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File # 88-133
Ordin. # 88-27
Resol. # _____
Item # 3659
Other _____

WEST VALLEY CITY, UTAH

ORDINANCE NO. 88-27 (corrected)

Draft Date 5/12/88, 5/18/88, 8/5/88 *no*
Date Adopted 5/17/88
Date Effective 9/7/88 *fee*

4673178
08 SEPTEMBER 88 09:36 AM
RECORDER, SALT LAKE COUNTY, UTAH
WEST VALLEY CITY
REC BY: JEDD BOGENSCHUTZ, DEPUTY

AN ORDINANCE CLOSING A SEGMENT OF 4700 SOUTH
LOCATED AT APPROXIMATELY 4800 WEST, AND
AUTHORIZING THE SUBSEQUENT CONVEYANCE OF THE
CITY'S INTEREST IN A PORTION OF THE PROPERTY.

WHEREAS, the City is in receipt of Petitions by Ora Jensen and First Security Mortgage Company, owners of lots in the City, praying that a portion of 4700 South located at approximately 4800 West, which is in the immediate vicinity of such lots, be vacated; and

WHEREAS, the notice requirements have been compiled with as provided in Section 10-8-8.1, et. seq., Utah Code Annotated, 1953 as amended; and

WHEREAS, the City finds after public hearing, that this portion of 4700 South is not and will not be needed for the use of the public as a vehicular thoroughfare; subject to the reservation of certain easements and conditions subsequent. Closure, in lieu of vacation, of said street will not be adverse to the general public interest therein, nor will closure relinquish or terminate the City's interest in the underlying property without separate documents of transfer; and

WHEREAS, it is the City's intention upon closure of said street to transfer to the petitioner under separate documents, the City's interest in portions of the property upon appropriate terms and conditions, including the reservation of appropriate easements, conditions subsequent and payment of fair market value.

NOW THEREFORE, BE IT ORDAINED by the City Council of West Valley City, Utah:

Section 1. That portion of 4700 South, more particularly described below, be, and the same is hereby CLOSED and declared no longer to be needed or available for public use as a public street, but title to the City's interest therein shall be reserved and retained by West Valley City:

Beginning N. 89°52'35" W. 40.00 feet
from the Southeast corner of Section
1, T. 2 S., R.2.W., S.L.B.M.; thence
N. 89°52'35" W. 193.00 feet; thence N.
0°00'40" E. 33.00 feet; thence S.
89°52'35" E. 193.05 feet; thence S.
0°05'30" W. 33.00 feet to beginning.

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Beginning at a point N. 89°52'35" W. 232.95 feet from the Northeast Corner of Section 1, T. 2 S. R. 2 W. Salt Lake Base and Meridian; thence N. 89°52'35" W. 212.38 feet; thence N. 68°32'22" W. 6.70 feet to the beginning of a curve to the left (radius bears S. 21°21'38" W. 548.00 feet); thence along the arc of said curve 116.40 feet; thence S. 89°52'35" E. 330.64 feet; thence S. 0°00'40" W. 33.00 feet to the point of beginning.

Section 2. Said closure is expressly made subject to all existing rights-of-way and easements of all public utilities to the rights and entry thereon for the purpose of maintaining, altering, repairing, removing or re-routing said utilities and all of them without any obligation to restore the surface or landscaping improvements thereon.

Said closure is also subject to any existing rights-of-way or easements of private third parties.

Said closure is also subject to the public's interest in said street and ownership of the City's underlying interest therein being reserved to West Valley City.

Section 3. Immediately after this street closure ordinance has become effective, and upon satisfaction of the following conditions, the Mayor is authorized to convey, by quit claim deed, to the petitioner, Ora Jensen, and in a separate transaction, First Security Mortgage Company, an abutting lot owner, the City's interest in the closed street, more particularly described as:

Parcel A, to be purchased by Jensen:

Beginning N. 89°52'35" W. 40.00 feet from the Southeast corner of Section 1, T. 2 S., R.2.W., S.L.B.M.; thence N. 89°52'35" W. 193.00 feet; thence N. 0°00'40" E. 33.00 feet; thence S. 89°52'35" E. 193.05 feet; thence S. 0°05'30" W. 33.00 feet to beginning. Contains 6,369 Square Feet.

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Parcel B, to be purchased by First Security Mortgage Company:

Beginning at a point N. 89°52'35" W. 232.95 feet from the Northeast Corner of Section 1, T. 2 S. R. 2 W. Salt Lake Base and Meridian; thence N. 89°52'35" W. 212.38 feet; thence N. 68°32'22" W. 6.70 feet to the beginning of a curve to the left (radius bears S. 21°21'38" W. 548.00 feet); thence along the arc of said curve 116.40 feet; thence S. 89°52'35" E. 330.64 feet; thence S. 0°00'40" W. 33.00 feet to the point of beginning. Contains 8918.8 Square Feet.

Section 4. Each said conveyance of the City's interest in the property shall be contingent upon the satisfaction of the following conditions:

1. That purchaser shall pay to the City the fair market value of the property as determined by the City Manager.

2. Purchaser shall agree to bear the expense of any possible re-routing of any and all existing utilities presently located within the property described above to accommodate construction or modification of existing utilities and improvements within the street.

If, and at such point in time, any existing street improvements thereon are disturbed, the purchaser shall be responsible to prepare engineering drawings and specifications in accordance with the City Engineer's requirements to provide curb and guttering and other necessary improvements to ensure surface water drainage is maintained and taken care of within the remaining public right-of-way.

Section 5. The City Recorder is hereby directed to record this ordinance with the Salt Lake County Recorder's Office.

Section 6. This ordinance shall take effect immediately upon posting as required by law.

DATED this 19th day of May, 1988

ATTEST:

Sarah J. [Signature]
City Recorder

JRC:MS: C
080588: CRP



WEST VALLEY CITY

[Signature]
MAYOR

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