

ORDINANCE NO. 20-10

ROLL CALL

VOTING	YES	NO
G. WAYNE ANDERSEN MAYOR <i>(votes only in case of tie)</i>		
ROD DART <i>Council member</i>	X	
RICHARD M. DAVIS <i>Council member</i>	X	
STEVE LEIFSON <i>Council member</i>	X	
JENS P. NIELSON <i>Council member</i>	X	
KEIR A. SCUBES <i>Council member</i>	X	

I MOVE this ordinance be adopted: Councilmember Dart

I SECOND the foregoing motion: Councilmember Davis

ORDINANCE 20-10

ORDINANCE VACATING AN UNIMPROVED STREET LOCATED AT APPROXIMATELY 670 S. 900 EAST

WHEREAS, the Canyon View Heights Plat C Subdivision dedicated a right of way to the city for a future street, which property is located between the addresses of 667 South and 719 South on 900 East in Spanish Fork; and

WHEREAS, no portion of that street has ever been improved, although a water line goes through the right-of-way; and

WHEREAS, the right-of-way was dedicated for a potential future street; and

WHEREAS, future development was such that a street was never constructed in

the right-of-way; and

WHEREAS, a contract entered into in 1984 between the City and the developer requires the right-of-way to be conveyed to the developers, Dennis L. Bernards, Patience C. Bernards, and Amy E. Cox, if future development did not require a street to be constructed in the right-of-way; and

WHEREAS, the developers have requested a conveyance pursuant to the contract; and

WHEREAS, a public hearing to vacate a street was held, with notice given in accordance with Utah Code Annotated §10-9a-208; 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 667 South and 719 South on 900 East Street, and more particularly described as follows:

BEGINNING AT A POINT WHICH IS LOCATED NORTH 121.27 FEET AND WEST 558.51 FEET FROM THE SOUTHEAST CORNER OF SECTION 19, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN; THENCE S89°05'12"W 192.01 FEET; THENCE N00°00'50"W 43.00 FEET; THENCE ALONG THE ARC OF A 14.77 FOOT RADIUS CURVE TO THE LEFT 23.43 FEET (CHORD BEARS: S45°27'49"E 21.05 FEET); THENCE N89°05'12"E 176.57 FEET; THENCE S00°54'48"E 28.00 FEET TO THE POINT OF BEGINNING.

CONTAINING: 0.124 ACRES

is hereby vacated, subject to the City retaining a public utility easement in the right-of-way.

II.

That based upon the contract with the developers of Canyon View Heights Plat C, the parcel is to be conveyed to Dennis L. Bernards, Patience C. Bernards, and Amy E. Cox.

III.

The mayor of Spanish Fork is authorized to convey to Dennis L. Bernards, Patience C. Bernards, and Amy E. Cox the property vacated by this ordinance, subject to the City retaining a public utility easement therein.

DATED this 2nd day of November, 2010.


G. WAYNE ANDERSEN, Mayor

Attest:


KENT R. CLARK, City Recorder

