

ORDINANCE NO. 434

Parcel # 34-07-176-006-0000

8091902

**AN ORDINANCE VACATING A CERTAIN PORTION OF RIGHT-OF-WAY
CONVEYED TO THE CITY FOR PUBLIC STREET PURPOSES WITHIN
DRAPER CITY, STATE OF UTAH, AND RESERVING FROM SAID
VACATION NECESSARY SLOPE EASEMENTS**

WHEREAS, Draper City has previously received a conveyance of property for the future location of a portion of 300 East Street in the vicinity of Vestry Road and Highland Drive within Draper City; and

WHEREAS, the previously projected alignment of 300 East Street at the above-referenced location has changed; and

WHEREAS, the governing body of Draper City has determined that there is good cause for vacation of the previously deeded right-of-way, and that the vacation of the previously deeded right-of-way will not be detrimental to the general interest of the public, provided that the necessary slope easements for construction of the 300 East Street at the newly determined location are reserved from said vacation by the City; and

WHEREAS, the City Council has caused all required public notices to be given and has held all required public hearings regarding the proposed vacation;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Street Vacation. The City Council of Draper City hereby vacates, subject to the reservation set forth in Section 2, below, the follow described real property previously dedicated to the City for right-of-way purposes, which property is no longer needed in fee for public right-of-way. The property to be vacated, subject to the slope easement reserved in Section 2, below, is located in Draper City, Salt Lake County, State of Utah, and is more particularly described as follows:

A parcel of land located in the Northwest Quarter of Section 7, Township 4 South, Range 1 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point that is North 89°57'24" West 959.23 feet along the Section line and North 29.38 feet from the center of said Section 7 and running thence South 89°08'07" West a distance of 88.08 feet; thence 503.75 feet along a curve with a 587.06 foot radius to the right (long chord of which bears North 07°33'23" East a distance of 488.44 feet) with a tangent of 268.56 and a delta of 49°09'53"; thence

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178.54 feet along a curve with a 466.15 foot radius to the right (long chord of which bears North 51°01'46" East a distance of 177.46 feet) with a tangent of 90.38 feet and a delta of 21°56'43"; thence North 61°50'25" East a distance of 442.49 feet; thence North 63°39'39" East a distance of 102.34 feet; thence South 25°11'59" East a distance of 37.48 feet; thence South 61°48'04" West a distance of 52.93 feet; thence South 61°55'34" West a distance of 373.07 feet; thence 717.24 feet along a curve with a 503.06 foot radius to the left (long chord of which bears South 21°01'33" West a distance of 658.03 feet) with a tangent of 434.93 feet and a delta of 81°41'25" to the point of beginning. Contains an area of 73,802 square feet; 1.69 acres, more or less.

Section 2. Reservation of Slope Easement from Vacation. The City Council of Draper City hereby reserves from the vacation referenced in Section 1, above, slope easements over and across the following described parcels which are necessary for slope easements for the construction of 300 East Street at the newly determined location:

Slope Easement A:

A parcel of land located in the Northwest Quarter of Section 7, Township 4 South, Range 1 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point that is North 89°57'24" West 988.241 feet along the Section line and North 28.917 feet from the center of said Section 7 and running thence North 21°23'42" West a distance of 59.42 feet; thence North 15°15'53" West a distance of 73.16 feet; thence North 07°14'30" West a distance of 81.49 feet; thence North 05°00'00" East a distance of 58.93 feet; thence North 08°03'35" East a distance of 68.69 feet; thence North 31°18'35" East a distance of 38.30 feet; thence North 15°21'02" East a distance of 75.18 feet; thence North 44°06'34" East a distance of 28.59 feet; thence North 38°16'57" East a distance of 29.02 feet; thence North 39°33'53" East a distance of 90.72 feet; thence North 52°22'59" East a distance of 67.27 feet; thence North 49°36'48" East a distance of 27.97 feet; thence South 62°00'08" West a distance of 34.52 feet; thence 178.54 feet along a curve with a 466.15 foot radius to the left (long chord of which bears South 51°01'46" West a distance of 177.46 feet) with a tangent of 90.38 feet and a delta of 21°56'43"; thence 503.76 feet along a curve with a 587.07 foot radius to the left (long chord of which bears South 07°33'23" West a distance of 488.44 feet) with a tangent of 268.56 feet and a delta of 49°09'53"; thence North 89°08'07" East a distance of 59.06 feet to the point of beginning. Contains an area of 21,163 square feet; 0.49 acres, more or less.

Slope Easement B:

A parcel of land located in the Northwest Quarter of Section 7, Township 4 South, Range 1 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point that is North 89°57'24" West 563.08 feet along the Section line and North 775.07 feet from the center of said Section 7 and running thence North 45°36'34" East a distance of 43.53 feet; thence North 57°40'11" East a distance of 45.08 feet; thence South 86°49'35" East a distance of 29.77 feet; thence South 61°51'28" West a distance of 112.19 feet to the point of beginning. Contains an area of 1,073 square feet; 0.02 acres, more or less.

Slope Easement C:

A parcel of land located in the Northwest Quarter of Section 7, Township 4 South, Range 1 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point that is North 89°57'24" West 393.96 feet along the Section line and North 819.59 feet from the center of said Section 7 and running thence North 28°02'01" West a distance of 23.07 feet; thence South 66°35'30" West a distance of 111.93 feet; thence South 79°54'56" West a distance of 26.98 feet; thence North 62°13'11" East a distance of 81.45 feet; thence North 63°14'43" East a distance of 110.59 feet; thence South 25°11'59" East a distance of 37.48 feet; thence South 61°48'04" West a distance of 52.93 feet to the point of beginning. Contains an area of 3,521 square feet; 0.08 acres, more or less.

Section 3. Restrictions Applicable to Reserved Slope Easements. The slope easements reserved by the City in Section 2, above, shall entitle the City and its representatives to go upon the property with such equipment as is necessary to construct, maintain, repair, inspect and protect the slopes for the preservation and maintenance of the public street. After initial grading of the slope, the owners of the property shall not change the contour nor construct any improvements on the easement without the prior written consent of the City. The slope easement reserved in Section 2 shall be binding upon and inure to the benefit of the property owner and the City and their respective heirs, officers, employees, representatives, successors and assigns.

Section 4. Rights Not Affected. The action of the City Council vacating a portion of the public right-of-way provided herein and reserving therefrom necessary slope easements shall operate as a relinquishment of the City's fee therein; however, nothing herein shall be construed to vacate, impair or otherwise affect any existing real property interest, holding or franchise right therein of any property owner other than the City.

Section 5. Conveyance of Property. The Mayor of Draper City is hereby authorized and directed to execute and deliver a special warranty deed for the above-described property, reserving therefrom the necessary slope easements as directed in Section 2, to the abutting property owner or owners as their interests may appear.

Section 6. Recording. A certified copy of this ordinance shall be recorded in the office of the Salt Lake County Recorder, State of Utah, and the necessary changes made on the official plats and records of the County to accomplish the purpose thereof.

Section 7. Effective Date. This Ordinance shall become effective twenty (20) days after publication or posting, or thirty (30) days after passage, whichever occurs first.

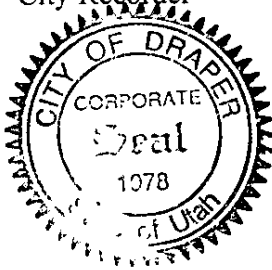
PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, THIS 19 DAY OF June, 2001.

DRAPER CITY

ATTEST:

Barbara L. Sadler
City Recorder

By *Richard D. Wilson*
Mayor



APPROVED AS TO FORM
City Attorney's Office

Date *June 5, 2001*
By *[Signature]*

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GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
CITY OF DRAPER
12441 S 900 E
DRAPER UT 84020
BY: RDJ, DEPUTY - W1 4 P.