ORDINANCE NO. 2015-O-07

AN ORDINANCE VACATING APPROXIMATELY 0.084 ACRES OF PROPERTY WITHIN THE 6960 SOUTH PUBLIC RIGHT-OF-WAY ALONG THE PROPERTY FRONTAGE OF 635 WEST 6960 SOUTH AND 665 WEST 6960 SOUTH AND DECLARING SAID PROPERTY SURPLUS

WHEREAS, pursuant to Section 10-9a-609.5 Utah State Code, the City has authority to vacate portions of public right-of-way; and

WHEREAS, pursuant to Chapter 12.16.050 of the Midvale Municipal Code, the City has authority to declare property surplus for disposition of said property; and

WHEREAS, Midvale City received a request to vacate a twelve foot by three hundred and five foot portion of the 6960 South public right-of-way adjacent to the property frontages at 635 West 6960 South and 665 West 6960 South; and

WHEREAS, the Planning Commission held a public hearing on August 26, 2015 to review said request, with such meeting being preceded by notice through publication in the Salt Lake Tribune and Deseret News on August 12, 2015, and the Planning Commission forwarded a recommendation on such to the City Council; and

WHEREAS, the City Council held a public hearing on September 15, 2015, which meeting was preceded by notice through publication in the Salt Lake Tribune and Deseret News on September 1, 2015; and

WHEREAS, this Ordinance is based upon a motion of the Midvale City Council, on September 15, 2015, to vacate a portion of said right-of-way and declare said piece of property surplus for future disposition; and

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

Section 1. The following described portion of property is hereby vacated and declared surplus property:

The property described in Exhibit A attached hereto and by this reference made a part hereof, which property is located at approximately 635 West 6960 South and 665 West 6960 South, Midvale, Utah.

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 15th day of September, 2015.

JoAnn B. Seghini, Mayor

ATTEST:

Rori Andreasen, MMC
City Recorder

Date of first publication: Sept. 20, 2015

Voting by City Council

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<tr>
<th>Stephen Brown</th>
<th>“Aye”</th>
<th>“Nay”</th>
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<td>Paul Glover</td>
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<td>Paul Hunt</td>
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<td>Wayne Sharp</td>
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<td>Quinn Sperry</td>
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ATTACHMENT A

6960 SOUTH PUBLIC RIGHT-OF-WAY VACATION DESCRIPTION

BEGINNING at a point on the South line of a County road (said South line being more particularly described in that certain Warranty Deed recorded March 11, 1969 as Entry No. 2279932, in Book 2736, at Page 439 of the Official Records), said point being North 0°20'37" East 220.00 feet, more or less, and South 89°39'23" East 305.00 feet from the Southwest corner of Section 24, Township 2 South, Range 1 West, Salt Lake Base and Meridian (said point of beginning also being the Northeast corner of property described in that certain Warranty Deed recorded April 30, 1979 as Entry No. 3271005, in Book 4852, at Page 1004 of the 150.40 feet) and running;

thence North 0°20'37" East 11.99 feet;

thence South 89°38'51" East 188.34 feet to a point of curvature with a 12.00 foot radius curve to the right;

thence 18.80 feet along said 12.00 foot radius curve to the right through a central angle of 89°44'45", (Chord bears South 44°46'28" East 15.93 feet) to the North line of Parcel A, 72nd Commerce Park Subdivision;

thence North 89°39'45" West 180.34 feet along the north line of said Parcel A, to and along the north line of parcel number 21-24-352-003 to the Point of Beginning.
HBB Properties LLC
5263 S Commerce Drive #204
Murray, UT 84107

David W Major
665 W 6960 S
Midvale, UT 84047

July 6, 2015

Midvale City
7505 Holden Street
Midvale, UT 84047

RE: Request to Vacate Property
Parcel 21-24-352-003 and 21-24-352-002

To Whom It May Concern:

HBB Properties LLC has recently purchased the property at 635 W 6960 S (Parcel 21-24-352-003) and is constructing a new building which is prompting our request for Midvale City to vacate the frontage section of property at the location and deem it surplus property available for purchase from Midvale City by HBB Properties LLC. The legal description of said property is attached Exhibit A.

David W Major owns the property at 665 W 6960 S (Parcel 21-24-352-002), which is adjacent to the parcel listed in the paragraph above, and would also like to request for Midvale City to vacate the frontage section of this property and deem it surplus property available for purchase from Midvale City by David W Major. The legal description of said property is attached Exhibit B.

Our request is that Midvale City allows HBB Properties LLC to purchase the property based on a market value of Nine Dollars and Ninety Cents per square foot ($9.90 sq ft) for Two Thousand One Hundred Twenty Seven square feet (2,127 sq ft) of property for a total market value price of Twenty One Thousand Fifty Seven Dollars ($21,057.00), less a discount of Eighty Five percent (85%) or Seventeen Thousand Eight Hundred Ninety Nine Dollars ($17,899.00) for depreciated use of the land. This would make the total purchase request price of this property Three Thousand One Hundred Fifty Eight Dollars ($3,158.00).

Our request is that Midvale City allows David W Major to purchase the property based on a market value of Nine Dollars and Ninety Cents per square foot ($9.90 sq ft) for One Thousand Three Hundred Fifty Two square feet (1,352 sq ft) of property for a total market value price of Thirteen Thousand Three Hundred Eighty Five Dollars ($13,385.00), less a discount of Eighty Five percent (85%) or Eleven Thousand Three Hundred Seventy Seven Dollars ($11,377.00) for depreciated use of the land. This would make the total purchase request price of this property Two Thousand Eight Dollars ($2,008.00). Against this purchase price, we will make curb, gutter and sidewalk improvements of Fifty Four Dollars...
and Twenty Three Cents per square foot ($54.23 sq ft) for a total road improvement cost of Seven Thousand Fifty Dollars ($7,050.00). As such improvements are in excess of the value of the property our total purchase request price of this property is Zero Dollars ($0.00).

If you have any questions or to further discuss this request further please contact me at (801) 694-2723.

Sincerely,

Kurt Brooks  
HBB Properties LLC  
Manager

David W Major  
Owner

State of UTAH

County of SALT LAKE

On this 23 day of July 2015, before me, the undersigned, a Notary Public in and for the State of Utah appeared before me, Kurt Brooks, known or identified to me to be the person whose name appears on the attached documents.

IN WITNESS WHEREOF, I have hereunto set my official hand and seal the day and year first written above.

Notary Public

Brande Hall

My Commission Expires 02-20-2018
State of UTAH

County of SALT LAKE

On this 23rd day of July 2015, before me, the undersigned, a Notary Public in and for the
State of Utah appeared before me, David W Major, known or identified to me to be
the person whose name appears on the attached documents.

IN WITNESS WHEREOF, I have hereunto set my official hand and seal the day and year first written
above.

Notary Public

My Commission Expires 09-20-2018
Proposed ROW Vacation Description

BEGINNING at a point on the South line of a County road (said South line being more particularly described in that certain Warranty Deed recorded March 11, 1969 as Entry No. 2279932, in Book 2736, at Page 439 of the Official Records), said point being North 0°20'37" East 220.00 feet, more or less, and South 89°39'23" East 172.50 feet from the Southwest corner of Section 24, Township 2 South, Range 1 West, Salt Lake Base and Meridian (said point of beginning also being the Northwest corner of property described in that certain Quit Claim Deed recorded June 14, 2010 as Entry No. 10989915, in Book 9840, at Page 5183) and running;

thence North 73°22'30" East 38.91 feet to a point of curvature with a 15.00 foot radius curve to the right;

thence 4.44 feet along said 15.00 foot radius curve to the right through a central angle of 16°58'39", (Chord bears North 81°51'49" East 4.43 feet);

thence South 89°38'51" East 90.91 feet;

thence South 0°20'37" West 11.99 feet to the Northeast Corner of Parcel 21-24-352-002 as described in said Quit Claim Deed;

thence North 89°39'23" West 132.50 feet along the north line of said parcel 21-24-352-002 to the point of beginning;

Contains 1352 sq. ft. or 0.031 acres.
Proposed ROW Vacation Description

BEGINNING at a point on the South line of a County road (said South line being more particularly described in that certain Warranty Deed recorded March 11, 1969 as Entry No. 2279932, in Book 2736, at Page 439 of the Official Records), said point being North 0°20'37" East 220.00 feet, more or less, and South 89°39'23" East 305.00 feet from the Southwest corner of Section 24, Township 2 South, Range 1 West, Salt Lake Base and Meridian (said point of beginning also being the Northeast corner of property described in that certain Warranty Deed recorded April 30, 1979 as Entry No. 3271005, in Book 4852, at Page 1004 of the 150.40 feet; thence North 0°20'37" East 12.24 feet; thence South 89°39'50" East 169.01 feet to a point of curvature with a 12.24 foot radius curve to the right; thence 19.24 feet along said 24.24 foot radius curve to the right through a central angle of 90°04'08", (Chord bears South 44°38'48" East 17.32 feet) to the North line of Parcel A, 72nd Commerce Park Subdivision; thence North 89°39'45" West 180.34 feet along the north line of said Parcel A, to and along the north line of parcel number 21-24-352-003 to the Point of Beginning.