

Ent 455782 Bk 1233 Pg 103 - 111
PEGGY FOY SULSER, Recorder
WASATCH COUNTY CORPORATION
2018 Sep 11 04:12PM Fee: \$35.00 TC
For: Cottonwood Title Insurance Agency, In
ELECTRONICALLY RECORDED

WHEN RECORDED MAIL TO:

Daniel C. Dansie
6405 South 3000 East, Suite 150
Salt Lake City, Utah 84121

ACCOMODATION RECORDING

Town of Hideout, Utah

Ordinance No. 2018-09

In Reference to Tax ID Number(s):

00-0020-8161, 00-0020-8159 AND 00-0021-2486

TOWN OF HIDEOUT, UTAH

Ordinance No. 2018- 09

AN ORDINANCE APPROVING THE VACATION OF CERTAIN EASEMENTS IN FAVOR OF THE TOWN OF HIDEOUT SUBJECT TO THE RECORDING OF SUBDIVISION PLATS PROVIDING ALTERNATE PUBLIC ACCESS

WHEREAS, the owners of certain parcels of Property (as described below) located within the Town of Hideout have petitioned for the vacation of certain Easements (as described below) or have joined such petition; and

WHEREAS, notice of the petition and the proposed vacation of easement has been provided as required under Utah Code § 10-9a-609.5 and the other procedural provisions of that section have been satisfied; and

WHEREAS, on April 12, 2018, and June 14, 2018, the Town Council of the Town of Hideout held duly noticed public hearings on the petition and proposed vacation of easement and heard public comment relating to the petition, which comments and the deliberations thereon are contained in the minutes of such meetings; and

WHEREAS, based on the public comments received at the public hearings, the Town Council finds that good cause exists for vacating the easement, on the terms and conditions set forth below, and that neither the public interest nor any person will be materially injured by the vacation.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Hideout, Utah, as follows:

Section 1 – Recitals Incorporated. The foregoing recitals are hereby incorporated into this Ordinance as findings of fact.

Section 2 – Approval of Petition. The Town Council approves the vacation of the Easements, subject to the following terms and conditions:

2.1 – Property. The following parcels of real property (“**Property**”) are affected by the vacation of the Easements: (a) Wasatch County Parcel No. 00-0020-8161 (“**Parcel 8161**”); (b) Wasatch County Parcel No. 00-0020-8159 (“**Parcel**

8159"); and (c) Wasatch County Parcel No. 00-0021-2486 ("**Parcel 2486**"). The Property is more particularly identified on **Exhibit A** to this Ordinance.

2.2 – Easements. The following easements ("**Easements**") shall be vacated on the terms and conditions of this Ordinance: (a) as to Parcel 8161, that certain easement identified and described in an *Assignment of Easement* dated November 13, 2017, and recorded in the real property records of Wasatch County on November 14, 2017, as Entry No. 445147 ("**8161 Easement**"); (b) as to Parcel 8159, that certain easement identified and described in an *Assignment of Easement* dated November 6, 2017, and recorded in the real property records of Wasatch County on November 14, 2017, as Entry No. 445150 ("**8159 Easement**"); and (c) as to Parcel 2486, that certain easement identified and described in an *Assignment of Easement* dated November 13, 2017, and recorded in the real property records of Wasatch County on November 14, 2017, as Entry No. 445146 ("**2486 Easement**").

2.3 Conditions for Release. Notwithstanding anything in this Ordinance to the contrary, as to each parcel comprising the Property the corresponding Easement will be vacated **if, and only if**, the conditions set forth in this section ("**Release Conditions**") are satisfied. The Easements may be released collectively if the Release Conditions are satisfied for each of the parcels comprising the Property simultaneously. Alternatively, the Easement affecting any parcel comprising the Property may be released individually as soon as the Release Conditions for such parcel have been satisfied. The Release Conditions for each parcel are: (a) a subdivision plat for such parcel is approved by the Town Council and is recorded; (b) the applicable subdivision plat shows a public right of way, in the approximate current location of the applicable Easement, which right of way will be dedicated to the public upon recordation of the plat and allow for unrestricted public access; (c) the right of way shown on the applicable plat connects to public roads or rights of way on either side of the affected parcel; (d) the right of way shown on the applicable plat is in a width and configuration consistent with the Town Code and is approved by the Wasatch County Fire District; and (e) construction of the right of way improvements shown on the applicable plat is completed and such construction is accepted by the Town.

2.4 – Effect of Recording a Plat. The recording of a plat which meets all the conditions set forth in Section 2.3 ("**Release Conditions**") shall have the effect of vacating and terminating the applicable Easement. For the avoidance of doubt, the 8161 Easement shall be vacated upon the recordation of an approved subdivision plat for Parcel 8161 which satisfies the Release Conditions; the 8159 Easement shall be vacated upon the recordation of an approved subdivision plat for Parcel 8159 which satisfies the Release Conditions; and the 2486 Easement

shall be vacated upon the recordation of an approved subdivision plat for Parcel 2486 which satisfies the Release Conditions.

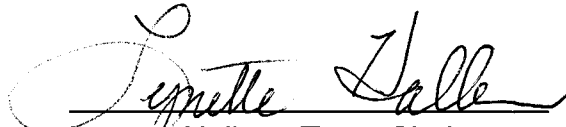
Section 3 – Effective Date. This Ordinance shall take effect upon publication, provided that the Easements shall only be vacated upon satisfaction of the Release Conditions set forth herein.

WHEREFORE, Ordinance 2018-09 has been **Passed** and **Adopted** by the Town of Hideout.

TOWN OF HIDEOUT



Philip Rubin, Mayor



Lynette Hallam, Town Clerk

Attest:

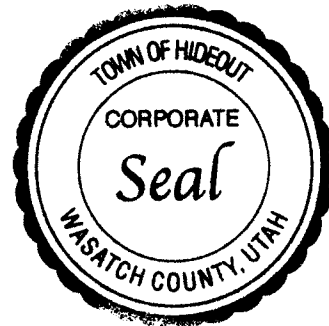


EXHIBIT A

(Legal Description of Property)

File Number 87718-AF

GCP Jordanelle LC - North Parcel

EXHIBIT A

A parcel of land located in the Northeast quarter of the Northwest quarter of Section 17, Township 2 South, Range 5 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point South 89°33'19" West along the section line 2888.605 feet from the Northeast corner of Section 17, Township 2 South, Range 5 East, Salt Lake Base and Meridian and running thence South 00°05'38" West 879.02 feet; thence South 89°28'38" West 1110.39 feet; thence North 00°15'12" East 880.56 feet to the section line; thence North 89°33'19" East along said section line 1107.92 feet to the point of beginning.

LESS AND EXCEPTING THEREFROM any portion thereof located within the bounds of the following described property, as deeded to the United States of America in that certain Warranty Deed recorded December 22, 1987 as Entry No. 144471 in Book 196 at Page 533 of official records:

A parcel of land for an expressway known as Project No. MF-61, being part of an entire tract of property situate in the Northeast quarter of the Northwest quarter of Section 17, Township 2 South, Range 5 East, Salt Lake Base and Meridian, Wasatch County, Utah, more particularly described as follows:

Beginning in the North line of said Section 17 at a point 150 feet radially distant Northeasterly from the centerline of said project, which point is approximately 802.33 feet South 89°33'11" West (highway bearing) from the North quarter corner of said Section 17; thence Southeasterly 682.95 feet, more or less, along the arc of a 7489.437 foot radius curve to the left, to a point opposite Engineer Station 231+00.4 (Note: tangent to said curve at its point of beginning bears South 46°46'31" East); thence South 52°00'00" East 70.26 feet, more or less, to the East boundary line of said entire tract; thence South 00°30'42" West (highway bearing) 352.88 feet, more or less, along said East line to a point 130.0 feet perpendicularly distant Southwesterly from said centerline; thence North 52°00'00" West 285.02 feet, more or less, to a point opposite of said Engineer Station 231+00.47; thence North 51°14'33" West 203.89 feet; thence North 49°22'27" West 305.09 feet; thence North 52°35'46" West 551.52 feet, more or less to said North line; thence North 89°33'11" East (highway bearing) 482.78 feet along said North line to the point of beginning.

File Number 88145-AM

Vandenakker Parcel

EXHIBIT A

A parcel of land located in the East one-half of the Northwest quarter of Section 17, Township 2 South, Range 5 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point South $89^{\circ}33'19''$ West along the section line 3996.525 feet and South $00^{\circ}15'12''$ West 880.56 feet from the Northeast corner of Section 17, Township 2 South, Range 5 East, Salt Lake Base and Meridian and running thence North $89^{\circ}28'38''$ East 1110.39 feet; thence South $00^{\circ}05'38''$ West 877.09 feet; thence South $89^{\circ}23'57''$ West 1112.85 feet to the West line of the East one-half of the Northwest quarter of said Section 17; thence North $00^{\circ}15'12''$ East along said West line 878.64 feet to the point of beginning.

File Number 87717-AF

Rodeback - South Parcel

EXHIBIT A

A parcel of land located in the West one-half of the Northeast quarter and the East one-half of the Northwest quarter of Section 17, Township 2 South, Range 5 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point South 89°33'19" West 1778.805 feet and South 00°03'56" East 877.49 feet from the Northeast corner of Section 17, Township 2 South, Range 5 East, Salt Lake Base and Meridian and running thence South 00°03'56" East 875.55 feet; thence South 89°23'57" West 1114.71 feet; thence North 00°05'38" East 877.09 feet; thence North 89°28'38" East 1112.25 feet to the point of beginning.

SUBJECT TO a 30.0 foot easement for ingress and egress to and from the Anita W. Mumford property as described in that Deed of Distribution dated December 16, 1980 from George M. Smith, Waldo Thurber and Zions First National Bank, as co-personal representatives of the Estate of T. Tracy Wright to Anita W. Mumford and others, 15.0 feet on each side of the following described centerline: Beginning at a point on the Northerly property line of the Evelyn W. Rodeback property, said point being North 89°28'38" East 50.0 feet from the Northwest corner of said property; thence South 63°17'29" East 308.9 feet; thence South 04°43'31" West 487.0 feet, more or less, to an existing dirt road.

LESS AND EXCEPTING THEREFROM the following described property previously conveyed to the United States of America pursuant to a Land Purchase Contract No. 8-07-40-L0410 dated October 20, 1987:

PARCEL NO. 1: (JDR-Hy-189-61:13)

A parcel of land in fee for an access road incident to the construction of an expressway known as Project No. NF-61, being a part of an entire tract of property, situate in Lot 2 of Section 17, Township 2 South, Range 5 East, Salt Lake Base and Meridian, Wasatch County, Utah, more particularly described as follows:

Beginning in the North boundary line of said entire tract at a point 90.0 feet perpendicularly distant Northeasterly from the center line of said access road known as "E" Line for said project, which point is approximately 769.19 feet South 89°25'30" West (highway bearing) and 435.83 feet North 00°34'30" West (highway bearing) from the Southeast corner of said Lot 2; thence South 34°00'00" East 273.43 feet, more or less, to a point opposite Engineer Station 12+20.50; thence South 21°48'08" East 219.98 feet to the Northeasterly limited-access line of said project at a point 150.03 feet radially distant Northeasterly from the center line of said project at Engineer Station 244+50.00; thence along said Northeasterly limited-access line the following three (3) courses and distances: North 47°33'39" West 152.65 feet; thence North 50°59'14" West 307.82 feet; thence North 52°00'00" West 213.60 feet, more or less, to said North boundary line; thence North 89°28'38" East (North 89°28'07" East highway bearing) 285.56 feet, more or less, along said North boundary line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

PARCEL NO. 2: (JDR-Hy-189-61:13:A)

A parcel of land in fee for an expressway known as Project No. NF-61, being a part of an entire tract of property, situate in Lot 2 and Lot 3 of Section 17, Township 2 South, Range 5 East, Salt Lake Base and Meridian, Wasatch County, Utah, more particularly described as follows:

Beginning at the Southeast corner of said entire tract, which point is 446.11 feet South 89°17'52" West (highway bearing) and 873.32 feet North 00°32'35" East (highway bearing) from the Southeast corner of said Lot 3; thence South 89°23'57" West (which equals highway bearing South 89°23'00" West) 124.71 feet along the South boundary line of said entire tract; thence North 29°22'04" West 47.91 feet to a point 170.0 feet radially distant

File Number 87717-AF

EXHIBIT A
(Continued)

Southwesterly from the center line of said project at Engineer Station 247+00.00; thence North 44°14'08" West 665.73 feet to a point 130.0 feet perpendicularly distant Southwesterly from said center line at Engineer Station 240+04.93; thence North 52°00'00" West 565.21 feet, more or less, to the North boundary line of said entire tract; thence North 89°28'38" East (North 89°28'07" East highway bearing) 449.48 feet, more or less, along said North boundary line to a point 150.0 feet perpendicularly distant Northeasterly from said center line; thence South 52°00'00" East 213.60 feet, more or less, to a point opposite said Engineer Station 240+04.93; thence South 50°59'14" East 307.82 feet; thence South 47°33'39" East 277.03 feet, more or less to the East boundary line of said entire tract; thence South 00°03'56" East (South 00°32'35" East highway bearing) 357.33 feet to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

ALSO: a perpetual right-of-way easement, upon part of an entire tract of property for the purpose of constructing thereon a public access road and appurtenant parts thereof incident to the construction of an expressway known as Project No. NF-61, said part of an entire tract being described as follows:

PARCEL NO. 3: (JDR-Hy-189-61:13-EP)

A parcel of land in the Northeast quarter of the Northwest quarter, the Southeast quarter of the Northwest quarter and in Lot 3 of Section 17, Township 2 South, Range 5 East, Salt Lake Base and Meridian, Wasatch County, Utah, more particularly described as follows:

Beginning at a point 100.0 feet perpendicularly distant Southwesterly from the center line of said access road known as "O" Line for said project at Engineer Station 38+00.00, said point of beginning is approximately 210.05 feet South 89°25'30" West and 39.95 feet South 00°34'30" East from the Southeast corner of said Northeast quarter of the Northwest quarter; thence North 33°05'54" West 26.58 feet; thence North 00°30'42" East (highway bearing) 303.71 feet; thence South 34°52'52" East 438.51 feet; then South 48°00'00" West 110.0 feet; thence North 55°40'17" West 190.39 feet to the point of beginning. (Note: All highway bearings in the above descriptions are based on the Utah State Plane Coordinate System)

ALSO LESS AND EXCEPTING THEREFROM the following described property conveyed to Frank R. Noyes in that certain Warranty Deed recorded January 7, 2005 as Entry No. 278705 in Book 731 at Page 114 of official records:

A parcel of land located in the West one-half of the Northeast quarter and the East one-half of the Northwest quarter of Section 17, Township 2 South, Range 5 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point South 89°33'19" West 1778.805 feet and South 00°03'56" East 877.49 feet from the Northeast corner of Section 17, Township 2 South, Range 5 East, Salt Lake Base and Meridian and running thence South 00°03'56" East 875.55 feet; thence South 89°23'57" West 1114.71 feet; thence North 00°05'38" East 877.09 feet; thence North 89°28'38" East 1112.25 feet to the point of beginning.

LESS AND EXCEPTING any portion of the above described legal that lies South and Southwesterly of the Northerly line of State Highway S.R. 248.