



ORDINANCE NO. 21-13

AN ORDINANCE OF BRIGHAM CITY VACATING AN OUT-FLOW SEWER PIPE LINE EASEMENT LOCATED WITHIN NORTHVIEW SUBDIVISION PHASE 2

WHEREAS, Brigham City has received a petition from Heritage Land Development LLC to vacate an out-flow sewer pipe line easement within the Northview Subdivision Phase 2 area to clean-up an old easement located at 800 West and 425 North; and

WHEREAS, the said easement is referenced on title report issued by American Secure Title Insurance Company, Commitment No. B-2021-170396, dated March 15, 2021 and recorded July 10, 1931, in Book Q of Misc, at Page 609, Box Elder County Recorder's Office in favor of Brigham City, a municipal corporation; and

WHEREAS, the Utah Code requires the legislative body to hold a public hearing and consider the vacation of public utility easements; and

WHEREAS, the City Staff, which includes City Utility departments have reviewed the petition; and

WHEREAS, a courtesy notice has been sent to the franchised utility companies notifying them of this petition and the public hearing date; and

WHEREAS, following necessary review, public notice, and public hearing, the City Council finds that neither the public, utility providers, nor any person will be materially injured by such vacation and relocation of the power line, and that there is good cause to allow and accommodate for the development of the property.

NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED by the City Council of Brigham City:


Section 1. The out-flow sewer pipe line easement within the Northview Subdivision Phase 2 area located at 800 West and 425 North, as legally described and shown in Exhibit "A", is

hereby vacated.

Section 2. This Ordinance shall take effect immediately upon posting and publication in the manner as required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF BRIGHAM CITY, STATE OF UTAH,
ON THIS 19th DAY OF August, 2021.**

BRIGHAM CITY



Mayor Tyler M. Vincent

State of Utah)
 : ss
County of Box Elder)

On 19th day of AUGUST 2021, Personally appeared before me **Tyler M. Vincent**. Who being duly sworn by me did say, for himself that he is the said authorized agent of **Brigham City Corporation**, and that within the foregoing instrument was signed in behalf of said **Brigham City Corporation**, and that the said authorized agent did duly acknowledge to me that said corporation executed the same.



Notary Public

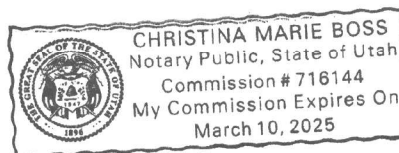


Exhibit "A"

Legal Description

NORTHVIEW SUBDIVISION PHASE 2

AFFECTS 03-107-0058,
03-091-0103

Easement Vacation

THE FOLLOWING EASEMENT IS HEREBY VACATED, REFERENCED ON TITLE REPORT ISSUED BY AMERICAN SECURE TITLE INSURANCE COMPANY, COMMITMENT NO. B-2021-170396, DATED MARCH 15, 2021:

(11) OUT-FLOW SEWER PIPE LINE EASEMENT AND CONDITIONS CONTAINED THEREIN (RECORDED JULY 10, 1931, IN BOOK Q OF MISC., AT PAGE 609)

GRANTOR: EMILE HIRSCHI AND MARIE HIRSCHI
GRANTEE: BRIGHAM CITY, A MUNICIPAL CORPORATION
PURPOSE: A PERPETUAL EASEMENT AND RIGHT OF WAY FOR THE CONSTRUCTION AND CONTINUED MAINTENANCE, REPAIR, ALTERATION AND REPLACEMENT OF AN OUTFLOW SEWER PIPE LINE TO BE BUILT AND MAINTAINED UPON AND ACROSS THE PREMISES DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST BOUNDARY OF EMILE HIRSCHI'S LAND, 839.34 FEET NORTH AND 517.81 FEET WEST OF THE SOUTH-EAST CORNER OF THE NORTH-EAST QUARTER OF SECTION 14, TOWNSHIP 9 NORTH, RANGE 2 WEST, S.L.M. WHICH IS ENGINEER'S STATION 3+60.5;

THENCE NORTH 74 DEGREES 02 MINUTES WEST 551.5 FEET TO THE EAST FENCE LINE OF THE OREGON SHORT LINE RAILROAD RIGHT OF WAY.

