

ORDINANCE NO. 02-04

ROLL CALL

VOTING	YES	NO
MAYOR DALE R. BARNEY <i>(votes only in case of tie)</i>		
MATTHEW D. BARBER <i>Councilmember</i>	X	
PAUL M. CHRISTENSEN <i>Councilmember</i>	X	
EVERETT KELEPOLO <i>Councilmember</i>	X	
SETH V. SORENSEN <i>Councilmember</i>	X	
CHRIS C. WADSWORTH <i>Councilmember</i>	X	

I MOVE this ordinance be adopted: Councilmember Barber

I SECOND the foregoing motion: Councilmember Christensen

ORDINANCE 02-04

ORDINANCE VACATING UNIMPROVED PORTIONS OF A STREET LOCATED AT APPROXIMATELY 500 WEST VOLUNTEER DRIVE

WHEREAS, Spanish Fork City obtained property for a street which became known as, Volunteer Drive in Spanish Fork; and

WHEREAS, a portion of that property at approximately 500 West was not needed for a street, has never been improved, and no utility infrastructure exists therein; and

WHEREAS, the Spanish Fork City Engineering Department has determined that the unused property is not needed by the City; and

WHEREAS, the Board of Education of the Nebo School District has purchased the property surrounding the City's unneeded property for a school and has expressed interest in

obtaining the same; and

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

WHEREAS, the council finds it is in the best interest of the public to vacate the portion of the street which is not needed by Spanish Fork City;

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

I.

The excess property obtained for street purposes, and more particularly described as follows:

COMMENCING AT A POINT WHICH IS 1923.57 FEET SOUTH AND 2382.15 FEET WEST FROM THE EAST QUARTER CORNER OF SECTION 24, TOWNSHIP 8 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; (BASIS OF BEARING IS THE STATE COORDINATE SYSTEM); THENCE S. 46° 55' 30" E. 23.63 FEET; THENCE S. 36° 29' 59" E. 76.38 FEET; THENCE SOUTHEASTERLY 42.66 FEET ALONG THE ARC OF A 22.82 FOOT RADIUS, NON-TANGENT CURVE TO THE LEFT, WHOSE CHORD BEARS S. 07° 45' 42" W. 36.71 FEET; THENCE S. 61° 40' 50" W. 68.57 FEET; THENCE N. 02° 11' 35" E. 120.32 FEET; THENCE N. 04° 19' 39" W. 26.29 FEET TO THE POINT OF BEGINNING. A Property containing 0.1362 acres.

is hereby vacated.

II.

That based upon the request of the abutting owners, the property is vacated to the abutting land owner, The Board of Education of the Nebo School District.

III.

The mayor of Spanish Fork is authorized to convey to The Board of Education of the Nebo School District the property vacated by this ordinance.

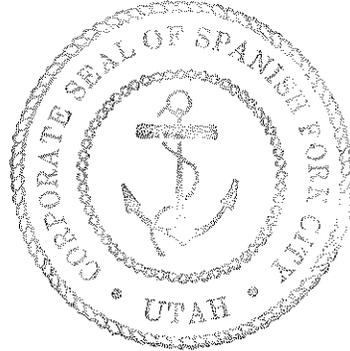
PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 2nd day of March, 2004.

Dale R. Barney
DALE R. BARNEY, Mayor

ATTEST:

Kent R. Clark
KENT R. CLARK, City Recorder

F:\ORDBOOK\ORD\2004\Ord 02-04



Proof of Publication

I **Steve Hardman** being first duly sworn according to law, disposes and says that he is the General Manager of **THE SPANISH FORK PRESS**, a weekly newspaper printed and published at Spanish Fork, Utah County, Utah and of general circulation therein; that the Notice, a copy of which is hereto attached, was printed and published in said paper

**PUBLIC NOTICE
ORDINANCE 02-04, An Ordinance
Vacating Unimproved
Portions of a Street
Located at
Approximately 500
West Volunteer Dr.**

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows: The excess property obtained for street purposes, and more particularly described as follows: COMMENCING AT A POINT WHICH IS 1923.57 FEET SOUTH AND 2382.15 FEET WEST FROM THE EAST QUARTER CORNER OF SECTION 24, TOWNSHIP 8 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; (BASIS OF BEARING IS THE STATE COORDINATE SYSTEM): THENCE S. 46° 55' 30" E. 23.63 FEET; THENCE S. 36° 29' 59" E. 76.38 FEET; THENCE SOUTHEASTERLY 42.66 FEET ALONG THE ARC OF A 22.82 FOOT RADIUS, NON-TANGENT CURVE TO THE LEFT, WHOSE CHORD BEARS S. 07° 45' 42" W. 36.71 FEET; THENCE S. 61° 40' 50" W. 68.57 FEET; THENCE N. 02° 11' 35" E. 120.32 FEET; THENCE N. 04° 19' 39" W. 26.29 FEET TO THE POINT OF BEGINNING. The Property containing 0.1362 acres is hereby vacated.

for consecutive 1 weeks,

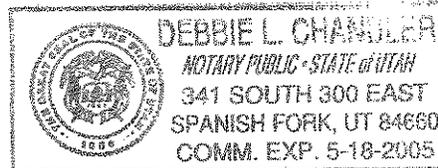
the first publication on the 11 day

of March 2004

And the last on the 11 day

of March 2004

Steve Hardman



Subscribed: _____ ne this 11th day of March 2004

Debbie L. Chandler
Notary Public That based upon the request of the abutting owners, the property is vacated to _____