

COTTONWOOD HEIGHTS

ORDINANCE NO. 227

AN ORDINANCE VACATING A PARCEL OF PUBLIC RIGHT-OF-WAY (DANISH ROAD–MENLOVE SUBDIVISION)

WHEREAS, the city council (the “*Council*”) of the city of Cottonwood Heights, Utah (the “*City*”) met in regular session on 26 August 2014 to consider, among other things, vacating approximately 1,020 square feet of the public street, right-of-way or easement that is located at the intersection (the “*Intersection*”) of Danish Road and Creek Road and is shown and described on the exhibits that are annexed hereto (the “*Property*”); and

WHEREAS, to the Council’s best knowledge, at some time in the past, while the Property was part of unincorporated Salt Lake County, the Property was dedicated for use as part of the Intersection by the then owner of the contiguous real property that now is Lot 2 (“*Lot 2*”) of the Menlove Subdivision; and

WHEREAS, thereafter, the alignment of Danish Road and/or Creek Road was modified to omit the Property from the Intersection, and the Property therefore has not been used for the Intersection or for any other public purpose for many years; and

WHEREAS, UTAH CODE ANN. §10-2-609.5 provides that, following its receipt of a petition from adjacent property owners, the Council may vacate a public street, right-of-way or easement following notice and a public hearing if the Council determines that (a) good cause exists for the vacation, and (b) neither the public interest nor any person will be materially injured by the vacation; and

WHEREAS, on or about 8 August 2014, the owner of Lot 2 submitted a petition (the “*Petition*”) for the City to vacate the Property; and

WHEREAS, the Council caused notice of a public hearing concerning the proposed vacation of the Property to be given as required by UTAH CODE ANN. §10-9a-208; and

WHEREAS, on 26 August 2014, the Council held the required public hearing regarding the proposed vacation of the Property as requested by the Petition; and

WHEREAS, after public comment and careful consideration, the Council has determined that good cause exists for the vacation of the Property and that neither the public interest nor any person will be materially injured by the vacation of the Property.

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. *Vacation of the Property.*

(a) Pursuant to UTAH CODE ANN. §10-2-609.5, any and all interests of the City in the Property as a public street, right-of-way or easement are hereby vacated, based on the Council's findings that good cause exists for such vacation of the Property and that neither the public interest nor any person will be materially injured by such vacation of the Property; and

(b) The action of the Council in vacating the street, right-of-way or easement on the Property shall operate as a revocation of the acceptance of and the relinquishment of the City's fee in the vacated Property.

Section 2. ***Notices and Filings.*** The City promptly shall cause this ordinance to be recorded in the official records of the Recorder of Salt Lake County, Utah as required by UTAH CODE ANN. §10-2-609.5(4)(b).

Section 3. ***Action of Officers.*** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 4. ***Severability.*** All parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 5. ***Repealer.*** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 6. ***Effective Date.*** This Ordinance, assigned no. 227, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's Recorder, or such later date as may be required by Utah statute; provided, however, that (a) the annexation effected hereby shall take effect as required by UTAH CODE ANN. §10-2-425(4), as amended; and (b) Section 3 of this Ordinance shall take effect upon the effective date of this annexation under UTAH CODE ANN. §10-2-425(4), as amended.

PASSED AND APPROVED this 26th day of August 2014.

COTTONWOOD HEIGHTS CITY COUNCIL

By 

Kelvyn H. Cullimore, Jr., Mayor

ATTEST:



Kory Solorio, Recorder



VOTING:

Kelvyn H. Cullimore, Jr.	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael L. Shelton	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael J. Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tee W. Tyler	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

DEPOSITED in the Recorder's office this 26th day of August 2014.

POSTED this 26th day of August 2014.

EXHIBIT

(Attach Legal Description and Map of the Property)

Menlove Subdivision Legal Description:

Beginning at a point said point being South $0^{\circ}04'26''$ East 1676.06 feet along the quarter section line and West 44.71 feet from the North Quarter Corner of Section 35, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running:

thence South $70^{\circ}07'00''$ West 69.16 feet;
thence Northeasterly 92.26 feet along the arc of a 50.00 foot radius curve to the left (center bears North $19^{\circ}52'53''$ West and the chord bears North $17^{\circ}15'33''$ East 79.72 feet with a central angle of $105^{\circ}43'09''$);
thence South $35^{\circ}36'00''$ East 43.39 feet;
thence South $40^{\circ}32'34''$ East 17.80 feet;
thence South $50^{\circ}13'00''$ East 5.93 feet to the point of beginning.

Contains 1,020 square feet or 0.023 acres.