

# COTTONWOOD HEIGHTS

## ORDINANCE No. 387

### AN ORDINANCE VACATING AND CONSOLIDATING WITH OTHER CITY-OWNED REALTY A PARCEL OF PUBLIC RIGHT-OF-WAY (3000 EAST—PUBLIC WORKS YARD ADDITION)

**WHEREAS**, the city of Cottonwood Heights, Utah (the “City”) owns fee simple title to two parcels of real property (the “*Public Works Parcels*”) located on the East side of 3000 East street at approximately 6579 South, which together comprise the realty housing the City’s public works facility and related improvement (the “*Public Works Facility*”); and

**WHEREAS**, the Public Works Parcels are particularly described on attached Exhibit “A”; and

**WHEREAS**, the City’s city council (the “*Council*”) met in regular session on 16 August 2022 to consider, among other things, (a) vacating a parcel of public-right-of-way consisting of a portion (the “*Vacated Parcel*”) of the unpaved realty lying between the pavement of 3000 East street (“*3000 East*”) and the Public Works Parcels, and (b) consolidating the Vacated Parcel with the Public Works Parcels to create two surviving parcels (the “*Consolidated Parcels*”) consisting of the current Public Works Parcels augmented by applicable portions of the Vacated Parcel; and

**WHEREAS**, the Vacated Parcel is shown and is particularly described on attached Exhibit “B”; and

**WHEREAS**, UTAH CODE ANN. §72-3-104(4) and related Utah law provides that the governing body of a Utah municipality exercises sole jurisdiction over all Class “C” (city) roads within such municipality; and

**WHEREAS**, 3000 East is a Class “C” (city) road under the Council’s sole jurisdiction, with the Council therefore being empowered to vacate or narrow the 3000 East right-of-way and to consolidate the vacated portion with adjoining realty owned by the City; and

**WHEREAS**, City ordinances authorize conveyance of City realty to City or any other public entity without consideration if the Council determines that the transfer is for a public use which benefits the City; and

**WHEREAS**, after due consideration, the Council has determined that good cause exists for (a) the vacation as public right-of-way of the Vacated Parcel, and (b) consolidation of the Vacated Parcel with the Public Works Parcels in order to create the Consolidated Parcels to materially enhance the utility of the Consolidated Parcels for beneficial public use;

**NOW, THEREFORE, BE IT ORDAINED** by the city council of the city of Cottonwood Heights as follows:

Section 1. **Vacation**. Any and all interests of the City in the Vacated Parcel as part of the public right-of-way for 3000 East are hereby vacated, based on the Council's findings that good cause exists for such vacation; that neither the public interest nor any person will be materially injured by such vacation; that vacation of the Vacated Parcel and subsequent consolidation of the Vacated Parcel with the current Public Works Parcels to create the Consolidated Parcels will materially enhance the utility of the Consolidated Parcels for beneficial public use; and that such enhancement of public use provides adequate justification and appropriate compensation for such vacation.

Section 2. **Consolidation**. Pursuant to UTAH CODE ANN. 10-9a-103(65)(c), the Vacated Parcel is hereby consolidated with the Public Works Parcels to create the Consolidated Parcels described on attached Exhibit "C".

Section 3. **Notices and Filings**. The City promptly shall cause this ordinance to be recorded in the official records of the Recorder of Salt Lake County, Utah as required by UTAH CODE ANN. §10-2-609.5(4)(b).

Where the city's interest in a street is transferred to another public entity for a public use which benefits the city, the city council may determine that the benefit to the city from such use is adequate compensation for the land

Section 4. **Action of Officers**. All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 5. **Severability**. All parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

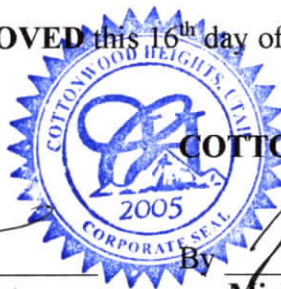
Section 6. **Repealer**. All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 7. **Effective Date**. This Ordinance, assigned no. 387, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's Recorder, or such later date as may be required by Utah statute.

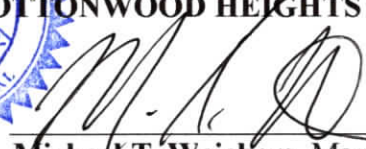
**PASSED AND APPROVED** this 16<sup>th</sup> day of August 2022.

ATTEST:

By:   
Paula Melgar, Recorder  
Heather Sundquist  
Deputy Recorder



COTTONWOOD HEIGHTS CITY COUNCIL

By:   
Michael T. Weichers, Mayor

**VOTING:**

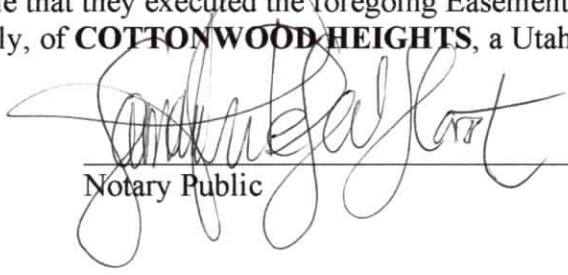
|                     |                                         |                              |
|---------------------|-----------------------------------------|------------------------------|
| Michael T. Weichers | Yea <input checked="" type="checkbox"/> | Nay <input type="checkbox"/> |
| Douglas Petersen    | Yea <input checked="" type="checkbox"/> | Nay <input type="checkbox"/> |
| J. Scott Bracken    | Yea <input checked="" type="checkbox"/> | Nay <input type="checkbox"/> |
| Shawn E. Newell     | Yea <input checked="" type="checkbox"/> | Nay <input type="checkbox"/> |
| Ellen Birrell       | Yea <input checked="" type="checkbox"/> | Nay <input type="checkbox"/> |

**DEPOSITED** in the Recorder's office this 16<sup>th</sup> day of August 2022.

**POSTED** this 16 day of August 2022.

STATE OF UTAH                    )  
                                             : ss.  
COUNTY OF SALT LAKE    )

On 16 August 2022, personally appeared before me **Michael T. Weichers** and ~~**Paula**~~ *Heather Sundquist*  
~~**Melgar**~~, who duly acknowledged to me that they executed the foregoing Easement Agreement as  
the mayor and the recorder, respectively, of **COTTONWOOD HEIGHTS**, a Utah municipality.

  
\_\_\_\_\_  
Notary Public



## EXHIBIT "A"

### *(Legal Descriptions of Pre-Consolidation Public Works Parcels)*

The following real property located in Salt Lake County, Utah:

#### **Parcel 1:**

Beginning on the northerly line of the Northeast quarter of the Southwest quarter of Section 23, Township 2 South, Range 1 East, Salt Lake Base and Meridian, at a point 189.69 feet South 89°57'01" West from a Salt Lake County Monument marking the Center Quarter Corner of said Section 23; and running thence South 42°36'50" East 123.91 feet to the point of tangency with a 267.50 foot radius curve to the right; thence Southeasterly 201.55 feet along the arc of said curve (chord to said curve bears S.21°01'46"E. for a distance of 196.81 feet); thence South 00°33'18" West 12.00 feet to the point of tangency with a 33.00 foot radius curve to the right; thence Southwesterly 51.84 feet along the arc of said curve (chord to said curve bears South 45°33'18" West for a distance of 46.67 feet) to a point of reverse curvature with a 68.00 foot radius curve to the left; thence Southerly 106.81 feet along the arc of said curve (chord to said curve bears South 45°33'18" West for a distance of 96.17 feet); thence South 89°57'01" West 48.19 feet; thence North 58°50'04" West 212.47 feet; thence South 89°57'01" West 44.66 feet, more or less, to the Easterly right-of-way line of 3000 East street; thence North 05°34'15" East 111.71 feet, more or less, along said Easterly right-of-way line; thence North 12°26'45" East 169.69 feet, more or less, along said Easterly right-of-way line to the said Northerly line of the Northeast quarter of the Southwest quarter of said Section 23; thence North 89°57'01" East 174.81 feet, more or less, to the point of beginning.

Containing approximately 2.41 acres.

***Tax Parcel No.*** 22-23-327-009-0000.

#### **Parcel 2:**

Beginning at a point that is South 89°57'01" West 147.600 feet from the Northeast corner of the Southwest quarter of Section 23, Township 2 South, Range 1 East, Salt Lake Base and Meridian, thence from said corner South 89°57'01" West 216.897 feet to the East Right of Way of 3000 East Street; thence along said Right of Way North 12°26'45" Easterly 216.968 feet to a point located at the center of Big Cottonwood Creek; thence along center line of said creek the following three courses: (1) South 56°02'40" East 37.630 feet; (2) South 51°11'48" East 46.170 feet; (3) South 46°00'57" East 142.990 feet; thence departing said creek center line South 00°03'09" East 62.430 feet to the point of beginning.

Containing approximately .62 acre.

***Tax Parcel No.*** 22-23-180-008-0000

## EXHIBIT “B”

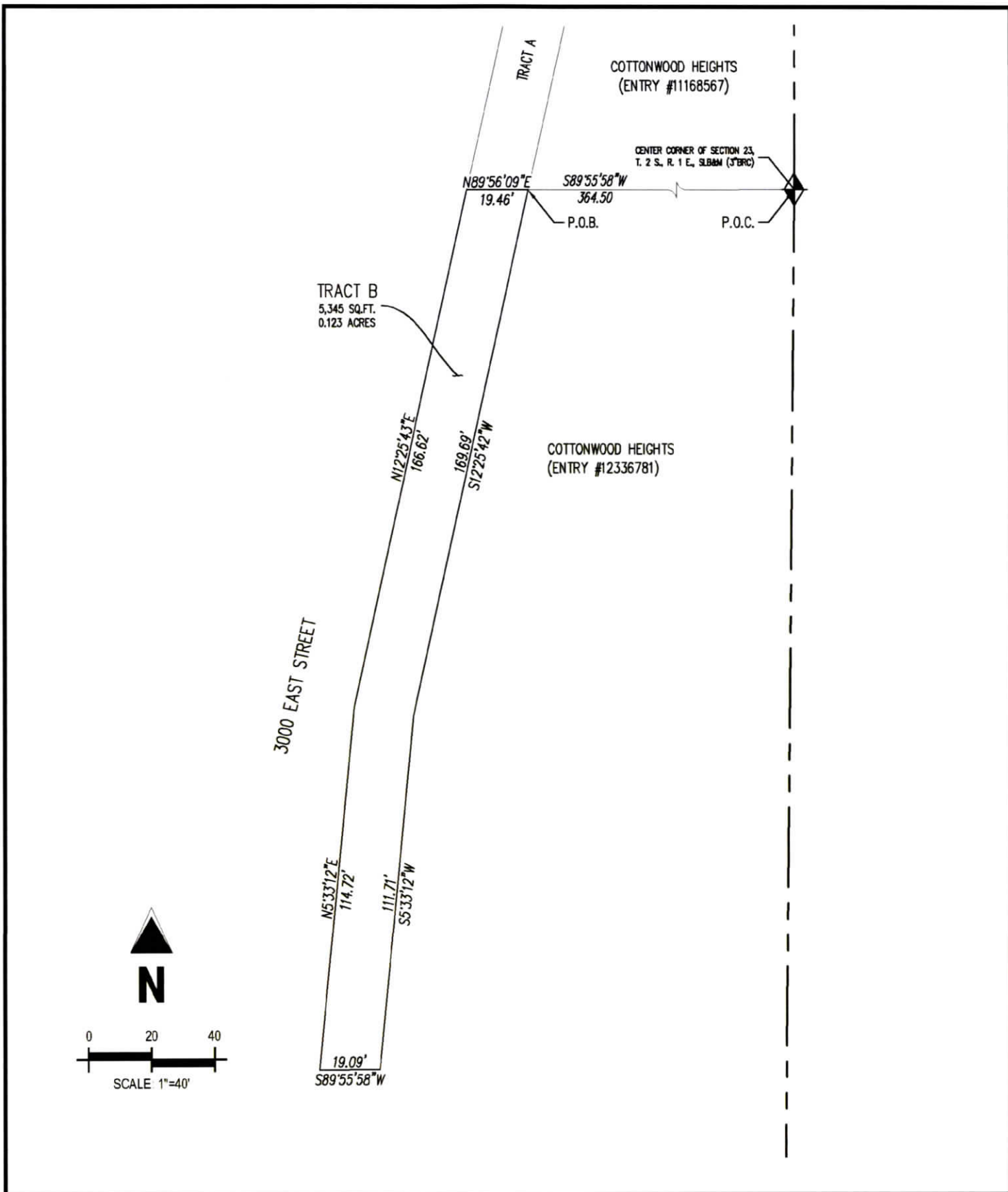
*(Attach Plat and Legal Description of Vacated Parcel)*

# 19' ADDITIONAL LAND SOUTH

A parcel of ground in the Southeast Quarter of the Northwest Quarter and Northeast Quarter of the Southwest Quarter of Section 23, Township 2 South, Range 1 East, Salt Lake Base and Meridian described as follows:

Beginning at a point 364.50 feet South 89°55'58" West, along the north line of the said Northeast Quarter of the Southwest Quarter, from the Northeast corner of the Southwest Quarter of Section 23, Township 2 South, Range 1 East, Salt Lake Base and Meridian, said point also being the Northwest corner that property described in document number 12336781, recorded August 5, 2016; thence along the westerly line of said description the following two (2) calls, (1) South 12°25'42" West, 169.69 feet, (2) South 5°33'12" West, 111.71 feet to the Southwest corner of said description; thence South 89°55'58" West, 19.09 feet; thence North 5°33'12" East, 114.72 feet; thence North 12°25'43" East, 166.62 feet; thence North 89°56'09" East, 19.46 feet to the point of beginning.

Containing 5,345 square feet or .123 acres more or less



## COTTONWOOD HEIGHTS PUBLIC WORKS

6579 SOUTH 3300 EAST  
COTTONWOOD HEIGHTS, UTAH

SOUTH 19' ADDITIONAL LAND EXHIBIT

Project No: CWH000001.10

Drawn By: KLS

Checked By: TWO

Date: 08/12/2022

# Galloway

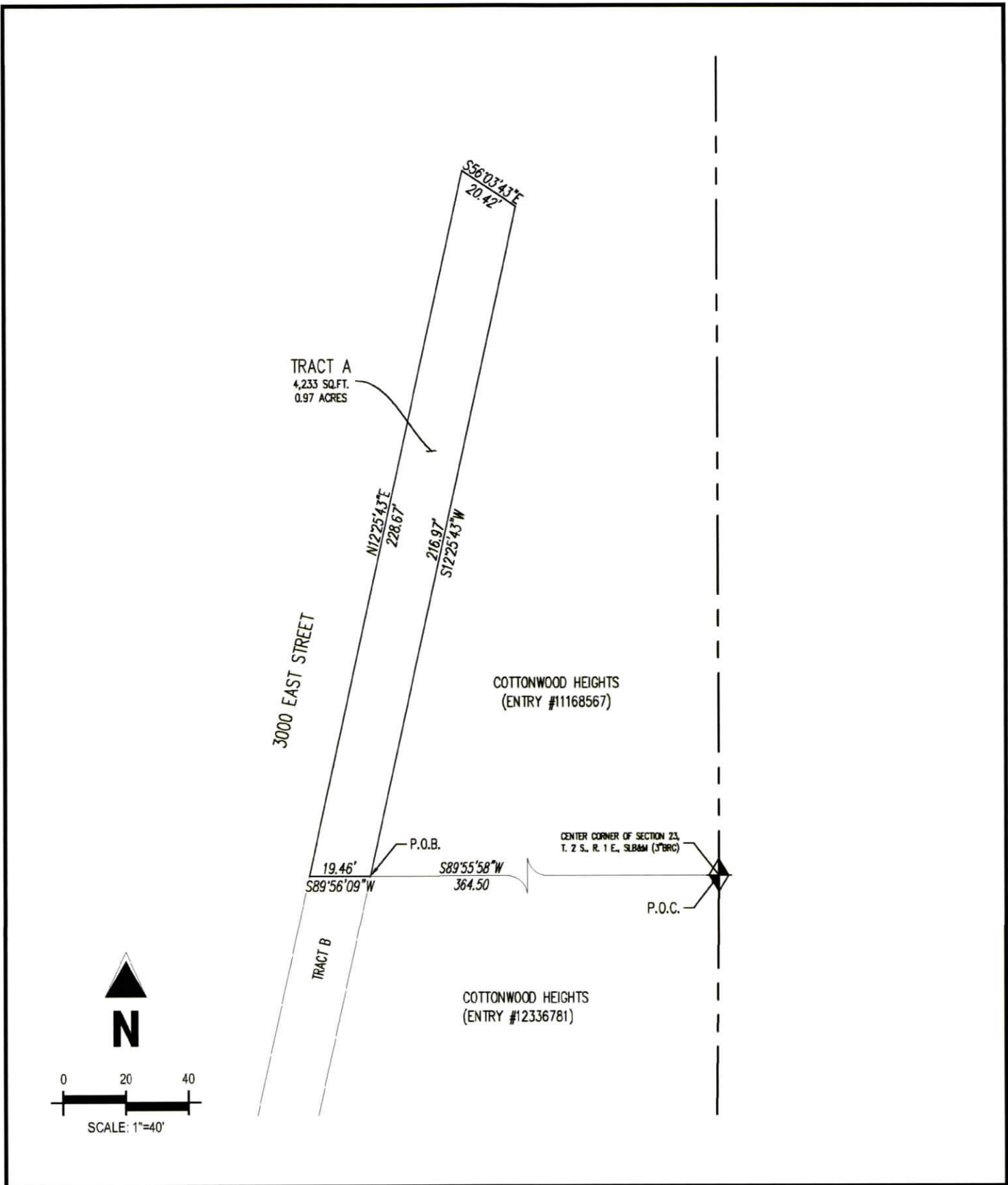
2015 W. Grove Pkwy, Suite H  
Pleasant Grove, UT 84062  
801.922.1332 • [GallowayUS.com](http://GallowayUS.com)

# 19' ADDITIONAL LAND NORTH

A parcel of ground in the Southeast Quarter of the Northwest Quarter and Northeast Quarter of the Southwest Quarter of Section 23, Township 2 South, Range 1 East, Salt Lake Base and Meridian described as follows:

Beginning at a point 364.50 feet South 89°55'58" West, along the north line of the said Northeast Quarter of the Southwest Quarter, from the Northeast corner of the Southwest Quarter of Section 23, Township 2 South, Range 1 East, Salt Lake Base and Meridian, said point also being the Southwest corner that property described in document number 11168567, recorded April 19, 2011; thence South 89°56'09" West, 19.46 feet; thence North 12°25'43" East, 228.67 feet; thence South 56°03'43" East, 20.42 feet to the northerly corner of said description; thence South 12°25'43" West, 216.97 feet along the westerly line to the southwest corner of said description and the point of beginning.

Containing 4,233 square feet or .097 acres more or less



## COTTONWOOD HEIGHTS PUBLIC WORKS

6579 SOUTH 3300 EAST  
COTTONWOOD HEIGHTS, UTAH

NORTH 19' ADDITIONAL LAND EXHIBIT

Project No: CWH000001.10

Drawn By: KLS

Checked By: TWO

Date: 08/12/2022

**Galloway**

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Pleasant Grove, UT 84062  
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## EXHIBIT "C"

*(Legal Descriptions of Consolidated Parcels)*

The following real property located in Salt Lake County, Utah:

**Parcel 1:**

SEE ATTACHED "South Property Description."

*Tax Parcel No.* 22-23-327-009-0000.

**Parcel 2:**

SEE ATTACHED "North Property Description."

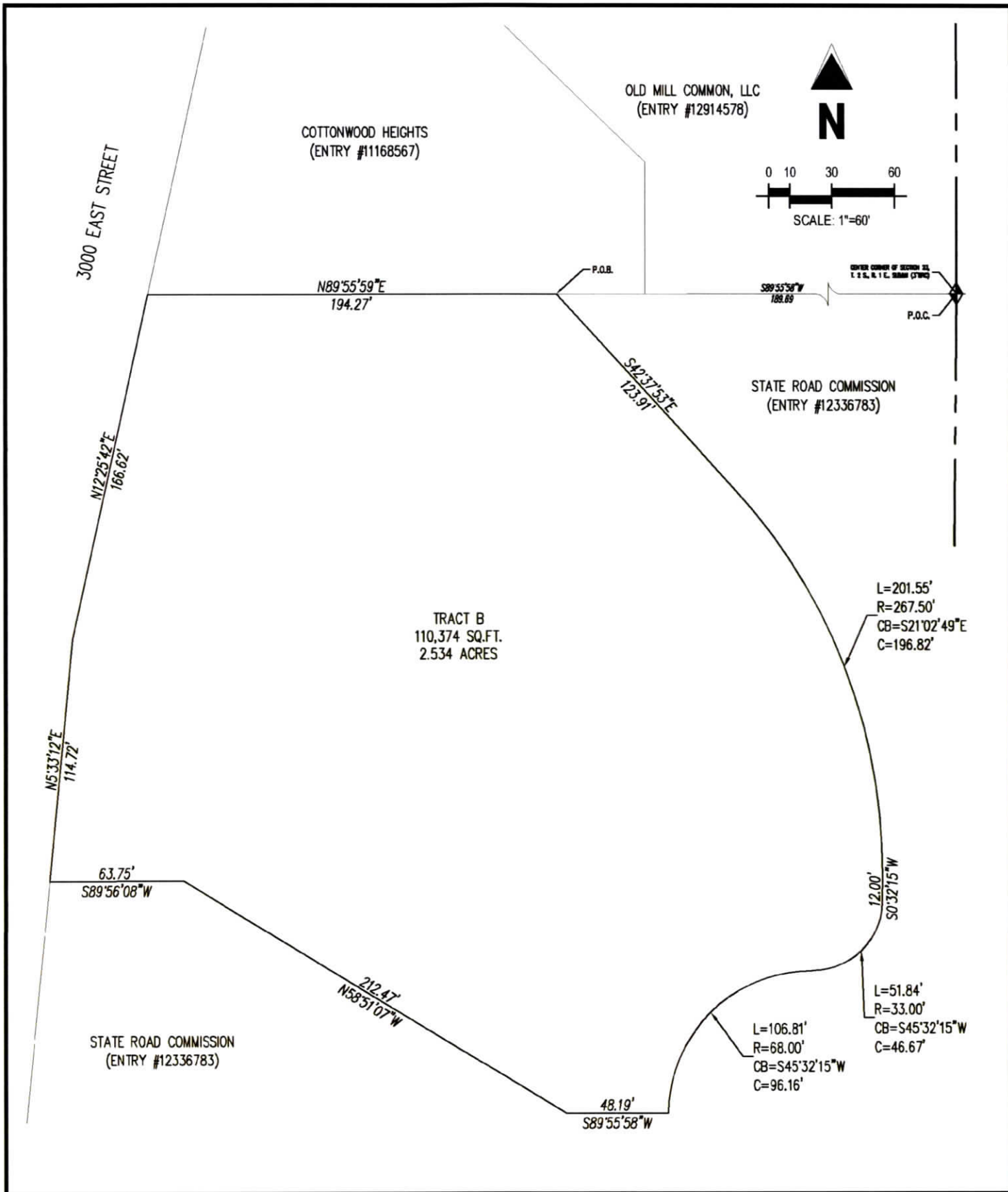
*Tax Parcel No.* 22-23-180-008-0000

## SOUTH PROPERTY DESCRIPTION

A parcel of ground in the Southeast Quarter of the Northwest Quarter and Northeast Quarter of the Southwest Quarter of Section 23, Township 2 South, Range 1 East, Salt Lake Base and Meridian described as follows:

Beginning at a point 189.69 feet South 89°55'58" West; and running thence South 42°36'53" East, 123.91 feet to the point of tangency with a 267.50 foot radius curve to the right; thence Southeasterly 201.55 feet along the arc of said curve (chord to said curve bears South 21°02'49" East, 196.82 feet); thence South 00° 32' 15" West, 12.00 feet to the point of tangency with a 33.00 feet radius curve to the left; thence Southwesterly 51.84 feet along the arc of said curve (chord to said curve bears South 45°32'15" West, 46.67 feet) to a point of reverse curvature with a 68.00 foot radius curve to the left; thence Southerly 106.81 feet along the arc of said curve (chord to said curve bears South 45°32'15" West, 96.16 feet); thence South 89°55'58" West, 48.19 feet; thence North 58°51'07" West, 212.47 feet; thence South 89°56'08" West, 63.75 feet to the right-of-way of 300 East Street; thence North 05°33'12" East, 114.72 feet; thence North 12°25'42" East, 166.62 feet; thence North 89°55'59" East 194.27 feet to the point of beginning.

Containing 110,374 square feet or 2.534 acres more or less



## COTTONWOOD HEIGHTS PUBLIC WORKS

6579 SOUTH 3300 EAST  
COTTONWOOD HEIGHTS, UTAH

## SOUTH PROPERTY LAND EXHIBIT

|             |              |
|-------------|--------------|
| Project No: | CWH000001.10 |
| Drawn By:   | KLS          |
| Checked By: | TWO          |
| Date:       | 08/15/2022   |

# Galloway

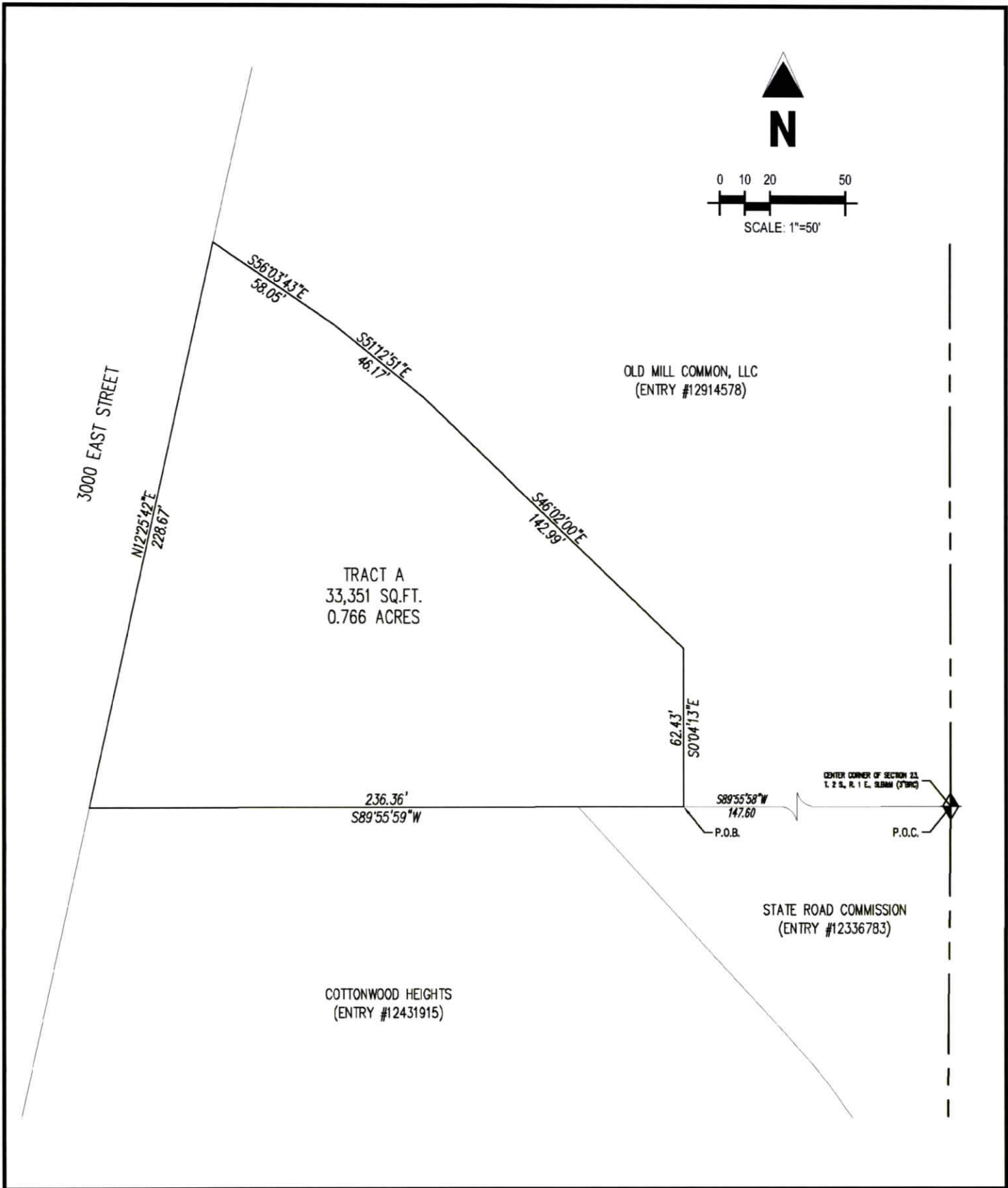
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## NORTH PROPERTY DESCRIPTION

A parcel of ground in the Southeast Quarter of the Northwest Quarter and Northeast Quarter of the Southwest Quarter of Section 23, Township 2 South, Range 1 East, Salt Lake Base and Meridian described as follows:

Beginning at a point 147.6 feet South 89°55'58" West, along the north line of the said Northeast Quarter of the Southwest Quarter, from the Northeast corner of the Southwest Quarter of Section 23, Township 2 South, Range 1 East, Salt Lake Base and Meridian, said point also being the Southwest corner that property described in document number 11168567, recorded April 19, 2011; thence South 89°56'09" West, 19.46 feet; thence North 12°25'43" East, 228.67 feet; thence South 56°03'43" East, 20.42 feet to the northerly corner of said description; thence South 12°25'43" West, 216.97 feet along the westerly line to the southwest corner of said description and the point of beginning.

Containing 33,351 square feet or 0.766 acres more or less



## COTTONWOOD HEIGHTS PUBLIC WORKS

6579 SOUTH 3300 EAST  
COTTONWOOD HEIGHTS, UTAH

## NORTH PROPERTY LAND EXHIBIT

|             |              |
|-------------|--------------|
| Project No: | CWH000001.10 |
| Drawn By:   | KLS          |
| Checked By: | TWO          |
| Date:       | 08/15/2022   |

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