

When Recorded, Return To:

Centerville City
250 North Main
Centerville, Utah 84014

Affects Parcel No. 03-002-0063

ORDINANCE NO. 2023-15

**AN ORDINANCE VACATING A PUBLIC UTILITY EASEMENT FOR THE
LARSEN PROPERTY LOCATED AT APPROXIMATELY 480 SOUTH 400 EAST,
CENTERVILLE, UTAH**

WHEREAS, the Larsens recorded with the Davis County Recorder's Office a Public Utility Easement as set forth in Entry No. 3530123, Book 8263, Pages 689-690, as more particularly set forth in **Exhibit A**, attached hereto and incorporated by reference ("Easement"); and

WHEREAS, the Easement grants to Centerville City a public utility easement over and across their property located at approximately 480 South 400 East, Centerville, Utah, which property is more particularly described in **Exhibit B**, attached hereto and incorporated by reference ("Property"); and

WHEREAS, the public utility easement set forth in the above-described Easement is not in the correct form for Centerville City acceptance and the City desires to vacate the recorded Easement and to record a new Public Utility Easement using the City's standard easement form; and

WHEREAS, the City Council is satisfied that neither the public nor any person will be materially injured by the proposed vacation of the Easement and that there is good cause for the vacation in accordance with Utah Code § 10-9a-609.5.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
CENTERVILLE CITY, STATE OF UTAH:**

Section 1. **Vacation.** The City Council hereby finds there is good cause and neither the public nor any person will be materially injured by the vacation of the Easement affecting the Property and recorded in the Davis County Recorder's Office as Entry No. 3530123, Book 8263, Pages 689-690, located at approximately 480 South 400 East, Centerville, Utah. The vacation of the Easement set forth herein operates as a revocation of the acceptance of and the relinquishment of the City's fee or interest therein, but shall not be construed to impair any right-of-way or easement of any lot owner, the rights of any public utility, or the rights of a culinary water authority or sanitary sewer authority.

Section 2. **Recording.** Upon satisfaction of all conditions of approval, the City Recorder is directed to cause this Ordinance to be recorded in the office of the Davis County Recorder's Office, together with the new Public Utility Easement.

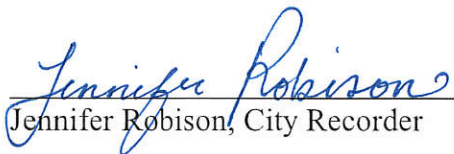
Section 3. Severability Clause. If any part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all provisions, clauses, and words of this Ordinance shall be severable.

Section 4. Effective Date. Subject to conditions of approval, this Ordinance shall become effective upon publication or posting, or thirty (30) days after passage, whichever occurs first. The vacation set forth herein shall become effective upon the date of recording of this Ordinance.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 17th DAY OF OCTOBER, 2023.

ATTEST:

CENTERVILLE CITY


Jennifer Robison, City Recorder

By: 
Mayor Pro Tem Robyn Mecham

Voting by the City Council:

	"AYE"	"NAY"	"ABSENT"
Councilmember Hirst			<u>X</u>
Councilmember Ince	<u>X</u>		
Councilmember McEwan	<u>X</u>		
Councilmember Mecham	<u>X</u>		
Councilmember Summerhays	<u>X</u>		

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published or posted as required by law.


JENNIFER ROBISON, City Recorder

DATE: 10-26-2023

RECORDED this 26th day of October, 2023.

PUBLISHED OR POSTED this 26th of October, 2023.



EXHIBIT A
RECORDED EASEMENT

WHEN RECORDED MAIL TO:
Centerville City
Attn: City Recorder
250 North Main
Centerville UT 84014

Parcel: 03-002-0063 *pt*

E 3530123 B 8263 P 689-690
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
5/25/2023 1:33 PM
FEE 0.00 Pgs: 2
DEP MEC REC'D FOR CENTERVILLE
CITY

PUBLIC UTILITY EASEMENT

For the good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned as Grantor(s), **Joshua Larsen and Cynthia Larsen**, hereby grant, convey, sell and set over unto **Centerville City, a municipal corporation**, a body politic of the State of Utah, its successors, assigns, licensees, franchisees, and public utilities (collectively referred to as Grantee), a perpetual right-of-way and public utility easement to install, maintain, operate, repair, inspect, protect, install, remove and replace utility structures and facilities, hereinafter called the "Facilities", said right-of-way and easement being situated in Davis County, State of Utah, over and through a parcel of Grantor's land, which easement is more particularly described in **Exhibit "A"**, attached hereto and incorporated herein by reference.

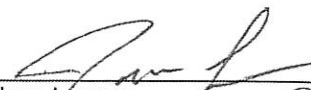
To have and hold the same unto the Grantee(s), its successors and assigns, with the right of ingress and egress in the Grantee(s), its officers, employees, agents and assigns to enter upon the above described property with such equipment and vehicles as is necessary to construct, install, maintain, operate, repair, inspect, protect, remove and replace the facilities. During construction periods, Grantee(s) and its contractors may use such portion of Grantors' property along and adjacent to the right-of-way and easement as may be reasonably necessary in connection with the construction or repair of the facilities. The contractor performing the work shall restore all property, through which the work traverses, to as near its original condition as is reasonable possible. Grantor(s) shall have the right to use the above described property except for the purposes for which this right-of-way and easement is granted to the Grantee(s), provided such use shall no interfere with the facilities or any other rights granted to the Grantee(s) hereunder.

Grantor(s) shall not build or construct, or permit to be built or constructed, any building or other improvement over or across this right-of-way and easement nor change the contour thereof without the written consent of Grantee(s). This right-of-way and easement grant shall be binding upon, and inure to the benefit or, the successors and assigns of the Grantor(s) and the successor and assigns of the Grantee(s), and may be assigned in whole or in part by Grantee(s).

Grantor(s) reserves the right to relocate this right-of-way and easement and/or the facilities, at Grantors' sole cost and expense.

In witness whereof, the Grantor(s) have executed this right-of-way and easement this 25 day of May, 2023.

"Grantors"

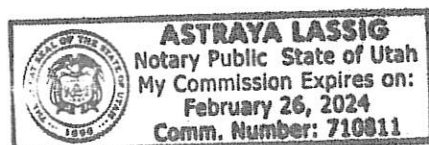


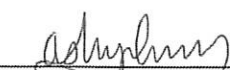
Joshua Larsen


Cynthia Larsen

STATE OF UT)
 :SS
COUNTY OF Salt Lake

ON THE 25 DAY OF May, 2023, PERSONALLY APPEARED BEFORE ME Joshua Larsen and Cynthia Larsen THE SIGNER() OF THE WITHIN INSTRUMENT, WHO DULY ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME.





NOTARY PUBLIC

PUBLIC UTILITY EASEMENT DESCRIPTION

480 SOUTH 400 EAST, CENTERVILLE, UT

DAVIS COUNTY PARCEL #03-002-0063

BEGINNING ON THE WEST LINE OF 400 EAST STREET, AT A POINT SOUTH $89^{\circ} 47' 22''$ EAST 77.85 FEET AND SOUTH $0^{\circ} 37' 39''$ W 952.75 FEET FROM THE NORTH EAST CORNER OF SECTION 18 TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, IN THE CITY IF CENTERVILLE, COUNTY OF DAVIS, STATE OF UTAH; THENCE N $0^{\circ} 17' 02''$ E 106 FEET ALONG THE WEST ROW LINE OF 400 EAST TO THE SOUTH LINE OF LAND CONVEYED TO ZACHARY BECK; THENCE N $89^{\circ} 18' 42''$ W 208.102 FEET TO AN OLD STEEL POST; THENCE S $0^{\circ} 05' 27''$ W 110.333 FEET TO AN OLD STEEL POST; THENCE N $89^{\circ} 29' 39''$ E 7 FEET; THENCE N $0^{\circ} 05' 27''$ E 103.333 FEET; THENCE S $89^{\circ} 18' 42''$ E 198.102 FEET; THENCE S $0^{\circ} 17' 02''$ W 99 FEET; THENCE EAST 10 FEET TO THE POINT OF BEGINNING.

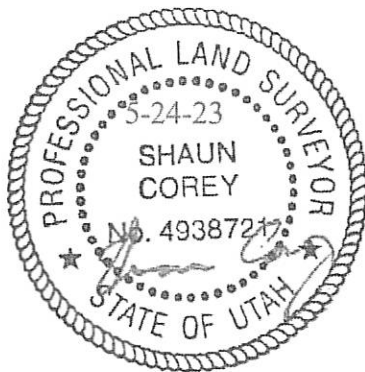


EXHIBIT B

LEGAL DESCRIPTION OF PROPERTY

480 South 400 East
Parcel No. 03-002-0063

BEGINNING ON THE WEST LINE OF 4TH EAST STREET AT A POINT NORTH 89° 57' EAST 77.85 FEET AND SOUTH 0°22' WEST 952.75 FEET FROM THE NORTHEAST CORNER OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, IN THE CITY OF CENTERVILLE, COUNTY OF DAVIS, STATE OF UTAH, THENCE NORTH 0°22' EAST 116.78 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE LAND CONVEYED TO R. VIOLET MILLER BY WARRANTY DEED RECORDED IN BOOK 78, PAGE 467 OF OFFICIAL RECORDS; THENCE SOUTH 88° 35' WEST ALONG THE SOUTH LINE OF SAID PROPERTY 207.24 FEET; THENCE SOUTH 0°22' WEST 116.78 FEET; THENCE NORTH 88°35' EAST 207.24 FEET TO THE POINT OF BEGINNING.