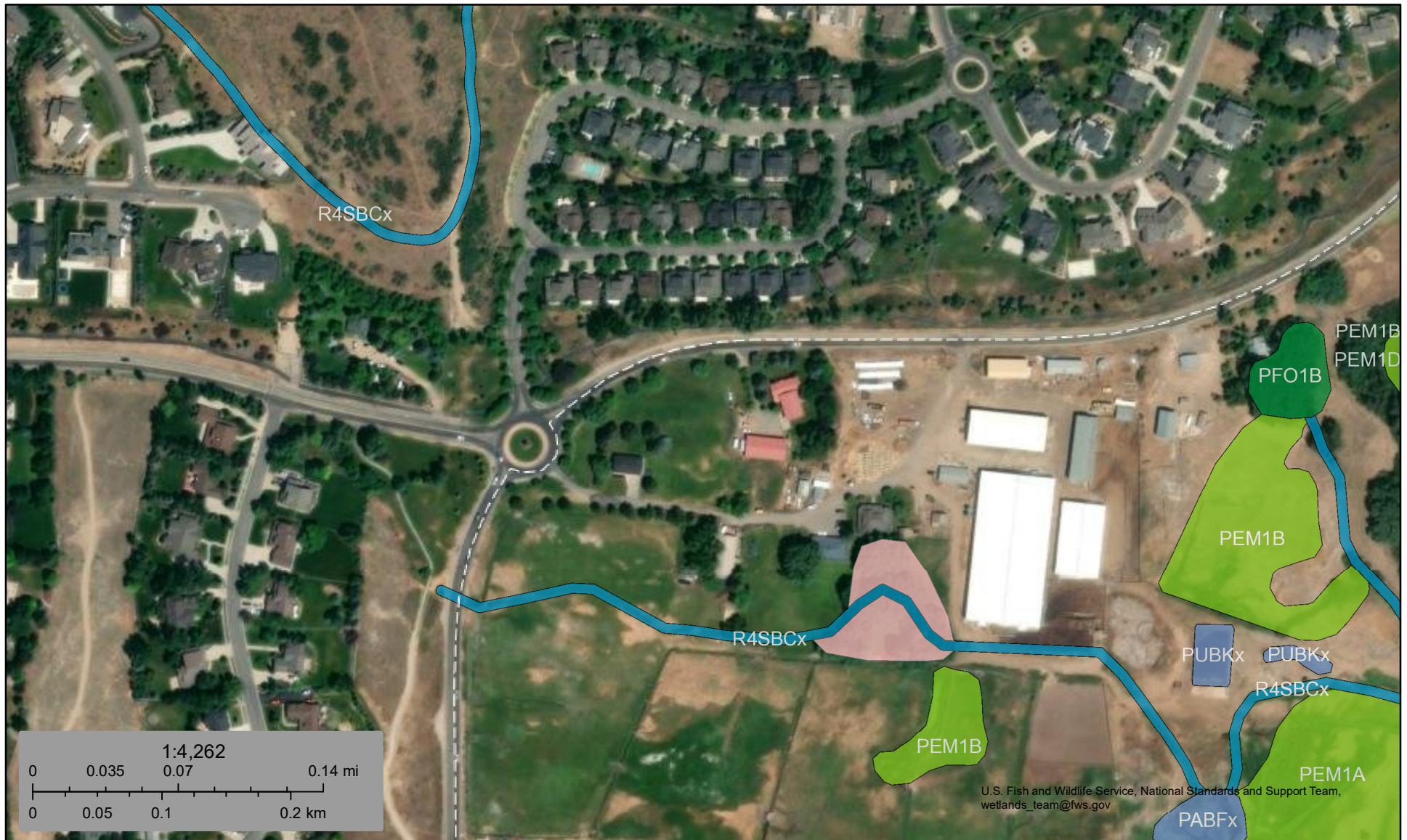
This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



U.S. Fish and Wildlife Service

National Wetlands Inventory

Grant B Kohler Annexation



March 25, 2026

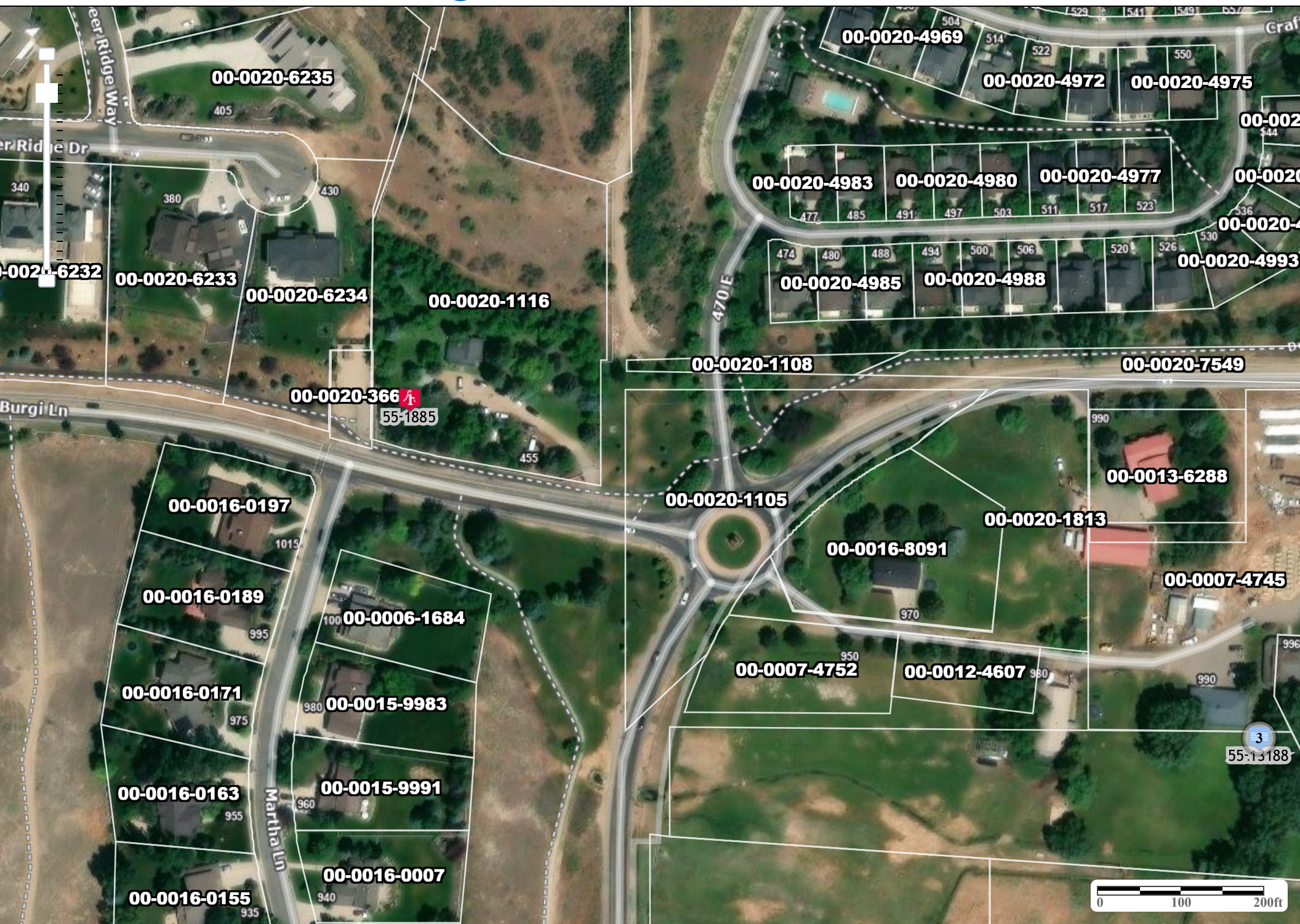
Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.





Hazardous Faults - Utah Quaternary Fault Database

 <2.6 Million Years, Well Constrained (2)

Mapped Areas

 Mapped Areas (1)





Midway Sanitation District

P.O. Box 277
75 North 100 West
Midway, UT. 84049
(435) 654-3223 ext. 104

Special Sewer Infrastructure Addendum /District Stipulations

Section 1: Conditions Precedent to Annexation Approval

The Midway Sanitation District (the "District") hereby conditions its consent to and approval of the proposed annexation upon the Property Owner's strict compliance with the following investigatory and administrative terms prior to the finalization of the annexation:

- **1.1 Comprehensive Video Inspection (CCTV).** The Property Owner, at their sole expense, shall contract a licensed, District-approved contractor to perform a complete, high-resolution closed-circuit television (CCTV) video inspection of all existing sewer laterals, piping, and connections of any wastewater collection system on the property.
- **1.2 Mapping of All Structures and Connections.** The Property Owner must submit a comprehensive, as-built utility map identifying every structure on the property (including all residential dwellings, the barn, and auxiliary buildings) and explicitly detail how each structure is serviced (e.g., connected to the District sewer or an active/inactive septic system).
- **1.3 Submission and District Review.** All video footage, inspection logs, and physical plumbing connection proofs must be submitted directly to the District for engineering review. The annexation shall not be finalized or signed by the engineer until the District's engineer has reviewed and approved the structural integrity and layout of the submittals.

Section 2: Non-Compliant/Unauthorized Connections & Impact Fees

- **2.1 Barn Lateral Use.** The District notes an unpaid Impact Fee and active connection currently utilizing a lateral beneath the barn structure. The Property Owner shall satisfy all applicable District impact fees for said structure. Failure to

satisfy impact fees for the barn connection along with any new and future connections shall result in a withholding of the annexation sign-off.

Section 3: Mandatory Connection Rule & Fee Structures

- **3.1 The 300-Foot Connection Rule.** Pursuant to Utah Code § 10-8-38 and District policy, any building intended for human occupancy, commercial use, or producing wastewater that sits within three hundred (300) feet of a District sewer mainline must be directly connected to the District's system with few exceptions. Limited exceptions to this mandatory connection rule apply only to existing, legally non-conforming ("grandfathered") private septic systems, provided they remain in compliance with local health department standards and do not pose a public health or environmental hazard.
- **3.2 Identification of Additional Dwellings.** The Property Owner must formally declare the planned use for all other residential homes/structures identified on the property.
- **3.3 Fees.** For all existing and newly identified connections, the Property Owner agrees to pay standard District impact fees per Equivalent Residential Unit (ERU), alongside standard quarterly user fees, in accordance with the District's current fee schedule.

Section 4: Septic Decommissioning

- **4.1 Discovery and Abandonment.** Any septic tanks or alternative onsite wastewater systems discovered during the CCTV mapping process, including the single tank currently on record with the County—must be legally and permanently decommissioned (see limited exceptions above).
- **4.2 County Health Standards.** Decommissioning must be performed at the Property Owner's expense in strict accordance with the Wasatch County Health Department and Utah Administrative Code R317-4 standards (pumping out solids, crushing or filling the tank with sand/gravel, and verifying disconnection). Proof of permitted septic abandonment must be submitted to the District.

Section 5: Prohibited Discharges (Line Protection)

- **5.1 Protection of Major Mainline.** Because the property's service lateral ties directly into one of the District's primary trunk lines, strict discharge controls are required to protect downstream infrastructure and treatment capabilities.

- **5.2 Absolute Prohibition of Animal Waste.** No agricultural waste, livestock manure, animal washdown water, processing waste, or associated runoff from the barn or agricultural operations shall be discharged into the District's sewer system. The sewer connection shall be used exclusively for standard domestic, human-occupancy wastewater. *No roof downspouts, surface storm drains, foundation drains, or agricultural floor drains subject to weather runoff shall be connected to the sanitary sewer system.*
- **5.3 Future Issues.** Should there be an issue in the future, the Property Owner shall install, at their sole expense, a standard District-approved inspection manhole or cleanout at the property line (or downstream of all combined on-site structures). The District shall retain an unhindered, perpetual right-of-way easement to access this manhole at any time for sampling, dye-testing, or flow monitoring.
- **5.4 Liability.** The Property Owner agrees to indemnify, defend, and hold harmless the District from any damage, clogs, chemical upsets, or accelerated degradation to the District's mainline caused by non-domestic or prohibited discharges originating from the subject property. Anything other than the main line is the sole responsibility of the owner and not of the district.
- **5.5 Final Stipulations.** The District reserves the right to withdraw its consent to this annexation agreement and request that the City halt all utility processing if the Property Owner fails to provide the required CCTV footage, refuses to remediate unauthorized connections, or falls delinquent on required impact and connection fees.



ORDINANCE 2026-19

AN ORDINANCE APPROVING THE GRANT B. KOHLER TRUST ANNEXATION AND DESIGNATING ZONING TO APPLY TO THE ANNEXATION PROPERTY

WHEREAS, Title 10, Chapter 2, Part 4 of the Utah Code authorizes a municipality to annex unincorporated areas into the municipality; and

WHEREAS, on April 6, 2026, a petition was filed with Midway City to annex approximately 2.23 acres of land known as the Grant B. Kohler Trust Annexation into Midway City; and

WHEREAS, the City has reviewed the annexation petition and has verified that it meets all applicable legal requirements; and

WHEREAS, on July 7, 2026, the Midway City Council held a duly noticed public hearing to receive public input on the proposed annexation; and

WHEREAS, the Midway City Council finds it desirable and in the public interest to approve the proposed annexation.

NOW THEREFORE, be it ordained by the City Council of Midway City, Utah, as follows:

Section 1: The real property described in Exhibit A is hereby annexed to Midway City, Utah, and the corporate limits of the City are hereby extended accordingly.

Section 2: The real property described in Exhibit A shall be classified as being in the RA-1-43 zone, pursuant to the Midway City Municipal Code, and the official Zoning Map of Midway City shall be amended accordingly.

Section 3: The real property described in Exhibit A shall be subject to all laws, ordinances, and policies of Midway City.

Section 4: This Ordinance shall take effect 20 days after publication or posting or 30 days after final passage by the governing body, whichever is closer to the date of final passage.

PASSED AND ADOPTED by the City Council of Midway City, Wasatch County, Utah
this day of 2026.

Council Member Andy Garland

Council Member Lisa Orme

Council Member Andrew Osborne

Council Member Kevin Payne

Council Member JC Simonsen

APPROVED:

Craig Simons, Mayor

ATTEST:

Brad Wilson, City Recorder

APPROVED AS TO FORM:

Corbin Gordon, City Attorney

(SEAL)

STATE OF UTAH)
 :ss
COUNTY OF WASATCH)

The foregoing instrument was acknowledged before me this ____ day of _____, 2026, by Craig Simons, who executed the foregoing instrument in his capacity as the Mayor of Midway City, Utah, and by Brad Wilson, who executed the foregoing instrument in his capacity as Midway City Recorder.

NOTARY PUBLIC

Exhibit A

DRAFT