

ORDINANCE No. 09-2025

ROLL CALL

VOTING	YES	NO	ABSENT	ABSTAIN
MIKE MENDENHALL <i>Mayor (votes only in case of tie)</i>				
STACY BECK <i>Councilmember</i>			X	
JESSE CARDON <i>Councilmember</i>	X			
SHANE MARSHALL <i>Councilmember</i>	X			
KEVIN OYLER <i>Councilmember</i>	X			
LANDON TOOKE <i>Councilmember</i>	X			

I MOVE this ordinance be adopted: Councilman Marshall

I SECOND the foregoing motion: Councilman Tooke

ORDINANCE No. 09-2025

**AN ORDINANCE VACATING A PORTION OF CAL PAC AVENUE, A PUBLIC STREET  
LOCATED BETWEEN ARROWHEAD TRAIL AND DEL MONTE ROAD**

WHEREAS, pursuant to Utah Code Ann. § 10-9a-609.5, Spanish Fork City ("City") received a petition to initiate the process to vacate a portion of Cal Pac Avenue located between Arrowhead Trail and Del Monte Road;

WHEREAS the City previously entered into a Master Development Agreement for Skye Meadows, which was recorded in the office of the Utah County Recorder as Entry No. 211223:2021, on December 22, 2021 ("Development Agreement");

WHEREAS the Development Agreement's approved master plan for the project showed the realignment of Cal Pac Avenue and the Development Agreement required that the portion of Cal Pac Avenue to be relocated should be vacated concurrently with the development of Phase 4;

WHEREAS the City Council has reviewed the petition for the right-of-way vacation and has found that the portion of the Cal Pac Avenue that is to be relocated in Phase 4 is not needed because adequate circulation is provided by the existing connection to Del Monte Road and the new realigned Cal Pac Avenue, both of which intersect with Arrowhead Trail (SR-164);

WHEREAS the proposed right-of-way vacation set forth herein has been reviewed by the City Council and a public hearing was held in accordance with Utah Code Ann. §§ 10-9a-609.5 and 10-9a-208 to obtain public input regarding the proposed public interest in the section of the right-of-way; and

WHEREAS, pursuant to Utah Code Ann. § 10-9a-609.5(3), the City Council finds good cause exists for the vacation and neither the public interest nor any person will be materially injured by the proposed vacation;

**NOW, THEREFORE,** be it ordained by the Spanish Fork City Council as follows:

**Section 1. Vacation of a Portion of Cal Pac Avenue.** Upon satisfaction of the conditions stated herein, a portion of Cal Pac Avenue, a public street located between the intersection of Arrowhead Trail (SR-164) on the north and Del Monte Road on the south, is hereby vacated. The portion vacated is more particularly described as follows:

**CalPac Road Vacation Description**

Beginning at a point on the Westerly Right-of-Way line of CalPac Avenue, said point being South 0°12'22" East 796.23 feet along the Section Line and West 763.33 feet from the East Quarter Corner of Section 25, Township 8 South, Range 2 East, Salt Lake Base and Meridian;

Thence along said Westerly Right-of-Way line the following Four (4) courses:

1) North 6°11'57" West 630.76 feet;

2) 124.86 feet along the arc of a 200.00-foot Radius curve to the Left thru a Central Angle of 35°46'09" (Chord bears North 24°05'04" West 122.84 feet);

3) North 41°58'11" West 57.62 feet;

4) 13.35 feet along the arc of a 8.50-foot Radius curve to the Left thru a Central Angle of 89°59'32" (Chord bears North 86°58'11" West 12.02 feet) to the Southerly Right-of-Way line of Arrowhead Trail (SR-164);

Thence North 48°01'49" East 82.97 feet along said Southerly Right-of-Way line to the Easterly Right-of-Way line of CalPac Avenue.

Thence along said Easterly Right-of-Way line the following Four (4) courses:

1) 13.32 feet along the arc of a 8.50-foot Radius curve to the Left thru a Central Angle of 89°48'02" (Chord bears South 2°56'04" West 12.00 feet);

2) South 41°58'11" East 57.62 feet.

3) 166.06 feet along the arc of a 266.00-foot Radius curve to the Right thru a Central Angle of 35°46'11" (Chord bears South 24°05'04" East 163.38 feet);

4) South 6°11'57" East 630.76 feet;

Thence South 83°48'03" West 66.00 feet to the Point of Beginning.

Contains 1.277 Acres or 55,621 Square Feet, more or less.

**Section 2. Conditions Precedent to Recordation.** This ordinance vacating the portion of Cal Pac Avenue described herein shall not be recorded until the satisfaction of the following conditions:

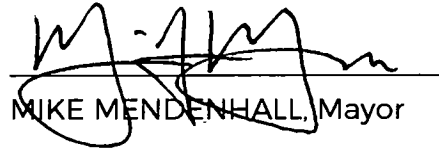
1. The realigned Cal Pac Avenue, as shown on the construction plans and subdivision plat for the River Meadows Townhomes Subdivision, is constructed by the developer.
2. The newly-constructed, realigned Cal Pac Avenue is inspected and accepted by the City according to its established Construction and Development Standards, and applicable ordinances and procedures.

**Section 3. Effect of Vacation of Right-of-way.** Pursuant to Utah Code Ann. § 10-9a-609.5(6), the vacation of the portion of the Cal Pac Avenue right-of-way, as described herein, shall operate as a revocation of the acceptance and a relinquishment of the City's fee interest in the vacated street. Furthermore, the vacation may not be construed to impair any private right-of-way or easement of any parcel or lot owner or of the franchise rights of any public utility. Pursuant to Utah

appellate court decisions, the vacated right-of-way reverts by operation of law to the current adjacent owners. See *Falula Farms, Inc. v. Ludlow*, 866 P.2d 569, 573 (Utah Ct. App. 1993), citing *Mason v. State*, 656 P.2d 465, 471 (Utah 1982).

**Section 4. Effective Date.** Pursuant to Utah Code Ann. § 10-9a-609.5(6)(a), this Ordinance shall take effect upon publication and recordation in the office of the Utah County Recorder.

DATED: September 16, 2025.

  
MIKE MENDENHALL, Mayor

Attest:

  
Tara Silver, City Recorder

