

ORDINANCE NO. 396

AN ORDINANCE VACATING THAT PORTION OF 300 NORTH STREET LYING BETWEEN 200 WEST STREET AND MAIN STREET AND THAT PORTION OF 300 NORTH STREET LYING BETWEEN 300 WEST STREET AND 400 WEST STREET, KAYSVILLE CITY, DAVIS COUNTY, STATE OF UTAH; PROVIDING FOR THE RECORDING OF SUCH ORDINANCE AND PROVIDING FOR THE TRANSFER OF SUCH VACATED PORTION OF SAID STREET TO PRIVATE OWNERSHIP.

*Kays Blk 4+8, Plat B*

WHEREAS, the governing body of Kaysville City has determined within the meaning of 10-8-8.2, Utah Code Annotated, 1953, that there is good cause for vacating that portion of 300 North Street between 200 West Street and Main Street and vacating that portion of 300 North Street between 300 West Street and 400 West Street; and,

WHEREAS, the City has caused to be published a "Notice of Public Hearing to consider vacating portions of 300 North Street, Kaysville City, Davis County, State of Utah" for the purpose of calling a public hearing to consider the question of whether or not the portions of said street should be vacated, said Notice having been given and published pursuant to and in accordance with the terms and provisions of 10-8-8.4, Utah Code Annotated, 1953; and,

WHEREAS, said Public Hearing was held at the Kaysville Municipal Center at 7:30 o'clock P.M. on Tuesday, December 15, 1987; and,

WHEREAS, after due deliberation by the Mayor and City Council, it is now found and determined that there is good cause for vacating said portions of 300 North Street and that such vacation will not be detrimental to the general interest and that it is in the best interests of the City and its inhabitants to vacate said portions of said 300 North Street;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF KAYSVILLE CITY, as follows:

SECTION 1: PORTIONS OF 300 NORTH VACATED

That all of those portions of 300 North Street, Kaysville City, Davis County, State of Utah, lying between 200 West Street and Main Street and lying between 300 West Street and 400 West Street be, and the same are hereby, vacated as a public street, which said portions of 300 North Street are more particularly described as follows:

8-B  
11-100-0061-  
0085  
Street

Beginning at the Southeast corner of Block 8, Plat B, Kaysville Townsite Survey and running thence West 261.15 feet to the East line of 200 West Street; thence South 66.0 feet along said street to the Northwest corner of Block 2, Plat B; thence East 333.36 feet to the Southwesterly line of a highway; thence North 47° 34' 22" West 97.828 feet to the point of beginning.

4-B

Beginning at the Northwest corner of Block 4, Plat B, Kaysville Townsite Survey and running thence East 514.8 feet, more or less, to the Northeast corner of said Block 4; thence North 66.0 feet; thence West 514.8 feet, more or less, to the East line of 400 West Street; thence South 66.0 feet to the point of beginning.

11-100-0059, 0062, 0076-2-  
0077, 0078, 0079, 0080, 0081  
Street

SECTION 2: TRANSFER OF VACATED PROPERTY

From that portion of 300 North Street being vacated between 200 West Street and Main Street, the City shall transfer and convey portions thereof by Quit Claim Deed to the following Grantees:

## A. Larry D. Ray and Suzanne A. Ray

Beginning at the southeast corner of Block 8, Plat B, Kaysville Townsite Survey and running thence West 261.15 feet to the East line of 200 West Street; thence South 33.0 feet along said street; thence East 297.25 feet to the southwesterly line of a Highway; thence North  $47^{\circ}34'22''$  West 48.914 feet along said highway to the point of beginning.

## B. United States Postal Service

Beginning at the Northwest corner of Block 2, Plat B, Kaysville Townsite survey and running thence East 333.36 feet to the Southwesterly line of a highway; thence North  $47^{\circ}34'22''$  West 48.914 feet along said highway; thence West 297.25 feet to the East line of 200 West Street; thence South 33.0 feet along said street to the point of beginning.

The City shall retain ownership as to that portion of 300 North Street being vacated between 300 West Street and 400 West Street.

The City reserves and retains a perpetual easement on, over, across, and through such property for existing electrical and sewer utilities and other utilities, including the right to enter upon such property for the purposes of maintaining, repairing, replacing and expanding such utilities and for the purpose of installing additional utilities upon such property at any time in the future.

SECTION 3: RECORDING OF ORDINANCE

That upon passage of this Ordinance, a copy thereof shall be recorded by the City Recorder in the Office of the County Recorder of Davis County, State of Utah.

SECTION 4: EFFECTIVE DATE

In the opinion of the City Council, this Ordinance is necessary and desirable for the peace, health, and safety of Kaysville City and the inhabitants thereof. Therefore, this Ordinance shall take effect immediately upon passage and publication as required by law.

PASSED AND ADOPTED by the City Council in regular session assembled this 15 day of December, 1987.

KAYSVILLE CITY, a  
municipal corporation

By: Gerald A. Purdy  
GERALD A. PURDY, Mayor

ATTEST:

Linda Ross  
LYNDA ROSS  
City Recorder

STATE OF UTAH           )  
                                   (ss.  
 COUNTY OF DAVIS       )

On the 17<sup>th</sup> day of December, 1987, personally appeared before me GERALD A. PURDY and LINDA ROSS, who who being by me duly sworn did say, each for himself and herself, that he, the said Gerald A. Purdy, is the Mayor of Kaysville City, and she, the said Linda Ross is the City Recorder of Kaysville City, and that the within and foregoing instrument was signed on behalf of the said Kaysville City by authority of the City Council of Kaysville City and said Gerald A. Purdy and Linda Ross each duly acknowledged to me that the said Kaysville City executed the same and that the seal affixed is the seal of the said Kaysville City.

*Marjorie Brande*  
 NOTARY PUBLIC  
 Residing at: *Kaysville, Utah*  
 My Commission Expires: 10-13-89

