

COTTONWOOD HEIGHTS

ORDINANCE No. 295

AN ORDINANCE VACATING A PARCEL OF PUBLIC RIGHT-OF-WAY (PROSPECTOR DRIVE—MINE SHAFT ROAD)

WHEREAS, the city council (the “*Council*”) of the city of Cottonwood Heights, Utah (the “*City*”) met in regular session on 22 May 2018 to consider, among other things, vacating approximately 5,837 square feet of the public street, right-of-way or easement that is located near the intersection (the “*Intersection*”) of Prospector Drive and Mine Shaft Road in the City and is shown and described on the exhibits that are annexed hereto (the “*Property*”); 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, numerous adjacent property owners have filed 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 22 May 2018, 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. 295, 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.

PASSED AND APPROVED this 22nd day of May 2018.

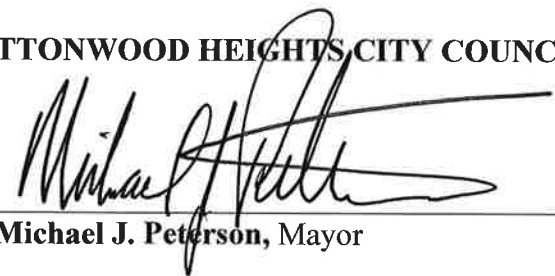
ATTEST:

COTTONWOOD HEIGHTS CITY COUNCIL

By:


Paula Melgar, Recorder




Michael J. Peterson, Mayor

VOTING:

Michael J. Peterson	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"/>
Tali C. Bruce	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Christine Watson Mikell	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

DEPOSITED in the Recorder's office this 22nd day of May 2018.

POSTED this 22 day of May 2018.

EXHIBIT

A PARCEL OF LAND SITUATE IN THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH. THE BOUNDARIES OF WHICH ARE DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 59 OF PROSPECTOR HILL NO. 1 RECORDED AS ENTRY NO. 2743589 IN BOOK 75-9 AT PAGE 143 IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER, SAID POINT IS ALSO 759.42 FEET S.00°29'53"W. ALONG THE SECTION LINE AND 33.86 FEET WEST FROM THE NORTH CENTER SIXTEENTH CORNER OF SAID SECTION 25 (NOTE: BASIS OF BEARING FOR THIS SURVEY IS S.00°28'19"W. ALONG THE SECTION LINE BETWEEN THE FOUND REBAR & CAP REPRESENTING THE NORTH QUARTER CORNER AND THE FOUND REBAR WITH ALUMINUM CAP REPRESENTING THE NORTH CENTER SIXTEENTH CORNER OF SAID SECTION 25); AND RUNNING THENCE N.58°48'35"W. 60.65 FEET; THENCE N.03°13'08"W. 14.81 FEET TO THE BEGINNING OF A 27.79 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE 38.67 FEET THROUGH A DELTA OF 79°43'10" (NOTE: CHORD FOR SAID CURVE BEARS N.36°38'29"E. FOR A DISTANCE OF 35.62 FEET); THENCE N.80°47'22"E. 66.33 FEET; THENCE S.00°29'53"W. 16.68 FEET; THENCE S.00°26'51"W. 53.92 FEET; THENCE N.73°26'54"W. 19.93 FEET; THENCE S35°01'08"W. 25.04 FEET TO THE POINT OF BEGINNING.

Said property is also known by the street address of:
Cottonwood Heights, Utah 84121

The Property is called the "Prospector Parcel" on the below aerial map:

