

ORDINANCE NO. 2023-5

A ORDINANCE OF THE PLEASANT GROVE CITY COUNCIL, UTAH COUNTY, UTAH, PERMANENTLY ABANDONING PLEASANT GROVE CITY'S INTEREST IN AND VACATING A PUBLIC RIGHT-OF-WAY APPROXIMATELY 779 SQUARE FEET IN AREA (0.018 ACRES) LOCATED AT APPROXIMATELY 1300 WEST AND 2600 NORTH, PLEASANT GROVE CITY, UTAH COUNTY, STATE OF UTAH AND APPROVING A LAND EXCHANGE BETWEEN CITY AND PROPERTY OWNER LOCATED AT 1255 WEST 2600 NORTH, PLEASANT GROVE, UTAH AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Pleasant Grove City is the owner of a parcel of property dedicated as a public right of way street known as "a portion of 1300 West" located at approximately 2600 North; and

WHEREAS, Daniel Ethan Rice and DiAnna Lynne Rice (Property Owners) are the record owner of the property located at 1255 West and 2600 North in Pleasant Grove; and

WHEREAS, Pleasant Grove City is in the design phase of widening the 2600 North roadway; and

WHEREAS, and the alignment for the subject portion of 2600 North Project adjacent to Property Owners' parcel (Parcel No. 14:019:0029) is going to be modified and impacts Property Owner's real property on 2600 North; and

WHEREAS, City needs to acquire a small portion of Property Owners land to accommodate the new alignment for 2600 North; and

WHEREAS, During right of way discussions with Property Owners of 1255 West 2600 North it was agreed that Pleasant Grove City would be able to trade property located on 1300 West and abutting Property Owner's parcel in exchange for the land that was needed for the 2600 North Project; and

WHEREAS, said property on 1300 West is located outside of the foreseeable Right of Way that will be needed by Pleasant Grove City for 1300 West; and

WHEREAS, Pleasant Grove City desires to formally vacate and abandon the existing right of way on 1300 West in exchange for obtaining other Right of Way on 2600 North; and

WHEREAS, Exhibit "A" shows the project impacts to 1255 West 2600 North and the Right of Way being exchanged between Property Owner and City; and

WHEREAS, Exhibit "A" shows the Right of Way that the city will be vacating and conveying

to the 1255 West 2600 North parcel; and

WHEREAS, Exhibit “A” shows the Right of Way that the 1255 West 2600 North parcel will be conveying to the City for the 2600 North Project.

WHEREAS, notice was given to adjacent property owners, affected entities and the general public as prescribed by state code notifying the public of the intent to abandon and vacate the subject roadway and establishing the date for a public hearing on the matter; and

WHEREAS, on February 7, 2023, the Pleasant Grove City Council held a public hearing regarding its intent to vacate any interest in the road right-of-way; and

WHEREAS, a portion of the road right-of-way will be deeded to the adjacent property owner, as agreed; and

WHEREAS, the Mayor is authorized to execute said deeds upon city council approval of Ordinance #2023-5; 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 known as “a portion of 1300 West” is permanently abandoned and vacated as the city 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.

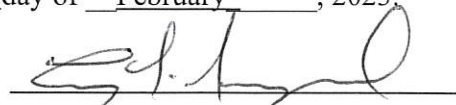
The Mayor is authorized to sign the Warranty Deed accompanying this Ordinance deeding the vacated Right of Way to the Owners of Parcel 14:019:0029. The City Staff is authorized to accept the Warranty Deed from the Owners of Parcel 14:019:0029 for the property on 2600 North as shown on Exhibit “A”.

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.

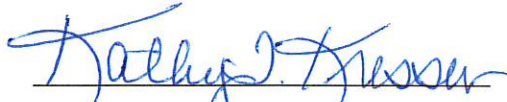
SECTION 3: EFFECTIVE DATE. This ordinance shall take effect immediately upon its

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 7th day of February, 2023.


Guy L. Fugal, Mayor

ATTEST:


Kathy T. Kresser, MMC
City Recorder



Motion: Council Member JENSEN
Second: Council Member BULLOCK

ROLL CALL	Yes	No	Absent
Mayor Guy L. Fugal	_____	_____	_____
Dianna Andersen	<u>X</u>	_____	_____
Brent Bullock	<u>X</u>	_____	_____
Eric Jensen	<u>X</u>	_____	_____
Cyd LeMone	<u>X</u>	_____	_____
Todd Williams	<u>X</u>	_____	_____

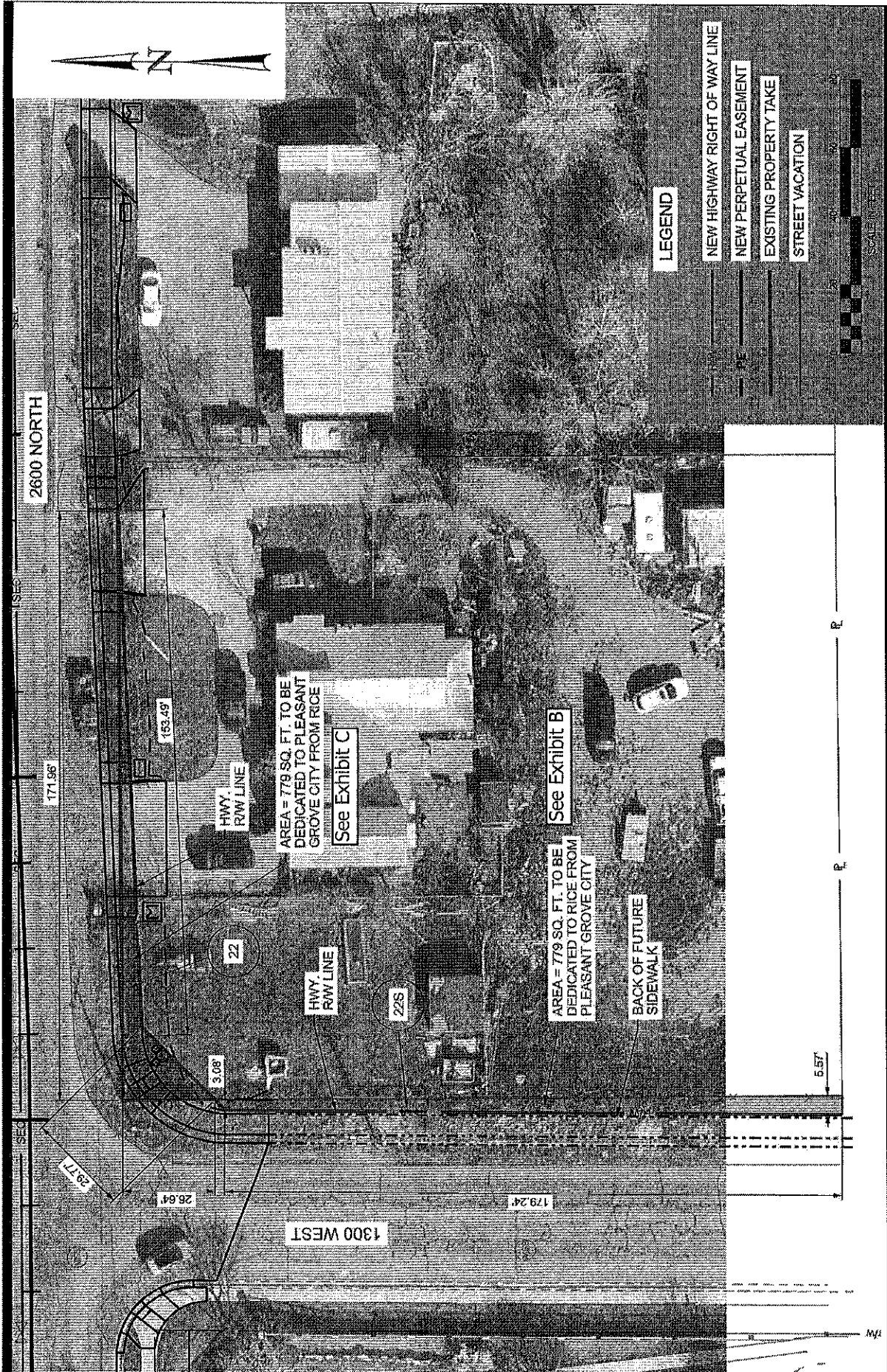
CERTIFICATE OF POSTING ORDINANCE
Pleasant Grove City Corporation

I, the duly appointed recorder for the City of Pleasant Grove, hereby certify that a summary of the foregoing Ordinance No. 2023-5 was posted on the State (<http://pmn.utah.gov>) website on this 8 day of Feb, 2023.

Dated this 8th day of Feb, 2023.


Kathy T. Kresser, MMC, City Recorder

Exhibit A



Parcel 22

Pleasant Grove City

2600 North Street Improvements

RB&G

ENGINEERING, INC.

Exhibit B

WHEN RECORDED, MAIL TO:
Kathy T. Kresser, Recorder
Pleasant Grove City
70 South 100 East
Pleasant Grove, UT 84062

WARRANTY DEED

Affecting Tax ID No. 14:019:0029

Parcel No. 022S

PLEASANT GROVE CITY, a municipal corporation of the State of Utah, Grantor, hereby CONVEYS and WARRANTS to Daniel Ethan Rice and DiAnna Lynne Rice, Grantees, of _____, County of _____, State of _____, for the sum of Ten Dollars and other good and valuable considerations, the following described parcel of land in Utah County, State of Utah, to-wit:

A parcel of land in trade for the reconstruction of the 2600 North Street roadway and appurtenant features, being part of the 1300 West Street right of way adjacent to an entire tract of Real Property described in Entry Number 71784:2021 of the Official Records of Utah County, located in the NE1/4 of Section 18, Township 5 South, Range 2 East, Salt Lake Base & Meridian. The boundaries of said parcel of land are described as follows:

Beginning at a point in the easterly right of way line of 1300 West Street and the westerly boundary line of said entire tract, which point is 1270.50 feet East, and 30 feet South and 26.64 feet South from the Northwest corner of the Northeast Quarter of Section 18, Township 5 South, Range 2 East, Salt Lake Base and Meridian; and running thence South 182.07 feet along said westerly boundary line to the southerly boundary line of said entire tract; thence West 5.57 feet; thence N. 00°47'56" E. 179.06 feet; thence N. 45°28'11" E. 4.31 feet to the point of beginning.

The above described parcel of land contains 779 square feet in area or 0.018 acres.

Basis of Bearing: N. 90°00'00" E. from the North Quarter corner of Section 18, Township 5 South, Range 2 East, Salt Lake Base and Meridian to the Northeast corner of Section 18.

Note: Rotate all bearings in the above description 0°28'11" counter-clockwise to match project bearings.

IN WITNESS WHEREOF, said _____ has caused
this instrument to be executed by its proper officers thereunto duly authorized, this
_____ day of _____, A.D. 20__.

State of Utah)

§

County of Utah)By Guy L. Fugal
[Signature]

On the date first above written personally appeared before me, Guy L. Fugal,
who, being by me duly sworn, says that he is the Mayor of
Pleasant Grove City, a corporation, and that the within and foregoing
instrument was signed in behalf of said corporation by authority of
_____ and said _____ acknowledged
to me that said corporation executed the same.

WITNESS my hand and official stamp the date in this certificate first above written:

Kathy J. Kresser
Notary Public

Exhibit C

WHEN RECORDED, MAIL TO:
Kathy T. Kresser, Recorder
Pleasant Grove City
70 South 100 East
Pleasant Grove, UT 84062

WARRANTY DEED

Affecting Tax ID No. 14:019:0029

Parcel No. 022

Daniel Ethan Rice and DiAnna Lynne Rice, Grantors, of _____, County of _____, State of _____, hereby CONVEY and WARRANT to PLEASANT GROVE CITY, a municipal corporation of the State of Utah, Grantee, for the sum of Ten Dollars and other good and valuable considerations, the following described parcel of land in Utah County, State of Utah, to-wit:

A parcel of land in fee for the reconstruction of the 2600 North Street roadway and appurtenant features, being part of an entire tract of Real Property described in Entry Number 71784:2021 of the Official Records of Utah County, located in the NE1/4 of Section 18, Township 5 South, Range 2 East, Salt Lake Base & Meridian. The boundaries of said parcel of land are described as follows:

Beginning at the Northwest corner of said entire tract, which point is 1270.50 feet East, and 30 feet South from the Northwest corner of the Northeast Quarter of Section 18, Township 5 South, Range 2 East, Salt Lake Base and Meridian; and running thence South 26.64 feet along the westerly boundary line of said entire tract; thence N. 45°28'11" E. 29.77 feet; thence N. 87°48'31" E. 150.86 feet to the northerly boundary line of said entire tract; thence West 171.97 feet along said northerly boundary line to the point of beginning.

The above described parcel of land contains 779 square feet in area or 0.018 acres.

Basis of Bearing: N. 90°00'00" E. from the North Quarter corner of Section 18, Township 5 South, Range 2 East, Salt Lake Base and Meridian to the Northeast corner of Section 18.

Note: Rotate all bearings in the above description 0°28'11" counter-clockwise to match project bearings.

WITNESS, the hand_ of said Grantor_, this _____ day of _____, A.D.
20_____.

State of _____)
 §
County of _____)

On this, the _____ day of _____, 20____, personally appeared before me
_____, the signer_ of the within and foregoing instrument, who
duly acknowledged to me that _he_ executed the same.

In witness whereof, I hereunto set my hand and official seal.

Notary Public