

ORDINANCE 2002-22

AN ORDINANCE OF THE TOOELE CITY COUNCIL VACATING THE 500 NORTH RIGHT-OF-WAY BETWEEN PLATEAU ROAD AND DROUBAY ROAD AND CLARIFYING ORDINANCES 2002-12 AND 2002-20.

WHEREAS, the owners of residential lots abutting the boundary of a public right-of-way petitioned Tooele City to vacate the right of way; and,

WHEREAS, on June 5th, 2002, the Tooele City Council passed an ordinance vacating the right-of-way (Ordinance 2002-12); and

WHEREAS, because of issues which arose due to the irregular shape and title history of the right-of-way and surrounding parcels, it was necessary to specify with greater particularity which portions of the right-of-way would revert to whom; and

WHEREAS, on September 18th, 2002, the City Council passed Ordinance 2002-20 in an attempt to clarify the ambiguities existing in Ordinance 2002-12; and

WHEREAS, the legal descriptions and parcel numbers used in exhibits A and B of ordinance 2002-20 were somewhat inconsistent; and

WHEREAS, this ordinance corrects the conflict in Ordinance 2002-20 simply by eliminating exhibit B and all references to exhibit B in the body of the ordinance; and

WHEREAS, the right-of-way at issue runs east and west in line with the existing improved street known as 500 North, and is bounded by Plateau Road on the west, Droubay Road on the east, a small, triangle-shaped segment of City-owned property on the north, and the rear boundaries of four residential lots on the south; and,

WHEREAS, it was originally intended that the right-of-way would be used to extend 500 North eastward to Droubay Road; and,

WHEREAS, the right-of-way has not been used as a roadway for many years; and

WHEREAS, the right-of-way is more specifically depicted in a land survey completed by Carter and Burgess; the survey is attached as exhibit A and is incorporated herein by reference; and,

WHEREAS, the owner of each residential lot that abuts the right-of-way on the south seeks to acquire a portion of the right-of-way for the purpose of expanding his or her yard; and

WHEREAS, the survey depicted in exhibit A divides the right-of-way into five separate parcels for the purpose of indicating how the right-of-way will be apportioned between the abutting property owners; and

WHEREAS, when vacated, the five divisions of the right-of-way shall revert to the abutting properties located opposite each respective division, as follows:

(a) parcel 1 of exhibit A shall revert in its entirety to the owners of lot 509 of Oquirrh Hills Estates Subdivision Phase 5;

(b) parcel 2 of exhibit A shall revert in its entirety to the owners of lot 504 of the Oquirrh Hills Estates Subdivision Phase 5;

(c) parcel 3 of exhibit A shall revert in its entirety to the owners of lot 503, Oquirrh Hills Estates Subdivision Phase 5;

(d) parcel 4 of exhibit A shall revert in its entirety to the owners of lot 603 of the Oquirrh Hills Estates Subdivision Phase 6;

(e) parcel 5 of exhibit A shall revert in its entirety to Tooele City, the owner of the small, triangle shaped parcel bounded by Smelter Road on the north and Plateau Road on the east.

WHEREAS, the City does not anticipate developing the right-of-way as an improved street because it would intersect with Smelter Road at an unacceptably acute angle and form a dangerous three-way intersection where Smelter and Droubay Roads meet; and,

WHEREAS, the right-of-way in its present condition is unkept and poses an unwanted maintenance burden for the City; and,

WHEREAS, although the City has no purpose in maintaining a surface right-of-way, a number of underground utilities and infrastructure are located under the right-of-way; and,

WHEREAS, if the right-of-way is vacated, the City and other entities responsible for the maintenance of public utilities will need access to infrastructure located under the right-of-way; and,

WHEREAS, the City has notified the owners and operators of all underground facilities of the proposal to vacate the right-of-way; and

WHEREAS, the notice requirements of Utah Code Ann. §10-8-8.4 have been met; and,

WHEREAS, a public hearing was held before the planning commission on the

petition for vacation on February 27th, 2002, and the planning commission recommended that this Council approve the vacation; and,

WHEREAS, a public hearing on the petition for vacation was held May 1st, 2002, before this Council; this Council is satisfied that there is good cause for vacating the right-of-way depicted in Exhibit A, and that vacation will not be detrimental to the public interest:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that the right-of-way which was intended for the extension of 500 North, located between Plateau Road on the west and Droubay Road on the east, as depicted in exhibit A, is hereby vacated, and reverts to the abutting property owners as follows, with the exception of a utility easement for the purpose of maintaining underground facilities:

(a) parcel 1 of exhibit A shall revert in its entirety to the owners of lot 509 of Oquirrh Hills Estates Subdivision Phase 5;

(b) parcel 2 of exhibit A shall revert in its entirety to the owners of lot 504 of the Oquirrh Hills Estates Subdivision Phase 5;

(c) parcel 3 of exhibit A shall revert in its entirety to the owners of lot 503, Oquirrh Hills Estates Subdivision Phase 5;

(d) parcel 4 of exhibit A shall revert in its entirety to the owners of lot 603 of the Oquirrh Hills Estates Subdivision Phase 6;

(e) parcel 5 of exhibit A shall revert in its entirety to Tooele City, the owner of the small, triangle shaped parcel bounded by Smelter Road on the north and Plateau Road on the east.

This Ordinance is necessary for the immediate preservation of the peace, health and safety of Tooele City and shall take effect immediately upon passage.

IN WITNESS WHEREOF, this ordinance is passed by the Tooele City Council this 2 day of OCTOBER, 2002.

TOOELE CITY COUNCIL RESOLUTION 2002-54.

TOOELE CITY COUNCIL

(For)

(Against)

Doug K. Khornum

Ernest W. Swan

Lawrence F. Silcox

Michael R. [Signature]

Colleen Johnson

ABSTAINING: _____

MAYOR OF TOOELE CITY

(For)

(Against)

Charlie Robert

ATTEST:

Patrick H. Dunlavy
Patrick H. Dunlavy, City Recorder

SEAL

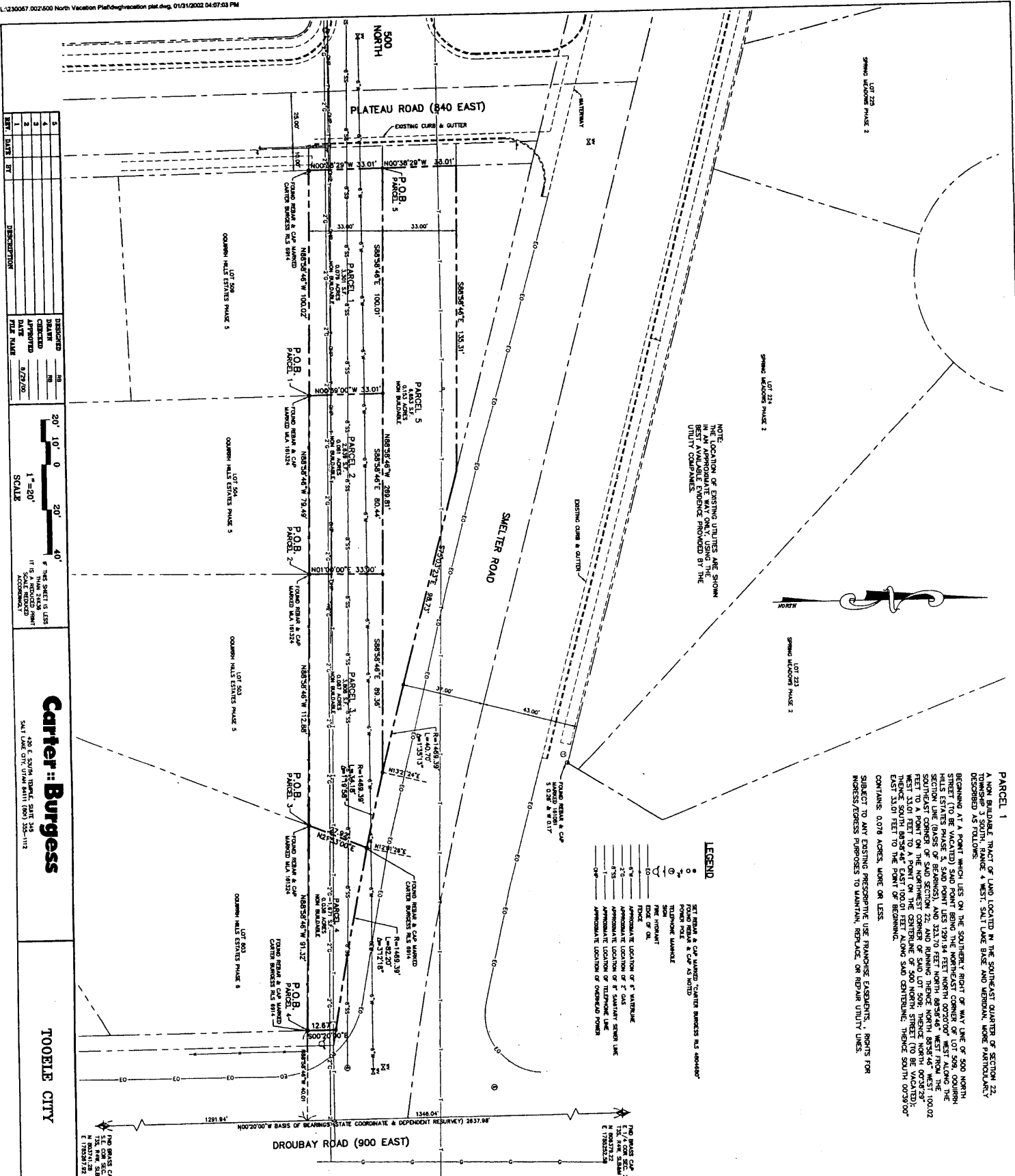


Approved as to form:

Roger Evans Baker
Roger Evans Baker, Tooele City Attorney

EXHIBIT A

L:\230067.002\500 North Vacation Plat\dwg\vacation plat.dwg, 01/31/2024 04:57:53 PM



PARCEL 1
 A NON-BUILDABLE TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT A POINT WHICH LIES ON THE SOUTHERLY RIGHT OF WAY LINE OF 500 NORTH STREET (TO BE VACATED) SAID POINT BEING THE NORTHEAST CORNER OF LOT 509, COOKHILL HILLS ESTATES PHASE 5, SAID POINT LIES 1291.94 FEET NORTH 00°20'00" WEST ALONG THE SECTION LINE (BASES OF BEARINGS), AND 232.70 FEET NORTH 89°58'46" WEST FROM THE SOUTHEAST CORNER OF SAID SECTION 22, AND RUNNING THENCE NORTH 89°58'46" WEST 100.02 FEET TO A POINT ON THE CENTERLINE OF SAID LOT 509, THENCE NORTH 00°58'29" WEST 33.01 FEET TO A POINT ON THE CENTERLINE OF 500 NORTH STREET (TO BE VACATED); THENCE SOUTH 89°58'46" EAST 100.01 FEET ALONG SAID CENTERLINE, THENCE SOUTH 00°59'00" EAST 33.01 FEET TO THE POINT OF BEGINNING.
 CONTAINS: 0.078 ACRES, MORE OR LESS.
 SUBJECT TO ANY EXISTING PREScriptive USE FRANCHISE EASEMENTS, RIGHTS FOR INGRESS/EGRESS PURPOSES TO MAINTAIN, REPLACE, OR REPAIR UTILITY LINES.

PARCEL 2
 A NON-BUILDABLE TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT A POINT WHICH LIES ON THE SOUTHERLY RIGHT OF WAY LINE OF 500 NORTH STREET (TO BE VACATED) SAID POINT BEING THE NORTHEAST CORNER OF LOT 504, COOKHILL HILLS ESTATES PHASE 5, SAID POINT LIES 1291.94 FEET NORTH 00°20'00" WEST FROM THE SOUTHEAST CORNER OF SAID SECTION 22, AND RUNNING THENCE NORTH 89°58'46" WEST 79.49 FEET TO A POINT ON THE NORTHEAST CORNER OF SAID LOT 504, THENCE NORTH 00°59'00" WEST 33.01 FEET TO A POINT ON THE CENTERLINE OF SAID LOT 509, THENCE NORTH 00°58'29" WEST 33.01 FEET TO A POINT ON THE CENTERLINE OF 500 NORTH STREET (TO BE VACATED); THENCE SOUTH 89°58'46" EAST 100.01 FEET ALONG SAID CENTERLINE, THENCE SOUTH 00°59'00" WEST 33.01 FEET TO THE POINT OF BEGINNING.
 CONTAINS: 0.081 ACRES, MORE OR LESS.
 SUBJECT TO ANY EXISTING PREScriptive USE FRANCHISE EASEMENTS, RIGHTS FOR INGRESS/EGRESS PURPOSES TO MAINTAIN, REPLACE, OR REPAIR UTILITY LINES.

PARCEL 3
 A NON-BUILDABLE TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT A POINT WHICH LIES ON THE SOUTHERLY RIGHT OF WAY LINE OF 500 NORTH STREET (TO BE VACATED) SAID POINT BEING THE NORTHEAST CORNER OF LOT 502, COOKHILL HILLS ESTATES PHASE 5, SAID POINT LIES 1291.94 FEET NORTH 00°20'00" WEST ALONG THE SECTION LINE (BASES OF BEARINGS), AND 131.33 FEET NORTH 89°58'46" WEST FROM THE SOUTHEAST CORNER OF SAID SECTION 22, AND RUNNING THENCE NORTH 89°58'46" WEST 112.88 FEET TO A POINT ON THE POINT ON THE CENTERLINE OF 500 NORTH STREET (TO BE VACATED); THENCE SOUTH 89°58'46" EAST 89.38 FEET ALONG SAID CENTERLINE TO A POINT ON THE 1489.39 FOOT RADIUS CURVE OF SAID SECTION 22, THENCE ALONG SAID CURVE AN ARC OF SAID CURVE SOUTH 120°26' EAST, THENCE SOUTHWESTERLY 82.20 FEET ALONG THE ARC OF SAID CURVE AND SAID SOUTHERLY RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 03°17'18"; THENCE SOUTH 21°53'00" WEST 27.92 FEET TO THE POINT OF BEGINNING.
 CONTAINS: 0.087 ACRES, MORE OR LESS.
 SUBJECT TO ANY EXISTING PREScriptive USE FRANCHISE EASEMENTS, RIGHTS FOR INGRESS/EGRESS PURPOSES TO MAINTAIN, REPLACE, OR REPAIR UTILITY LINES.

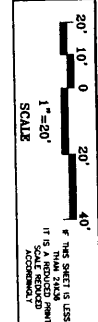
PARCEL 4
 A NON-BUILDABLE TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT A POINT WHICH LIES ON THE SOUTHERLY RIGHT OF WAY LINE OF 500 NORTH STREET (TO BE VACATED) SAID POINT BEING THE NORTHEAST CORNER OF LOT 603, COOKHILL HILLS ESTATES PHASE 5, SAID POINT LIES 1291.94 FEET NORTH 00°20'00" WEST FROM THE SOUTHEAST CORNER OF SAID SECTION 22, AND RUNNING THENCE NORTH 89°58'46" WEST 91.32 FEET TO A POINT ON THE NORTHEAST CORNER OF SAID LOT 602; THENCE NORTH 21°53'00" EAST 27.92 FEET TO THE POINT ON THE POINT ON THE CENTERLINE OF 500 NORTH STREET (TO BE VACATED); THENCE SOUTH 89°58'46" EAST 89.38 FEET ALONG SAID CENTERLINE TO A POINT ON THE 1489.39 FOOT RADIUS CURVE OF SAID SECTION 22, THENCE ALONG SAID CURVE AN ARC OF SAID CURVE SOUTH 120°26' EAST, THENCE SOUTHWESTERLY 82.20 FEET ALONG THE ARC OF SAID CURVE AND SAID SOUTHERLY RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 03°17'18"; THENCE SOUTH 00°20'00" EAST 123.17 FEET TO THE POINT OF BEGINNING.
 CONTAINS: 0.038 ACRES, MORE OR LESS.
 SUBJECT TO ANY EXISTING PREScriptive USE FRANCHISE EASEMENTS, RIGHTS FOR INGRESS/EGRESS PURPOSES TO MAINTAIN, REPLACE, OR REPAIR UTILITY LINES.

PARCEL 5
 A NON-BUILDABLE TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT A POINT WHICH LIES ON THE CENTERLINE OF 500 NORTH STREET (TO BE VACATED) SAID POINT LIES 1291.94 FEET NORTH 00°20'00" WEST ALONG THE SECTION LINE (BASES OF BEARINGS), AND 423.72 FEET NORTH 89°58'46" WEST AND 33.01 FEET NORTH 00°20'00" WEST FROM THE SOUTHEAST CORNER OF SAID SECTION 22, AND RUNNING THENCE NORTH 89°58'46" WEST 97.33 FEET FROM THE POINT ON THE CENTERLINE OF 500 NORTH STREET (TO BE VACATED) TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF 500 NORTH STREET (TO BE VACATED); THENCE SOUTH 89°58'46" EAST 123.31 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF 500 NORTH STREET (TO BE VACATED); THENCE SOUTH 89°58'46" WEST 100.01 FEET ALONG SAID CENTERLINE TO THE POINT OF BEGINNING.
 CONTAINS: 0.153 ACRES, MORE OR LESS.
 SUBJECT TO ANY EXISTING PREScriptive USE FRANCHISE EASEMENTS, RIGHTS FOR INGRESS/EGRESS PURPOSES TO MAINTAIN, REPLACE, OR REPAIR UTILITY LINES.

CERTIFICATE
 THIS IS TO CERTIFY THAT I, RICHARD A. BOON, A DULY REGISTERED LAND SURVEYOR IN THE STATE OF UTAH, HAVE PREPARED THE FOREGOING SURVEY AND IT IS ACCURATELY SHOWN ON THIS PLAT. I HAVE NOTED THE LOCATION OF ALL EXISTING UTILITY LINES AND HAVE SHOWN THEM AS SUCH ON THIS PLAT.
 RICHARD A. BOON
 LAND SURVEYOR
 JANUARY 31, 2024
 DATE OF SURVEY



NO.	DATE	BY	DESCRIPTION
1	1/31/24	RB	PREPARED
2			
3			
4			
5			



Carter Burgess
 200 E. SOUTH STREET, SUITE 200
 SALT LAKE CITY, UTAH 84111 (801) 353-1112

TOOELE CITY

500 NORTH ROAD VACATION
 PART OF THE S.E. 1/4 OF SEC. 22
 T3S, R4W, S18EM
CERTIFICATE OF SURVEY

SHEET 1
 OF 1 SHEETS
 250057