

# ORDINANCE NO. 13-12

## ROLL CALL

VOTING	YES	NO
<b>G. WAYNE ANDERSEN</b> <i>Mayor (votes only in case of tie)</i>		
<b>ROD DART</b> <i>Council member</i>	X	
<b>RICHARD M. DAVIS</b> <i>Council member</i>	X	
<b>BRANDON B. GORDON</b> <i>Council member</i>	X	
<b>STEVE LEIFSON</b> <i>Council member</i>	X	
<b>KEIR A. SCUBES</b> <i>Council member</i>	X	



ENT 90685:2012 PG 1 of 3  
JEFFERY SMITH  
UTAH COUNTY RECORDER  
2012 Oct 18 1:28 pm FEE 0.00 BY CLS  
RECORDED FOR SPANISH FORK CITY CORPORATI

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

## ORDINANCE No. 13-12

### ORDINANCE ABANDONING A PUBLIC ACCESS EASEMENT ON LOT 20, CANYON VIEW SUBDIVISION PLAT B

WHEREAS, Canyon View Subdivision, Plat B was approved by Spanish Fork City and recorded with the Utah County Recorder in September, 2002; and

WHEREAS, the plat dedicated to Spanish Fork City contains a ten foot wide public access easement through Lot 20 to provide access to Canyon View Elementary School; and

WHEREAS, the Nebo School District does not use the public access easement, and actually closes it during the school year; and

WHEREAS, the owner of Lot 20 is willing to accept abandonment of the easement and to maintain it; and

WHEREAS, it is in the best interests of both the City and its residents to abandon this public access 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, notice of a public hearing was published in the Provo Daily Herald, a newspaper of general circulation within Spanish Fork City, on Wednesday, the 19<sup>th</sup> day of September, 2012; and

WHEREAS, a public hearing was held before the City Council on Tuesday, the 2nd day of October, 2012, where public comment was received; and

WHEREAS, the council finds that it is in the best interest of the public to abandon the public access easement identified herein;

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

I.

The property dedicated as a ten foot public access easement through Lot 20 in Canyon View Subdivision, Plat B, as recorded in the office of the Utah County Recorder on the 10th day of September, 2002 as entry number 105834:2002, Map Filing Number 9684 is hereby abandoned to David L. Bourne and Karie Bourne, the underlying owners of the property. The easement is more particularly described as follows:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 20, PLAT "B", CANYON VIEW SUBDIVISION WHICH IS LOCATED S89°17'34"W ALONG THE SECTION LINE 1162.29 FEET AND SOUTH 3182.37 FEET FROM THE NORTH QUARTER CORNER OF SECTION 29, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN; THENCE S89°06'47"W ALONG THE SOUTH PROPERTY LINE OF LOT 20 121.00 FEET TO THE EAST RIGHT OF WAY LINE OF 1400 EAST; THENCE N00°42'09"W ALONG THE EAST RIGHT OF WAY LINE OF 1400 EAST 10.00 FEET; THENCE N89°06'47"E 121.00 FEET; THENCE S00°42'09"E 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING: 0.028 ACRES

II.

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

ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 2nd day of October, 2012.

  
G. WAYNE ANDERSEN, Mayor

Attest:

  
KENT R. CLARK, City Recorder

