

**ORDINANCE 2009-13**

COLLEEN B PESHELL, Recorder  
Tooele County Corporation  
For: TOOELE COUNTY COMMISSION

**AN ORDINANCE VACATING THE SUBDIVISION KNOWN AS THE BURMESTER TOWN PLAT**

**WHEREAS**, the majority property owner, George H. Miller, of the Tooele County subdivision known as the Burmester Town Plat or Burmester Townsite has petitioned the Tooele County Commission to vacate the entire subdivision and townsite of Burmester, including all County streets, alleys, and roads platted therein; and

**WHEREAS**, a preceding vacation petitioned by Mr. Miller was approved December 3, 1991 by Resolution 91-16 vacating all roadways and the subdivision except for the existing property; and

**WHEREAS**, the public roads and alleys providing access to nine and one-half (9½) lots owned by individual property owners will not be vacated; and

**WHEREAS**, the Tooele County Planning Commission held a public hearing on the issue and recommends passage of this ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE BODY OF TOOELE COUNTY, UTAH AS FOLLOWS:**

**SECTION I - VACATION.** Having provided proper notice pursuant to Utah Code Annotated 72-3-108, a public hearing was conducted and finding good cause therefore, Tooele County hereby vacates the subdivision known as the Burmester Town Plat, more specifically:

THE REMAINDER PORTION OF THE SUBDIVISION KNOWN AS THE BURMESTER TOWNSITE, BURMESTER TOWN SURVEY, BURMESTER SURVEY OR BURMESTER TOWN PLAT, NOT PREVIOUSLY VACATED BY RESOLUTION NO. 91-16, ADOPTED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF TOOELE COUNTY, DECEMBER 3, 1991, FOUND AS ENTRY NO. 044697 IN BOOK 325 AT PAGES 205-207 IN THE OFFICE OF THE TOOELE COUNTY RECORDER:

Ord. 2009-13

All of that subdivision known as the Burmester Townsite, Burmester Town Survey, Burmester Survey or Burmester Town Plat, not previously vacated by Resolution 91-16, located in the North Half of Section 31, Township 1 South, Range 5 West, Salt Lake Base and Meridian, Tooele County, Utah.

**LESS AND EXCEPTING THEREFROM:**

All that portion of Avenue C bounded on the south by the northerly line of the Interstate 80 Frontage Road and bounded on the north by the southerly boundary of the Union Pacific Railroad Property;

All that portion of Center Avenue extending from the east line of Lot 9, Block 27 westerly to the west line of Lot 12, Block 28 and the west line of Lot 3, Block 45;

All that portion of the un-named alley extending westerly through the center of Block 28 from Avenue C to the west lines of Lots 6 and 9 of said Block 28;

All that portion of the un-named alley extending easterly through the center of Block 27 from Avenue C to the east lines of Lots 6 and 9 of said Block 27;

All that portion of 1st South Street extending westerly from Avenue C to the west line of Lot 9, Block 21 and the west line of Lot 6, Block 28;

All that portion of the un-named alley extending westerly through the center of Block 21 from Avenue C to the west lines of Lots 4 and 11 of said Block 21.

The County's interest in the vacated subdivision shall be transferred and conveyed to the abutting landowner, George H. Miller.

A map showing the areas being vacated (Exhibit A) is attached hereto and by this reference made a part hereof.

The Tooele County Clerk is hereby directed to cause this ordinance to be recorded in the office of the County Recorder..

**SECTION II - REPEALER.** Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION III - EFFECTIVE DATE.** This ordinance shall take effect fifteen (15) days after its passage, provided the same has been published, with the name of the members voting for and against the same, for at least one publication in one issue of a newspaper published in and having general circulation in Tooele County.

Ord. 2009-13

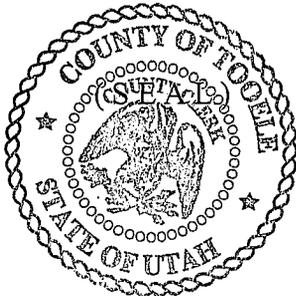
IN WITNESS WHEREOF the Tooele County Commission, which is the legislative body of Tooele County, passed, approved, and enacted this ordinance this 7<sup>th</sup> day of April 2009.

ATTEST:

TOOELE COUNTY COMMISSION:

*Marilyn K Gillette*  
Marilyn K. Gillette, Clerk

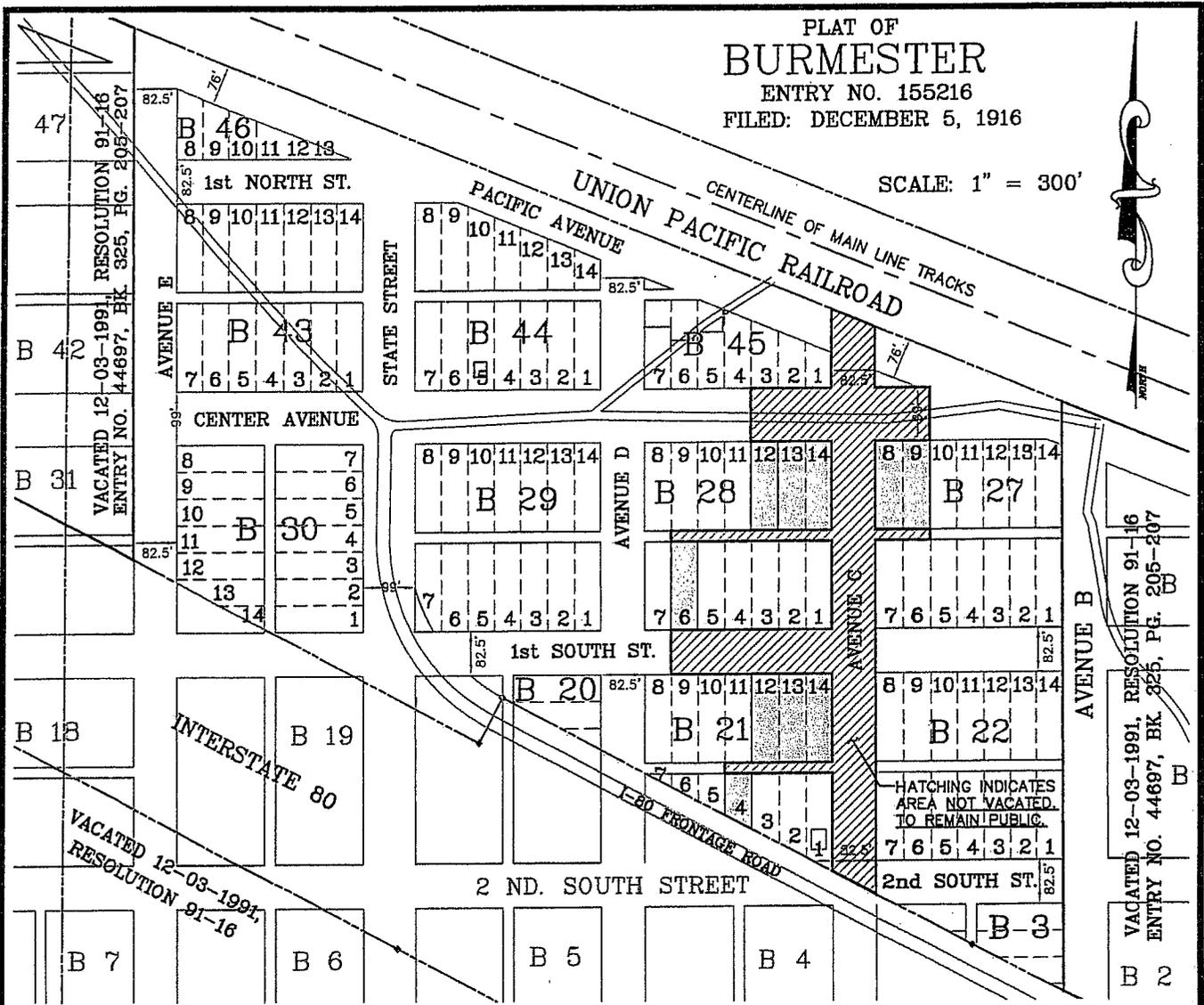
*Colleen S. Johnson*  
Colleen S. Johnson, Chairman



Commissioner Johnson voted aye  
Commissioner Clegg voted aye  
Commissioner Hurst voted aye

APPROVED AS TO FORM:

*DH*  
DOUG HOGAN  
Tooele County Attorney



DESCRIPTION OF THE PROPOSED VACATION OF THE REMAINDER PORTION OF THE SUBDIVISION KNOWN AS THE BURMESTER TOWNSITE, BURMESTER TOWN SURVEY, BURMESTER SURVEY OR BURMESTER TOWN PLAT, NOT PREVIOUSLY VACATED BY RESOLUTION 91-16, ADOPTED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF TOOELE COUNTY, DECEMBER 3, 1991, FOUND AS ENTRY NO. 044697 IN BOOK 325 AT PAGES 205-207 IN THE OFFICE OF THE TOOELE COUNTY RECORDER:

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LESS AND EXCEPTING THEREFROM:

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- All that portion of Center Avenue extending from the east line of Lot 9, Block 27 westerly to the west line of Lot 12, Block 28 and the west line of Lot 3, Block 45;
- All that portion of the un-named alley extending westerly through the center of Block 28 from Avenue C to the west lines of Lots 6 and 9 of said Block 28;
- All that portion of the un-named alley extending easterly through the center of Block 27 from Avenue C to the east lines of Lots 6 and 9 of said Block 27;
- All that portion of 1st South Street extending westerly from Avenue C to the west line of Lot 9, Block 21 and the west line of Lot 6, Block 28;
- All that portion of the un-named alley extending westerly through the center of Block 21 from Avenue C to the west lines of Lots 4 and 11 of said Block 21.