

ORDINANCE NO. 21-18

AN ORDINANCE PROVIDING FOR A VACATION OF STREETS LOCATED AT APPROXIMATELY 270 SOUTH BETWEEN 300 EAST AND 350 EAST, AND 350 EAST FROM 270 SOUTH TO 240 SOUTH IN FILLMORE, UTAH 84631, AND MORE PARTICULARLY DESCRIBED HEREIN.

The City Council of the City of Fillmore, Utah, (referred to herein as the "City Council"), recites the following as the basis for enacting this ordinance:

RECITALS

A. The City Council has received a petition to vacate the streets, located at approximately 270 South Between 300 East and 350 East, and 350 East from 270 South to 240 South in Fillmore, Utah 84631, and more particularly described as follows:

BEGINNING AT A POINT WHICH IS SOUTH 00°35'34" WEST 331.70 FEET ALONG THE WEST SECTION LINE OF SECTION 28, TOWNSHIP 21 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, AND SOUTH 89°24'26" EAST 50.18 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 28, SAID POINT BEING AT AN EXISTING FENCE INTERSECTION; THENCE SOUTH 89°30'00" EAST 42.05 FEET ALONG AN EXISTING FENCE LINE; THENCE SOUTH 00°14'12" WEST 168.20 FEET; THENCE SOUTH 89°45'48" EAST 263.00 FEET; THENCE NORTH 00°14'13" EAST 164.50 FEET; THENCE SOUTH 89°29'26" EAST 40.09 FEET; THENCE SOUTH 00°40'16" WEST 207.48 FEET; THENCE NORTH 89°45'48" WEST 343.09 FEET; THENCE NORTH 00°06'30" EAST 211.56 FEET TO THE POINT OF BEGINNING [CONTAINING 0.651 ACRES].

B. On April 27, 2021, the Fillmore City Planning Commission considered the vacation and recommended that the Fillmore City Council approve the vacation of the proposed streets.

C. A public hearing was held by the Fillmore City Council at 6:45 p.m. on May 18, 2021, at the Fillmore City Council Chambers located at 75 West Center Street, Fillmore, Utah 84631, pursuant to notice and state law, for the purpose of receiving public comment for or against vacating said streets.

D. After receiving public comment at said public hearing, the Fillmore City Council continued the matter to consider matters raised therein, including the origin of such streets.

E. The records of the Millard County Recorder indicate the existence of a street at the location described in Recital "A" (hereinafter referred to as "Property"), however, the Fillmore City Council has determined that the origin of such streets is uncertain and is not aware of an

existing, recorded document regarding such Property as a street.

F. After having considered the matter, the Fillmore City Council has determined that if such Property is classified as streets, the City did not have knowledge of such streets, has not used such Property as public streets, and does not intend to utilize such Property as city streets.

G. Therefore, regarding the Property for which vacation has been requested, the Fillmore City Council has determined there is good cause for vacating said streets as requested and neither the public interest nor any person will be materially injured by the vacation.

H. The Fillmore City Council has further determined this vacation will be in the best interest of the residents of the City of Fillmore, and that such vacation should be made.

I. The City Council is empowered under Utah Code Annotated sections 10-8-8 and 10-9a-609.5, to adopt ordinances providing for vacation of streets within the City of Fillmore, Utah, upon receipt of a petition and the holding of a public hearing.

J. The City Council is further empowered by the Fillmore City Municipal Ordinance Section 10-18-8 to vacate said property.

K. However, because the City Council does not know the origin of such Property, the City Council expressly does not authorize the execution of the conveyance of any part of the property that could be reasonably claimed by more than one property owner to any specific property owner and interested property owners must determine the ownership of disputed property between themselves and a court of law, if necessary.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Fillmore, Utah:

Section 1. Street Vacation. The streets located at approximately 270 South Between 300 East and 350 East, and 350 East from 270 South to 240 South in Fillmore, Utah 84631, and as described more particularly below is hereby vacated as a Fillmore City street. The vacated street is described as follows:

BEGINNING AT A POINT WHICH IS SOUTH 00°35'34" WEST 331.70 FEET ALONG THE WEST SECTION LINE OF SECTION 28, TOWNSHIP 21 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, AND SOUTH 89°24'26" EAST 50.18 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 28, SAID POINT BEING AT AN EXISTING FENCE INTERSECTION; THENCE SOUTH 89°30'00" EAST 42.05 FEET ALONG AN EXISTING FENCE LINE; THENCE SOUTH 00°14'12" WEST 168.20 FEET; THENCE SOUTH 89°45'48" EAST 263.00 FEET; THENCE NORTH 00°14'13" EAST 164.50 FEET; THENCE SOUTH 89°29'26" EAST 40.09 FEET; THENCE SOUTH 00°40'16" WEST 207.48 FEET; THENCE NORTH 89°45'48" WEST 343.09

FEET; THENCE NORTH 00°06'30" EAST 211.56 FEET TO THE POINT OF BEGINNING [CONTAINING 0.651 ACRES].

Section 2. Effect of Street Vacation. This ordinance shall not result in an abandonment or vacation of any easements for drainage, sewer, water lines or other easements maintained by the City of Fillmore which may be presently located within the described streets.

Section 3. No Authorization to Execute Certain Deeds Until Property Ownership is Established. Due to the unknown origin of such streets, to the extent the City can, the City does not authorize the conveyance of portions of the following property until ownership is sufficiently established by and through legal means between interested persons:

BEGINNING AT A POINT WHICH IS SOUTH 00°35'34" WEST 331.70 FEET ALONG THE WEST SECTION LINE OF SECTION 28, TOWNSHIP 21 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, AND SOUTH 89°24'26" EAST 50.18 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 28, SAID POINT BEING AT AN EXISTING FENCE INTERSECTION; THENCE SOUTH 89°30'00" EAST 21.025 FEET ALONG AN EXISTING FENCE LINE, MORE OR LESS; THENCE SOUTH 00°14'12" WEST 211.56 FEET, MORE OR LESS; THENCE NORTH 89°45'48" WEST 21.025 FEET, MORE OR LESS; THENCE NORTH 0°06'30" EAST 211.56 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

Section 4. Effective Date. This ordinance shall become effective upon publication.

Section 6. Publication. This ordinance or a summary thereof is ordered published on the Utah Public Notice Website pursuant to Utah Code Annotated § 10-3-711.

Section 7. Severability. In the event that any provision of this ordinance less than the entire ordinance is held invalid by a court of competent jurisdiction, this ordinance shall be deemed severable, and such finding of invalidity shall not affect the remaining portions of this ordinance.

Section 8. Conflicting Ordinances. To the extent that any ordinances, resolutions or policies of the City of Fillmore conflict with the provisions of this ordinance, they are hereby amended to be in accordance with the provisions hereof.

Section 9. Adoption of Recitals. The Recitals set forth above are hereby adopted and incorporated into this ordinance by reference.

PASSED AND ADOPTED this _____ day of _____, 2021.

ATTEST:

Michael D. Holt, Mayor

Kevin W. Orton, City Recorder

[seal]

VOTE:

Dennis W. Alldredge	___	Yea	___	Nay	___	Absent
Kami Dearden	___	Yea	___	Nay	___	Absent
Kyle Monroe	___	Yea	___	Nay	___	Absent
Eric R. Jenson	___	Yea	___	Nay	___	Absent
Michael Winget	___	Yea	___	Nay	___	Absent