

ORDINANCE # 2010- D

AN ORDINANCE VACATING A ROAD EASEMENT LOCATED AT APPROXIMATELY 250 WEST FROM 150 SOUTH TO 195 SOUTH, WILLARD CITY, BOX ELDER COUNTY, UTAH

WHEREAS, the City Council of Willard City Utah has the authority on its own initiative or by petition pursuant to Utah Code 10-9a-208, to vacate rights of way within Willard City; and

WHEREAS, an offer of dedication for Parcel B as shown on Exhibit "B", was accepted by the City of Willard; and

WHEREAS, the City has complied with the public notice requirements of Utah Code 10-9a-208; and

WHEREAS, the City Council has found that there is good cause to vacate the easement right of way and that the vacating of the right of way will not be detrimental to the public interest.

NOW, THEREFORE be it ordained by the Governing Body of Willard City that:

Section 1. The alley right of way located at approximately 250 West from 150 South to 195 South in Willard City, Box Elder County, Utah, as shown on the attached Exhibit "A" is hereby vacated and pursuant to Utah Code, the City does hereby revoke any acceptance of the dedication of such right of way and does hereby relinquish its fee interest, if any, to the property. The private rights of way and easements therein, if any, of any lot owner and the franchise rights of any other public utility shall not be impaired by this action.

Section 2. Severability. If any provision of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 3. This ordinance shall take effect immediately upon its adoption and posting.

PASSED, ADOPTED, AND ORDERED POSTED this 11th day of March, 2010.



Ryan Tingey
Mayor - Willard City

Attest:



Teri Fellenz
City Recorder



EXHIBIT "A"

ROAD EASEMENT (TO BE VACATED)

A PART OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 8 NORTH, RANGE 2 WEST, OF THE SALT LAKE BASE AND MERIDIAN BEING A PART OF 250 WEST STREET BLOCK 13, PLAT "A", WILLARD CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF RECORDED IN THE OFFICE OF THE COUNTY RECORDER, BOX ELDER COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 4; RUNNING THENCE NORTH 89°31'49" WEST 33.00 FEET; THENCE NORTH 00°40'02" EAST 147.28 FEET; THENCE SOUTH 89°30'42" EAST 33.00 FEET; THENCE SOUTH 00°40'02" WEST 147.28 FEET TO THE POINT OF BEGINNING. CONTAINING 0.11 ACRES.

EXHIBIT "B"

ROAD EASEMENT (TO BE DEDICATED)

The alignment of the said easement is described as follows:

A 60.00 FOOT WIDE ROADWAY EASEMENT BEING 30.00 FEET LEFT AND 30.00 FEET RIGHT OF THE FOLLOWING DESCRIBED CENTERLINE.
A PART OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 8 NORTH, RANGE 2 WEST, OF THE SALT LAKE BASE AND MERIDIAN:
BEGINNING AT THE INTERSECTION OF THE GRANTORS NORTH PROPERTY LINE AND THE EXTENSION OF EXISTING CENTERLINE OF 400 WEST STREET AS RECORDED ON THE MOUNTAIN SHADOWS SUBDIVISION NO. 1 PLAT BEING LOCATED SOUTH 00°40'02" WEST 711.93 FEET ALONG THE EAST LINE OF SAID SECTION AND NORTH 89°32'48" WEST 512.12 FEET ALONG SAID NORTH LINE FROM THE NORTHEAST CORNER OF SAID SECTION; RUNNING THENCE SOUTH 00°00'00" EAST 208.37 FEET TO THE GRANTORS SOUTH PROPERTY LINE AND THE POINT OF TERMINATION.

ROADWAY AND PUBLIC UTILITY EASEMENT

Know all men by these presents, that Richard Z. Thompson of West Haven, Weber County, Utah having power of attorney for Lindsey B. Hansen of Willard City, Box Elder County, Utah (whether one or more than one), hereinafter called the Grantor, in consideration of the sum of one and No/100 dollars (\$1.00), to him paid by Willard City, Box Elder County, Utah, a corporation, hereinafter called the Grantee, the receipt of which is hereby acknowledged, does hereby grant to the said Grantee, their, it's heirs, executors, administrators, successors, and assign a perpetual roadway easement, a public utility easement, and right-of-way 60.00 feet in width, being 30.00 feet left and 30.00 feet right, of the described alignment to be used as public thoroughfare and public utility easement forever upon, over, thru, and across the following described lands owned by the Grantor(s), lying in Box Elder County, Utah:

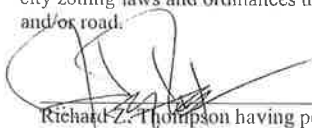
A PART OF THE NORTHEAST QUARTER OF SECTION 27 AND A PART OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN. BEGINNING AT A POINT IN AN EXISTING FENCE LINE LOCATED SOUTH 00°40'02" WEST 711.93 FEET (654.72 FEET PER DESCRIPTION 02-054-0004, 716.43 FEET PER WILLARD TOWNSITE PLAT) FROM THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; RUNNING THENCE SOUTH 89°32'48" EAST 368.54 FEET; THENCE SOUTH 00°40'02" WEST 208.36 FEET TO AN EXISTING FENCE LINE; THENCE ALONG SAID EXISTING FENCE LINE NORTH 89°32'48" WEST 1379.04 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE OREGON SHORT LINE RAILROAD; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE NORTH 18°48'21" WEST 220.72 FEET TO AN EXISTING FENCE LINE BEING A POINT DESCRIBED OF RECORD AS BEING THE NORTH LINE OF LOT 3, OF LOT 1, OF SAID SECTION 27; THENCE SOUTH 89°32'48" EAST 1084.08 FEET ALONG SAID FENCE LINE AND THE NORTH LINE OF SAID LOT 3 TO THE POINT OF BEGINNING. CONTAINING 6.77 ACRES.

The alignment of the said easement is described as follows:

A 60.00 FOOT WIDE ROADWAY EASEMENT BEING 30.00 FEET LEFT AND 30.00 FEET RIGHT OF THE FOLLOWING DESCRIBED CENTERLINE. A PART OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 8 NORTH, RANGE 2 WEST, OF THE SALT LAKE BASE AND MERIDIAN: BEGINNING AT THE INTERSECTION OF THE GRANTORS NORTH PROPERTY LINE AND THE EXTENSION OF EXISTING CENTERLINE OF 400 WEST STREET AS RECORDED ON THE MOUNTAIN SHADOWS SUBDIVISION NO. 1 PLAT BEING LOCATED SOUTH 00°40'02" WEST 711.93 FEET ALONG THE EAST LINE OF SAID SECTION AND NORTH 89°32'48" WEST 512.12 FEET ALONG SAID NORTH LINE FROM THE NORTHEAST CORNER OF SAID SECTION; RUNNING THENCE SOUTH 00°00'00" EAST 208.37 FEET TO THE GRANTORS SOUTH PROPERTY LINE AND THE POINT OF TERMINATION.

Provided, however, that the exercise by the Grantee of the rights hereby granted shall be subject to, and in accord with, the following conditions:

The grantor reserves the right to continue to use the subject property within said 60.00 foot wide easement and enjoy all the rights, privileges and uses that have been historically exercised in the past and as allowed by current city zoning laws and ordinances until such time that Willard City begins design and/or installation of utilities and/or road.


Richard Z. Thompson having power of attorney for Grantor, Lindsey B. Hansen

IN WITNESS WHEREOF, the said Grantor has executed this instrument this 26 day of March, 2010.

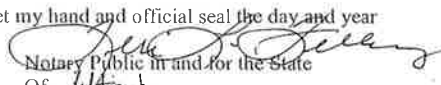
STATE OF UTAH
COUNTY OF Box Elder

On the 26th day of March, 2010, personally appeared before me

Richard Z. Thompson, the signer(s) of the foregoing instrument, who duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have here unto set my hand and official seal the day and year last above mentioned.




Notary Public in and for the State
Of Utah
Residing at: Willard
My Commission Expires: 10-23-10