

ORDINANCE 2011-17

**AN ORDINANCE VACATING THE PUBLIC RIGHT-OF-WAY INTEREST
IN A PORTION OF HERITAGE WAY IN ERDA**

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

SECTION I - PURPOSE. The Tooele County Transportation Plan calls for Cochrane Lane to Tom's Lane to become a straight eighty-foot right-of-way. Under the recommendation of the Tooele County Engineer, Tooele County purchased Lot 201 to preserve a corridor for this purpose. A right-of-way north of Heritage Way and in-line with Tom's Lane has been granted to Tooele County for an eighty-foot wide easement for the future southerly extension of Tom's Lane.

The Tooele County Engineering Department desires to amend Gull Meadow Subdivision Phase 2, Lot 201 to vacate a portion of Heritage Way (20,517 square feet) to Lot 201 and dedicate a portion of Lot 201 (16,499 square feet) for an eighty-foot dedicated public right-of-way. This plan was contemplated during development of Gull Meadow Subdivision Phase 2. The vacated portion of Heritage Way was originally dedicated by Phase 2 with Lot 201 being the only abutting lot in Phase 2. Furthermore, Lot 201 is dedicating Tom's Lane in exchange for Heritage Way. Hence, absorption of Heritage Way into Lot 201 is appropriate.

The proposed Amended Plat states that the vacated area shall remain as a temporary public road and drainage easement pending the construction of alternate public access and drainage.

The Erda Township Planning Commission held a public hearing on the issue and recommends passage of this ordinance.

SECTION II - VACATION. Having provided proper notice pursuant to Utah Code Annotated 72-3-108, a public hearing was conducted and finding good cause therefore, Tooele

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County hereby vacates a portion of the public right-of-way interest in Heritage Way, west of Lot 202, but east of Cochrane Lane in Erda.

The County's interest in the vacated portion of Heritage Way shall be transferred and conveyed to Lot 201 of Gull Meadow Phase 2 Lot 201 Amended, as shown on the plat map attached hereto as Exhibit A, as the other adjacent properties did not dedicate the property.

A map showing the area 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.

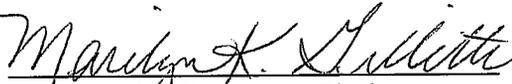
SECTION III - REPEALER. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION IV - 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.

IN WITNESS WHEREOF the Tooele County Commission, which is the legislative body of Tooele County, passed, approved, and enacted this ordinance this 20th day of December 2011.

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ATTEST:

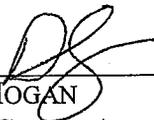

Marilyn K. Gillette, Clerk

TOOELE COUNTY COMMISSION:


Colleen S. Johnson, Chairman

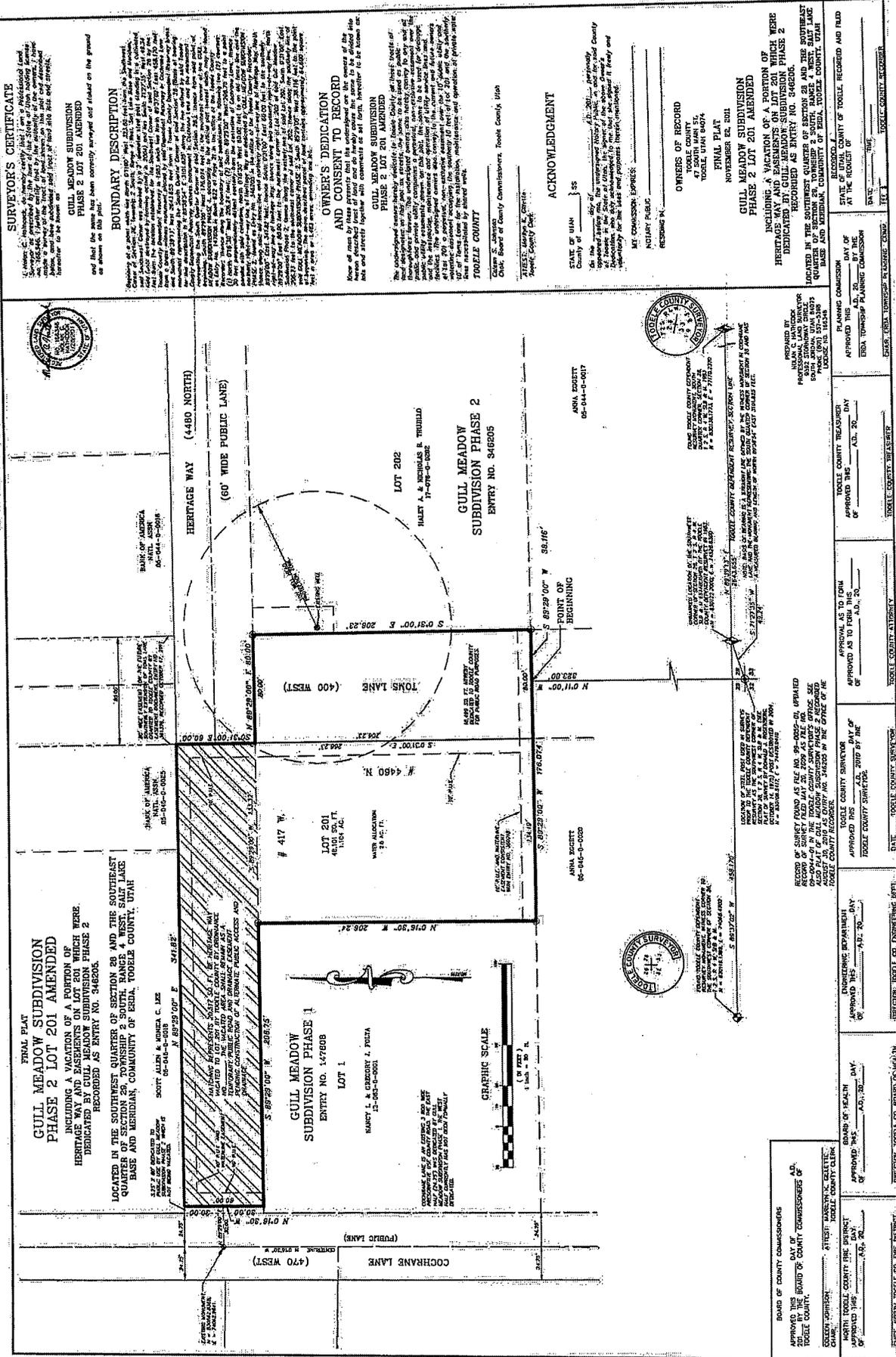


APPROVED AS TO FORM:


Doug Hogan
Tooele County Attorney

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

575-2011-01



SURVEYOR'S CERTIFICATE
I, Scott Allen & Nancy J. Pucha, are Registered Land Surveyors in the State of Utah, and we have surveyed the above described land and boundaries thereon, and we hereby certify that the same are true and correct, and that the same have been correctly surveyed and staked on the ground as shown on this plan.

BOUNDARY DESCRIPTION
Heritage Way (4480 North) is a 60-foot wide public lane, 4480 feet long, located in the southwest quarter of Section 28 and the southeast quarter of Section 29, Township 20 North, Range 12 East, Salt Lake Base and Meridian, Community of Erda, Tooele County, Utah. The boundaries of the same are as follows: North 0°18'30" West 4480.00 feet to the center of the lane; East 0°00'00" North 4480.00 feet to the center of the lane; South 0°00'00" East 4480.00 feet to the center of the lane; West 0°00'00" North 4480.00 feet to the center of the lane.

OWNER'S DEDICATION AND CONSENT TO RECORD
We, the undersigned, do hereby dedicate to the public use of the State of Utah the above described land and boundaries thereon, and we hereby consent to the recording of this plan and the same being a part of the public records of the State of Utah.

GULL MEADOW SUBDIVISION PHASE 2 LOT 201 AMENDED
The undersigned hereby dedicate to the public use of the State of Utah the above described land and boundaries thereon, and we hereby consent to the recording of this plan and the same being a part of the public records of the State of Utah.

ACKNOWLEDGMENT
I, Scott Allen & Nancy J. Pucha, do hereby certify that the above described land and boundaries thereon are true and correct, and that the same have been correctly surveyed and staked on the ground as shown on this plan.

OWNERS OF RECORD
TOOELE COUNTY
47 SOUTH MAIN ST.
TOOELE UTAH 84001
FINAL PLAT
NOVEMBER 02, 2011

GULL MEADOW SUBDIVISION PHASE 2 LOT 201 AMENDED
INCLUDING A VACATION OF A PORTION OF HERITAGE WAY AND BOUNDARY SUBDIVISION PHASE 2 DEDICATED TO THE PUBLIC USE OF THE STATE OF UTAH, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 28 AND THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 20 NORTH, RANGE 12 EAST, SALT LAKE BASE AND MERIDIAN, COMMUNITY OF ERDA, TOOELE COUNTY, UTAH.

STATE OF UTAH, COUNTY OF TOOELE, RECORDED AND FILED BY THE CLERK OF THE COUNTY COMMISSIONERS, TOOELE COUNTY, UTAH, THIS 02ND DAY OF NOVEMBER, 2011, AT 10:00 AM.



BOARD OF COUNTY COMMISSIONERS
APPROVED THIS 02ND DAY OF NOVEMBER, 2011, AT 10:00 AM, BY THE BOARD OF COUNTY COMMISSIONERS OF TOOELE COUNTY.

ENGINEERING DEPARTMENT
APPROVED THIS 02ND DAY OF NOVEMBER, 2011, AT 10:00 AM, BY THE ENGINEERING DEPARTMENT OF TOOELE COUNTY.

TOOELE COUNTY SURVEYOR
APPROVED THIS 02ND DAY OF NOVEMBER, 2011, AT 10:00 AM, BY THE TOOELE COUNTY SURVEYOR.

TOOELE COUNTY TREASURER
APPROVED THIS 02ND DAY OF NOVEMBER, 2011, AT 10:00 AM, BY THE TOOELE COUNTY TREASURER.

PLANNING COMMISSION
APPROVED THIS 02ND DAY OF NOVEMBER, 2011, AT 10:00 AM, BY THE PLANNING COMMISSION OF TOOELE COUNTY.

CLERK OF THE COUNTY COMMISSIONERS
APPROVED THIS 02ND DAY OF NOVEMBER, 2011, AT 10:00 AM, BY THE CLERK OF THE COUNTY COMMISSIONERS OF TOOELE COUNTY.