

## REQUEST FOR COUNCIL ACTION

**SUBJECT:** RELEASE OF EASEMENT AND DEED

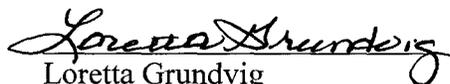
**SUMMARY:** On November 22, 1976, Leland W. Withers conveyed to The City of West Jordan a Right-of-Way Easement to construct and maintain a storm drainage pipe across the property more particularly described on the attached Release of Easement and Deed. The City of West Jordan no longer uses or intends to use the Right-of-Way Easement for which it was intended, therefore, the Right-of-Way Easement has become surplus property.

**FISCAL  
IMPACT:** None

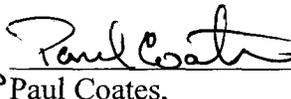
**STAFF RECOMMENDATION:**  
Staff recommends that City Council approve the attached Release of Easement and Deed.

**MOTION RECOMMENDED:**  
I move to approve Resolution 13-167, declaring the property described on the attached Release of Easement and Deed surplus to the City's needs and authorizing and directing the Mayor to execute the Release of Easement and Deed.

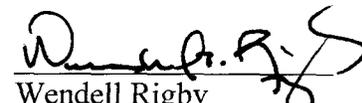
**Prepared by:**

  
Loretta Grundvig  
Development Coordinator

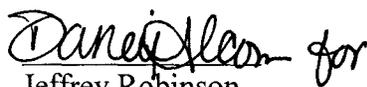
**Reviewed by:**

  
Paul Coates,  
ODA Manager

**Reviewed by:**

  
Wendell Rigby  
Public Works Director

**Reviewed as to legal form:**

  
Jeffrey Robinson  
City Attorney

**Recommended by:**

  
Richard L. Davis  
City Manager

## **BACKGROUND DISCUSSION:**

On November 22, 1976, Leland W. Withers conveyed to The City of West Jordan a Right-of-Way Easement to construct, operate, maintain and remove a storm drainage pipe and appurtenances upon, over, under and across the property more particularly described on the attached Release of Easement and Deed.

This Right-of-Way Easement was filed in the office of the Salt Lake County Recorder on November 22, 1976, as Entry Number 2879541, in Book 4413, at Page 0510.

The City of West Jordan no longer uses or intends to use the Right-of-Way Easement or the associated storm drainage pipe and appurtenances for which they were intended.

This issue was brought to City staff's attention during the review and approval process of the proposed Nottingham Park Subdivision. During the subdivision process, the City Engineer determined that Nottingham Park could not receive final subdivision approval while an existing storm drain easement is located within the building envelope of lots within the proposed subdivision.

In addition, as part of the proposed Nottingham Park Subdivision, the developer is required to dedicate additional storm water easement facilities to the City to account for all storm water run-off and as an exchange for the easement being vacated.

**THE CITY OF WEST JORDAN, UTAH**

A Municipal Corporation

RESOLUTION NO. 13-167

A RESOLUTION TO SURPLUS, VACATE AND ABANDON A CITY EASEMENT

WHEREAS, on November 22, 1976, Leland W. Withers conveyed to The City of West Jordan a Right-of-Way Easement to construct, operate, maintain and remove a storm drainage pipe and appurtenances upon, over, under and across the property more particularly described on the attached Release of Easement and Deed; and

WHEREAS, the City of West Jordan no longer uses or intends to use the Right-of-Way Easement or the associated storm drainage pipe and appurtenances for which they were intended;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THAT:

Section 1. The easement described in the attached Release of Easement and Deed is hereby declared surplus to the City's needs.

Section 2. The Mayor is authorized and directed to execute the attached Release of Easement and Deed after it has been approved as to legal form by the City Attorney.

Section 3. This resolution shall take effect immediately.

Adopted by the City Council of West Jordan, Utah, this 18th day of December, 2013.

CITY OF WEST JORDAN

By: \_\_\_\_\_  
Mayor Melissa K. Johnson

ATTEST:

\_\_\_\_\_  
Melanie S. Briggs, City Clerk/Recorder

Voting by the City Council

"AYE"

"NAY"

Judy Hansen

\_\_\_\_\_

\_\_\_\_\_

Clive M. Killpack

\_\_\_\_\_

\_\_\_\_\_

Chris McConnehey

\_\_\_\_\_

\_\_\_\_\_

Chad Nichols

\_\_\_\_\_

\_\_\_\_\_

Ben Southworth

\_\_\_\_\_

\_\_\_\_\_

Justin D. Stoker

\_\_\_\_\_

\_\_\_\_\_

Mayor Melissa K. Johnson

\_\_\_\_\_

\_\_\_\_\_

WHEN RECORDED, PLEASE RETURN TO:

33 Holdings  
10757 S. River Front Parkway, #110  
South Jordan, UT 84095

File No. 32171

### RELEASE OF EASEMENT AND DEED

Parcel No.: 21-21-430-006

WHEREAS, on November 22, 1976, Leland W. Withers conveyed to THE CITY OF WEST JORDAN, UTAH, a municipal corporation and political subdivision of the State of Utah, a Right-of-Way Easement to construct, operate, maintain and remove a storm drainage pipe and appurtenances upon, over, under and across the following described property situated in Salt Lake County, State of Utah, to wit:

The following describes the centerline of a 20 foot wide storm drainage easement:

Beginning at a point which is South 0° 04' 04" East 126 feet, more or less, from the Southeast corner of Nottingham Moor Subdivision, said point being also North 0° 04' 04" West 1583 feet, more or less, from the Southeast Corner of Section 21, Township 2 South, Range 1 West, Salt Lake Base and Meridian, and running thence South 46° 17' 56" West 191 feet, more or less; thence South 27° 24' 44" West 236 feet , more or less, to the north bank of the Harvest Estates Subdivision Retention Pond.

(The above described property is now a portion of the proposed Nottingham Park Subdivision, according to the official plat thereof filed in the office of the Salt Lake County Recorder under Entry No. \_\_\_\_\_, in Book \_\_\_\_\_, at Page \_\_\_\_\_;

WHEREAS, the Right-of-Way Easement was filed in the office of the Salt Lake County Recorder on November 22, 1976, as Entry Number 2879541, in Book 4413, at Page 0510; and

WHEREAS, the City of West Jordan no longer uses or intends to use the Right-of-Way Easement or the associated storm drainage pipe and appurtenances for which they were intended;

NOW, THEREFORE, the City of West Jordan, Utah, a municipal corporation and political subdivision of the State of Utah, does hereby surrender, relinquish, remise and quitclaim all its right, title and interest, duties and liabilities in the above described Right-of-Way Easement and in the storm drainage pipe and appurtenances situated in and across the above described property that are subject to the Right-of-Way Easement to the present record owners thereof, as their interests may appear.

