

Mayor

Rick Rosenberg

City Manager

Brock Jacobsen



City Council

Denny Drake

Leina Mathis

Ben Shakespeare

Jarett Waite

Christa Hinton

CITY COUNCIL

Meeting Date: 26/Jul/23

Agenda Item: 9

Applicant: Santa Clara City

Requested by: Jim McNulty

Subject: Ordinance to Correct Previous Roadway Vacation

Description:

City Attorney, Matt Ence, has provided a new city ordinance to correct a property description from a previous roadway vacation. Proposed Ordinance #2023-19 will correct previous Ordinance #2008-18.

Recommendation: Approval

Attachments: N/A

Cost: N/A

Legal Approval: Yes

Finance Approval: N/A

Budget Approval: N/A

**CITY OF SANTA CLARA
ORDINANCE NO. 2023-19**

**AN ORDINANCE OF THE CITY OF SANTA CLARA, UTAH, TO CORRECT A
LEGAL DESCRIPTION IN A PRIOR VACATION/ABANDONMENT ALONG SANTA
CLARA VIEW DRIVE, PREVIOUSLY ADOPTED FEBRUARY 11, 2008, AS
ORDINANCE NO. 2008-18.**

WHEREAS, on February 11, 2008, the City Council adopted Ordinance No. 2008-18, “An Ordinance Abandoning/Vacating a Portion of Roadway Located Along Both Sides of Santa Clara View Drive in the City of Santa Clara, Utah, More Particularly Described as Attached; and Providing an Effective Date”; and

WHEREAS, Ordinance No. 2008-18 was recorded on February 18, 2009, as Doc. No. 20090005694, in the files of the recorder for Washington County, State of Utah; and

WHEREAS, the City recently discovered that one of the legal descriptions referenced in such Ordinance No. 2008-18, identified as “Portion C” in the exhibit attached to such Ordinance, contained an error, and that such error created a cloud on the title to the adjacent property which received such vacated/abandoned property; and

WHEREAS, “Portion C” was intended to describe a 3.00 foot strip along the front of Lots 3-5, Santa Clara Heights Plat “J” Subdivision, and a buffer strip of Santa Clara Heights Plat “J”; and

WHEREAS, having consulted a professional surveyor, the City determined that the correct legal description for said “Portion C” is as set forth on Exhibit A which is attached to this Ordinance and incorporated with this reference; and

WHEREAS, the City Council, during its regular meeting held on July 26, 2023, considered the foregoing, and voted to approve the proposed amendment.

NOW, THEREFORE, BE IT ORDAINED by the Santa Clara City Council, State of Utah, as follows:

Section 1. Legislative Intent

This Ordinance is intended as a corrective ordinance, correcting a portion of Ordinance No. 2008-18, previously adopted on February 11, 2008.

Section 2. Correction to Ordinance No. 2008-18

The legal description attached to Ordinance No. 2008-18 and labeled “Portion C” is hereby corrected to read as set forth in Exhibit A to this Ordinance.

Section 3. Effective Date

This ordinance shall become effective immediately upon adoption and posting in the manner required by law, and recording in the office of the recorder for Washington County, State of Utah.

ADOPTED by a duly constituted quorum of the Santa Clara City Council this 26th day of July, 2023.

IN WITNESS THERETO:

Attest:

Rick Rosenberg, Mayor

Chris Shelley, City Recorder

EXHIBIT A
To Ordinance 2023-19

Corrected Legal Description

Sec 16, T42S, R16W, SLB&M
Santa Clara Heights Plat "J"

Portion "C" Santa Clara View Drive Partial Road Abandonment
(3.00 foot strip along the front of lots 3-5 and a Buffer Strip of Santa Clara Heights Plat "J")

A 3.00' wide portion of Santa Clara View Drive abutting lots 3-5 and a Buffer Strip of Santa Clara Heights Plat "J", Washington County, Utah records, said portion being more particularly described as follows: Beginning at the Southeast corner of Lot 6 of Santa Clara Heights Plat "J", Washington County records, and running thence South 19°00'00" East 3.00 feet; thence South 71°00'00" West 87.03 feet to the point of curvature of a 477.00 foot radius curve to the left; thence 232.27 feet southwesterly along the arc of said curve through a central angle of 27°54'00" to the point of tangency; thence South 43°06'00" West 186.64 feet; thence North 46°54'00" West 3.00 feet to a point on said northerly right-of-way of Santa Clara View Drive; thence North 43°06'00" East along said northerly right-of-way 186.64 feet to the point of curvature of a 480.00 foot radius curve to the right; thence 233.73 feet northeasterly along the arc of said curve through a central angle of 27°54'00" to the point of tangency; thence North 71°00'00" East 87.03 feet to the point of beginning.



CITY OF SANTA CLARA
 ORDINANCE 2008-18

AN ORDINANCE ABANDONING/VACATING A PORTION OF ROADWAY LOCATED ALONG BOTH SIDES OF SANTA CLARA VIEW DRIVE IN THE CITY OF SANTA CLARA, UTAH, MORE PARTICULARLY DESCRIBED AS ATTACHED; AND PROVIDING AN EFFECTIVE DATE:

WHEREAS, the City of Santa Clara has allowed the development of Santa Clara View Drive, and;

WHEREAS, the roadway was not installed using the full width of the dedicated road allowance and this has caused a portion of roadway to not be used as a part of the road and;

WHEREAS, the City of Santa Clara has determined there is good cause for abandoning/vacating this portion of roadway and that abandoning/vacating this portion of roadway will not be detrimental to the public interest and;

WHEREAS, the City Council of the City of Santa Clara, after proper legal noticing, held a Public Hearing on the proposed abandonment/vacation and two (2) property owners did not want the portion of roadway in front of their lots abandoned;

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Santa Clara as follows:

Section 1. Clarification:

This is a non-code ordinance.

Section 2. General Provisions:

That certain portion of roadway/easement located along Santa Clara View Drive, more particularly described in Exhibit "A" attached, which excludes those portions in front of SC-SCH-J-6 and SC-SCH-J-81, is hereby abandoned/vacated.

Section 3. Effective Date:

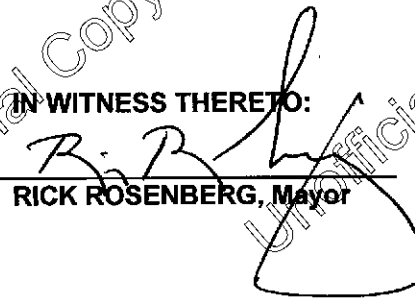
This ordinance shall become effective immediately upon adoption and posting in the manner required by law.

ADOPTED and ordered posted by a duly constituted quorum of the City Council of the City of Santa Clara, Utah, this 11 day of February, 2008.

ATTEST:

 BARBARA SALMON, City Recorder

IN WITNESS THERETO:


 RICK ROSENBERG, Mayor

Sec 16, T42S, R16W, SLB&M

Santa Clara Heights Plat "J"

Legal Description

Prepared For Santa Clara City

Portion "A" Santa Clara View Drive Partial Road Abandonment

(3.00 foot strip along the front of lots 1, 2, 87, 86, 85, and 84 of Santa Clara Heights Plat "J")

A 3.00' wide portion of Santa Clara View Drive abutting lots 1, 2, 87, 86, 85, and 84 of Santa Clara Heights Plat "J", Washington County, Utah records, said portion being more particularly described as follows: Beginning at the Northwest corner of Lot 84 of Santa Clara Heights Plat "J", Washington County records, and running thence South 71°00'00" West along the southerly right-of-way of said Santa Clara View Drive 199.85 feet to the point of curvature of a 420.00 foot radius curve to the left; thence 204.52 feet southwesterly along the arc of said curve through a central angle of 27°54'00" to the point of tangency; thence South 43°06'00" West 173.07 feet; thence leaving said southerly right-of-way North 46°54'00" West 3.00 feet; thence North 43°06'00" East 173.07 feet to the point of curvature of a 423.00 foot radius curve to the right; thence 205.98 feet northeasterly along the arc of said curve through a central angle of 27°54'00" to the point of tangency; thence North 71°00'00" East 293.63 feet; thence South 19°00'00" East 3.00 feet to a point on said southerly right-of-way; thence South 71°00'00" West along said southerly right-of-way 93.78 feet to the point of beginning.

Sec 16, T42S, R16W, SLB&M

Santa Clara Heights Plat "J"

Legal Description

Prepared For Santa Clara City

Portion "B" Santa Clara View Drive Partial Road Abandonment

(3.00 foot strip along the front of lot 7 of Santa Clara Heights Plat "J")

A 3.00' wide portion of Santa Clara View Drive abutting lot 7 of Santa Clara Heights Plat "J", Washington County, Utah records, said portion being more particularly described as follows: Beginning at the Southwest corner of Lot 7 of Santa Clara Heights Plat "J", Washington County records, and running thence North 71°00'00" East along the northerly right-of-way of said Santa Clara View Drive 96.60 feet; thence leaving said northerly right-of-way South 19°00'00" East 3.00 feet; thence South 71°00'00" West 96.60 feet; thence North 19°00'00" West 3.00 feet to the point of beginning.

Sec 16, T42S, R16W, SLB&M

Santa Clara Heights Plat "J"

Legal Description

Prepared For Santa Clara City

Portion "C" Santa Clara View Drive Partial Road Abandonment(3.00 foot strip along the front of **lots 3-5** and a **Buffer Strip** of Santa Clara Heights Plat "J")

A 3.00' wide portion of Santa Clara View Drive abutting lots 3-5 and a Buffer Strip of Santa Clara Heights Plat "J", Washington County, Utah records, said portion being more particularly described as follows: Beginning at the Southeast corner of Lot 6 of Santa Clara Heights Plat "J", Washington County records, and running thence South 19°00'00" East 3.00 feet North 71°00'00" East; thence South 71°00'00" West 87.03 feet to the point of curvature of a 477.00 foot radius curve to the left; thence 232.27 feet southwesterly along the arc of said curve through a central angle of 27°54'00" to the point of tangency; thence South 43°06'00" West 186.64 feet; thence North 46°54'00" West 3.00 feet to a point on said northerly right-of-way of Santa Clara View Drive; thence North 43°06'00" East along said northerly right-of-way 186.64 feet to the point of curvature of a 480.00 foot radius curve to the right; thence 233.73 feet northeasterly along the arc of said curve through a central angle of 27°54'00" to the point of tangency; thence North 71°00'00" East 87.03 feet to the point of beginning.

Sec 16, T42S, R16W, SLB&M

Santa Clara Heights Plat "J"

Legal Description

Prepared For Santa Clara City

Portion "D" Santa Clara View Drive Partial Road Abandonment(3.00 foot strip along the front of **lots 27-29** of Santa Clara Heights Plat "J")

A 3.00' wide portion of Santa Clara View Drive abutting lots 27-29 of Santa Clara Heights Plat "J", Washington County, Utah records, said portion being more particularly described as follows: Beginning at the Southwest corner of Lot 28 of Santa Clara Heights Plat "J", Washington County records, and running thence North 71°00'00" East along the northerly right-of-way of said Santa Clara View Drive 166.68 feet to the point of curvature of a 160.00 foot radius curve to the left; thence 117.29 feet northeasterly along the arc of said curve through a central angle of 42°00'00"; thence leaving said northerly right-of-way South 61°00'00" East 3.00 feet; to a point on a 163.00 foot radius curve with a radial bearing of North 61°00'00" West; thence 119.49 feet southwesterly along the arc of said curve through a central angle of 42°00'00" to the point of tangency; thence South 71°00'00" West 265.02 feet; thence North 19°00'00" West 3.00 feet; thence North 71°00'00" East along the northerly right-of-way of said Santa Clara View Drive 98.34 feet to the point of beginning.

Sec 16, T42S, R16W, SLB&M

Santa Clara Heights Plat "J"

Legal Description

Prepared For Santa Clara City

Portion "E" Santa Clara View Drive Partial Road Abandonment

(3.00 foot strip along the front of lots 82-83 of Santa Clara Heights Plat "J")

A 3.00' wide portion of Santa Clara View Drive abutting lots 82-83 of Santa Clara Heights Plat "J", Washington County, Utah records, said portion being more particularly described as follows: Beginning at the Northwest corner of Lot 82 of Santa Clara Heights Plat "J", Washington County records, and running thence South 71°00'00" West along the southerly right-of-way of said Santa Clara View Drive 70.00 feet; thence leaving said southerly right-of-way North 19°00'00" West 3.00 feet; thence North 71°00'00" East 155.00 feet; thence South 19°00'00" East 3.00 feet; thence South 71°00'00" West 85.00 feet to the point of beginning.

Sec 16, T42S, R16W, SLB&M

Santa Clara Heights Plat "J"

Legal Description

Prepared For Santa Clara City

Portion "F" Santa Clara View Drive Partial Road Abandonment

(3.00 foot strip along the front of lots 79-80 of Santa Clara Heights Plat "J")

A 3.00' wide portion of Santa Clara View Drive abutting lots 79-80 of Santa Clara Heights Plat "J", Washington County, Utah records, said portion being more particularly described as follows: Beginning at the Northwest corner of Lot 80 of Santa Clara Heights Plat "J", Washington County records, and running thence North 19°00'00" West 3.00 feet; thence North 71°00'00" East 35.02 feet to the point of curvature of a 217.00 foot radius curve to the left; thence 159.07 feet northeasterly along the arc of said curve through a central angle of 42°00'00"; thence South 61°00'00" East 3.00 feet to a point on said southerly right-of-way of Santa Clara View Drive, said point also being on a 220.00 foot radius curve with a radial bearing of North 61°00'00" West; thence 161.27 feet southwesterly along the arc of said curve through a central angle of 42°00'00" to the point of tangency; thence South 71°00'00" West 35.02 feet to the point of beginning.

