

# ORDINANCE No. 16-13

ROLL CALL

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



ENT 7792:2014 PG 1 of 3  
**JEFFERY SMITH**  
**UTAH COUNTY RECORDER**  
 2014 Feb 04 2:14 pm FEE 0.00 BY ED  
 RECORDED FOR TITLE WEST TITLE CO

I MOVE this ordinance be adopted: Council member Davis  
 I SECOND the foregoing motion: Council member Scoubes

## ORDINANCE No. 16-13

### ORDINANCE ABANDONING SEWER AND ELECTRIC EASEMENTS IN THE CANYON CREEK DEVELOPMENT

WHEREAS, Spanish Fork City owns easement rights for a sewer line and electric power line across property owned, respectively, by Tenedor, LLC and IHC Health Services, Inc, which easements are located in areas which make it difficult to develop the parcels; and

WHEREAS, Tenedor is proceeding with a commercial development project known as Canyon Creek, with future plans for retail establishments in the area and IHC Health Services has plans for a future hospital and related facilities, either of which will require the relocation of the sewer line and electric line ; and

WHEREAS, the commercial development is expected to create a substantial tax base for both

property taxes and sales tax and, together with the proposed hospital facility and related developments, a substantial employment base, which will provide a substantial benefit to the residents of the City; and

WHEREAS, the plans for the development of the area provide other routes for the sewer line and electric power line and both Tenedor and IHC Health Services have agreed to grant temporary easements until the new lines are installed and operable; 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; and

WHEREAS, a public hearing was held before the City Council on Tuesday, the 17th day of September, 2013, where public comment was received; and

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

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

I.

The property dedicated as a sewer easement as recorded in the office of the Utah County Recorder on the 7th day of June, 1995 as entry number 36051, Book 3694, Page 29 is hereby abandoned to Tenedor, LLC, the underlying owner of the property. The easement is more particularly described as follows:

A CONSTRUCTION EASEMENT FOR THE INSTALLATION OF A SEWER LINE 15 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE AND AN EASEMENT IN PERPETUITY FOR THE MAINTANENCE, REPAIR, AND REPLACEMENT OF SAID SEWER LINE 10 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

BEGINNING AT A POINT 890.86 FEET NORTH AND 22.09 FEET WEST OF THE EAST QUARTER CORNER OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 3 EAST,

SALT LAKE BASE AND MERIDIAN; THENCE N88°34'34"W 1512.22 FEET TO A POINT IN THE MIDDLE OF A ROADWAY.

II.

The property dedicated as an electric power line easement and quit claim deed as recorded in the office of the Utah County Recorder on the 18<sup>th</sup> day of May, 2000 as entry number 39341:2000 and on the 5th day of April, 1999 as entry number 39012:1999 are hereby abandoned to IHC Health Services, Inc., the underlying owner of the property. The mayor is authorized to grant a quit claim deed for the portion owned by Spanish Fork by quit claim deed. The easement and quit claim deed are more particularly described as follows:

BEGINNING AT A POINT WHICH IS LOCATED NORTH 2,677.56 FEET AND WEST 1556.71 FEET FROM THE EAST QUARTER CORNER OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN; THENCE S88°28'27"W 487.55 FEET; THENCE N08°48'15"W 25.21 FEET; THENCE N88°28'27"E 490.82 FEET; THENCE S01°20'32"E 25.00 FEET TO THE POINT OF BEGINNING.

BEGINNING AT A POINT WHICH IS LOCATED EAST 16.26 FEET AND NORTH 2734.46 FEET FROM THE EAST QUARTER CORNER OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN; THENCE S88°28'27"W 1507.88 FEET; THENCE N01°20'32"W 163.62 FEET; THENCE N56°00'00"E 11.88 FEET; THENCE S01°20'32"E 159.99 FEET; THENCE N88°28'27"E 1497.84 FEET; THENCE S01°31'33"E 10.00 FEET TO THE POINT OF BEGINNING.

III.

This ordinance is effective upon receipt of temporary easements and recordation with the Utah County Recorder.

ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 15th day of October, 2013.

*G. Wayne Andersen*  
G. WAYNE ANDERSEN, Mayor

Attest:

*Kent R. Clark*  
KENT R. CLARK, City Recorder

