

ORDINANCE No. 2023-03

AN ORDINANCE OF THE CHARLESTON TOWN COUNCIL VACATING A PORTION OF THE 3500 WEST PUBLIC RIGHT-OF-WAY.

WHEREAS, Charleston Town (Town) has recently received a petition from Doug Clements, Jay & Jolene Johnson, James & Jana Brown and Brett and Melissa Bulloch (**Petitioners**) requesting a portion of the 3500 West right-of-way (ROW) owned by the Town to be vacated and sold to the adjoining property owners; and

WHEREAS, the petition complies with all requirements of Utah Code Ann. § Title 10 Chapter 9a Part 6 Section 609.5; and

WHEREAS, the Charleston Town Council (Town Council), in accordance with Utah Code Ann. § Title 10, Chapter 9a, Part 6 Section 609.5, has held the required meetings to determine whether good cause exists for the vacation and that no person will be materially injured due to the vacation, as requested by the Petitioners; and

WHEREAS, Petitioners have notified public utilities regarding the requested vacation of ROW to determine if any utility infrastructure or easements exist that would be effected by the proposed vacation and have shown evidence that either no infrastructure or easements exist or that remedies have been taken to protect any easements or infrastructure that do exist;

WHEREAS, the Town Council finds that good cause exists for the vacation of the ROW and that neither the public interest nor any person will be materially injured by the vacation of the ROW covered by the petition.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF CHARLESTON TOWN, STATE OF UTAH, AS FOLLOWS:

SECTION 1. Vacation of a Portion of the 3500 West Public Right-of-Way. That the public right-of-way, particularly described in Exhibits "A" and "B" attached hereto, is hereby deemed vacated by Town of Charleston, County of Wasatch, State of Utah.

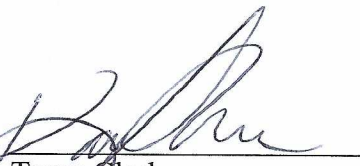
SECTION 2. Severability. If any section, part or provision of the Ordinance is found to be invalid or unenforceable, such invalidity or unenforceability shall not affect any other portions of the Ordinance, and all sections, parts and provisions of the Ordinance shall be severable.

SECTION 3. Effective Date. This Ordinance shall become effective immediately upon passage.

Signature Page Follows

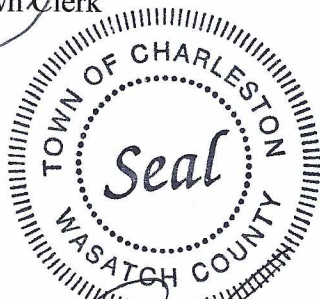
PASSED AND ADOPTED by the Town Council of Charleston Town, Utah, this 5th day of January, 2023 by the following vote:

	YES	NO	ABSENT	ABSTAIN
Council Member Darrell Nish	X			
Council Member Jim Brown				X
Council Member Scott Solum			X	
Council Member Marc Mair	X			
Mayor Brenda Christensen	X			

Attest: 
Town Clerk

By: 
Mayor

Seal:



Approved as to form:


Town Attorney

PASSED AND APPROVED this 5th day of January, 2023.

EXHIBIT "A"

Legal Description

3500 WEST RIGHT OF WAY

BEGINNING AT THE SOUTHEAST CORNER OF BLOCK 6 OF THE CHARLESTON TOWNSITE SURVEY, SAID POINT BEING LOCATED NORTH 528.00 FEET FROM THE MONUMENT IN THE INTERSECTION OF 3500 WEST STREET AND 3300 SOUTH STREET, TO THE INTERSECTION OF 3500 WEST STREET AND 3150 SOUTH STREET, AND WEST 49.50 AND NORTH 49.50. SAID POINT ALSO BEING LOCATED SOUTH 00°04'27" WEST ALONG THE SECTION LINE 505.08 FEET AND EAST 472.68 FEET FROM THE FOUND 1978 ASPEN MONUMENT MARKING THE WEST 1/4 CORNER OF SECTION 14, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 462.00 FEET ALONG THE EAST LINE OF BLOCK 6 TO THE SOUTH RIGHT-OF-WAY LINE OF 3000 SOUTH STREET; THENCE EAST 99.00 FEET TO THE WEST LINE OF BLOCK 15; THENCE SOUTH 462.00 FEET TO THE SOUTHWEST CORNER OF BLOCK 15 AND THE NORTH RIGHT-OF-WAY LINE OF 3150 SOUTH STREET; THENCE WEST 99.00 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF 3150 SOUTH STREET TO THE POINT OF BEGINNING.

AREA = 1.05 ACRES

