

ORDINANCE NO. 2020-21

AN ORDINANCE AMENDING THE ZONE MAP FROM R-1 AND R-3 RESIDENTIAL TO R-3 COSZ FOR PARCEL 00-0021-4371.

BE IT ORDAINED by the City Council of Heber City, Utah that the Zoning Map is **AMENDED** to apply the R-3 Residential Clustered Open Space Zone (R-3 COSZ) to the property described in Exhibit 1.

This Ordinance shall take effect immediately upon passage.

ADOPTED and PASSED by the City Council of Heber City, Utah this 19th day of May, 2020, by the following vote:

	AYE	NAY
Council Member Heidi Franco	<u>X</u>	___
Council Member Wayne Hardman	<u>X</u>	___
Council Member Rachel Kahler	<u>X</u>	___
Council Member Ryan PC Stack	<u>X</u>	___
Council Member Mike Johnston	<u>X</u>	___



APPROVED:

Kelleen Potter
Mayor Kelleen Potter

ATTEST:

Nina W. Coole
RECORDER

Date: 5/19/2020

Date of First Recording: _____

EXHIBIT 1: GENERAL PLAN AND ZONE CHANGE LEGAL DISCRPTION

Beginning at a point that is West a distance of 1366.55 feet and North a distance of 1803.98 feet and North 88°11'20" East a distance of 151.38 feet from the corner stone for the South one quarter corner of Section 29, Township 3 South, Range 5 East, Salt Lake Base and Meridian; thence along the Highway right of way line on a non-tangent curve to the left a distance of 378.21 feet; beginning radial bears North 84°09'56" West having a radius of 6925.60 (chord bearing an distance = North 04°16'12" East 378.16 feet); thence North 81°53'55" East along an existing fence line a distance of 1909.53 feet to the East bank of a canal; thence along the East bank of said canal the following four courses; South 30° 06'23" West a distance of 277.12 feet; thence South 26°15'47" West a distance of 61.92 feet; thence South 13°54'16" West a distance of 224.93 feet; thence South 19°19'50" West a distance of 82.61 feet; thence South 88°07'36" West along an existing fence line a distance of 1671.72 feet to the point of beginning.

Less and excepting that portion conveyed in that certain Warranty Deed recorded April 30, 1998 as Entry No. 202940 in Book 381 at Page 392, records of Wasatch County, Utah, more particularly described as follows:

Beginning at the center of a 16.5 feet wide highway access opening, which point is West a distance of 1366.55 feet and North a distance of 1803.98 feet and North 88°11'20" East a distance of 151.38 feet and along the highway right of way line on a non-tangent curve to the left with a beginning radial of North 84°09'56" West, having a radius of 6925.60 feet, thence along the arc of said curve 75.65 feet through a central angle of 00°37'33" from the South One Quarter Corner of Section 29, Township 3 South, Range 5 East, Salt Lake Base and Meridian; thence along the highway right of way line on a non-tangent curve to the left with a beginning radial of North 84°47'29" West, having a radius of 6925.60 feet; thence along the arc of said curve 302.55 feet through a central angle of 02°30'11"; thence North 81°53'55" East a distance of 298.00 feet; thence South a distance of 343.92 feet; thence North 89°58'42" West a distance of 315.90 feet to the center of the highway access opening, to the point of beginning.

Also less and excepting that portion conveyed in that certain Warranty Deed recorded September 15, 1998 as Entry No. 206763 in Book 395 at Page 781, records of Wasatch County, Utah, more particularly described as follows:

Commencing West 892.06 feet and North 1883.95 feet from the South One Quarter Corner of Section 29, Township 3 South, Range 5 East, Salt Lake Base and Meridian; thence North a distance of 343.92 feet; thence North 81°53'55" East a distance of 63.25 feet; thence South a distance of 352.86 feet; thence North 89°58'42" West a distance of 62.62 feet to the point of beginning.

Also less and excepting that portion conveyed to the United States of America in that certain Warranty Deed recorded June 9, 1998 as Entry No. 203942 in Book 383 at Page 163, records of Wasatch County, Utah, more particularly described as follows:

All that portion of the subject property, situated in the Northeast Quarter of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter of Section 29, Township 3 South, Range 5 East, Salt Lake Base and Meridian, included within a strip of land 25 feet right or Westerly from the centerline of the Wasatch Canal, from Station 195+82 to 202+252, described as follows: Beginning at a point in the centerline of the Wasatch Canal (Station 195+82), which point is 2873.62 feet South and 746.64 feet East from the North Quarter Corner of said Section 29 (Original Stone); thence Southeasterly 20.77 feet along the arc of a 425.39 foot radius curve to the right (chord bears South 27°57'10" West 20.77 feet); thence South 29°21'06" West 278.15 feet to the point of tangency of a 216.46 foot radius curve to the left; thence Southerly 58.63 feet along the arc of said curve; thence South 13°50'03" West 284.98 feet to a point (Station 202+22) 2204.05 feet West and 1852.85 feet North from the Southeast Corner of said Section 29.

Also less and excepting any portion of the subject property lying within the right of way known as US Highway 40.

Also less and excepting that portion conveyed in that certain Quit-Claim recorded December 19, 2018 as Entry No. 459094 in Book 1240 at Page 1949, records of Wasatch County, Utah, more particularly described as follows:

A portion of the SW1/4 of Section 29, Township 3 South, Range 5 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point located S89°31'45"W along the Section line 831.25 feet, North 1,899.60 feet and S87°23'36"W 192.76 feet from the South 1/4 Corner of Section 29, T3S, R5E, SLB&M; thence S87°23'36"W 189.75 feet; thence Northerly along the arc of a non-tangent curve to the left having a radius of 6,925.52 feet (radius bears: N84°41'17"W) a distance of 8.74 feet through a central angle of 00°04'20" Chord: N05°16'33"E 8.74 feet; thence S89°58'40"E 188.75 feet to the point of beginning.

Together with and adding to that portion conveyed in that certain Quit-Claim recorded December 19, 2018 as Entry No. 459095 in Book 1241 at Page 1, records of Wasatch County, Utah, more particularly described as follows:

A portion of the SW1/4 of Section 29, Township 3 South, Range 5 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point located S89°31'45"W along the Section line 831.25 feet and North 1,899.60 feet from the South 1/4 Corner of Section 29, T3S, R5E, SLB&M; thence S00°08'42"E 8.84 feet; thence N89°58'40"W 192.58 feet; thence N87°23'36"E 192.76 feet to the point of beginning.

Together with and subject to the effects of that certain Boundary Line Agreement recorded December 19, 2018 as Entry No. 459093 in Book 1240, at Page 1945 of the official records of the Wasatch County Recorder's office.

Parcel ID: 00-0021-4371



To remain R-3 COSZ