

ORDINANCE NO. 02-18-2026-A

AN ORDINANCE OF PAYSON CITY VACATING A PUBLIC UTILITY EASEMENT LOCATED WITHIN LOT 2 OF THE HENLINE PLAT B SUBDIVISION

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

WHEREAS, Jacksons Food Stores, Inc. is the owner of certain real property located at approximately 1250 West 800 South, Payson City, Utah, identified as Utah County Parcel No. 41:736:0008, and more particularly described as Lot 2 of the Henline Plat B Subdivision, recorded in the Utah County Recorder’s Office on July 22, 2010 ; and

WHEREAS, the Henline Plat B Subdivision was recorded as a vacation and re-subdivision of an earlier subdivision known as Henline Plat A ; and

WHEREAS, a public utility easement was created across Lot 2 at the time of recording the Henline Plat A Subdivision, and such easement remained in place following the recording of the Henline Plat B Subdivision, running through the central portion of Lot 2 in its current location; and

WHEREAS, on August 2, 2023, the Payson City Council approved a subdivision entitled “Payson Jacksons Subdivision,” which modified property boundaries owned by Jacksons Food Stores, Inc. and the Utah Department of Transportation (UDOT) and expressly approved the vacation of the public utility easement crossing Lot 2 of the Henline Plat B Subdivision; and

WHEREAS, subsequent to City Council approval, UDOT declined to execute the subdivision plat, citing internal policy regarding plat execution; and

WHEREAS, the transfer of real property interests between Jacksons Food Stores, Inc. and UDOT was nevertheless completed through a quitclaim deed, which has been properly recorded in the Utah County Recorder’s Office; and

WHEREAS, Jacksons Food Stores, Inc. has requested that the City of Payson formally vacate the public utility easement by ordinance or other instrument acceptable for recording by the Utah County Recorder’s Office, independent of subdivision plat recordation; and

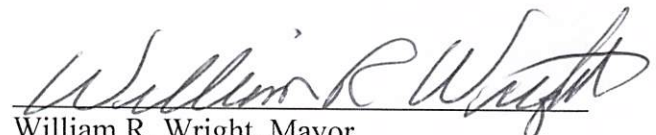
WHEREAS, the City Council finds that the public utility easement is no longer necessary for public use, that no public utilities currently rely upon the easement, or that alternative utility access exists, and that vacating the easement will not adversely affect the public health, safety, or welfare; and

WHEREAS, Utah Code 10-20-207 authorizes municipalities to vacate easements and other public interests in land when such interests are no longer required for public purposes.

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

1. **Findings Incorporated.** The foregoing recitals are hereby adopted as findings of fact and are incorporated into this Ordinance by reference.
2. **Vacation of Public Utility Easement.** Pursuant to the authority granted to municipalities under Utah law, the City hereby vacates and extinguishes the public utility easement, described in Exhibit 1, which was originally created by the recording of the Henline Plat A Subdivision, to the extent it affects Lot 2 of the Henline Plat B Subdivision identified as Utah County Parcel No. 41:736:0008, as shown on the recorded plats and depicted in Exhibit 2.
3. **Reservation of Existing Rights** This ordinance shall not be construed to: a) impair any existing private utility easements, if any, not owned by the City; or b) affect any rights previously conveyed by recorded deed or agreement unrelated to the public utility easement hereby vacated.
4. **Authorization to Record.** The City Recorder is hereby authorized and directed to: a) record this Ordinance, or a certified copy thereof, in the Utah County Recorder's Office; and b) take any additional actions necessary to effectuate the intent of this Ordinance.
5. **Effective Date.** This Ordinance shall take effect upon adoption.

Passed and adopted by the Payson City Council, Utah, this 18th day of February 2026.


William R. Wright, Mayor

Attest:



Amalie R. Ottley, City Recorder



EXHIBIT "1"
(Public Utility Easement Legal Description and Map)

November 1, 2024
Project No. 24-140
Partial Easement Vacation

Exhibit A

A parcel of land for a Partial Easement Vacation being a portion of Lot 2 of Henline Plat "B" (records of Utah County) situated in the Southeast 1/4 of Section 18, Township 9 South, Range 2 East, Salt Lake Base and Meridian, City of Payson, Utah County, Utah and being more particularly described as follows:

Commencing at a found brass cap marking the East 1/4 corner of said Section 18, which bears $N00^{\circ}00'08''E$ a distance of 2,626.91 feet from a found brass cap marking the Southeast corner of said Section 18, thence following the easterly line of said Southeast 1/4, $S00^{\circ}00'08''W$ a distance of 900.29 feet; Thence leaving said easterly line, $N89^{\circ}52'33''W$ a distance of 1,109.38 feet to a found cotton gin spindle marking the Southeast corner of said Lot 2; Thence following the southerly boundary of said Lot 2, $N89^{\circ}52'33''W$ a distance of 130.21; Thence leaving said southerly boundary, $N00^{\circ}07'27''E$ a distance of 10.00 feet to an existing public utilities easement per said Henline Subdivision Plat "B" and being the **POINT OF BEGINNING**.

Thence following said existing easement the following four (4) courses:

1. $N01^{\circ}05'53''W$ a distance of 393.41 feet;
2. $S88^{\circ}33'36''E$ a distance of 10.01 feet;
3. $S01^{\circ}05'53''E$ a distance of 393.18 feet;
4. $N89^{\circ}52'33''W$ a distance of 10.00 feet to the **POINT OF BEGINNING**.

Said parcel contains 3,933 square feet, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.

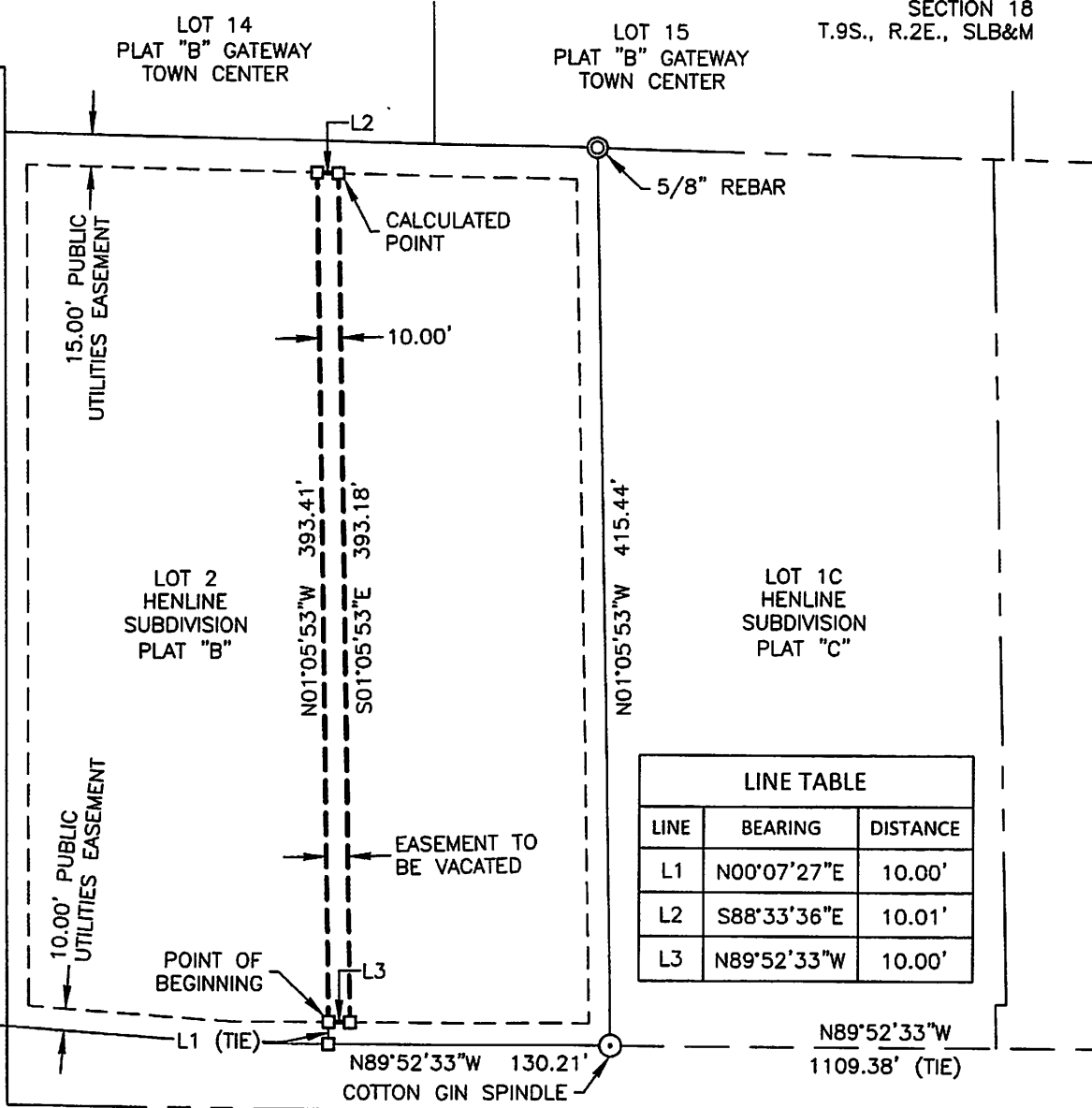
All subdivisions, deeds, records of surveys, and other instruments of record referenced herein are recorded documents of the county in which these described lands are situated.

Attached hereto is **Exhibit B** and by this reference is made a part hereof.



P:\24-140\SURVEY\CAD\EXHIBITS\24-140 PARTIAL EASEMENT VACATION.DWG, KOBE ZIMMERMAN, 11/1/2024, DWG TO PDF.PC3, 08.5K11 P [PDF]

POINT OF COMMENCEMENT
BRASS CAP
EAST 1/4 CORNER
SECTION 18
T.9S., R.2E., SLB&M



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N00°07'27"E	10.00'
L2	S88°33'36"E	10.01'
L3	N89°52'33"W	10.00'

N89°52'33"W 130.21'
COTTON GIN SPINDLE

N89°52'33"W
1109.38' (TIE)

800 South

900.29'
N00°00'08"E 2626.91'
BASIS OF BEARING

1726.62'

BRASS CAP
SOUTHEAST CORNER
SECTION 18
T.9S., R.2E., SLB&M

km
ENGINEERING
5725 NORTH DISCOVERY WAY
BOISE, IDAHO 83713
PHONE (208) 639-6939
kmeng@lp.com

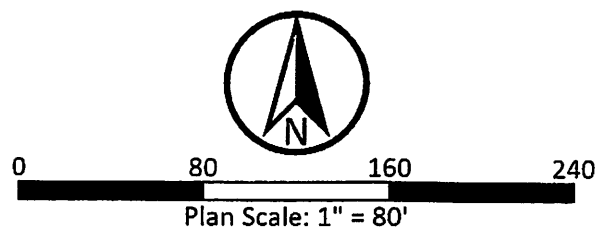
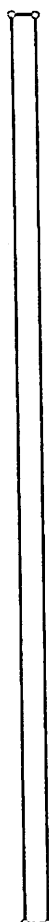


Exhibit B
Partial Easement Vacation

DATE: NOVEMBER, 2024
PROJECT: 24-140
SHEET: 1 OF 1

A parcel of land being a portion of Lot 2 of Henline Plat "B" situated in the Southeast 1/4 of Section 18, Township 9 South, Range 2 East, Salt Lake Base and Meridian, City of Payson, Utah County, Utah



Title:		Date: 10-31-2024
Scale: 1 inch = 80 feet	File: Deed Plotter.des	
Tract 1: 0.090 Acres: 3933 Sq Feet: Closure = s88.1240w 0.00 Feet: Precision = 1/328446: Perimeter = 807 Feet		
001=n01.0553w 393.41	003=s01.0553e 393.18	
002=s88.3336e 10.01	004=n89.5233w 10.00	

EXHIBIT "2"
(Map of lot 2 and Easement to be Vacated)

QUESTAR APPROVAL

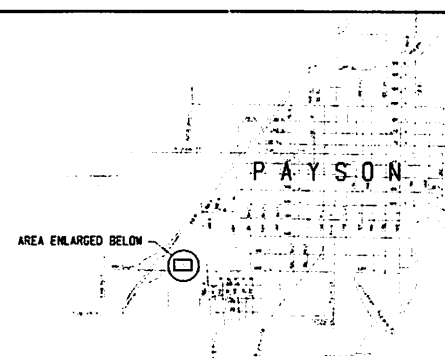
QUESTAR APPROVAL: THIS APPROVAL IS FOR THE PURPOSES OF APPROVING THE SETBACKS, HEIGHTS, AND USES OF THE PROPOSED DEVELOPMENT AND DOES NOT CONSTITUTE AN ENDORSEMENT OF THE PROJECT OR A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND OTHER AGENCIES. THE APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND OTHER AGENCIES. THE APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND OTHER AGENCIES.

FIRE MARSHALL APPROVAL

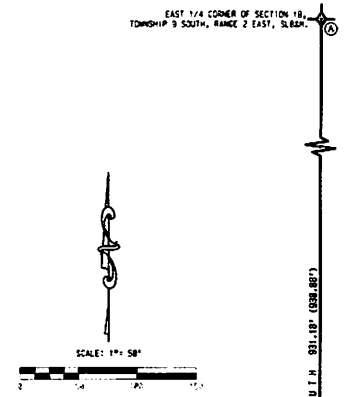
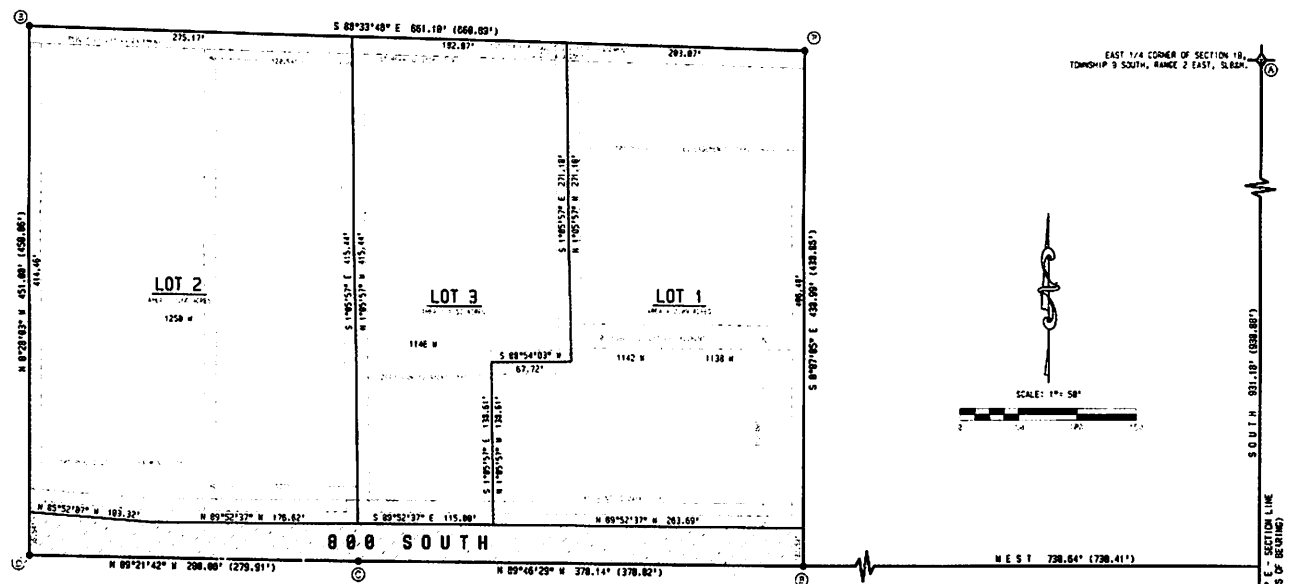
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APPROVED: _____
DATE: _____

APPROVED: _____
DATE: _____



VICINITY MAP



STATE PLATE COORDINATES

POINT #	NORTHING	EASTING
1	7,741,799.2162	1,220,324.6264
2	7,741,799.2162	1,220,324.6264
3	7,741,799.2162	1,220,324.6264
4	7,741,799.2162	1,220,324.6264
5	7,741,799.2162	1,220,324.6264
6	7,741,799.2162	1,220,324.6264
7	7,741,799.2162	1,220,324.6264
8	7,741,799.2162	1,220,324.6264
9	7,741,799.2162	1,220,324.6264
10	7,741,799.2162	1,220,324.6264

SURVEYOR'S CERTIFICATE
I, BARRY L. PRESTON, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 155588 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND PRESENTED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS AND THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT AND THAT THIS PLAT IS TRUE AND CORRECT.

BOUNDARY DESCRIPTION
COMMENCING SOUTH 871.18 FEET AND WEST 730.64 FEET FROM THE EAST 1/4 CORNER OF SECTION 18, TOWNSHIP 9 SOUTH, RANGE 2 EAST,
S 89°52'03" E 138.61' TO THE POINT OF BEGINNING.
S 89°52'03" E 138.61' TO THE POINT OF BEGINNING.
S 89°52'03" E 138.61' TO THE POINT OF BEGINNING.
S 89°52'03" E 138.61' TO THE POINT OF BEGINNING.

COURSE	DISTANCE	REMARKS
N 89°46'29" W	378.14'	
N 89°21'42" W	208.00'	
N 89°52'03" E	138.61'	TO THE SOUTH LINE OF GATEWAY TOWN CENTER PLAT "A"
S 89°52'03" E	681.18'	ALONG THE SOUTH LINE OF GATEWAY TOWN CENTER PLAT "A"
S 89°52'03" E	438.99'	TO THE POINT OF BEGINNING.

BASIS OF BEARING: UTAH COORDINATE BEARINGS, CENTRAL ZONE, S 89°00'00" E BETWEEN THE EAST 1/4 CORNER AND THE SOUTHWEST CORNER OF SECTION 18, T 9 S, R 2 E, S18E.
DATE: July 19, 2016
OWNER'S DECLARATION: I, the undersigned owner, do hereby certify that all the property described in the surveyor's certificate herein was shown on this map, was caused the same to be subdivided into lots, blocks, streets and easements and do hereby dedicate the streets and other public easements as indicated herein for the perpetual use of the public.
I, in witness hereof, have set our hands this 19th day of July, A.D. 2016.
Signature: _____
Name: **Jan Xing Family LLC**

ACKNOWLEDGEMENT
STATE OF UTAH)
COUNTY OF UTAH) S.S.
I, the undersigned, do hereby acknowledge to me that they do execute the same.
MY COMMISSION EXPIRES _____
NOTARY PUBLIC
ACCEPTANCE BY LEGISLATIVE BODY
I, the undersigned, do hereby accept the dedication of all streets, easements, and other parcels of land intended for public purposes for the perpetual use of the public this 19th day of July, A.D. 2016.

PLANNING COMMISSION APPROVAL
APPROVED THIS 11th DAY OF JULY, A.D. 2016, BY THE PLANNING COMMISSION OF PAYSON CITY.
DIRECTOR/SECRETARY: _____
CHAIRMAN, PLANNING COMMISSION: _____

PLAT "B" HENLINE
BEING A VACATION OF HENLINE PLAT A
SUBDIVISION
PAYSON CITY, UTAH COUNTY, UTAH
SCALE: 1" = 50 FEET

SURVEYOR'S SEAL: _____
CITY PUBLIC SEAL: _____
CITY COMPTROLLER SEAL: _____
CITY CLERK SEAL: _____
CITY PLANNING COMMISSION SEAL: _____

**ORDINANCE PASSAGE BY THE CITY COUNCIL OF PAYSON, UTAH
ON THE 18TH DAY OF FEBRUARY 2026**

Ordinance No. 02-18-2026-A

**Title: AN ORDINANCE OF PAYSON CITY VACATING A PUBLIC UTILITY EASEMENT
LOCATED WITHIN LOT 2 OF THE HENLINE PLAT B SUBDIVISION**

ROLL CALL VOTE:

**Councilmember Brian Hulet
Councilmember Anne Moss
Councilmember Bob Provstgaard
Councilmember Ryan Rowley
Councilmember Lacey Smith
Mayor William R. Wright**

Motion	Second	Yes	No	Abstain	Absent
		X			
	X	X			
X		X			
					X
		X			