



ENT 39675:2021 PG 1 of 5
ANDREA ALLEN
UTAH COUNTY RECORDER
2021 Mar 03 9:10 am FEE 0.00 BY NA
RECORDER FOR SARATOGA SPRINGS CITY

ORDINANCE NO. 21-4 (2-16-21)

**AN ORDINANCE OF THE CITY OF SARATOGA
SPRINGS, UTAH VACATING A 20 FOOT SEWER
EASEMENT**

WHEREAS, the City previously acquired a sewer easement recorded on December 29, 2005 as Entry Number 150484:2005 in the Utah County Recorder’s Office, a copy of which easement is attached as Exhibit A (“Easement”); and

WHEREAS, the Easement contains an existing sewer line, both of which will be relocated within an easement dedicated to the City by the Utah Lake Estates Subdivision; and

WHEREAS, Utah Code § 10-9a-609.5 allows the City Council to vacate some or all of a street, right-of-way, or easement if the City Council holds a public hearing after proper notice, finds that good cause exists for the vacation, finds that neither the public interest nor any person will be materially injured by the proposed vacation; and

WHEREAS, public notice of the proposed vacation was published/posted 10 days in advance of the public hearing as follows:

- (a) mailed to the record owner of each parcel that is accessed by the Easement; and
- (b) mailed to each affected entity; and
- (c) posted on or near the Easement in a manner that is calculated to alert the public; and
- (d) published on the City’s website and the Utah Public Notice Website; and

WHEREAS, a public hearing to consider the vacation was held on February 16, 2021 in accordance with Utah Code § 10-9a-609.5.

NOW THEREFORE, the City Council of the City of Saratoga Springs, Utah hereby ordains as follows:

SECTION I – VACATION OF EASEMENT

The City Council hereby vacates the Easement, subject to the timing of the vacation as specified in Section III. The Easement will be relocated in the Utah Lake Estates Subdivision plat; therefore, good cause exists for the vacation and neither the public interest nor any person will be materially injured by the vacation. The effective date of the Easement vacation shall be as specified in Section III.

SECTION II – AMENDMENT OF CONFLICTING ORDINANCES

If any ordinances, resolutions, policies, or zoning maps of the City of Saratoga Springs heretofore adopted are inconsistent herewith they are hereby amended to comply with the provisions hereof. If they cannot be amended to comply with the provisions hereof, they are hereby repealed.

SECTION III – EFFECTIVE DATE

This ordinance shall take effect upon its passage by a majority vote of the Saratoga Springs City Council and following notice and publication as required by the Utah Code. However, the easement vacation, in a form approved by the City Attorney, shall not effective and shall not be recorded until such time as the Utah Lake Estates Subdivision plat is recorded and a replacement sewer line is installed and approved by City public works in writing.

SECTION IV – SEVERABILITY


If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

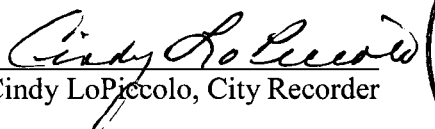
SECTION V – PUBLIC NOTICE

The Saratoga Springs Recorder is hereby ordered, in accordance with the requirements of Utah Code §§ 10-3-710—711, to do as follows:

- a. deposit a copy of this ordinance in the office of the City Recorder; and
- b. publish notice as follows:
 - i. publish a short summary of this ordinance for at least one publication in a newspaper of general circulation in the City; or
 - ii. post a complete copy of this ordinance in three public places within the City.

ADOPTED AND PASSED by the City Council of the City of Saratoga Springs, Utah, this 16th day of February 2021.

Signed: 
Jim Miller, Mayor

Attest: 
Cindy LoPiccolo, City Recorder



	VOTE
Chris Carn	<i>aye</i>
Michael McOmber	<i>aye</i>
Ryan Poduska	<i>aye</i>
Chris Porter	<i>aye</i>
Stephen Willden	<i>aye</i>

EXHIBIT A

WHEN RECORDED MAIL TO:
Gilson Engineering, Inc.
12401 South 450 East, C-2
Draper, Utah 84020

ENT 150484:2005 PG 1 of 1
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2005 Dec 29 9:15 AM FEE 0.00 BY STL
RECORDED FOR CITY OF SARATOGA SPRINGS

PARCEL I.D.#'s: 45:228:0027

GRANTORS: Alyson and Keith Pennington

EASEMENT

A twenty (20) foot wide sewer line easement lying in the Northwest Quarter of Section 18, Township 6 South, Range 1 East, Salt Lake Base & Meridian, U.S. Survey.

For the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned as GRANTORS hereby grant, convey, sell, and set over unto the City of Saratoga Springs, a body politic of the State of Utah, hereinafter referred to as GRANTEE, its successors and assigns, a perpetual right-of-way and easement to construct, maintain, operate, repair, inspect, protect, install, remove and replace sewer pipe lines, manholes and other sewer transmission and distribution structures and facilities, hereinafter called the FACILITIES, said right-of-way and easement, being situated in Utah County, State of Utah, over and through a parcel of the GRANTORS' land lying within a strip twenty (20) feet wide, said strip extending ten (10) feet on each side of and parallel and adjacent to a line of reference and projection thereof, and being more particularly described as follows:

Beginning at the point of intersection of the proposed sewer line and the south line of the Alyson and Keith Pennington property, said point lying N. 00° 16' 53" E. 1,020.27 feet and East 2,002.02 feet, from the West Quarter Corner of said Section 18, and running thence N. 40° 49' 19" W. 23.58 feet; thence N. 38° 33' 06" W. 340.87 feet to the north line of said property, said point lying S. 00° 16' 53" W. 1,321.84 feet and East 1,772.77 feet, from the Northwest Corner of said Section 18:

Contains: 0.167 acres (approx. 364.45 ln.ft.)

TO HAVE AND HOLD the same unto the GRANTEE, its successors and assigns, with the right of ingress and egress in the GRANTEE, its officers, employees, agents and assigns to enter upon the above-described property with such equipment as is necessary to construct, install, maintain, operate, repair, inspect, protect, remove and replace the FACILITIES. During construction periods, GRANTEE and its contractors may use such portion of GRANTORS' property along and adjacent to the right-of-way and easement as may be reasonably necessary in connection with the construction or repair of the FACILITIES. The contractor performing the work shall restore all property, through which the work traverses, to as near its original condition as is reasonably possible.

GRANTORS shall have the right to use the above-described property except for the purposes for which this right-of-way and easement is granted to the GRANTEE, provided such use shall not interfere with the FACILITIES or with the discharge and conveyance of water through the FACILITIES, or any other rights granted to the GRANTEE hereunder.

GRANTORS shall not build or construct, or permit to be built or constructed, any building or other improvement over or across this right-of-way and easement nor change the contour thereof without the written consent of GRANTEE. This right-of-way and easement grant shall be binding upon, and inure to the benefit of, the successors and assigns of the GRANTORS and the successors and assigns of the GRANTEE, and may be assigned in whole or in part by GRANTEE.

~~ENT 150484:2005 PG 1 of 1~~

IN WITNESS WHEREOF, the GRANTORS have executed this right-of-way and Easement this 18th day of December, 2005

<u>County Parcel No.</u>	<u>Acreage</u>	<u>GRANTOR(S)</u>
45:228:0027	Contains: 0.167 acres (approx. 364.45 ln. ft.)	

By: *Alyson Pennington*
 Alyson Pennington

By: *Keith Pennington*
 Keith Pennington

STATE OF UTAH)
)ss.
 COUNTY OF UTAH)

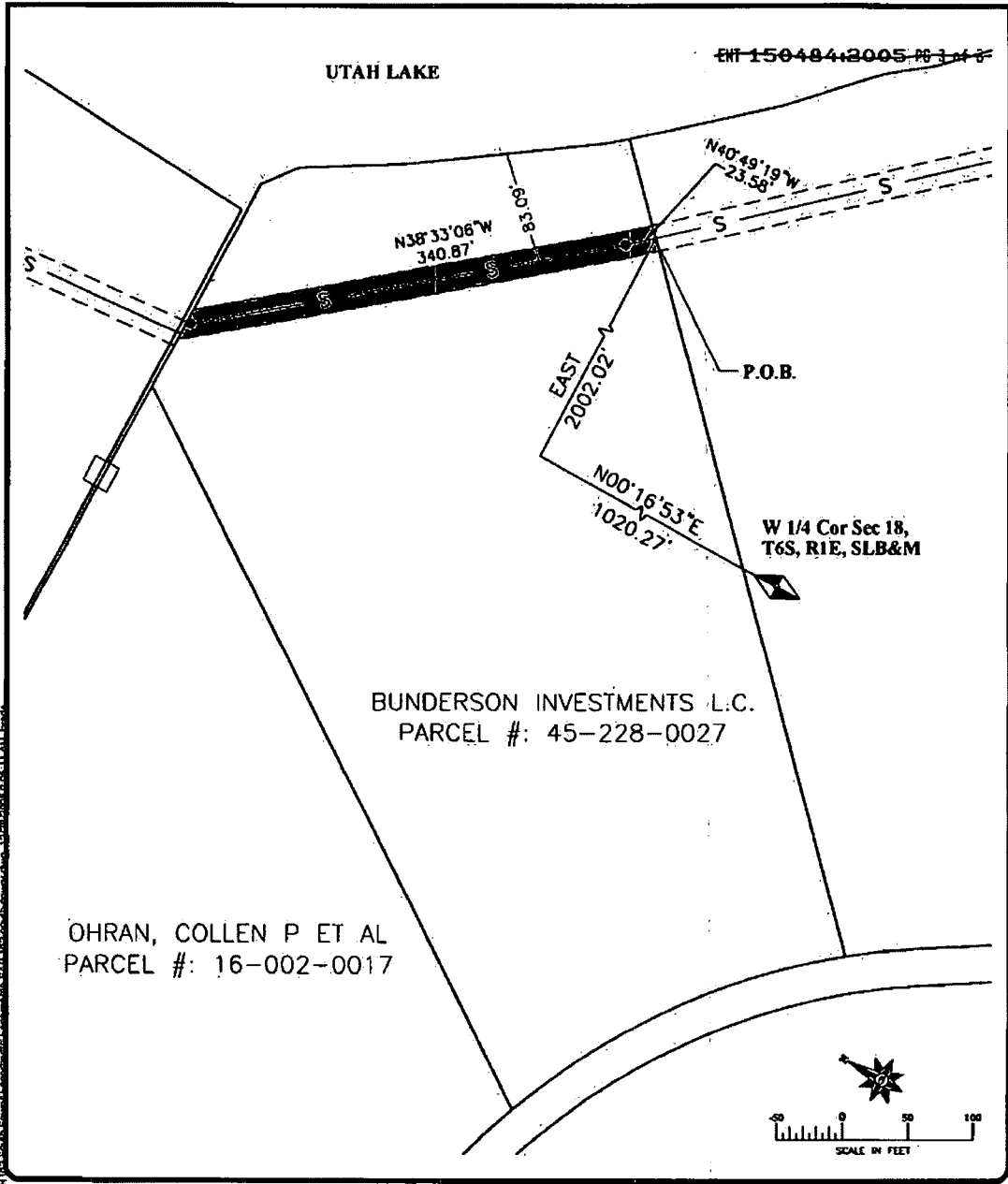
On the 28th day of December, 2005, personally appeared before me Alyson Pennington & Keith Pennington who is the persons, of Alyson and Keith Pennington, and who being by me duly sworn, did say that (s)he is the signer(s) of the foregoing instrument, who duly acknowledged to me that (s)he executed the same.

My Commission Expires: 3-3-2008

Residing In: Saratoga Springs Utah


Alyson H. Alger
 Notary Public





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GILSON ENGINEERING
 12401 SOUTH 450 E
 571-9414

DATE: 10/20/05	REV. DATE	BY	REVISIONS COMMENTS
DRAWING NAME: BUNDERSOIN-BASE			
DRAWN BY: BJA			
CHECKED:	APPROVED:	 CONTRACTING ENGINEERS AND SURVEYORS 12401 SOUTH 450 EAST (801) 571-9414 • FAX (801) 571-9417	



REV. A
 EASEMENT
 SAR.162
C.01

