

**SALT LAKE CITY CORPORATION - CAMP DOCUMENT ROUTING FORM
CITY SIGNATURE AND ACTIVATION PROCESS**

Contract #: 06-1-22-4060 PEID #: 38328 MONITOR: Shellie Peterson
Contract: Declaration of Public Utility Easement CONTRACTOR: Salt Lake City Corporation

PLEASE COMPLETE YOUR STEP AND FORWARD TO THE NEXT STEP.

STEP 1	<p align="center">ACCOUNTING DIVISION – Encumber Funds</p> <p><input type="checkbox"/> I certify funds are available:</p> <p>OR</p> <p><input checked="" type="checkbox"/> I certify that no encumbrance is required at this time and any future encumbrance will be checked against available budget by the accounting system:</p> <p>Funding Source: _____ - _____ \$ _____</p> <p>Funding Source: _____ - _____ \$ _____</p> <p>Funding Source: _____ - _____ \$ _____</p> <p>Funding Source: _____ - _____ \$ _____</p> <p>Funding Source: _____ - _____ \$ _____</p> <p>Funding Source: _____ - _____ \$ _____</p> <p>Funding Source: _____ - _____ \$ _____</p> <p>Funding Source: _____ - _____ \$ _____</p> <p align="center">Cost Center Object Code</p> <p align="right">Limit: \$ _____</p> <p>Finance's Signature: <u>Cori L Moore</u> Date: 03/11/2022 <small>Cori L Moore (Mar 11 2022 14:04 MST)</small></p>								
STEP 2	<p align="center">CITY ATTORNEY'S OFFICE – Final Approval</p> <p>Attorney: Kimberly Chytraus</p> <p align="right">Insurance Required: <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td align="center">Y</td><td align="center">N</td></tr><tr><td align="center"><input checked="" type="checkbox"/></td><td align="center"><input type="checkbox"/></td></tr></table></p> <p align="right">Perf Bond Required: <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td align="center"><input checked="" type="checkbox"/></td><td align="center"><input type="checkbox"/></td></tr></table></p> <p align="right">Perm Bond Required: <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td align="center"><input checked="" type="checkbox"/></td><td align="center"><input type="checkbox"/></td></tr></table></p> <p>Attorney's Signature: <u>KChytra</u> Date: 03/11/2022 <small>KChytra (Mar 11 2022 14:04 MST)</small></p>	Y	N	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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STEP 3	<p align="center">AUTHORIZED CITY SIGNATURE - Sign All Documents</p> <p>Please have Mayor sign with original signature and notarize, and also sign below. Once completed, deliver original document to the City Recorder's office to be recorded.</p> <p>Authorized Signer: _____ Dept/Div: Mayor's Office</p>								
STEP 4	<p align="center">RECORDER'S OFFICE – ACTIVATE</p> <p>Instructions:</p> <p align="center">Recorder's office please call me at the number below for further instructions. Thanks!</p> <p>Name: Shellie Peterson Dept/Div: CAN/RES Phone#: 385-321-7143</p>								

13920430 B: 11321 P: 9891 Total Pages: 15
 03/28/2022 02:48 PM By: asterfensen Fees: \$0.00
 EASEMENT OR GRANT OF EASEMENT
 Rashelle Hobbs Recorder, Salt Lake County, Utah
 Return To: SALT LAKE CITY RECORDER'S OFFICE
 PO BOX 145515 SALT LAKE CITY, UT 84114

15



MEMORANDUM

To: Mayor Mendenhall
From: Shellie Peterson, Real Property Manager
Date: 3/11/2022
Cc: Kimberly Chytraus, Senior City Attorney
Re: Kensington & Bryan Ave Alleyway Vacation - Declaration of Public Utility Easement

Mayor Mendenhall,

Attached is a Declaration of Public Utility Easement granted by Salt Lake City. The purpose of the declaration of public utility easement is for the City to declare a perpetual, non-exclusive easement for the installation and access of all public utilities per the condition adopted in Ordinance 070 of 2021, located approximately between Kensington and Bryan Avenue, Salt Lake City, Utah.

For your reference, please see further details in the easement agreement and ordinance attached. Please let me know if you need any additional information or have any questions.

Sincerely,

Shellie Peterson
Real Property Manager

When Recorded, Return To:
Salt Lake City Corporation
Attn: Real Estate Services
451 South State Street, Room 406
Salt Lake City, Utah 84111

DECLARATION OF PUBLIC UTILITY EASEMENT

THIS DECLARATION OF PUBLIC UTILITY EASEMENT (this "Declaration") is entered into as of the date of recording by the Salt Lake City Recorder's Office (the "Effective Date") by SALT LAKE CITY CORPORATION, a Utah municipal corporation ("City"), with an address of 451 South State Street, Room 406, Salt Lake City, Utah 84114.

A. City owns an 11-foot-wide unnamed alley as more particularly described on Exhibit A, attached hereto and incorporated herein (the "Property").

B. The Salt Lake City Council adopted Salt Lake City Ordinance No. 070 of 2021, attached hereto as Exhibit B (the "Ordinance") to vacate the Property and declare it not presently necessary or available for public use.

C. The vacation is made subject to existing rights-of-way and public utilities as described in the Ordinance. The vacation is also conditioned upon a reservation of easement for the purposes of the use and location of public utilities, on the terms and conditions set forth herein.

D. Following the effective date of the Ordinance, the Property will be owned by adjacent property owners (the "Property Owners"), with each Property Owner owning the half-width portion of the Property adjacent to its respective parcel.

NOW, THEREFORE, City hereby declares the following:

1. Declaration of Easement. City hereby declares a perpetual, non-exclusive easement ("Easement") on, over, under, across, and through the Property for the use of the Property for the location, installation, maintenance, repair, replacement, and removal of any public utilities' facilities and all necessary and desirable appurtenances thereto (the "Facilities"), including the City's Facilities. The Easement includes a right of access across the Property and the adjacent parcels to accomplish such purposes.

2. Use of Easement.

(a) A public utility that utilizes the Easement shall be responsible for its own Facilities and shall restore disturbance to the surface of the Property following use of the Easement. Such user of the Easement has the right to cut and remove timber, trees, brush, overhanging branches, landscaping, and improvements or other obstructions of any kind and nature which may injure or interfere with the use, occupation or enjoyment of this Easement, without liability, and without any obligation of restoration or compensation.

RECORDED

MAR 17 2022

CITY RECORDER

06-1-22-4000

PROPERTY OF SALT LAKE
CITY RECORDER'S OFFICE
P.O. BOX 145515
SALT LAKE CITY, UTAH 84114-5515

(b) The Easement may be accessed by a user of the Easement following reasonable prior notice, provided that no prior notice is requirement in an emergency.

(c) Each Property Owner shall maintain the portion of the Property it owns following the vacation. The City has no obligation maintain the Property.

(d) Grantee may construct improvements or landscaping (except for trees and permanent structures or buildings) within the Easement Area as long as such improvements do not interfere with the access and use of the Easement.

(e) There may be one or more natural springs that originate on parcels adjacent to the Property. The runoff from such springs may run onto the Property. Each Property Owner is responsible for any runoff from its parcel.

3. Condition of the Property; Liability. City makes no representation or warranty, express or implied, regarding title matters, physical condition of the Property or its fitness for a particular purpose, its compliance with laws, or any other matter whatsoever. Use of the Easement shall be at such's users' own risk and City shall in no way be liable or responsible for any loss or damage to property or any injury to, or death of, any person that may occur in connection with use of the Easement or the Property. City does not waive any defenses or limits of liability available under the Governmental Immunity Act of Utah and other applicable law.

4. Miscellaneous.

(a) Applicable Law. This Declaration shall be governed by and construed and enforced in accordance with the laws of the State of Utah.

(b) Covenants to Run with the Land, Amendment. City intends that the covenants and restrictions set forth herein shall be covenants running with the Property and shall pass to and be binding upon each Property Owner(s), including any purchaser, assignee, grantee, encumbrancer, or lessee of any portion of such Property. This Easement shall benefit any public utility that locates its Facilities on the Property.

[Signatures on following page.]

EXHIBIT A

Legal Description of the Property

AN 11.00 FOOT WIDE ALLEY TO BE VACATED WITHIN BLOCK 2 OF WHITAKER SUBDIVISION AMENDED, SALT LAKE CITY, SALT LAKE COUNTY, UTAH MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE MONUMENT IN THE INTERSECTION OF KENSINGTON AVENUE & 1300 EAST STREET (POC); THENCE S89°56'37"W ALONG THE MONUMENT LINE IN KENSINGTON AVENUE (BASIS OF BEARINGS) A DISTANCE OF 6.55 FEET AND S00°10'33"W A DISTANCE OF 29.18 FEET TO THE NORTHEAST CORNER OF BLOCK 2, WHITAKER SUBDIVISION AMENDED, AND CONTINUING S00°10'33"W ALONG THE EAST LINE OF BLOCK 2 (ALSO THE EAST LINE OF LOT 55) A DISTANCE OF 105.19 FEET TO THE SOUTHEAST CORNER OF SAID LOT 55 TO THE POINT OF BEGINNING (POB).

THENCE N89°55'03"W ALONG THE SOUTH LINES OF LOTS 29-55 A DISTANCE OF 715.62 FEET TO THE SOUTHWEST CORNER OF LOT 29;

THENCE S06°32'02"W A DISTANCE OF 3.96 FEET;

THENCE S13°00'36"W A DISTANCE OF 7.25 FEET TO THE NORTHWEST CORNER OF LOT 28 OF SAID BLOCK;

THENCE S89°55'03"E ALONG THE NORTH LINES OF LOTS 1-28 A DISTANCE OF 717.67 FEET TO THE NORTHEAST CORNER OF LOT 1 AND A POINT ON THE EAST LINE OF SAID BLOCK 2;

THENCE N00°10'33"E ALONG THE EAST LINE OF BLOCK 2 A DISTANCE OF 11.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.18 ACRES.

EXHIBIT B

Salt Lake City Ordinance No. 070 of 2021
(See attached)

SALT LAKE CITY ORDINANCE

No. 70 of 2021

(Vacating a city-owned alley situated in the Amended Plat of Whitaker Subdivision of Lots 18 and 19, Block 16A, 5Acre Plat A. Big Field Survey located between lots 1-55 running from 1300 East Street and the Salt Lake & Jordan Canal)

An ordinance vacating an 11 foot wide unnamed city-owned alley situated in the Amended Plat of Whitaker Subdivision of Lots 18 and 19, Block 16A, 5Acre Plat A. Big Field Survey located between lots 1-55 running from 1300 East Street and the Salt Lake & Jordan Canal, pursuant to Petition No. PLNPCM2021-00413.

WHEREAS, an 11 foot wide public alley running east and west through Block 2 of the Amended Plat of Whitaker Subdivision of Lots 18 and 19, Block 16A, 5 Acre Plat A. Big Field Survey was dedicated for public use;

WHEREAS, the City has authority by state law to vacate public streets, including alleys;

WHEREAS, the Salt Lake City Planning Commission (the "planning commission") held a public hearing on July 28, 2021, to consider a request made by Steven Black ("Applicant") (Petition No. PLNPCM2021-00413) on behalf of the alley's 28 adjacent property owners; and

WHEREAS, at its July 28, 2021, hearing, the planning commission voted in favor of forwarding a positive recommendation on said petition to the Salt Lake City Council;

WHEREAS, the Salt Lake City Council (the "city council") held a legally notified public hearing as per section 10-9a-208 of the Utah Code on Dec. 7, 2021 ;

WHEREAS, the city council finds after holding a public hearing on this matter, that the city's interest in the city-owned alley as more particularly described in Exhibit A," attached hereto and incorporated by reference, is reflected on a plat; however, the alley has been materially blocked in a way that renders it unusable as a public right of way;

WHEREAS, the City Council finds that there is good cause for the vacation of the alley and neither the public interest nor any person will be materially injured by the proposed vacation; and

WHEREAS, the City Council finds that the vacation of the alley upon the conditions set forth herein are in the best interest of Salt Lake City.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Vacating City-Owned Alley. That an unnamed, city-owned alley situated in the Amended Plat of Whitaker Subdivision of Lots 18 and 19, Block 16A, 5Acre Plat A. Big Field Survey located between lots 1-55 running from 1300 East Street and the Salt Lake & Jordan Canal, which is the subject of Petition No. PLNPCM2021-00413, and which is more particularly described in Exhibit "A" attached hereto, hereby is, vacated and declared not presently necessary or available for public use.

SECTION 2. Reservations and Disclaimers. The vacation is expressly made subject to all existing rights-of-way and easements of all public utilities of any and every description now located on and under or over the confines of this property, and also subject to the rights of entry thereon for the purposes of maintaining, altering, repairing, removing or rerouting said utilities, including the city's water and sewer facilities. Said vacation is also subject to any existing rights-of-way or easements of private third parties.

SECTION 3. Conditions. This proposed alley vacation is conditioned upon the following:


- 1.) A reservation of easement, evidenced by a declaration of easement, recorded by and for the benefit of the City for purposes of the use and location of public utilities.


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SECTION 4. Effective Date. This Ordinance shall become effective on the date of its first publication and shall be recorded with the Salt Lake County Recorder. The city recorder is instructed not to publish or record this ordinance until Real Estate Services certifies that the condition has been satisfied.

SECTION 5. Time. If the conditions identified above have not been met within one year after adoption, this ordinance shall become null and void. The city council may, for good cause shown, by resolution, extend the time period for satisfying the conditions identified above.

Passed by the City Council of Salt Lake City, Utah this 7th day of December, 2021 .



Amy Eccles (Dec 9, 2021 10:18 MST)
CHAIRPERSON


ATTEST:

Cindy Truhman (Dec 13, 2021 10:16 MST)
CITY RECORDER



Transmitted to Mayor on Dec 9, 2021 .

Mayor's Action: Approved. Vetoed.

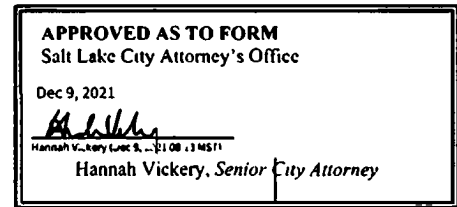

Erin Menzies (Dec 12, 2021 10:19 MST)
MAYOR


Cindy Truhman (Dec 13, 2021 02:16 MST)
CITY RECORDER

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(SEAL)

Bill No. 70 of 2021
Published: March 25, 2022



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EXHIBIT "A"

Legal description of the unnamed, city-owned alley to be vacated:

AN 11.00 FOOT WIDE ALLEY TO BE VACATED WITHIN BLOCK 2 OF WHITAKER SUBDIVISION AMENDED, SALT LAKE CITY, SALT LAKE COUNTY, UTAH MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE MONUMENT IN THE INTERSECTION OF KENSINGTON AVENUE & 1300 EAST STREET (POC); THENCE S89°56'37"W ALONG THE MONUMENT LINE IN KENSINGTON AVENUE (BASIS OF BEARINGS) A DISTANCE OF 6.55 FEET AND S00°10'33"W A DISTANCE OF 29.18 FEET TO THE NORTHEAST CORNER OF BLOCK 2, WHITAKER SUBDIVISION AMENDED, AND CONTINUING S00°10'33"W ALONG THE EAST LINE OF BLOCK 2 (ALSO THE EAST LINE OF LOT 55) A DISTANCE OF 105.19 FEET TO THE SOUTHEAST CORNER OF SAID LOT 55 TO THE POINT OF BEGINNING (POB).

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CONTAINS 0.18 ACRES.

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Ordinance 70 of 2021 - Alley Vacation at 1200 Block of Kensington and Bryan Avenues

Final Audit Report

2021-12-13

Created:	2021-12-09
By:	Thais Stewart (thais.stewart@slcgov.com)
Status:	Signed
Transaction ID	CBJCHBCAABAANb5VUK3yx-3FUMMb9JQ7jGANNuGeJalz

"Ordinance 70 of 2021 - Alley Vacation at 1200 Block of Kensington and Bryan Avenues" History

-  Document created by Thais Stewart (thais.stewart@slcgov.com)
2021-12-09 - 4:39:25 AM GMT
-  Document emailed to Hannah Vickery (hannah.vickery@slcgov.com) for signature
2021-12-09 - 4:43:43 AM GMT
-  Email viewed by Hannah Vickery (hannah.vickery@slcgov.com)
2021-12-09 - 3:12:53 PM GMT
-  Document e-signed by Hannah Vickery (hannah.vickery@slcgov.com)
Signature Date: 2021-12-09 - 3:13:06 PM GMT - Time Source: server
-  Document emailed to Amy Fowler (amy.fowler@slcgov.com) for signature
2021-12-09 - 3:13:09 PM GMT
-  Email viewed by Amy Fowler (amy.fowler@slcgov.com)
2021-12-09 - 4:31:41 PM GMT
-  Document e-signed by Amy Fowler (amy.fowler@slcgov.com)
Signature Date: 2021-12-09 - 5:18:28 PM GMT - Time Source: server
-  Document emailed to Erin Mendenhall (erin.mendenhall@slcgov.com) for signature
2021-12-09 - 5:18:31 PM GMT
-  Email viewed by Erin Mendenhall (erin.mendenhall@slcgov.com)
2021-12-10 - 4:24:24 AM GMT
-  Email viewed by Erin Mendenhall (erin.mendenhall@slcgov.com)
2021-12-12 - 6:25:29 AM GMT




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 Document e-signed by Erin Mendenhall (erin.mendenhall@slcgov.com)

Signature Date: 2021-12-12 - 5:39:18 PM GMT - Time Source: server

 Document emailed to Cindy Trishman (cindy.trishman@slcgov.com) for signature

2021-12-12 - 5:39:20 PM GMT

 Document e-signed by Cindy Trishman (cindy.trishman@slcgov.com)

Signature Date: 2021-12-13 - 3:16:31 PM GMT - Time Source: server

 Agreement completed.

2021-12-13 - 3:16:31 PM GMT



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Declaration of Public Utility Easement - Kensington - Bryan Ave. Alleyway Vacation

Final Audit Report

2022-03-11

Created:	2022-03-11
By:	Shellie Peterson (shellie.peterson@slcgov.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAA6RjON6PF-_wlyC5fWoFt5U1C7av4tzqn

"Declaration of Public Utility Easement - Kensington - Bryan Ave . Alleyway Vacation" History

-  Document created by Shellie Peterson (shellie.peterson@slcgov.com)
2022-03-11 - 7:37:18 PM GMT
-  Document emailed to Cori L Moore (cori.moore@slcgov.com) for signature
2022-03-11 - 7:46:15 PM GMT
-  Email viewed by Cori L Moore (cori.moore@slcgov.com)
2022-03-11 - 9:04:16 PM GMT
-  Document e-signed by Cori L Moore (cori.moore@slcgov.com)
Signature Date: 2022-03-11 - 9:04:30 PM GMT - Time Source: server
-  Document emailed to Kimberly Chytraus (kimberly.chytraus@slcgov.com) for signature
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2022-03-11 - 11:56:19 PM GMT
-  Document e-signed by Kimberly Chytraus (kimberly.chytraus@slcgov.com)
Signature Date: 2022-03-11 - 11:59:04 PM GMT - Time Source: server
-  Agreement completed.
2022-03-11 - 11:59:04 PM GMT



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