

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF A TOWN ROAD

WHEREAS, the Town of Rockville, after due investigation and consideration, has determined that the nature and extent of public use and public interest to be subserved is such as to warrant the vacation of a platted, unimproved roadway legally in the title of the Town of Rockville; and

WHEREAS, the Town of Rockville has identified that said road is not necessary for the following reasons:

1. The road is not being used, and to our knowledge has never been used as a road,
2. The road contains no utilities or easements,
3. The abandonment of the road does not create a hardship for access to the properties of Bernie & Elaine Harris, Mildred Jensen, Arthella H. Excell, Caldar Properties, LLC, Robin Mathias, PHH Mortgage, Tracy Dutson and Zion Natural History Association,
4. The abandonment does not prevent the right of the adjoining property owners to develop their land according to the current Land Use Code, and
5. The new owners of the abandoned road are not prevented from developing this land according to the current Land Use Code.

WHEREAS, a Public Hearing has been held regarding the proposed road abandonment; and

WHEREAS, the Town Council of the Town of Rockville determines it is in the best interest of the Town to abandon the road and cause the same to be deeded to the adjacent property owners,

NOW, THEREFORE, it is hereby ordained by the Town Council of the Town of Rockville as follows:

1. That said unnamed road as identified on the map attached hereto as Exhibit A, and as described in the legal description attached hereto as Exhibit B, is hereby declared abandoned.

- 2. The Mayor of the Town of Rockville is hereby granted the authority to execute a Quit-Claim Deed of this property to the adjacent property owners, Bernie & Elaine Harris, Mildred Jensen, Arthella H. Excell, Caldar Properties, LLC, Robin Mathias, PHH Mortgage, Tracy Dutson and Zion Natural History Association in proportions as defined in Exhibits "C" with the following conditions:
 - a. The recipients of the abandoned property shall have the abandoned portions combined with their existing, adjoining parcels and recorded with the Washington County Recorder as one deed. A copy of the new descriptions, as recorded, shall be furnished to the Town Clerk within 30 days of the passage of this ordinance.

THE TOWN COUNCIL deems it to be in the best interest of the Town for this ordinance to become effective on the _____ day of _____ 2017.

PASSED this _____ day of _____, 2017.

Councilmember

Mayor

Councilmember

Councilmember

ATTEST:

Councilmember

Town Clerk

Ordinance No. _____

EXHIBIT "B"

ROAD ABANDONMENT
LOCATED WEST OF DENNETT LANE

TOTAL PORTION TO BE ABANDONED BY THE TOWN OF ROCKVILLE

A platted unimproved roadway, 33 feet in width, as shown on the Rockville Townsite Survey and re-survey, to be vacated and apportioned to the adjoining property owners, said roadway being more particularly described as follows:

Beginning at a point which lies South $0^{\circ}07'46''$ East 1023.57 feet along the section line from the West quarter corner of section 1, Township 42 South, Range 11 West, Salt Lake Base and Meridian and running thence North $87^{\circ}57'30''$ East 996.19 feet; thence North $72^{\circ}21'57''$ East 597.34 feet; thence North $2^{\circ}02'30''$ West 99.64 feet; thence North $78^{\circ}00'00''$ East 286.63 feet; thence South $2^{\circ}02'30''$ East 33.50 feet; thence South $78^{\circ}00'00''$ West 253.13 feet; thence South $2^{\circ}02'30''$ East 96.98 feet; thence South $72^{\circ}21'57''$ West 626.91 feet; thence South $87^{\circ}57'30''$ West 1001.81 feet to a point on the west line of said section 1; thence North $0^{\circ}07'46''$ West 33.02 feet along said line to the point of beginning.

Contains 65,307 square feet or 1.50 acres.