

ORDINANCE NO. 1202

AN ORDINANCE VACATING A RIGHT-OF-WAY AND EASEMENT INTENDED FOR PEDESTRIAN PATHWAY AND FIRE ACCESS, PARCEL NO. 34-08-303-014 AT APPROXIMATELY 722 E DRAPER HEIGHTS WAY AND DECLARING A PORTION OF PROPERTY, PARCEL NO. 34-08-327-011, AT APPROXIMATELY 888 E TRAVERSE RIDGE RD, AS SURPLUS AND AUTHORIZING THE SALE OF THE SAME.

WHEREAS, the City has received a request vacating certain described real properties known as the Pedestrian and Fire Access Right-of-Way and Easement in the Draper Heights Subdivision be vacated; and

WHEREAS, the City Council has reviewed the request for the vacation and has found that there is not a current demand for the right-of-way or easement; and

WHEREAS, the proposed vacation set forth herein has been reviewed by the City Council, and all appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed public interest in the section of street; and

WHEREAS, Draper City owns 11.13 acres of property located south of the Lot 50, Draper Heights Subdivision, Draper, Utah; and

WHEREAS, the applicant desires to purchase approximately 1,240 square feet of property in order to improve their rear yard; and

WHEREAS, Draper City Municipal Code, Section 3-3-140 describes the procedures to be followed to surplus city-owned property; and

WHEREAS, the City has complied with Section 3-3-140 to properly authorize the sale of such property, including mailing notice to each owner of property owner within 300 feet and providing reasonable notice of the proposed disposition at least 14 days prior to the hearing; setting the matter for public comment; and receiving public comment; and

WHEREAS, Draper City desires to declare the 1,240 square feet of property as surplus and to authorize its sale to best serve the interests of City residents and produce a fair return.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH:

Section 1. Findings: The City Council finds that neither the public interest nor any person will be materially injured by the vacation and there is good cause for the vacation.

Section 2. Right-of-Way and Easement Vacation. Parcel No. 34-08-303-014 as shown on Exhibits A and B, no longer serves a public purpose and can be vacated as a public right of way and easement:

See EXHIBIT A

Section 3. Declaration of Surplus Property. The property shown on Exhibit C is no longer needed by the City for a public purpose and can be declared surplus and its sale is authorized.

See EXHIBITS B and C

Section 4. Authorization to Sign Real Estate Agreement. The mayor is hereby authorized to sign a Real Estate Purchase Agreement for said surplus property and sell it pursuant to the terms thereof.

Section 5. Severability Clause. If any part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all provisions, clauses and words of this Ordinance shall be severable.

Section 6. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or 30 days after final passage, whichever is closer to the date of final passage

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THIS 3rd DAY OF MAY, 2016.

ATTEST:

DRAPER CITY

By: 
Rachelle Conner, City Recorder

By: 
Mayor Troy K Walker



EXHIBIT A

Parcel No. 34-08-303-014

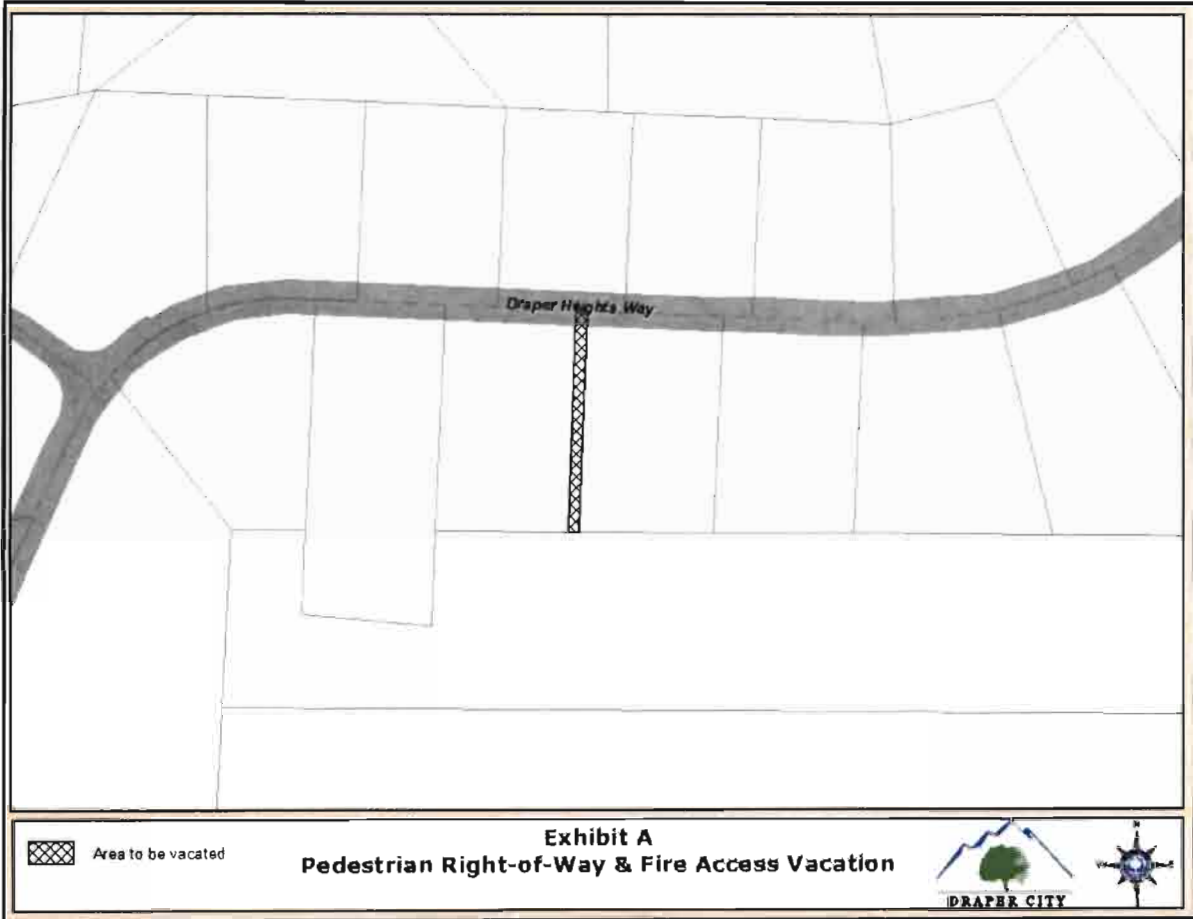


EXHIBIT B

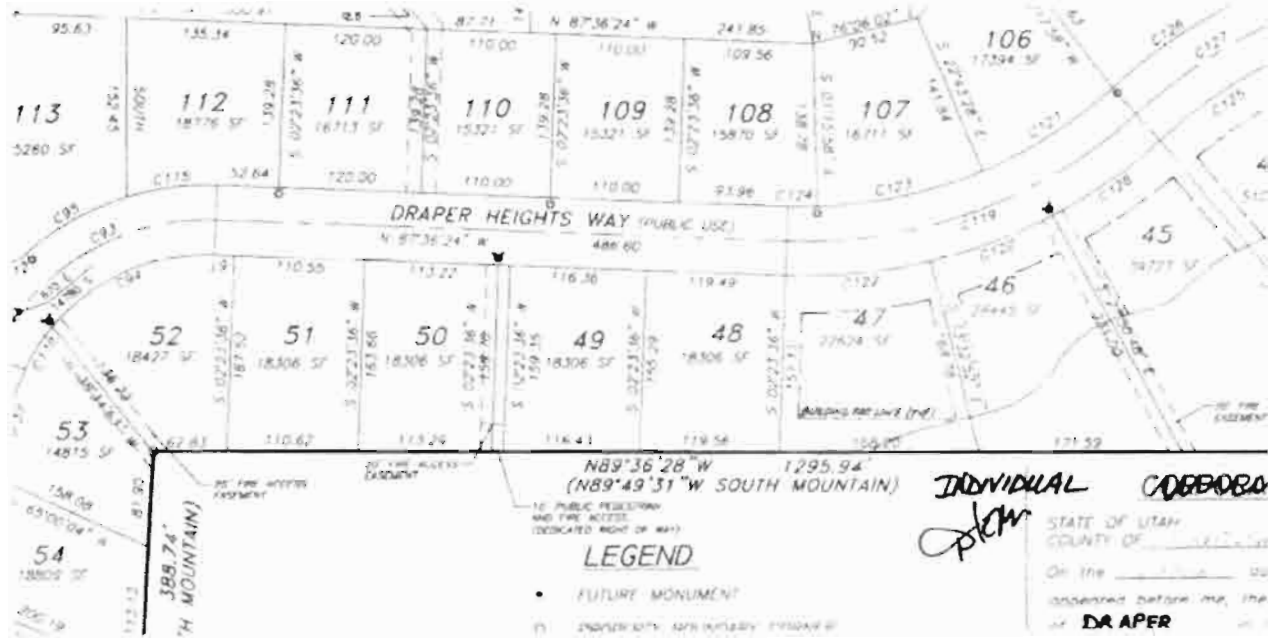


EXHIBIT C

Legal Description

Running from a point on the South Right-of-Way line of the Traverse Ridge Road Dedication plat, said point being 1247.98 feet East and 580.49 feet South from the East Quarter Corner of Section 7, Township 4 South, Range 1 East, Salt Lake Base and Meridian, said point also being the Northeast corner of Draper Heights Subdivision Plat as recorded as entry No. 6398860, Book: 96-7P, Page: 237 with Salt Lake County Recorder's Office, and running thence: S 01°52'17" W 738.90 feet along the east boundary line and N 89°36'28" W 999.21 feet along the South boundary line of said Draper Heights Subdivision to the Southeast corner of Lot 50, said point being THE POINT OF BEGINNING:

Thence S 02°23'36" W 10.00 feet: thence N 89°36'28" W 123.29 feet to a point parallel with and 10 feet perpendicular from the Southwest corner of Lot 50: thence N 02°23'36" E 10.00 feet to the Southwest corner of Lot 50; thence S 89°36'28" E 123.29 feet along the South line of Lot 50 to THE POINT OF BEGINNING.

1,232 Square Feet 0.028 Acres

EXHIBIT D



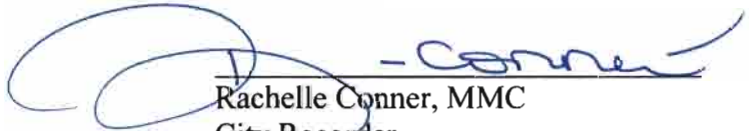
Affidavit of Posting

SALT LAKE/UTAH COUNTY, STATE OF UTAH

I, the City Recorder of Draper City, by my signature below, certify that copies of **Ordinance No. 1202** for the **City of Draper**, which **Passed and Adopted by the City Council of Draper City, State of Utah on the 3rd day of May, 2016**, was posted at the following places: Draper City Bulletin Board, Salt Lake County Library, Draper Crescent Senior Citizens Center, within the municipality.

Posted: May 5, 2016 through May 24, 2016

City Seal



Rachelle Conner, MMC
City Recorder
Draper City, State of Utah

