

WHEN RECORDED, MAIL TO:

Draper City Recorder
1020 E. Pioneer Rd.
Draper, UT 84020

ORDINANCE NO. 1409

AN ORDINANCE VACATING A 80'x40' DETENTION POND EASEMENT AND TRANSFER OF REMAINING FACILITIES ON PARCEL 34-06-403-001 LOCATED IN LOT 1 OF SOUTHAM ESTATES SUBDIVISION, SECTION 6, TOWNSHIP 4 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN

WHEREAS, the City has received a request by the property owner that an 80'x40' detention pond easement on Parcel 34-06-403-001 be vacated; and

WHEREAS, the City Council has reviewed the request for the easement vacation and has found there is not a current or future use, need, or demand for the easement; and

WHEREAS, the City completed the abandonment of detention pond facilities and the detention pond is no longer in use in the public storm drain system; and

WHEREAS, the proposed easement 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 the easement.

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. Easement Vacation. The following described portion of the Parcel 34-06-403-001 located in Lot 1 of Southam Estates Subdivision, Section 6, Township 4 South, Range 1 West, Salt Lake Base and Meridian, and as shown on the attached map, no longer serves a public purpose and can be vacated as a public easement:

See EXHIBIT A

Section 3. Abandonment of Facilities. The detention pond and its accompanying facilities have been abandoned in place. Responsibility of the remaining infrastructure shall solely lie with the property owner.

See EXHIBIT B

Section 4. 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.

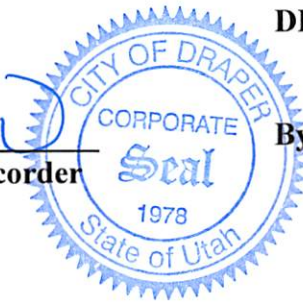
Section 5. Effective Date. This ordinance shall become effective immediately upon publication or posting, or the vacation is recorded with the Salt Lake County Recorder, whichever is closer to the date of final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THIS 10th DAY OF DECEMBER 2019.

ATTEST:

DRAPER CITY

By: *Laura Oscarson*
Laura Oscarson, City Recorder



By: *Troy K. Walker*
Mayor Troy K. Walker

VOTE TAKEN:

YES

NO

Councilmember Lowery

✓

Councilmember Green

✓

Councilmember Summerhays

✓

Councilmember Vawdrey

✓

Councilmember Weeks

Mayor Walker

EXHIBIT A
Legal Description

Detention Pond on Lot 1 of Southam Estates Subdivision
Draper, Utah

Beginning at the Northeast corner of Lot 1, Southam Estates Subdivision, said point being South 00°05'00" West 36.00 feet from the Northeast Corner of the Northwest Quarter of the Southeast Quarter of Section 6, Township 4 South, Range 1 East, Salt Lake Base and Meridian and running thence

South 00°05'00" West 40.00 feet;

Thence North 89°55'00" West 80.00 feet;

Thence North 00°05'00" East 40.00 feet to the south line of 13800 South Street;

Thence South 89°55'00" East, along said south line, 80.00 feet to the point of beginning.

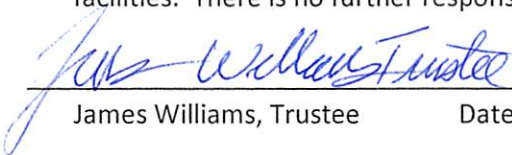

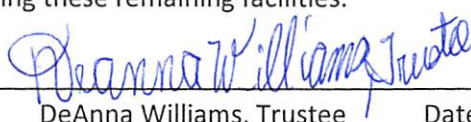
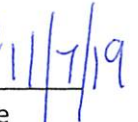
Contains an area of 3,200 sf.

EXHIBIT B
Property Owner Agreement

November 5, 2019

To Whom It May Concern,

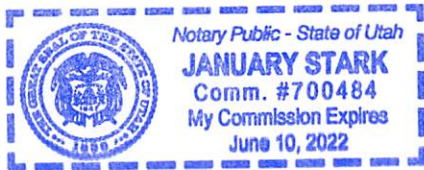
This serves as notice that the owners, James and DeAnna Williams, understand that the detention basin facilities are still in place (ie. storm drain pipes). The detention basin was "abandoned in place", leaving the old facilities there. The property owners accept full ownership and responsibility of the remaining facilities. There is no further responsibility for the city regarding these remaining facilities.

			
James Williams, Trustee	Date	DeAnna Williams, Trustee	Date

ACKNOWLEDGEMENT

State of Utah }
 ss:
County of Salt Lake }

On this 7th day of November, 2019, the foregoing instrument was acknowledged before me by James Williams and Deanna Williams, Trustees of the Williams family Trust dated August 30,2018.



January Stark

Notary Public