

5

**ORDINANCE NO. 2021-15**

**A ORDINANCE OF THE PLEASANT GROVE CITY COUNCIL, UTAH COUNTY, UTAH, TO PERMANENTLY ABANDON AND VACATE A RIGHT-OF-WAY STRIP ALONG THE SOUTH SIDE OF 700 SOUTH (SAM WHITE'S LANE) AT APPROXIMATELY 1027 WEST 700 SOUTH, PLEASANT GROVE, UTAH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, previously a right-of-way was obtained that wider than the current and anticipated future needs of the 700 South Right-of-Way; and

**WHEREAS**, Dakota Pacific Real Estate Partners III, LP, is in the process of developing the subject property and has submitted a subdivision plat for approval that should reflect the actual right-of-way dedication that is required for the current street standard width; and

**WHEREAS**, the "extra" area is a narrow sliver of property on the south side of 700 South; and

**WHEREAS**, the City Engineer is recommending that the City Council permanently vacate the right-of-way strip on the south side of 700 South (Sam White's Lane) along the parcel located at 1027 West, 700 South totaling approximately 1,197 square feet or 0.028 acres; and

**WHEREAS**, on May 18, 2021, the Pleasant Grove City Council held a public hearing on the intent to vacate any interest in the road right-of-way; and

**WHEREAS**, the said portion of the right-of-way will be deeded to the adjacent property owner, as per State Code, U.C.A. §10-9a-609.5, 1953 as amended, to be utilized in the proposed development project; and

**WHEREAS**, the Mayor is authorized to execute said deed upon city council approval of Ordinance #2021-15; and

**WHEREAS**, the City Council has determined that there is good cause for the action and that the action will not be detrimental to the public interest, nor materially injure any person or the public interest.

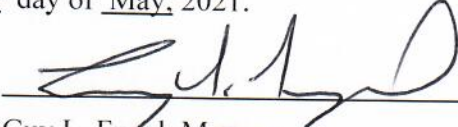
**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Pleasant Grove City, Utah County, State of Utah, as follows:

**SECTION 1:** The right-of-way strip on the south side of 700 South (Sam White's Lane) along the frontage of the parcel located at 1027 West 700 South, is permanently abandoned and vacated as the Council deems it to be in the best interests of the health, safety and welfare of the citizens of Pleasant Grove. Said right-of-way is more particularly shown on Exhibit "A" which is attached hereto.

**SECTION 2: SEVERABILITY.** The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any of the remaining sections, paragraphs, sentences, clauses, or phases of this Ordinance.

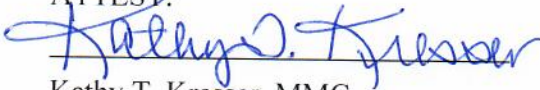
**SECTION 3: EFFECTIVE DATE.** This ordinance shall take effect immediately upon its passage and shall be posted or published as required by law.

**SECTION 4: APPROVED AND ADOPTED AND MADE EFFECTIVE** by the City Council of Pleasant Grove City, Utah County, Utah, this 18<sup>th</sup> day of May, 2021.

  
Guy L. Fugal, Mayor



ATTEST:

  
Kathy T. Kresser, MMC  
City Recorder

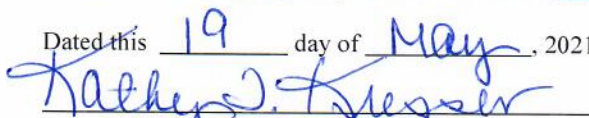
Motion: Council Member ANDERSEN

Second: Council Member BULLOCK

| ROLL CALL          | Yea         | Nay   | Abstain |
|--------------------|-------------|-------|---------|
| Mayor Guy L. Fugal | _____       | _____ | _____   |
| Dianna Andersen    | <u>&gt;</u> | _____ | _____   |
| Brent Bullock      | <u>X</u>    | _____ | _____   |
| Eric Jensen        | <u>X</u>    | _____ | _____   |
| Cyd LeMone         | _____       | _____ | _____   |
| Todd Williams      | <u>X</u>    | _____ | _____   |

**CERTIFICATE OF POSTING ORDINANCE**  
**Pleasant Grove City Corporation**

I, the duly appointed recorder for the City of Pleasant Grove, hereby certify that a summary of the foregoing Ordinance No. 2021-15 was posted on the State (<http://pmn.utah.gov>) website on this 19<sup>th</sup> day of May, 2021.

Dated this 19 day of May, 2021.  
  
Kathy T. Kresser, MMC, City Recorder

**Pleasant Grove Pen and Ink 700 S Street Parcel Legal Description**

A parcel of land being part of the 700 South Street Right of Way owned by Pleasant Grove City. Said parcel is located in the Southeast Quarter of Section 30, Township 5 South, Range 2 East, Salt Lake Base and Meridian and is described as follows:

**Beginning** at a point, which is the northeast corner of Parcel B, Pen & Ink Plat A recorded December 18<sup>th</sup>, 2020 as Entry:2020-202556 in the Office of the Utah County Recorder which is 122.20 feet S. 00°09'59" E. from the East Corner of Section 30, Township 5 South, Range 2 East, Salt Lake Base and Meridian, thence N. 89°59'50" W. 181.50 feet along the northerly line of said subdivision; thence N. 00°00'10" E. 6.60 feet along the easterly line of said Parcel B to a corner of Parcel B; thence S. 89°59'50" E. 181.48 feet; thence S.00°09'59" E. 6.59 feet to the **Point of Beginning**.

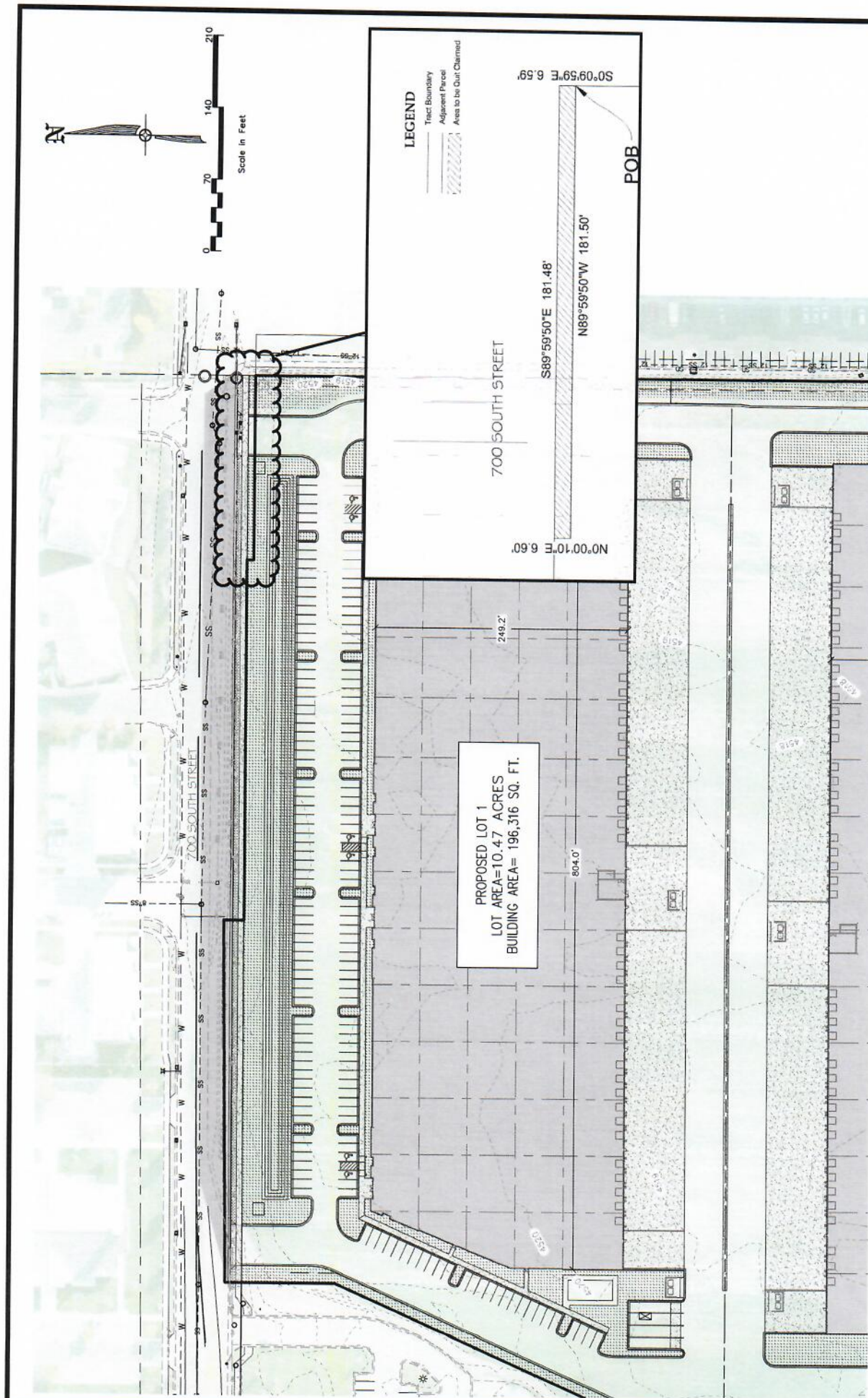
The above-described perpetual easement contains 1,197 Sq Ft., in area or 0.028 Acre more or less.

**EXHIBIT "B":**

By this reference, made a part hereof.

**BASIS OF BEARING:**

N. 89°37'43" E. between the West Quarter Corner of Section 30 and the East Quarter Corner of Section 30, Township 5 South, Range 2 East, Salt Lake Base and Meridian as shown on said Pen & Ink Plat A.



PREPARED BY:

**CIR** | **CIVIL ENGINEERING  
+ SURVEYING**

3032 South 1030 West, Suite 202, Salt Lake City, Utah 84119

Pen and Ink Plat A-Parcel B

ROW Deed Exhibit

Assessor Parcel No:

Part of the SE 1/4 of Section 30  
Township 5 South, Range 2 East, S.L.B.&M.

March 12, 2021

Page 1 of 1