

ORDINANCE 18-06

AN ORDINANCE VACATING A PORTION OF WASATCH BOULEVARD (1-FOOT WIDTH) FROM APPROXIMATELY 1991 EAST TO 2073 EAST.

WHEREAS, the Sandy City Council has been granted specific authority to regulate, plan and establish public streets within Sandy city and may amend such regulations and plans or vacate a street according to the provisions of Sections 10-8-8 and 10-9a-607 through 10-9a-609.5, Utah Code Annotated; and

WHEREAS, a proposal to vacate a 1-foot wide portion of Wasatch Boulevard, from approximately 1991 East to 2073 East, was made to allow a masonry wall to be constructed along Wasatch Boulevard, outside of the public right-of-way, and to be owned and maintained by the adjacent property owner; and

WHEREAS, the Planning Commission held a public meeting on February 1, 2018, to consider the vacation, which meeting was preceded by publication of the meeting agenda by posting in Sandy City Hall, the Sandy City Parks & Recreation Building, on the Sandy City Website - <http://www.sandy.utah.gov>, and the Utah Public Notice Website - <http://pmn.utah.gov> at least twenty-four hours prior to the meeting; and

WHEREAS, the Planning Commission determined that good cause exists for vacation and that there is neither material injury to either the public interest nor any person by the requested vacation, and forwarded a positive recommendation to the City Council; and

WHEREAS, a public hearing was held by the Sandy City Council on March 13, 2018, to consider adoption of the proposed vacation, which meeting was preceded by publication in the Salt Lake Tribune, on February 13, 2018, and by posting in Sandy City Hall, the Sandy City Parks & Recreation Building, on the Sandy City Website - <http://www.sandy.utah.gov>, and the Utah Public Notice Website - <http://pmn.utah.gov>, on February 13, 2018; and

WHEREAS, the City Council has determined that good cause exists for vacation of said street and that neither the public interest nor any person will be materially injured by the vacation; and

WHEREAS, vacation of the portion of Wasatch Boulevard from approximately 1991 East to 2073 East, is in the best interest of the health, safety and welfare of the City's residents.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City, State of Utah, that it is hereby vacating a portion of Wasatch Boulevard from approximately 1991 East to 2073 East, as shown on **Exhibit A** and described in **Exhibit B**, which are attached hereto and by this reference made a part hereof.

Section 1. Effect of Vacation. The vacation herein shall operate as a relinquishment of the City's fee in the vacated portion of street and the ownership of the property shall be vested in the adjacent property owner, Stonecroft Development Corporation. Pursuant to section 10-9a-609.5, Utah Code Annotated, the City Council's vacation of the right-of-way described herein operates to

the extent to which it is vacated as a revocation of the acceptance of and the relinquishment of the City's fee in the vacated street right-of-way and may not be construed to impair any right-of-way or easement of any lot owner, easement holder or the franchise rights of any public utility.

Section 2. Severable. If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined in its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. Effective. This ordinance shall become effective upon publication of a summary thereof.

PASSED AND APPROVED this 13th day of March, 2018.

Linda Martinez Saville, Chairman
Sandy City Council

ATTEST:

City Recorder

PRESENTED to the Mayor of Sandy City for his approval this _____ day of _____, 2018.

APPROVED this _____ day of _____, 2018.

Kurt Bradburn, Mayor

ATTEST:

City Recorder

PUBLISHED this _____ day of _____, 2018.

Exhibit A

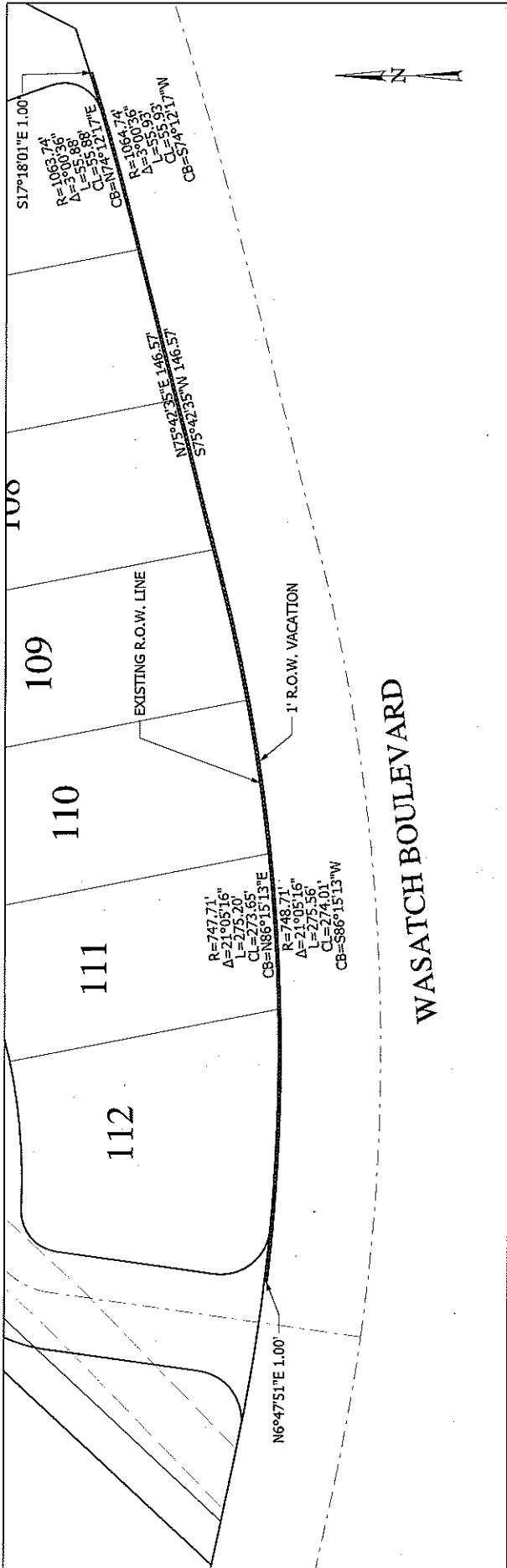


Exhibit B

BOUNDARY DESCRIPTION – WASATCH BOULEVARD 1' R.O.W. VACATION

BEGINNING AT A POINT WHICH LIES ON THE NORTHERLY RIGHT OF WAY LINE OF WASATCH BOULEVARD, SAID POINT LYING NORTH 89°44'23" WEST 2474.59 FEET ALONG THE SECTION LINE AND NORTH 00°13'37" WEST 1037.60 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; AND TRAVERSING THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES:

- (1) NORTH 75°42'35" EAST 146.57 FEET,
- (2) ALONG AN ARC 55.88 FEET TO THE LEFT, HAVING A RADIUS OF 1063.74 FEET, THE CHORD OF WHICH BEARS NORTH 74°12'17" EAST 55.88 FEET; THENCE

SOUTH 17°18'01" EAST 1.00 FOOT; THENCE ALONG A NON-TANGENT ARC 55.93 FEET TO THE RIGHT, HAVING A RADIUS OF 1064.74 FEET, THE CHORD OF WHICH BEARS SOUTH 74°12'17" WEST 55.93 FEET; THENCE SOUTH 75°42'35" WEST 146.57 FEET; THENCE ALONG AN ARC 275.56 FEET TO THE RIGHT, HAVING A RADIUS OF 748.71 FEET, THE CHORD OF WHICH BEARS SOUTH 86°15'13" WEST 274.01 FEET; THENCE NORTH 06°47'51" EAST 1.00 FOOT TO A POINT WHICH LIES ON SAID NORTHERLY RIGHT OF WAY LINE; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE AND A NON-TANGENT ARC 275.20 FEET TO THE LEFT, HAVING A RADIUS OF 747.71 FEET, THE CHORD OF WHICH BEARS NORTH 86°15'13" EAST 273.65 FEET TO THE POINT OF BEGINNING.

CONTAINING 478 SQ. FT.