ORDINANCE NO. 2019-O-01

AN ORDINANCE REZONING APPROXIMATELY 3.4 ACRES OF
PROPERTY LOCATED AT APPROXIMATELY 7205 SOUTH 900 EAST
FROM REGIONAL COMMERCIAL (RC) TO REGIONAL
COMMERCIAL WITH RESIDENTIAL OVERLAY (RCRO); 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 November 14, 2018,
which meeting was preceded by notice of publication in the Salt Lake Tribune and Deseret
News, on October 31, 2018, to review the request for rezone, and, after considering all of the
information received, made a recommendation to approve the rezone request thereon to the City
Council; and

WHEREAS, the City Council of Midvale City, Utah held a public hearing on December
4, 2018, which meeting was preceded by notice by publication in the Salt Lake Tribune and
Deseret News, on November 20, 2018; 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. 22-29-130-007; 22-29-130-008; 22-29-130-009; 22-29-130-
011; 22-29-130-013; 22-29-130-017; and 22-29-130-019) described in Exhibit A attached hereto
and by this reference made a part hereof, which properties are located at approximately 7205 South 900 East, Midvale, Utah, and are currently zoned Regional Commercial (RC), shall be zoned Regional Commercial with Residential Overlay (RCRO).

ZONING PRIOR TO EFFECTIVE DATE OF THIS ORDINANCE:

Regional Commercial (RC)

ZONING AFTER EFFECTIVE DATE OF THIS ORDINANCE:

Regional Commercial with Residential Overlay (RCRO)

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 22nd day of January, 2019

[Signature]
Robert Hale, Mayor

Voting by City Council

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<thead>
<tr>
<th>Name</th>
<th>&quot;Aye&quot;</th>
<th>&quot;Nay&quot;</th>
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<tbody>
<tr>
<td>Quinn Sperry</td>
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<td>Paul Glover</td>
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<td>Paul Hunt</td>
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<tr>
<td>Bryant Brown</td>
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<td>Dustin Gettel</td>
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Date of first publication: 3.27.19

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“EXHIBIT A”
(Ordinance No. 2019-O-01)

REZONE APPROXIMATELY 3.4 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 7205 SOUTH 900 EAST FROM REGIONAL COMMERCIAL (RC) TO REGIONAL COMMERCIAL WITH RESIDENTIAL OVERLAY (RCRO):

Legal Descriptions:

Parcel 1: (22-29-130-007 / 7205 South 900 East / 0.24 ac.)

COMMENCING 27.4 RODS EAST AND 73.4 RODS SOUTH FROM THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH 16 RODS; THENCE SOUTH 66° EAST 3 RODS; THENCE NORTH 1° EAST TO A POINT DUE EAST OF BEGINNING; THENCE WEST TO BEGINNING.

LESS AND EXCEPTING THAT PORTION LYING WITHIN SOUTH UNION AVENUE.

Parcel 2: (22-29-130-008 / 7205 South 900 East / 0.28 ac.)

COMMENCING 27.4 RODS EAST AND 89.4 RODS SOUTH AND SOUTH 66° EAST 3 RODS FROM THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 66° EAST 45.64 FEET, MORE OR LESS; THENCE NORTH 16.2 RODS; THENCE WEST 31.6 FEET, MORE OR LESS TO A POINT DUE NORTH FROM BEGINNING, THENCE SOUTH 1° WEST TO BEGINNING.

LESS AND EXCEPTING THAT PORTION WHICH LIES WITHIN SOUTH UNION AVENUE.

Parcel 3: (22-29-130-009 / 913 East South Union Avenue / 0.21 ac.)

BEGINNING AT A POINT ON THE NORTH LINE OF SOUTH UNION AVE. WHICH IS SOUTH 1502.38 FEET AND WEST 745.19 FEET FROM THE NORTH QUARTER CORNER OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN. SAID POINT BEING ALSO SOUTH 66°14'47" EAST 224.84 FEET AND NORTH 6°30'39" EAST 34.55 FEET FROM THE MONUMENT IN THE INTERSECTION OF NINTH EAST STREET AND SOUTH
UNION AVE., AND RUNNING THENCE NORTH 66°14'47" WEST 45.86 FEET ALONG SAID NORTH LINE OF SOUTH UNION AVE. TO THE WEST DEED LINE OF THE SCHINDLER PROPERTY AS DESCRIBED IN THAT CERTAIN QUIT CLAIM DEED RECORDED MARCH 14, 1980 AS ENTRY NO. 3410957 IN BOOK 5067 AT PAGE 65 OF OFFICIAL RECORDS; THENCE NORTH 1°00' EAST 170.59 FEET TO AN OLD WIRE FENCE LINE; THENCE SOUTH 81°00' EAST 60.24 FEET TO A 6 FOOT CHAIN LINK FENCE; THENCE SOUTH 6°30'39" WEST 180.79 FEET ALONG SAID FENCE LINE TO THE POINT OF BEGINNING.

Parcel 4: (22-29-130-011 / 935 East South Union Avenue / 0.33 ac.)

BEGINNING AT A POINT SOUTH 55°18' EAST 2562.4 FEET FROM THE NORTHWEST CORNER OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 42°32' WEST 125.4 FEET; THENCE NORTH 72°16' WEST 98.6 FEET; THENCE NORTH 11° EAST 115.5 FEET; THENCE SOUTH 73° EAST 150.2 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM THAT PORTION CONVEYED TO SALT LAKE COUNTY A BODY POLITIC AND CORPORATE BE THAT CERTAIN WARRANTY DEED RECORDED FEBRUARY 28, 1984 AS ENTRY NO. 3909828 IN BOOK 5534 AT PAGE 1679 OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE PROPOSED NORTHERLY RIGHT-OF-WAY LINE OF SOUTH UNION AVENUE, SAID POINT BEING SOUTH 42°32' WEST 119.0 FEET FROM AN OLD ESTABLISHED FENCE CORNER WHICH FENCE CORNER IS SOUTH 1464.77 FEET AND WEST 524.00 FEET FROM THE NORTH QUARTER CORNER OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 42°32' WEST 6.40 FEET; THENCE NORTH 72°16' WEST 80.58 FEET; THENCE NORTH 9°50'54" EAST 10.81 FEET TO SAID PROPOSED NORTHERLY RIGHT-OF-WAY LINE OF SOUTH UNION AVENUE; THENCE SOUTH 66°14'47" EAST ALONG SAID PROPOSED NORTHERLY LINE 24.59 FEET; THENCE SOUTH 70°03'40" EAST ALONG SAID PROPOSED NORTHERLY LINE 60.34 FEET TO THE POINT OF BEGINNING.

Parcel 5: (22-29-130-013 / 942 East North Union Avenue / 0.83 ac.)

BEGINNING AT A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF NORTH UNION AVENUE, SAID POINT BEGIN SOUTH 1156.45 FEET AND WEST 510.59 FEET FROM THE NORTH QUARTER CORNER OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 18°00'46" WEST 133.00 FEET; THENCE NORTH 71°59'14" WEST 87.50 FEET; THENCE SOUTH 09°50'54" WEST 122.62 FEET;
THENCE NORTH 80°09'06" WEST 74.57 FEET; THENCE NORTH 6°30'39" EAST 55.02 FEET; THENCE NORTH 81°50' WEST 17.61 FEET, MORE OR LESS, TO THE WEST LINE OF GRANTOR'S PROPERTY, BEING THE EAST LINE OF DINKELMAN PROPERTY; THENCE NORTH 11°48' EAST ALONG COMMON BOUNDARY OF GRANTOR'S AND DINKELMAN PROPERTY 215.48 FEET TO THE SOUTHIER RIGHT OF WAY LINE OF SAID NORTH UNION AVENUE; THENCE SOUTH 71°59'14" EAST ALONG SAID LINE 198.99 FEET TO THE POINT OF BEGINNING.

Parcel 6: (22-29-130-017 / 954 East North Union Avenue / 0.70 ac.)

BEGINNING AT A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF NORTH UNION AVENUE, SAID POINT BEING SOUTH 1156.45 FEET AND WEST 510.59 FEET FROM THE NORTH QUARTER CORNER OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 71°59'14" EAST ALONG SAID RIGHT OF WAY LINE 190.81 FEET TO A POINT ON A 550.96 FOOT RADIUS CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS NORTH 64°46'30" WEST FROM SAID POINT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 166.44 FEET TO A POINT OF TANGENCY; THENCE SOUTH 42°32' EAST 84.90 FEET; THENCE NORTH 71°59'14" WEST 75.13 FEET; THENCE NORTH 18°00'46" EAST 133.00 FEET TO THE POINT OF BEGINNING.

Parcel 7: (22-29-130-019 / 948 East North Union Avenue / 0.79 ac.)

BEGINNING AT A POINT PERPENDICULAR TO AND 40.00 FEET NORTHERLY FROM THE CENTERLINE OF SOUTH UNION AVENUE, SAID POINT ALSO BEING SOUTH 1521.98 FEET AND WEST 683.68 FEET FROM THE NORTH QUARTER CORNER OF SAID SECTION 29, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 66°14'47" WEST PARALLEL TO THE NORTHERLY RIGHT OF WY LINE OF SAID SOUTH UNION AVENUE 66.31 FEET; THENCE NORTH 06°30'39" EAST ALONG A FENCE LINE 312.19 FEET; THENCE SOUTH 71°59'14" EAST 162.63 FEET; THENCE SOUTH 42°32' WEST 84.90 FEET; THENCE SOUTH 47°28' EAST 75.00 FEET; THENCE SOUTH 42°32' WEST 61.53 FEET; THENCE NORTH 72°19'55" WEST ALONG A FENCE LINE 148.92 FEET; THENCE SOUTH 09°50'54" WEST ALONG A FENCE LINE 103.94 FEET TO THE POINT OF BEGINNING.