ORDINANCE NO. 01-11

ROLL CALL

VOTING	YES	NO
G. WAYNE ANDERSEN *Mayor (votes only in case of tie)*		
ROD DART *Council member*	X	
RICHARD M. DAVIS *Council member*	X	
STEVE LEIFSON *Council member*	ABSENT	
JENS P. NIELSON *Council member*	X	
KEIR A. SCOUBES *Council member*	X	

I MOVE this ordinance be adopted: Councilmember Scoubes
I SECOND the foregoing motion: Councilmember Dart

ORDINANCE 01-11

ORDINANCE ABANDONING A PUBLIC UTILITY EASEMENT IN BLACK HORSE RUN MASTER PLANNED DEVELOPMENT

WHEREAS, Black Horse Run, Plats B and C were approved by Spanish Fork City as a master planned development and recorded with the Utah County Recorder in 2004; and

WHEREAS, the plats dedicated to Spanish Fork City a public utility easement; and

WHEREAS, the utility easement has never been used and is not needed by the City; and

WHEREAS, it is in the best interests of both the City and its residents to abandon

the public utilities easement; and

WHEREAS, notice of the intent to abandon the easement was posted on the property and on the State of Utah Notice Website; and

WHEREAS, a public hearing was held before the City Council on Tuesday, the 1st day of February, 2011, where public comment was received; and

WHEREAS, the council finds that it is in the best interest of the public to abandon the Black Horse Run public utilities easement identified herein;

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

I.

The property dedicated as a public utilities easement in Black Horse Run Plat B, as recorded in the office of the Utah County Recorder on the 2nd day of September, 2004 as entry number 101312, Map Filing #10671 and the property dedicated as a public utility easement in Black Horse Run Plat C, as recorded in the office of he Utah County Recorder on the 13th day of September, 2004 as entry number 104690, Map Filing #10683 are hereby abandoned to the underlying owners of the property, which property is more particularly described as follows:

> BEGINNING AT A POINT WHICH IS LOCATED S00°17'18"E ALONG THE SECTION LINE 976.77 FEET AND EAST 240.00 FEET FROM THE WEST CORNER OF SECTION 17, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN; THENCE S89°24'53"E 28.50 FEET; THENCE S00°00'02"E 102.45 FEET; THENCE S00°00'32"E 441.32 FEET; THENCE N52°05'18"W 13.51 FEET; THENCE S89°42'42"W 22.21 FEET; THENCE N00°17'18"W 156.10 FEET; THENCE N05°32'38"W 76.42 FEET; THENCE N00°17'18"W 152.20 FEET; THENCE N04°58'02"E 76.42 FEET; THENCE N89°42'42"E 7.00 FEET; THENCE N00°17'18"W 75.34 FEET TO THE POINT OF BEGINNING.
> CONTAINING: 0.45 ACRE

II.

This ordinance is effective upon recordation with the Utah County Recorder.

ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 1st day of March, 2011.

G. WAYNE ANDERSEN, Mayor

Attest:

KENT R. CLARK, City Recorder