

ORDINANCE 92-13

AN ORDINANCE OF THE TOOELE CITY COUNCIL VACATING MCKELLAR STREET BETWEEN WARBURTON STREET (1000 WEST) AND THE WEST CITY LIMITS

WHEREAS, Howard Clegg of 8 South 100 East, Tooele, owns property in the immediate vicinity of McKellar Street; and,

WHEREAS, on March 12, 1992, Mr. Clegg sent a petition to Tooele City praying that McKellar Street between Warburton Street (1000 West) and the West city limits be vacated; and,

WHEREAS, Section 10-8-8.3 of the Utah Code provides that notice of the pendency of the petition and prayer thereof, and the date of the hearing thereon be given by publishing in a newspaper published or of general circulation in the city once a week for four consecutive weeks preceding action on such petition, and by mailing such notice to all owners of record of land abutting the street proposed to be vacated addressed to the mailing addresses appearing on the rolls of the county assessor of the county wherein said land is located; and,

WHEREAS, notice of the petition and prayer thereof was given pursuant to law and a public hearing thereon was held on May 6, 1992, and this Council is satisfied that there is good cause for vacating McKellar Street from 1000 West Street (Warburton Street) to the west city limits, that it will not be detrimental to the general interest, and that it should be made;

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that McKellar Street from 1000 West Street (Warburton Street) to the west city limits is hereby vacated. Such vacation shall operate as a revocation of Tooele City's acceptance of the portion of the alley so vacated which was dedicated to the public use, and the relinquishment of the City's fee therein by this Council, but the right of way and easements therein, if any, of any lot owner and the franchise rights of any public utility shall not be impaired hereby. The legal description of the area vacated is:

Beginning at the Northeast Corner of Block 5 of Tooele City Survey, Plat B, and running thence West along the North Line of said Block 5, 2,000 feet more or less to the West Section Line of Section 20, Township 3 South, Range 4 West, Salt Lake Base and Meridian; thence North along said West Section Line 66 feet to a point which is on the projected South Line of Block 6 of said Tooele City Survey Plat B; thence East along the South Line of said Block 6, 2,000 feet to the Southeast Corner of said Block 6, thence South 66 feet to the point of beginning.

This Ordinance is necessary for the immediate preservation of the peace, health or safety of Tooele City and shall become effective on the date of publication.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this 30<sup>th</sup> day of June, 1992.

*George W. Diehl*  
Mayor George W. Diehl

TOOELE CITY COUNCIL

(For)

(Against)

<u><i>John David Faller</i></u>	_____
<u><i>John K. Bluff</i></u>	_____
<u><i>William S. DeGarmo</i></u>	_____
<u><i>Karen A. Aldridge</i></u>	_____
<u><i>Ronald Peterson</i></u>	_____

ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(For)

(Against)

<u><i>George W. Diehl</i></u>	_____
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ATTEST:

*Patrick H. Dunlavy*  
Patrick H. Dunlavy, City Recorder

BOOK 333

048309

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RECORDED AT REQUEST OF  
Tooele City Corp

1992 JUN 18 AM 9 54

DONNA S. MCKENDRICK  
TOOELE COUNTY RECORDER

DEPUTY cp FEE no fee

Approved as to Form:

*Douglas J. Ahlstrom*  
Douglas J. Ahlstrom, City Attorney

