

**MILLCREEK, UTAH**  
**ORDINANCE NO. 24-42**

**AN ORDINANCE OF MILLCREEK VACATING A PORTION OF THE 700 WEST  
RIGHT OF WAY GENERALLY LOCATED BETWEEN 4060 & 4100 SOUTH**

**WHEREAS**, the Millcreek City Council (“Council”) met in a regular meeting on September 9, 2024, to consider, among other things, approving the vacation of a portion of the 700 West right of way generally located between 4060 & 4100 South, as depicted on the below map and as described in the below legal description; and

**WHEREAS**, Utah Code Section 72-5-105 provides in part that all public streets or roads shall continue to be public streets or roads until formally abandoned by ordinance of a highway authority having jurisdiction and the ordinance has been duly recorded by the county recorder where the street or road is located; and

**WHEREAS**, Utah Code Section 10-9a-609.5 provides in part that the City Council may approve a petition to vacate a public street in accordance with the requirements of Utah Code Section 10-9a-609.5; and

**WHEREAS**, on or about July 24, 2024, a petition to vacate a portion of the 700 West right of way, was filed by Millcreek and it included all the elements required by Utah Code Section 10-9a-609.5; and

**WHEREAS**, Utah Code Section 10-9a-609.5 provides that if a petition is submitted containing a request to vacate some or all of a public street or municipal utility easement, the legislative body shall hold a public hearing in accordance with Utah Code Section 10-9a-208 and determine whether good cause exists for the vacation and that the public interest or any person will be materially injured by the proposed vacation; and

**WHEREAS**, on August 29, 2024, the City gave notice of the date, place, and time of the required public hearing as required by Section 10-9a-208 council held; and

**WHEREAS**, on September 9, 2024, the Council held a public hearing in which public comment was received regarding the proposed vacation; and

**WHEREAS**, staff has advised the Council that good cause exists for the vacation because, among other things, the petition and process does not apply to or affect a public utility easement and it will result in a more favorable alignment of the 700 West right of way and that the public interest or any person will not be materially injured by the proposed vacation because among other things the area of the proposed vacation is not accessible as a street; and

**WHEREAS**, based on the public hearing and staff report, the Council finds that good cause exists for the vacation and that the public interest or any person will not be materially injured by the proposed vacation.

**NOW, THEREFORE**, be it ordained by the Council that the portion of the 700 West right of way generally located between 4060 & 4100 South is hereby vacated as described within **Exhibit A** and depicted within **Exhibit B**. The same is declared to be no longer necessary as a public street, alley, or public right of way. The Mayor and Recorder are hereby directed to record a copy of this ordinance in the office of the Salt Lake County Recorder.

**PASSED AND APPROVED** this 9<sup>th</sup> day of September 2024.

**MILLCREEK COUNCIL**



By: \_\_\_\_\_

**Bev Uipi**, Mayor Pro Tempore

**ATTEST:**

Elyse Sullivan  
**Elyse Sullivan**, City Recorder

**Roll Call Vote:**

|             |            |    |
|-------------|------------|----|
| Silvestrini | Yes        | No |
| Catten      | <u>Yes</u> | No |
| DeSirant    | <u>Yes</u> | No |
| Jackson     | <u>Yes</u> | No |
| Uipi        | <u>Yes</u> | No |

*excused*

**CERTIFICATE OF POSTING**

I, the duly appointed recorder for Millcreek, hereby certify that:

**ORDINANCE 24-42: AN ORDINANCE OF MILLCREEK VACATING A PORTION OF THE 700 WEST RIGHT OF WAY, GENERALLY LOCATED BETWEEN 4060 & 4100 SOUTH** was adopted the 9th day of September, 2024 and that a copy of the foregoing Ordinance 24-42 was posted in accordance with Utah Code 10-3-711 this 10 day of September, 2024.

Elyse Sullivan  
**Elyse Sullivan**

**Exhibit A**

Legal Description  
(Parcel To Vacate)

A PARCEL OF LAND LOCATED WITHIN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 1 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, MILLCREEK CITY, SALT LAKE COUNTY, UTAH; SAID PARCEL OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT BEING NORTH 00°10'00" WEST 22.06 FEET AND WEST 211.62 FEET AND NORTH 142.94 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 36; SAID SOUTHWEST CORNER OF SECTION 36 BEING SOUTH 89°57'26" WEST 1372.52 FEET FROM A WITNESS CORNER ALONG THE CENTERLINE OF 500 WEST STREET; SAID WITNESS CORNER ALONG THE CENTERLINE OF 500 WEST STREET BEING SOUTH 00°08'27" EAST 1754.44 FEET FROM A MONUMENT AT THE INTERSECTION OF 500 WEST AND 3900 SOUTH STREET; SAID MONUMENT AT THE INTERSECTION OF 500 WEST AND 3900 SOUTH STREET BEING SOUTH 89°54'15" EAST 1575.39 FEET FROM A MONUMENT AT THE INTERSECTION OF 700 WEST AND 3900 SOUTH STREET;

THENCE NORTH 107.06 FEET; THENCE SOUTH 49°36'00" EAST 17.18 FEET; THENCE NORTH 191.20 FEET; THENCE NORTH 18°32'42" EAST 2.70 FEET TO THE BEGINNING OF A 62.14 RADIUS CURVE TO THE LEFT; THENCE ALONG SAID CURVE 47.69 FEET (CHORD: NORTH 31°29'30" EAST 46.53 FEET); THENCE SOUTH 00°02'30" EAST 329.36 FEET; THENCE WEST 38.49 FEET TO THE POINT OF BEGINNING.

CONTAINS: 8,997.30 SQ. FT. OR 0.207 ACRES, MORE OR LESS

**EXHIBIT "B" - VACATED AREA**

