KEARNS METRO TOWNSHIP COUNCIL

ORDINANCE NO. 2022-02-02

February 14, 2022

A RESOLUTION TO VACATE 4695 SOUTH RIGHT-OF-WAY

WHEREAS, Kearns Metro Township ("Kearns") is a municipality and political subdivision of the state of Utah; and

WHEREAS, Kearns Metro Township Council ("Council") is authorized to resolve to vacate a public right-of-way under Utah Code Ann. § 10-9a-609.5; and

WHEREAS, pursuant to Utah Code Utah Code Ann. § 10-9a-609.5(7), Kearns filed the attached petition to vacate the 4695 South Right-of-Way, which is a no-through road, to facilitate and allow for the re-construction of 4715 South; and

WHEREAS, on February 14, 2022, the Council held a Public Hearing on the petition to vacate (as legally described in this Resolution) and heard evidence and testimony from all interested persons; and

WHEREAS, as required by Utah Code Ann. § 10-9a-208, a Notice of Public Hearing was published on the Kearns Website and Utah Public Notice Website 10 days before the Public Hearing; and

WHEREAS, as required by Utah Code Ann. § 10-9a-208, Notice of the date, time and place of the Public Hearing was mailed to each affected entity 10 days before the Public Hearing; and

WHEREAS, the Council determines that good cause exists to vacate 4695 South Street;

NOW, THEREFORE, BE IT RESOLVED by Kearns Metro Township Council:

1. The Street Vacation, being a part of the 4695 South Street located in the Northeast Quarter of Section 7 and the Southeast Quarter of Section 6, Township 2 South, Range 1 West, Salt Lake Base and Meridian, has legal description as follows:

Beginning at the intersection of the southerly right of way line of said 4695 South Street with the easterly right of way Line of 4130 West Street (Midway Drive) described in the Valley Cove P.U.D. recorded August 20, 1999 as Entry No. 7447891 in Book 99-8P of Plats, at Page 232 in the Office of the Salt Lake County Recorder, which point is 1795.15 feet S. 89°37'29" E. along the section line and 10.05 feet North from the North Quarter Corner of said Section 7, at a point of non-tangency with a 50.00-lool radius curve to the left, concave westerly (Radius point bears N. 37°35'35" W.); thence Northerly 53.58 feet along the arc of said curve and easterly right of way line, through a central angle of 61°23'42" (Chord bears N.

21°42'34" E. 51.05 feet) to the northerly right of way line of said 4700 South Frontage Road; thence S. 81°41'34" E. 275.24 feet along

said northerly right of way line, to the southwesterly boundary line of the Utah and Salt Lake Canal as shown on said Valley Cove P.U.D.; thence S. 53°28'28" E. 89.77 feet along said southwesterly boundary line and a southeasterly extension thereof, to a point of non-tangency with a 948.38 - foot radius curve to the right, concave northerly (Radius point bears N. 14°43'45" W.); thence Westerly 122.86 feet along the arc of said curve, through a central angle 07°25'20" (Chord bears S. 78°58'55" W. 122.77 feet) to the southerly boundary line of an entire tract of land described in that Quitclaim Deed recorded March 25, 2010 as Entry No. 10921409 in Book 9813, at Page 274 in the Office of said Recorder, being a point of non-tangency with a 17.00 - foot radius curve to the left, concave westerly (Radius point bears N. 09°05'04" W.); thence Northerly 48.42 feet along the arc of said curve and easterly boundary line of said entire tract, through a central angle of 163°12'20" (Chord bears N. 00°41'14" W. 33.64 feet), to said southerly right of way line of 4700 South Frontage Road; thence; N. 81°38'53" W. 245.05 feet, along said southerly right of way line to the Point of Beginning.

- 2. The Council determines that good cause exists to vacate 4695 South Street. The Council determines that vacation of 4695 South Steet conforms with Kearns' General Plan and retention of 4695 South Street is not necessary or beneficial for present or future public use. By approving this ordinance, the Council vacates and closes as a public street 4695 South Street.
- 3. If necessary to effectuate this vacation, the Mayor is authorized to: (A) execute a Quitclaim Deed prepared and approved by the City Attorney to convey title of the vacated street to the underlying property owner(s); (B) to record this Resolution and the Quitclaim Deed with the Salt Lake County Recorder's Office; and (C) to take all other action necessary and appropriate to properly effect the vacation of a portion of 4695 South Street under the laws of the State of Utah and the Salt Lake County Clerk is authorized to attest to the Mayor signature.
- 4. Kearns officials are directed to take all other action necessary or appropriate to carry out this Resolution.
- 5. If any part of this Resolution is held invalid or unenforceable, the invalidity or unenforceability of that part does not affect the remainder of this Resolution.
 - 6. All acts, orders, and resolutions in conflict with this Resolution are repealed.
 - 7. This Resolution becomes effective immediately upon its adoption.

APPROVED and ADOPTED this 14th day of February, 2022.

KEARNS METRO TOWNSHIP COUNCIL

By: Kelly F. Bush Kelly Bush, Mayor

ATTEST

APPROVED AS TO FORM:

Nathan Bracken,

Metro Township Attorney

Sherrie Swensen, Clerk/Recorder

VOTING

Council Member Bush voting
Council Member Butterfield voting
Council Member Peterson voting
Council Member Schaeffer voting
Council Member Snow voting
Aye
Council Member Snow voting
Aye

(Complete as applicable)

Summary of ordinance published on Utah Public Notice Website: February 17, 2022

Date of publication: February 17, 2022

Effective date of ordinance: February 17, 2022

SUMMARY OF

KEARNS METRO TOWNSHIP ORDINANCE NO. 2022-02-02

On the 14th day of February 2022, the Kearns Metro Township Council adopted Ordinance No. 2022-02-02 vacating the 4695 South Right-of-Way.

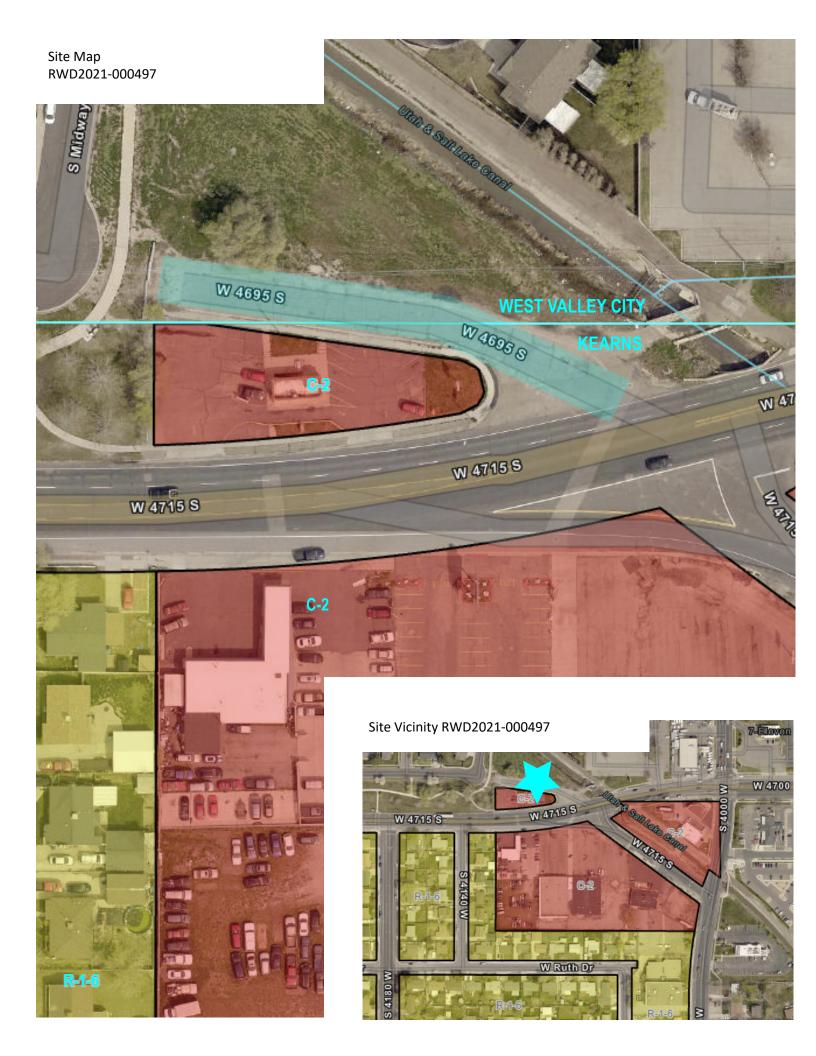
KEARNS METRO TOWNSHIP COUNCIL

	By: <u>Kelly F. Bush</u> Kelly Bush, Mayor
ATTEST	APPROVED AS TO FORM:
Shui Swin	- Math Hay
Sherrie Swensen, Clerk	METRO TOWNSHIP ATTORNEY

VOTING

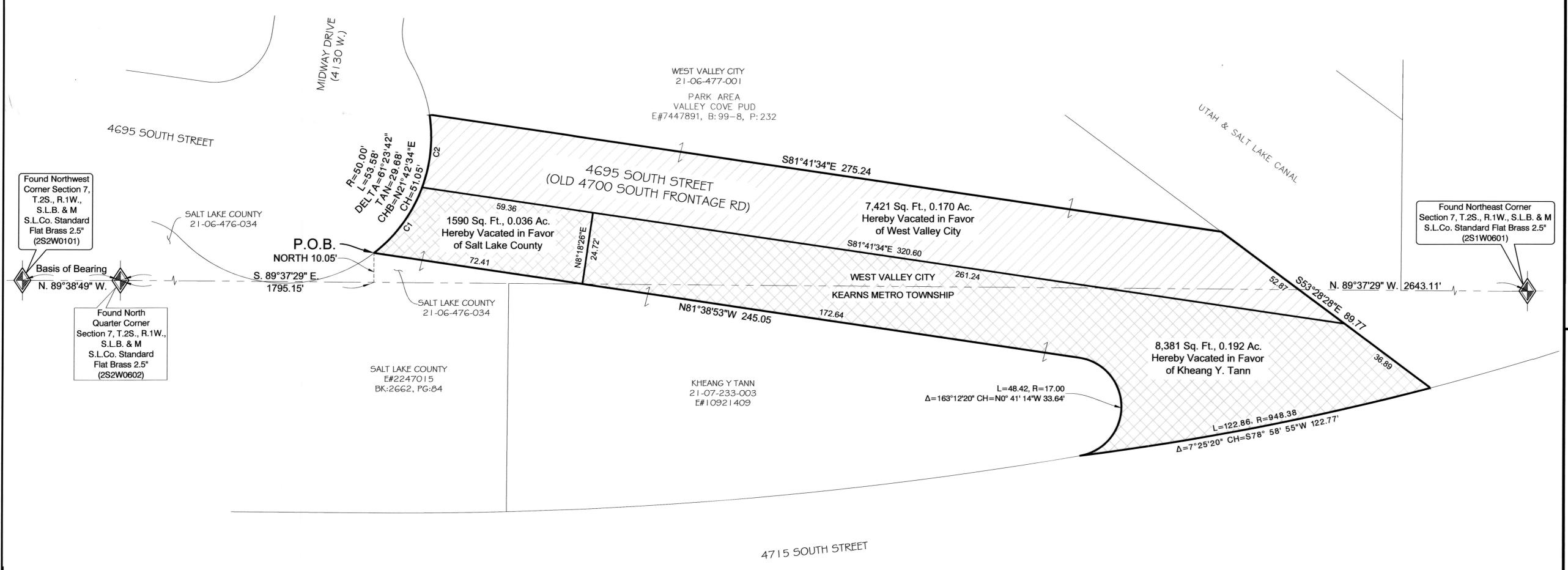
Council Member Bush voting	Υ
Council Member Butterfield voting	Excused
Council Member Peterson voting	Y
Council Member Schaeffer voting	Y
Council Member Snow voting	Y

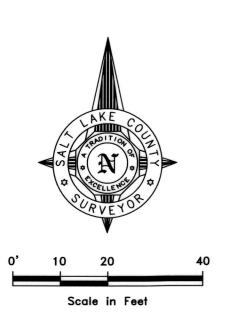
A complete copy of Ordinance No. 2022-02-02 is available in the office of the Kearns Metro Township Clerk, 2001 South State Street, N2-700, Salt Lake City, Utah.



4695 SOUTH STREET VACATION

A PART OF THE NORTHEAST QUARTER OF SECTION 7, AND THE SOUTHEAST QUARTER OF SECTION 6 TOWNSHIP 2 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, KEARNS METRO TOWNSHIP / WEST VALLEY CITY, SALT LAKE COUNTY, UTAH JANUARY 2022





1"=20'

LEGEND Vacation in favor of Khrang Y. Tann Street Vacation Boundary Vacation in favor of Adjacent Parcel Vacation in favor of

CURVE TABLE LENGTH CHD BRG CHD LEN S36° 12' 17"W | 27.90 50.00 32°24'17" 25.30 50.00 28°59'25" S5° 30' 26"W 25.03

City Attorney
Approved as to form this day of
WEST VALLEY CITY ATTORNEY

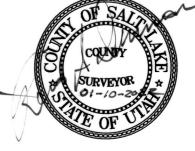
WEST VALLEY CITY COUNCIL Presented to the West Valley City Council this ____ day ___,20___ and is hereby approved. City Manager City Recorder

KEARNS METRO TOWNSHIP COUNCIL Presented to Kearns Metro Township Council this _____ day of A.D., 20____, at which time this Street Vacation plat was approved and accepted.

Kearns Metro Township Mayor

SURVEYOR'S CERTIFICATE

I, Reid J. Demman, P.L.S., do hereby certify that I am the Salt Lake County Surveyor, State of Utah, my term of office running from January 1, 2021 to December 31, 2024, and that I hold a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyor's Licensing Act. I further certify that the roadway shown and described hereon, was made under my direction and that said roadway, hereafter to be known as 4695 South Street Vacation.



Salt Lake County Surveyor

Residing in

State of Utah

BOUNDARY DESCRIPTION

A Street Vacation being a part of the 4695 South Street located in the Northeast Quarter of Section 7 and the Southeast Quarter of Section 6, Township 2 South, Range 1 West, Salt Lake Base and Meridian and is described

Beginning at the intersection of the southerly right of way line of said 4695 South Street with the easterly right of

way line of 4130 West Street (Midway Drive) described in the Valley Cove P.U.D. recorded August 20, 1999 as

Entry No. 7447891 in Book 99-8P of Plats, at Page 232 in the Office of the Salt Lake County Recorder, which point

is 1795.15 feet S. 89°37'29" E. along the section line and 10.05 feet North from the North Quarter Corner of said Section 7, at a point of non-tangency with a 50.00-foot radius curve to the left, concave westerly (Radius point bears N. 37°35'35" W.); thence Northerly 53.58 feet along the arc of said curve and easterly right of way line, through a central angle of 61°23'42" (Chord bears N. 21°42'34" E. 51.05 feet) to the northerly right of way line of said 4695 South Street; thence S. 81°41'34" E. 275.24 feet along said northerly right of way line, to the southwesterly boundary line of the Utah and Salt Lake Canal as shown on said Valley Cove P.U.D.; thence S. 53°28'28" E. 89.77 feet along said southwesterly boundary line and a southeasterly extension thereof, to a point of non-tangency with a 948.38 - foot radius curve to the right, concave northerly (Radius point bears N. 14°43'45" W.); thence Westerly 122.86 feet along the arc of said curve, through a central angle 07°25'20" (Chord bears S. 78°58'55" W. 122.77 feet) to the southerly boundary line of an entire tract of land described in that Quitclaim Deed recorded March 25, 2010 as Entry No. 10921409 in Book 9813, at Page 274 in the Office of said Recorder, being a point of non-tangency with a 17.00-foot radius curve to the left, concave westerly (Radius point bears N. 09°05'04" W.); thence Northerly 48.42 feet along the arc of said curve and easterly boundary line of said entire tract, through a central angle of 163°12'20" (Chord bears

The above-described road vacation contains 17,392 square feet in area or 0.399 acre, more or less.

N. 00°41'14" W. 33.64 feet), to said southerly right of way line of 4695 South

OWNER'S CONSENT TO VACATE

Street; thence; N. 81°38'53" W. 245.05 feet, along said southerly right of way line to the Point of Beginning.

KEARNS METRO TOWNSHIP

Know all men by these presents, that Kelly Bush, Mayor of Kearns Metro Township, the undersigned owner of the hereon described property for the purpose of vacating the same as a public street, has caused the same to be vacated pursuant to the laws and applicable ordinances of Kearns Metro Township, Salt Lake County and the State of Utah, in witness whereof I have hereunto set my hand this

Kelly Bush, Mayor Kearns Metro Township

KEARNS METRO TOWNSHIP ACKNOWLEDGEMENT

MUNICIPAL CORPORATION

State of Utah)
):ss
County of Salt Lake)
Consent to Vacate, wand politic of the State of 4695 South Street	f, 20, personally appeared before me Kelly Bush, signer of the hereon Owner' tho being by me duly sworn did say that she is the Mayor of the Kearns Metro Township, a body corporate the of Utah, and that she signed this plat entitled "4695 South Street Vacation" which vacates a portion on behalf of Kearns Metro Township, by authority of a resolution of Kearns Metro Township Council, and say knowledged to me that said Kearns Metro Township executed the same.
lotary Public	
ly Commission Expi	res:
	County of Salt Lake On this day of Consent to Vacate, we and politic of the State of 4695 South Street

OWNER'S CONSENT TO VACATE

WEST VALLEY CITY

Know all men by these presents, that Karen Lang, Mayor of West Valley City the undersigned owner of the hereon described property for the purpose of vacating the same as a public street, has caused the same to be vacated pursuant to the laws and applicable ordinances of West Valley City, Salt Lake County and the State of Utah, in witness whereof I have hereunto set my hand this ____ day of

Karen Lang, Mayor West Valley City

WEST VALLEY CITY ACKNOWLEDGEMENT

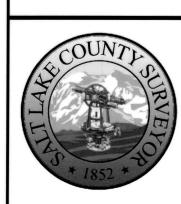
MUNICIPAL CORPORATION

):SS		
ounty of Salt Lake)		
orporation of the State of Utah, and the 4695 South Street on behalf of Wes	ng by me duly sworn did say that sh that she signed this plat entitled "46	peared before me Karen Lang, signer of the hereon the is the Mayor of West Valley City, a municipal 695 South Street Vacation" which vacates a portion flution of West Valley City Council, and said Mayor

Notary Public	
My Commission Expires:	
Residing in	

4695 SOUTH STREET VACATION

NORTHEAST QUARTER OF SECTION 7 AND SOUTHEAST QUARTER SECTION 6 TOWNSHIP 2 SOUTH, RANGE 1 WEST, S.L. BASE & MERIDIAN KEARNS METRO TOWNSHIP / WEST VALLEY CITY, SALT LAKE COUNTY, UTAH



Prepared By The Office Of: Reid J. Demman, P.L.S. Salt Lake County Surveyor

2001 S. State St. #N1-400 Salt Lake City, Utah 84115-1350 (385) 468 - 8240Project No.: W032719102

hereby certify that this Office has examined this plat and it is correct in accordance with information on file in this Office.

West Valley City Engineer

WEST VALLEY CITY ENGINEERING

WEST VALLEY CITY PLANNING COMMISSION Approved this West Valley City Planning Commission. Chair, West Valley City Planning Commission

COMMISSION day of by the Kearns Metro Township Planning Commission. Chair Kearns Metro Planning Commission

KEARNS METRO TOWNSHIP PLANNING

KEARNS METRO TOWNSHIP ENGINEERING

OWNERS:

the State of Utah

West Valley City, a municipal corporation of

Kearns Metro Township, a body corporate

and politic of the State of Utah

KEARNS METRO TOWNSHIP ATTORNEY Approved as to form this ____ day of Kearns Metro Township Attorney

SALT LAKE COUNTY RECORDER State of Utah, County of Salt Lake, Recorded and filed at the request of Time: Fee \$ Deputy, Salt Lake County Recorder



NOTICE OF PUBLIC HEARING

KEARNS METRO TOWNSHIP COUNCIL

NOTICE IS HEREBY GIVEN Pursuant to Utah Code §§ 10-9a-208 and 10-9a-609.5, that the Kearns Metro Township Council (the "Council") will hold a public hearing on Monday, February 14, 2022, beginning at 6:30 PM. The purpose of the hearing is to receive public comment regarding:

• **RWD2021-000497:** Kearns Metro Township proposes a petition to vacate a portion of 4695 South Street. The street is a no-through road that runs approximately 150 linear feet within Kearns Metro Township boundaries. The vacation is petitioned for the purpose of the re-construction of 4715 South Street. **Location:** W 4695 South Street (entire street within Kearns boundaries). **Zone:** C-2. **Planner:** Molly Gaughran

The Council will act on the proposed public hearing items after taking comments from the public during the public hearing. The public is also invited to review and inspect the proposed street vacation at https://www.utah.gov/pmn/index.html and https://www.kmtutah.org/.

Pursuant to Utah Code Ann. § 52-4-207(5), Kelly Bush has determined in her capacity as Mayor of the Kearns Metro Township Council that this meeting and/or public hearing will be held electronically without an anchor location given the ongoing Coronavirus disease 2019 (COVID-19) pandemic, which the Mayor has determined to present a substantial risk to the health and safety of those who may be present at an anchor location. To participate in the meeting and to make public comments where indicated in the agenda, please use the below webinar instructions.

Location

Join Zoom Meeting https://us02web.zoom.us/j/81282004617

Meeting ID: 812 8200 4617

One tap mobile

+12532158782,,81282004617# US (Tacoma)

+13462487799,,81282004617# US (Houston)

Dial by your location

- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 669 900 9128 US (San Jose)
- +1 301 715 8592 US (Washington DC)
- +1 312 626 6799 US (Chicago)
- +1 646 558 8656 US (New York)

Meeting ID: 812 8200 4617

Find your local number: https://us02web.zoom.us/u/k5ToHXIRZ

You may also obtain copies of the ordinances and submit written comments prior to the public hearing by contacting Wendy Gurr at wgurr@msd.utah.gov or (385) 468-6692. Individuals needing special accommodations (including ancillary communicative aids and services) during this public hearing should contact Ms. Gurr three days before the public hearing.

EXHIBIT "A"

PETITION TO VACATE A STREET

PETITION TO VACATE A STREET IN KEARNS METRO TOWNSHIP, UTAH

Road Name: 4695 SOUTH STREET

To: Kearns Metro Township Council

Petitioner: Kearns Metro Township

Pursuant to Utah Code Annotated Section 10-9a-609.5, a municipality may submit a petition and initiate and complete a process to vacate some or all of a public street. The Kearns Metro Township hereby proposes the adoption of a resolution that would vacate the portion of 4695 South Street within Kearns Metro Township boundaries, described in the Valley Cove P.U.D. recorded August 20, 1999, in Plat Book 99-8P Page 232 in the Office of the Salt Lake County Recorder. The street is a no-through road, and the vacation is needed for the reconstruction of 4715 South Street. A plat map showing the proposed vacation is attached as **Exhibit A**. The Kearns Metro Township Council will hold a public hearing on February 14, 2022, at 6:30 to accept public comment on this petition to vacate and will provide notice of the public hearing as required by U.C.A. 10-9a-208.

A list of the names and addresses of the record owner of each parcel whose property is adjacent to or accessed exclusively by or within 300 feet of the right-of-way being vacated is attached to this Petition as **Exhibit B** and incorporated with this Petition.

[The remainder of this page intentionally left blank; signature pages follow]

In acknowledgement of the foregoing:

DATED this <u>03</u> day of <u>February</u>, 2022.

KEARNS METRO TOWNSHIP

Kelly F. Bush Kelly Bush, Mayor

ATTEST

Sherrie Swensen, Clerk/Recorder

EXHIBIT "A"

4695 South Street Vacation Plat

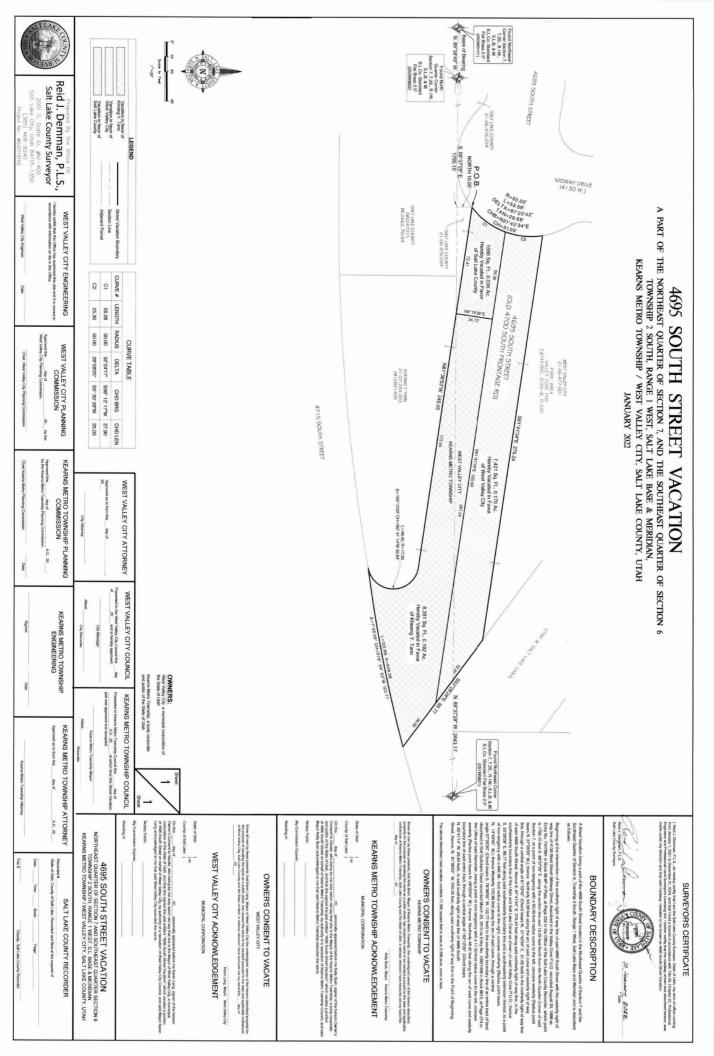


EXHIBIT "B"

Properties adjacent to, exclusively accessed by, or within 300 feet of the 4695 South Street proposed vacation.

Owner of 21064540260000	Owner of 21064760790000	Owner of 21072290080000
4681 S ANNAPOLIS DR	4679 S PAGENTRY PL	7767 S 5360 W
WEST VALLEY UT 84120	WEST VALLEY UT 84120	WEST JORDAN UT 84081
Owner of 21064540270000	Owner of 21064760800000	Owner of 21072290090000
4160 W 4695 S	4683 S PAGENTRY PL	3296 W VALLEY HEIGHTS DR
WEST VALLEY UT 84120	WEST VALLEY UT 84120	TAYLORSVILLE UT 84129
Owner of 21064540310000	Owner of 21064760840000	Owner of 21072330010000
4674 S MIDWAY DR	4663 S MIDWAY DR	3450 E COMMERCIAL CT
WEST VALLEY UT 84120	WEST VALLEY UT 84120	MERIDIAN ID 83642
Owner of 21064540320000	Owner of 21064760850000	Owner of 21072330030000
3755 S QUEENSPOINTE LN	7060 W PARKWAY BLVD	3048 S 4960 W
WEST VALLEY UT 84119	WEST VALLEY UT 84128	WEST VALLEY UT 84120
Owner of 21064540330000	Owner of 21064760860000	Owner of 21072330040000
4688 S MIDWAY DR	PO BOX 171014	PO BOX 144575
WEST VALLEY UT 84120	SALT LAKE CITY UT 84117	SALT LAKE CITY UT 84114
Owner of 21064760150000	Owner of 21064760880000	Owner of 21072330060000
PO BOX 29046	5959 S REDWOOD RD	1332 W 14550 S
PHOENIX AZ 85038	TAYLORSVILLE UT 84123	BLUFFDALE UT 84065
Owner of 21064760340000	Owner of 21064760890000	Owner of 21072340020000
PO BOX 144575	4672 S PAGENTRY PL	4729 S 4140 W
SALT LAKE CITY UT 84114	WEST VALLEY UT 84120	SALT LAKE CITY UT 84118
Owner of 21064760760000	Owner of 21064760900000	Owner of 21072340030000
2812 W 50 S	4676 S PAGENTRY PL	4735 S 4140 W
WEST POINT UT 84015	WEST VALLEY UT 84120	SALT LAKE CITY UT 84118
Owner of 21064760770000	Owner of 21064760930000	Owner of 21072340080000
4671 S PAGENTRY PL	9595 WILSHIRE BLVD	4853 S BROWN VILLA CV
WEST VALLEY UT 84120	BEVERLY HILLS CA 90212	TAYLORSVILLE UT 84123
Owner of 21064760780000	Owner of 21064770010000	Owner of 21072340090000
4675 S PAGENTRY PL	3600 S CONSTITUTION BLVD	4853 S BROWN VILLA CV
WEST VALLEY UT 84120	WEST VALLEY UT 84119	TAYLORSVILLE UT 84123

Owner of 21072340100000 4075-4101 W 4715 S SALT LAKE CITY UT 84118

Owner of 21072340110000 1793 S MAIN ST SALT LAKE CITY UT 84115

Owner of 21072340140000 4722 S 4015 W TAYLORSVILLE UT 84129

Owner of 21072340270000 2001 S STATE ST SALT LAKE CITY UT 84114

Owner of 21072340280000 4135 W 4715 S SALT LAKE CITY UT 84118

Owner of 21072340290000 6078 S HIMROD CT MURRAY UT 84123

Owner of 21072340300000 6078 S HIMROD CT MURRAY UT 84123