ORDINANCE NO. 2016-O-10

AN ORDINANCE REZONING APPROXIMATELY 1.61 ACRES OF PROPERTY LOCATED BETWEEN 263 EAST – 297 EAST FORT UNION BOULEVARD FROM SINGLE-FAMILY RESIDENTIAL WITH A DUPLEX OVERLAY AND 7200 SOUTH OVERLAY (SF1/DO & 7200 SO) TO MIXED-USE WITH A 7200 SOUTH OVERLAY (MU/7200 SO); ALSO PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, pursuant to Sections 10-9a-501 through 10-9a-503 Utah Code, the City has authority to make and amend a zoning plan which divides the City into zoning districts and within those districts to regulate the erection, construction, reconstruction, alteration, and uses of buildings and structures and the uses of land; and

WHEREAS, a request has been made for a change of zoning on the property described in Exhibit A; and

WHEREAS, the Planning Commission held a public hearing on July 13, 2016, which meeting was preceded by notice of publication in the Salt Lake Tribune and Deseret News, on June 29, 2016, to review the request for rezone; and

WHEREAS, the Planning Commission held a public meeting on July 13, 2016 to review the requested information and written public comments, and, after considering all of the information received, made a recommendation thereon to the City Council; and

WHEREAS, the City Council of Midvale City, Utah held a public hearing on August 23, 2016, which meeting was preceded by notice by publication in the Salt Lake Tribune and Deseret News, on August 9, 2016; and

WHEREAS, after taking into consideration citizen testimony, planning and demographic data, the desires of the owners of the property and the Planning Commission’s recommendation as part of its deliberations, the City Council determined the rezoning of said property is appropriate, is consistent with the Midvale City General Plan, promotes the health and general welfare of the City, is compatible with the surrounding neighborhood, and fulfills the needs of the City as a whole.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Midvale City, Utah as follows:

Section 1. The zoning ordinance which sets forth the zone districts within Midvale City which portion of the said zoning ordinance is established by a zoning map, is hereby amended as follows:
The properties (Parcel No's. 22-30-128-035; 22-30-128-037; 22-30-128-038; and 22-30-128-039) described in Exhibit A attached hereto and by this reference made a part hereof, which properties are located between 263 East – 297 East Fort Union Boulevard, Midvale, Utah, and is currently zoned Single-Family Residential/Duplex Overlay and 7200 South Overlay (SF1/DO & 7200 SO) shall be zoned Mixed-Use/7200 South Overlay (MU/7200 SO).

ZONING PRIOR TO EFFECTIVE DATE OF THIS ORDINANCE:

Single-Family Residential/Duplex Overlay & 7200 South Overlay (SF1/DO & 7200 SO)

ZONING AFTER EFFECTIVE DATE OF THIS ORDINANCE:

Mixed-Use/7200 South Overlay (MU/7200 SO)

Section 2. If any part of this ordinance or the applications thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. This ordinance shall be effective upon publication of a summary thereof.

PASSED AND APPROVED this 23rd day of August, 2016.

[Signature]
JoAnn B. Sehini, Mayor

ATTEST:

[Signature]
Rori Andreasen, MMC
City Recorder

Date of first publication: 9-25-16
<table>
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<th>Voting by City Council</th>
<th>&quot;Aye&quot;</th>
<th>&quot;Nay&quot;</th>
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<tr>
<td>Stephen Brown</td>
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<td>Wayne Sharp</td>
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REZONE APPROXIMATELY 1.61 ACRES OF PROPERTY LOCATED BETWEEN 263 EAST – 297 EAST FORT UNION BOULEVARD FROM SINGLE-FAMILY RESIDENTIAL WITH A DUPLEX OVERLAY AND 7200 SOUTH OVERLAY (SF1/D0 & 7200 SO) TO MIXED-USE WITH A 7200 SOUTH OVERLAY (MU/7200 SO):

Legal Descriptions

Parcel #22-30-128-035
BEGINNING AT A POINT IN THE CENTER LINE OF 7200 SOUTH STREET, SAID POINT BEING 216.15 FEET NORTH 89°39' WEST AND 1220.03 FEET SOUTH FROM THE NORTH QUARTER CORNER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE MERIDIAN; AND RUNNING THENCE NORTH 89°2'16" WEST 167.0 FEET; THENCE NORTH 160 FEET; THENCE EAST 167.0 FEET; THENCE SOUTH 160.87 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING: BEGINNING AT A POINT IN THE CENTER LINE OF 7200 SOUTH STREET, SAID POINT BEING 216.15 FEET (BY DEED BUT 216.60 FEET BY MEASUREMENT) NORTH 89°39'00" WEST AND 1220.03 FEET (BY DEED BUT 1220.07 FEET BY MEASUREMENT) SOUTH FROM THE NORTH QUARTER CORNER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE NORTH 89°42'16" WEST 167.00 FEET; THENCE NORTH 49.00 FEET; THENCE SOUTH 77°29'16" EAST 23.63 FEET; THENCE SOUTH 89°42'16" EAST 143.93 FEET; THENCE SOUTH 44.00 FEET TO THE POINT OF BEGINNING.

Parcel #22-30-128-037
BEGINNING South 120 feet and West 155.15 feet from the northeast corner of the northwest quarter of Section 30, Township 2 South, Range 1 East, Salt Lake Meridian; thence West 61 feet; thence North 302.5 feet; thence East 61 feet; thence South 302.5 feet to the point of beginning.

Parcel #22-30-128-038
COMMENCING 155.15 FEET WEST AND 907.5 FEET SOUTH FROM THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE EAST 61 FEET; THENCE SOUTH 346.5 FEET; THENCE WEST 61 FEET; THENCE NORTH 346.5 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM THE PROPERTY CONVEYED BY WARRANTY DEED TO SALT LAKE COUNTY, RECORDED FEBRUARY 11, 1998, AS ENTRY No 6861521 IN BOOK 7877 AT PAGE 2855 IN THE SALT LAKE COUNTY RECORDER'S OFFICE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT A POINT IN THE CENTER OF 7200 SOUTH STREET, SAID POINT BEING 155.15 FEET (BY DEED BUT 155.60 FEET BY MEASUREMENT) WEST (HIGHWAY BEARING NORTH 89 DEG. 39'00" WEST) AND 907.5 FEET (BY DEED BUT 907.13 FEET BY MEASUREMENT) SOUTH AND 61.00 FEET EAST AND 346.5 FEET (BY DEED BUT 315.20 FEET BY MEASUREMENT) SOUTH FROM THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE WEST (HIGHWAY BEARING NORTH 89 DEG. 42'16" WEST) 61.00 FEET; THENCE NORTH 44.00 FEET; THENCE SOUTH 89 DEG. 42'16" EAST 61.00 FEET; THENCE SOUTH 44.00 FEET TO THE POINT OF BEGINNING.
Parcel #22-30-128-039
A parcel of land for highway purposes, known as Project No. CR-204 (2)
being the entire tract of property located in the Northeast Quarter of
Northwest Quarter of Section 30, Township 2 South, Range 1 East, Salt
Lake Base and Meridian. The boundaries of said entire tract are described
as follows:

COMMENCING at a point 94.15 feet West and 907.5 feet South of the
Northwest corner of the Northeast Quarter of Section 30, Township 2
South, Range 1 East, Salt Lake Base and Meridian; and running thence East
86.4 feet; thence South 346.5 feet, acre or less; thence West 86.4 feet;
thence North 346.5 feet, acre or less, to the point of BEGINNING.

The above-described parcel contains 29,937.6 square feet or 0.687 acre,
acre or less, of which 0.2919 acre is now occupied by the existing highway.