

E 2488415 B 4885 P 187-189
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
10/21/2009 11:12 AM
FEE \$0.00 Pgs: 3
DEP RTT REC'D FOR FARMINGTON CITY

FARMINGTON CITY, UTAH

ORDINANCE NO. 2009 - 35

**AN ORDINANCE VACATING A PORTION OF THE WEST
SIDE OF THE 300 WEST STREET PUBLIC RIGHT OF
WAY BETWEEN AT 76 SOUTH 300 WEST WITHIN
FARMINGTON CITY, STATE OF UTAH.**

08-089-0026

WHEREAS, the governing body of Farmington City received a recommendation from the Planning Commission regarding a request from Steven Ballantyne ("Petitioner") in conjunction with the creation of a two-lot subdivision at 76 South 300 West; and

WHEREAS, said request is for the vacation of a portion of the 300 West Street public right-of-way approximately one hundred sixty-seven feet and six inches (167.50) in length by nineteen feet (19) in width; and

WHEREAS, Farmington City approved the metes and bounds subdivision for the Ballantyne subdivision with the understanding that portions of the 300 West right-of-way is to be vacated; and

WHEREAS, the governing body of Farmington City has determined that there is good cause for the requested vacation and it will not be detrimental to the general interest of the public to grant the same; and

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

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
FARMINGTON CITY, STATE OF UTAH:**

Section 1. Street Vacation. The City Council of Farmington City hereby declares that a portion of the west side of the 300 West Street right-of-way approximately one hundred sixty-seven feet and six inches (167.50) and nineteen feet (19) in width located at approximately 76 South 300 West as more particularly described in Exhibit "A," attached hereto and incorporated herein, is hereby vacated.

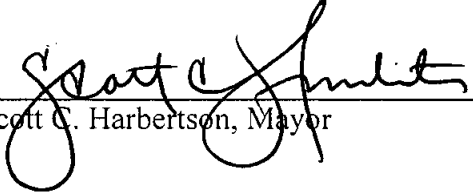
Section 2. Rights not Affected. The action of the City Council vacating a portion of the public right-of-way provided herein shall operate as a relinquishment of the City's fee therein, provided that nothing herein shall be construed to vacate, impair or otherwise affect any real property interest, easement, right-of-way, holding or franchise right therein of any public utility or other property owner, governmental or private.

Section 3. Recorded. A certified copy of this Ordinance shall be recorded in the office of the Davis 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 4. Effective Date. This ordinance shall become effective upon publication or posting, or thirty (30) days after passage, whichever occurs first.

PASSED AND ADOPTED by the City Council of Farmington City, State of Utah, on this 7th day of July, 2009.

FARMINGTON CITY


Scott C. Harbertson, Mayor

ATTEST:



Margy Lomax, City Recorder



EXHIBIT "A"

Beginning at the Northeast corner of the South half of Lot 6, Block 6, Plat A, Farmington Townsite Survey said point being also N 89°53'30" E 50.85 ft. along the Section Line and N 0°30' E 121.07 ft. along the centerline of 200 West Street to a monument and N 89°35'30" W 601.75 ft. along the centerline of State Street and S 0°24'30" W 294.50 ft. along the centerline of 300 West Street as established from the improvements and N 89°35'30" W 49.50 ft. from the East Quarter Corner of Section 24, T. 3 N., R. 1 W., S.L.B. & M. and running thence S 89°35'30" E 19.00 feet; thence Southerly and parallel 11.50 ft. West of the curb and gutter on said 300 West Street in the following two courses: S 0°24'30" W 152.45 ft., Southwesterly 16.35 ft. along the arc of a 23.50 ft. radius curve to the Right through a central angle of 39°51'50" (long chord bears S 20°20'25" W 16.02 ft.); thence N 89°35'30" W 13.51 ft.; thence N 0°24'30" E 167.50 ft. along the East line of Block 6, Plat A, Farmington Townsite Survey to the point of beginning.

Containing 3,156 sq. ft.