

COTTONWOOD HEIGHTS

ORDINANCE NO. 230

AN ORDINANCE VACATING A PORTION OF A RIGHT-OF-WAY OR EASEMENT (PALMA WAY TRAIL EASEMENT)

WHEREAS, the city council (the “*Council*”) of the city of Cottonwood Heights, Utah (the “*City*”) met in regular session on 28 October 2014 to consider, among other things, vacating a portion (the “*Trail Segment*”) of the “Interconnect Trail System” that currently is located within the fenced back (Northerly) yards (the “*Yards*”) of Lots 607 – 619 (the “*Lots*”) of the Mill Hollow Estates Plat “F” Subdivision (the “*Subdivision*”) and that is particularly described on the attached exhibit; and

WHEREAS, to the Council’s best knowledge, (a) the Trail Segment was initially included within the fenced Yards of the Lots in approximately 1993 with the express consent of Salt Lake County (“*SLCo*”), the City’s predecessor-in-interest; (b) the Trail Segment has remained part of the fenced Yards since that time; (c) the Trail has never been used for any public purpose; and (d) a substitute public trail is located approximately 22 feet to the North of the Trail; and

WHEREAS, UTAH CODE ANN. §10-2-609.5 provides that, following its receipt of a petition from adjacent property owners, the Council may vacate a public street, right-of-way or easement following notice and a public hearing if the Council determines that (a) good cause exists for the vacation, and (b) neither the public interest nor any person will be materially injured by the vacation; and

WHEREAS, the owners of the Lots have submitted a petition (the “*Petition*”) for the City to vacate the Trail Segment; and

WHEREAS, the Council caused notice of a public hearing concerning the proposed vacation of the Trail Segment to be given as required by UTAH CODE ANN. §10-9a-208; and

WHEREAS, on 28 October 2014, the Council held the required public hearing regarding the proposed vacation of the Trail Segment as requested by the Petition; and

WHEREAS, after public comment and careful consideration, the Council has determined that good cause exists for the vacation of the Trail Segment and that neither the public interest nor any person will be materially injured by the vacation of the Segment.

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. **Vacation of the Property.**

(a) Pursuant to UTAH CODE ANN. §10-2-609.5, any and all interests of the City in the Trail Segment as a public street, right-of-way or easement are hereby vacated, based on the Council’s findings that good cause exists for such vacation of the Trail Segment and that neither the public interest nor any person will be materially injured by such vacation of the Trail Segment; and

(b) The action of the Council in vacating the street, right-of-way or easement on the Trail Segment shall operate as a revocation of the acceptance of and the relinquishment of the City's fee in the vacated Trail Segment.

Section 2. ***Notices and Filings.*** The City promptly shall cause this ordinance to be recorded in the official records of the Recorder of Salt Lake County, Utah as required by UTAH CODE ANN. §10-2-609.5(4)(b).

Section 3. ***Action of Officers.*** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 4. ***Severability.*** All parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 5. ***Repealer.*** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 6. ***Effective Date.*** This Ordinance, assigned no. 230, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's Recorder, or such later date as may be required by Utah statute.

PASSED AND APPROVED this 28th day of October 2014.

COTTONWOOD HEIGHTS CITY COUNCIL

By 

J. Scott Bracken, Mayor Pro Tempore

ATTEST:





Kory Solorio, Recorder

VOTING:

Kelvyn H. Cullimore, Jr.	Yea	<input type="checkbox"/>	Nay	<input type="checkbox"/>
Michael L. Shelton	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
J. Scott Bracken	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Michael J. Peterson	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Tee W. Tyler	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>

DEPOSITED in the Recorder's office this 28th day of October 2014.

POSTED this 29 day of October 2014.

EXHIBIT

(Attach Legal Description of the Trail Segment)

Overall description of portions to be deeded to the owners of lots 607 through 619

A parcel of land being a portion of the Interconnect trail system property per the Mill Hollow Estates Plat "F" Subdivision recorded in Book 93 page 55 Salt Lake County Recorder's Office, said overall parcel dedicated to Salt Lake County per said plat and also being located in the Southwest Quarter of Section 23, Township 2 South, Range 1 East, Salt Lake Base and Meridian;

Beginning at the Northwest corner of lot 619 of Mill Hollow Estates Plat "F" Subdivision (said point of beginning also being located North 2635.65 feet and East 2791.51 feet from the South Quarter Corner of Section 22, Township 2 South, Range 1 East, Salt lake Base and Meridian.) and running thence North $03^{\circ}15'16''$ West 6.01 feet to an existing fence corner; Thence following along an existing fence line the following eight (8) Courses, North $88^{\circ}58'16''$ East 59.02 feet; Thence South $89^{\circ}54'22''$ East 236.75 feet; Thence South $89^{\circ}49'21''$ East 286.19 feet; Thence South $89^{\circ}55'10''$ East 243.29 feet; Thence North $89^{\circ}49'17''$ East 228.61 feet; Thence South $89^{\circ}54'35''$ East 114.16 feet; Thence South $81^{\circ}35'19''$ East 7.75 feet; Thence South $31^{\circ}59'41''$ East 17.22 feet; Thence South $46^{\circ}10'09''$ West 16.13 feet to the Northeast corner of lot 607 of said subdivision; Thence North $45^{\circ}09'14''$ West 29.68 feet to the North line of lot 607; Thence West 1283.47 feet along the North line of lots 607 through 619 to the point of beginning.

Contains approx 7,595sq ft.