

**SUMMIT COUNTY
ORDINANCE NO. 738**

AN ORDINANCE TO OFFICIALLY VACATE A SECTION OF ROAD LOCATED WITHIN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 1 NORTH, RANGE 5 EAST, SLB&M, NEAR CHERRY CANYON SUBDIVISION IN SUMMIT COUNTY, UTAH

WHEREAS, a petition to vacate a section of public road located in the Southeast Quarter of the Northeast Quarter of Section 21, T1N, R 5 E, SLB&M, near the Cherry Canyon Subdivision in Summit County was received by the County Council.

This petition was filed by Brett Hollberg, one of the owners of an abutting property; and

WHEREAS, Utah Code Ann. Section 72-3-108 provides the mechanism and process by which the public roads can be vacated; and

WHEREAS, notice of the public hearing was published in a newspaper of general circulation in the county and posted in three public places at least once each week for four consecutive weeks prior to the hearing, and mailed to all owners of property abutting the road;

WHEREAS, there appears from the record and the comments heard, to be good cause to vacate the sections of road because there is no need for public access as all abutting property is privately owned; and

WHEREAS, the vacation of this section of the road will not be detrimental to the general interests of the community nor materially affect the access enjoyed by the property owners. An agreement has been signed with one of the abutting property owners to allow a 20 foot access across the section of the road to be vacated;

NOW THEREFORE, the Summit County Council acting as the Legislative Body of Summit County, State of Utah, ordains as follows:

Section 1. The Council hereby finds that the public will not be materially injured by the vacation of the sections of road described above and there is good cause shown on the record to vacate the road because the road is isolated from any other public roadway, and there is no need for public access since all abutting lands are privately owned.

Section 2. The Council hereby finds that the road vacation as described above will not be detrimental to the general interests of the community nor will the access enjoyed by the property owners and the public be materially changed by the vacation.

ENTRY NO. 00902407

07/06/2010 02:41:54 PM B: 2039 P: 0113

Ordinance PAGE 1/3

ALAN SPRIGGS, SUMMIT COUNTY RECORDER
FEE 0.00 BY SUMMIT COUNTY CLERK



Section 3. Non-impairment of Private Rights.

This road vacation has no legal effect and shall not impede or impair any private rights of access of third parties.

Section 4. The Council hereby officially vacates the road segments within the following boundary description:

Road Vacation Description

A Sixty (60) foot wide right-of-way:

Section 1:

A road centerline description located in the Southeast Quarter of the Northeast Quarter of Section 21, Township 1 North, Range 5 East, Salt Lake Base and Meridian and having a Basis of Bearing taken as South 0°03'09" East between the Northeast Corner and the West ¼ Corner of Section 21, described as follows:

Beginning at a point South 0°03'09" East 1315.83 feet and South 89°49'29" West 1201.33 feet from the Northeast Corner of Section 21, Township 2 North, Range 5 East, Salt Lake Base and Meridian, which point being located on the southerly line of the Cherry Canyon Ranch Subdivision and running thence along the arc of a curve to the right 26.14 feet, having a radius of 140.00 feet, and a chord of 26.10 feet bearing South 28°33'58" West; thence South 33°54'52" West 3.53 feet; thence along the arc of a curve to the right 137.86 feet, having a radius of 136.00 feet, and a chord of 132.03 feet bearing South 62°57'12" West; to the westerly line of the Southeast Quarter of the Northeast Quarter of said Section 21 being the terminus of the herein described centerline.

Section 2:

A road centerline description located in the Southeast Quarter of the Northeast Quarter of Section 21, Township 1 North, Range 5 East, Salt Lake Base and Meridian and having a Basis of Bearing taken as South 0°03'09" East between the Northeast Corner and the West ¼ Corner of Section 21, described as follows:

Beginning at a point South 0°03'09" East 1529.25 feet from the Northeast Corner of Section 21, Township 2 North, Range 5 East, Salt Lake Base and Meridian, which point being located on the easterly line of the Southeast Quarter of the Northeast Quarter of said Section 21, and running thence along the arc of a curve to the right 20.60 feet, having a radius of 180.00 feet and a chord of 20.59 feet bearing North 64°52'33" West; thence North 61°35'49" West 115.18 feet; thence along the arc of a curve to the left 211.83 feet, having a radius of 220.00 feet, a chord of 203.74 feet bearing North 89°10'53" West; thence South 63°14'04" West 376.32 feet; thence along the arc of a curve to the right 201.52 feet, having a radius of 180.00 feet, a chord of 191.16 feet bearing North 84°41'32" West; thence North 52°37'07" West 376.86 feet; thence North 56°05'08" West 77.75 feet

to a road intersection point being the terminus of the herein described road centerline.

Said section of road is located in Summit County, Utah.

Section 4. This ordinance shall take effect fifteen days after passage by Summit County Council and upon publication in a newspaper published and having general circulation within Summit County.

PASSED AND ADOPTED this 28 day of April, 2010

SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, STATE OF UTAH

By: Claudia McMullin
Claudia McMullin, Chair



Council Member McMullin voted: aye
Council Member Hanrahan voted: aye
Council Member Elliott voted: aye
Council Member Ure voted: absent
Council Member Robinson voted: aye

ATTEST

Kent Jones
Kent Jones, Summit County Clerk
Summit County, Utah

APPROVED AS TO FORM:
Jami Brackin
Jami Brackin, Deputy County Attorney