

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY OF PAYSON TO QUITCLAIM CERTAIN REAL PROPERTY INTERESTS TO THE UNITED STATES OF AMERICA, ACTING BY AND THROUGH THE BUREAU OF RECLAMATION, RELATED TO THE STRAWBERRY HIGHLINE CANAL

WHEREAS, Payson City (“City”) is a municipal corporation organized and existing under the laws of the State of Utah; and

WHEREAS, The United States of America, acting by and through the Bureau of Reclamation (“Bureau”), owns and operates the Strawberry High Line Canal; and

WHEREAS, the Bureau is currently undertaking efforts to pipe and modernize the Strawberry High Line Canal, which has required a survey of the canal right-of-way and adjacent properties; and

WHEREAS, as a result of the survey, the Bureau has identified three parcels of land that are currently listed in the Utah County records as being owned by Payson City, but which the Bureau asserts were acquired by the United States through recorded warranty deeds in 1915 predating the City’s apparent interest; and

WHEREAS, the Bureau has stated that the City’s record ownership of these parcels appears to be the result of overlapping or conflicting boundary descriptions arising from later plats and conveyances, and not from an intentional conveyance of federal land to the City; and

WHEREAS, the Bureau has stated that the City quitclaim any interest it may have in the identified parcels in order to clear title for the canal improvements; and

WHEREAS, the Bureau has further agreed to donate to the City any City-owned property interests that overlap into the Bureau-owned land, thereby resolving any reciprocal title conflicts between the parties:

WHEREAS, the City Council finds that:

- a. The City has no present or intended municipal use for the subject parcels,
- b. The quitclaim does not adversely affect the public
- c. The quitclaim serves a valid public purpose by facilitating a federal infrastructure project and resolving title discrepancies.
- d. A quitclaim deed appropriately conveys only whatever interest, if any, the City may have, without warranty of title; and

WHEREAS, the City Council finds that it is in the best interest of the City to authorize the quitclaim of the subject parcels to the United States of America, acting by and through the Bureau of Reclamation.

NOW, THEREFORE, be it ordained by the City Council of Payson, Utah, that:

1. **Authorization of Quitclaim.** The City hereby authorizes the conveyance, by Quitclaim Deed, of all right, title, and interest, if any, of Payson City in the real property described in Exhibit A, attached hereto and incorporated by reference, to the United States of American, acting by and through the Bureau of Reclamation.
2. **Nature of Conveyance.** The conveyance authorized by this Ordinance shall be made without warranty, express or implied, and shall convey only whatever interest the City may have, if any, in the subject property.
3. **Execution of Documents.** The Mayor and City Recorder are hereby authorized and directed to execute the Quitclaim Deed and any other documents reasonably necessary to effectuate the conveyance authorized by this ordinance.
4. **No Acceptance of Liability.** Nothing in this Ordinance shall be construed as an admission of ownership, liability, or responsibility by the City for the subject property, nor as an acceptance of any obligation related to the operation or maintenance of the Strawberry High Line Canal.
5. **Effective Date.** This Ordinance shall take effect upon adoption and publication as provided by law.

Passed and adopted by the Payson City Council, Utah, this 4th day of February 2026.

William R. Wright, Mayor

Attest:

Amalie R. Ottley, City Recorder

EXHIBIT "A"
(Legal Descriptions of Quitclaimed Property)

Parcel 1:

A portion of a tract of land described in that certain Warranty Deed recorded November 30, 2005 as Entry No. 137893:2005 in the office of the Utah County Recorder, located in the Southwest Quarter of Section 16, Township 9 South, Range 2 East, Salt Lake Base and Meridian, said portion is described as follows:

Beginning at the most northerly corner of Lot 1, HIDDEN GROVE ESTATES PLAT D, according to the official plat thereof on file in the office of the Utah County Recorder, said point being located South 89°35'36" West (record = South 89°35'10" West) 657.71 feet and North 136.03 feet (record = 136.11 feet) from the South Quarter Corner of Section 16, Township 9 South, Range 2 East, Salt Lake Base and Meridian (Basis of Bearing for this description is the Utah State Plane Coordinate System which yields a bearing of South 89°35'36" West 2651.86 feet along the section line defined by Utah County Surveyor brass monuments currently marking the South Quarter Corner and the Southwest Corner of said Section 16);
thence South 48°54'18" West 126.69 feet along the northwesterly line of said HIDDEN GROVE ESTATES PLAT D;
thence West 204.74 feet, more or less, to intersect the northwesterly boundary of the Strawberry High Line Canal as acquired by the United States of America by Warranty Deed, recorded February 26, 1915, as Entry No. 1183 in Book 141 at Page 500 in the office of said Utah County Recorder;
thence along said northwesterly Canal boundary North 48°26'00" East (record = North 48°17' East) 395.88 feet;
thence South 25°01'31" East 103.67 feet;
thence South 47°41'00" West 11.27 feet;
Parcel No. 30:052:0092
Parcel No. 30:072:0039
Parcel No. 41:777:0030
thence South 24°09'00" East 38.98 feet;
thence South 48°17'00" West 63.56 feet to the Point of Beginning.

The above-described parcel contains 40,342 square feet in area or 0.926 of an acre, more or less.

Parcel 2:

All that portion of Open Space A, HIDDEN GROVE ESTATES PLAT D, recorded September 5, 2013 as Entry No. 85142:2013 in the office of the Utah County Recorder which lies within a tract of land acquired by the United States of America for the construction, operation and maintenance of the Strawberry High Line Canal, by Warranty Deed, recorded November 8, 1915, as Entry No. 6052 in Book 154 at pages 163-164 in the office of the Utah County Recorder, described as follows:

Beginning at a Point on a southeasterly boundary of said tract of land acquired by the United States of America for the construction, operation and maintenance of the Strawberry High Line Canal which lies South 89°35'36" West 751.31 feet along the section line to intersect a northeasterly boundary of said tract of land at Canal centerline Station 676+32; along said northeasterly boundary, South 41°34'00" East (record = S41°43' E) 172.94 feet; and along said southeasterly boundary, South 48°26'00" West (record = South 48°17' West) 24.56 feet from the Utah County Surveyor brass monument, dated 1956, currently representing the South Quarter Corner of Section 16, Township 9 South, Range 2 East, Salt Lake Base and Meridian (Basis of Bearing for this description is the Utah State Plane Coordinate System which yields a bearing of South 89°35'36" West 2651.86 feet along the section line defined by Utah County Surveyor brass monuments currently representing the South Quarter Corner and the Southwest Corner of said Section 16);
thence along said southeasterly boundary of said tract of land, South 48°26'00" West (record = 48°17' West) 175.44 feet to a 2.5-inch diameter aluminum monument stamped United States Bureau of Reclamation;
thence along the southwesterly boundary of said tract of land, North 41°34'00" West (record = North 41°43' East) 16.26 feet to intersect the currently recorded, conflicting boundary of said HIDDEN GROVE ESTATES PLAT D;
thence along said conflicting boundary of HIDDEN GROVE ESTATES PLAT D, North 48°26' East 179.04 feet to intersect a southwesterly line of Lot 3 of said HIDDEN GROVE ESTATES PLAT D;
thence along said southwesterly line South 29°04'57" East 16.65 feet to the Point of Beginning.

The above-described tract of land contains 2,881 square feet in area or 0.066 of an acre, more or less.

Parcel No. 30:052:0092
Parcel No. 30:072:0039
Parcel No. 41:777:0030

Parcel 3:

All that portion of Open Space B, HIDDEN GROVE ESTATES PLAT D, recorded September 5, 2013 as Entry No. 85142:2013 in the office of the Utah County Recorder, which lies within a tract of land acquired by the United States of America for the construction, operation and maintenance of the Strawberry High Line Canal, by Warranty Deed, recorded February 26, 1915, as Entry No. 1183 in Book 141 at Page 500 in the office of the Utah County Recorder, said portion is described as follows:

Beginning at the most northerly corner of said Open Space B which lies South 89°35'36" West (record = South 89°35'10" West) 945.37 feet and South 112.82 feet (record = 112.70 feet) from

the South Quarter Corner of Section 16, Township 9 South, Range 2 East, Salt Lake Base and Meridian (Basis of Bearing for this description is the Utah State Plane Coordinate System which yields a bearing of South 89°35'36" West 2651.86 feet along the section line defined by Utah County Surveyor brass monuments currently marking the South Quarter Corner and the Southwest Corner of said Section 16);

thence along the easterly boundary of said Open Space B, South 41°34'06" East 16.26 feet to intersect the southeasterly boundary of said Strawberry High Line Canal;

thence along said southeasterly boundary, South 48°26'00" West (record = South 48°17' West) 28.58 feet to intersect the westerly boundary of said Open Space B;

thence along said westerly boundary and the northerly boundary of said Open Space B the following two (2) courses:

1.) North 26°38'55" West 16.82 feet;

2.) North 48°25'56" East 24.25 feet to the Point of Beginning.

The above-described parcel contains 429 square feet in area or 0.010 of an acre, more or less.