ORDINANCE NO. 12-03

ROLL CALL

VOTING	YES	NO
MAYOR DALE R. BARNEY *(votes only in case of tie)*		
SHERMAN E. HUFF *Councilmember*	X	
PAUL M. CHRISTENSEN *Councilmember*	X	
GLENN A. JAMES *Councilmember*	X	
ROY L. JOHNS *Councilmember*	X	
EVERETT KELEPOLO *Councilmember*	X	

I MOVE this ordinance be adopted: Councilmember Huff
I SECOND the foregoing motion: Councilmember Kelepolo

ORDINANCE 12-03

ORDINANCE VACATING AN UNIMPROVED STREET LOCATED AT APPROXIMATELY 435 EAST SCENIC DRIVE

WHEREAS, the Terra Linda Heights Plat B Subdivision dedicated a right of way to the city for a future street, which property is located between the addresses of 440 East and 430 East Scenic Drive in Spanish Fork; and

WHEREAS, no portion of that street has ever been improved and no utility infrastructure exists therein; and

WHEREAS, the Spanish Fork City Engineering Department has determined that it is not feasible to build a future road in that location due to the steepness of the slope where that road would go; and

WHEREAS, the city has contacted the property owners on each side of the dedicated street to see if they had any interest in obtaining the same; and

WHEREAS, Layne Booth, an adjacent owner, has expressed interest in obtaining the property; and

WHEREAS, based upon that consent and interest, no notice is required in accordance with Utah Code Annotated section 10-8-8.3; and

WHEREAS, the council finds it is in the best interest of the public to vacate this unimproved street;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

I.

The property dedicated for a future street located between the addresses of 440 East and 430 East Scenic Drive, and more particularly described as follows:

> BEGINNING AT A POINT WHICH IS LOCATED SOUTH 230.98 FEET AND WEST 605.64 FEET FROM THE NORTH QUARTER CORNER OF SECTION 30, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG A 15.00 FOOT RADIUS CURVE TO THE RIGHT 23.56 FEET; (CHORD BEARS SOUTH 11°54'16" WEST 21.21 FEET); THENCE SOUTH 56°54'16"W 100.00 FEET; THENCE SOUTH 33°05'44" EAST 56.00 FEET; THENCE NORTH 56°54'16"E 100.00 FEET; THENCE ALONG A 15.00 FOOT RADIUS CURVE TO THE RIGHT 23.56 FEET; (CHORD BEARS SOUTH 78°05'44" EAST 21.21 FEET); THENCE NORTH 33°05'44" WEST 86.00 FEET TO THE POINT OF BEGINNING

is hereby vacated.

II.

That based upon the request of the abutting owners, the property is vacated to the abutting land owner, Layne L. Boothe.

III.

The mayor of Spanish Fork is authorized to convey to Layne L. Boothe the property vacated by this ordinance.

DATED this 16th of December, 2003.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 16th day of December, 2003.

DALE R. BARNEY, Mayor

ATTEST:

KENT R. CLARK, City Recorder

F:\ORDBOOK\ORD\2003\Ord 12-03

Recorded at the request of Layne L. Booth
3096 Polk Avenue
Ogden, Utah 84403

MAYORS DEED

Spanish Fork City, grantor, hereby grants and conveys to Layne L. Boothe the following described property located in Utah County, Utah:

> BEGINNING AT A POINT WHICH IS LOCATED SOUTH 230.98 FEET AND WEST 605.64 FEET FROM THE NORTH QUARTER CORNER OF SECTION 30, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG A 15.00 FOOT RADIUS CURVE TO THE RIGHT 23.56 FEET; (CHORD BEARS SOUTH 11°54'16" WEST 21.21 FEET); THENCE SOUTH 56°54'16"W 100.00 FEET; THENCE SOUTH 33°05'44" EAST 56.00 FEET; THENCE NORTH 56°54'16"E 100.00 FEET; THENCE ALONG A 15.00 FOOT RADIUS CURVE TO THE RIGHT 23.56 FEET; (CHORD BEARS SOUTH 78°05'44" EAST 21.21 FEET); THENCE NORTH 33°05'44" WEST 86.00 FEET TO THE POINT OF BEGINNING

Said conveyance being authorized by ordinance number 12-03 adopted by the Spanish Fork City Council on the 16th day of December, 2003.
This is not a buildable parcel.

DATED this 16th of December, 2003.

Dale R. Barney
DALE R. BARNEY, MAYOR

On the 16th day of December, 2003, personally appeared before me, Dale R. Barney, who being by me duly sworn, did say that he, the said Dale R. Barney, is the Mayor of Spanish Fork City, a Municipal Corporation, and that the foregoing instrument was signed in behalf of said corporation by authority of a resolution of the City Council, and that the said Dale R. Barney acknowledged to me that said Corporation executed the same.

Connie Swain
Notary Public

CONNIE SWAIN
NOTARY PUBLIC • STATE of UTAH
40 SOUTH MAIN
SPANISH FORK, UT 84660
COMM. EXP. 12-30-2005