

ORDINANCE 2012-01

**AN ORDINANCE VACATING THE PUBLIC RIGHT-OF-WAY INTEREST
IN ROADS LOCATED WITHIN THE MURRAY FLATS SUBDIVISION
PHASE I IN THE PINE CANYON TOWNSHIP**

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

SECTION I - PURPOSE. Celtic Bank Corporation, owner of certain property within the Murray Flats Subdivision Phase I Subdivision Plat, petitioned the Pine Canyon Township Planning Commission to amend the Subdivision Plat by vacating all unimproved residential lots and all undeveloped, dedicated roadways within the Plat. The vacation would allow them to market the entire property, combined with certain real property from Murray Flats Subdivision Phase II, as one parcel.

Following proper notice and a public hearing on the issue, the Pine Canyon Township Planning Commission approved and adopted Resolution 2012-01 which vacated all unimproved residential lots and recommended approval of the rights-of-way vacation. A copy of the resolution (Exhibit A) is attached hereto and, by this reference, made a part hereof.

SECTION II - ROADS VACATED. 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 all roads within the Murray Flats Subdivision Phase I, located in the south half of Section 12, Township 3 South, Range 4 West, Salt Lake Base and Meridian, Pine Canyon Township, Tooele County, Utah. The subdivision was vacated by Resolution 2012-01 of the Pine Canyon Township Planning Commission.

The County's interest in the vacated subdivision shall be transferred and conveyed to the abutting landowner, Celtic Bank Corporation.

Ord. 2012-01

A map showing the area of the roads being vacated (Exhibit B) 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 Ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.

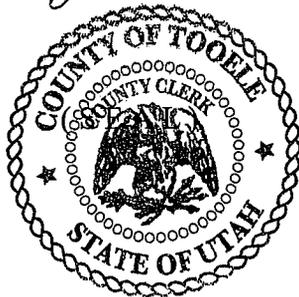
IN WITNESS WHEREOF the Tooele County Commission, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 17th day of January 2012.

ATTEST:


MARILYN K. GILLETTE, Clerk

TOOELE COUNTY COMMISSION:


COLLEEN S. JOHNSON, Chairman



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

APPROVED AS TO FORM:


DOUG HOGAN
Tooele County Attorney

EXHIBIT A

**PINE CANYON TOWNSHIP PLANNING COMMISSION
RESOLUTION NO. 2012-01**

**A RESOLUTION VACATING MURRAY FLATS SUBDIVISION PHASE I
SUBDIVISION PLAT**

WHEREAS Celtic Bank Corporation, owner of certain property encumbered by that certain Murray Flats Subdivision Phase 1 Subdivision Plat, recorded April 9, 2009, as Entry No. 323898 in the Tooele County Official Records (the "Plat"), intends to vacate all unimproved residential lots and all undeveloped, dedicated roadways within the Plat, whereupon Celtic Bank Corporation intends to market the entire property as one parcel, combined with certain real property from Murray Flats Subdivision Phase II; and

WHEREAS the Pine Canyon Township Planning Commission, pursuant to Tooele County Code §13-10-1, 2, 3, has been petitioned from Celtic Bank Corporation to amend the Plat by vacating all unimproved residential lots and all undeveloped, dedicated roadways on the Plat; and

WHEREAS after public notice and a public hearing in accordance with the requirements of the Tooele County Code.

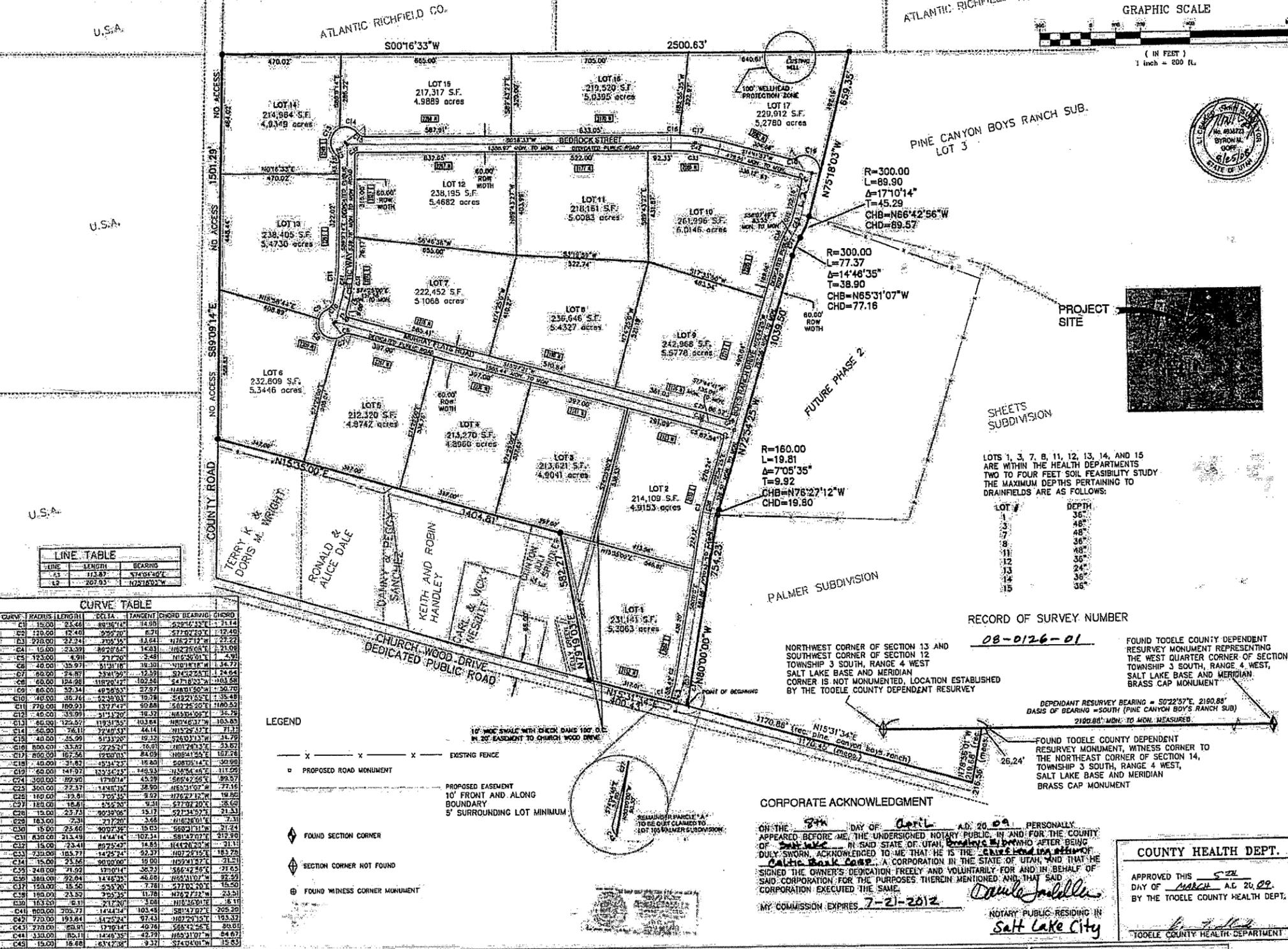
NOW THEREFORE, BE IT RESOLVED by the Pine Canyon Township Planning Commission as follows:

- Section 1. This Resolution shall be recorded in the Official Records of Tooele County, Utah, which document shall provide notice of the Plat vacation.
- Section 2. This Resolution and the Plat amendment shall be effective upon the date set forth below.
- Section 3. The Plat is vacated hereby.
- Section 4. If any conflict between this Resolution and the Plat should arise, the terms of this Resolution shall control.

EXHIBIT B

FINAL PLAT MURRAY FLATS SUBDIVISION PHASE 1

A SUBDIVISION LOCATED IN THE SOUTH HALF OF SECTION 12
TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN;
PINE CANYON TOWNSHIP, TOOELE COUNTY, UTAH



SURVEYOR'S CERTIFICATE
 I, BYRON M. COFF, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR
 HOLDING CERTIFICATE NUMBER 4538723
 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, I FURTHER CERTIFY THAT BY
 AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON
 THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO
 LOTS AND STREETS HEREAFTER TO BE KNOWN AS: MURRAY FLATS SUBDIVISION PHASE 1
 AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS
 SHOWN ON THIS PLAT.

LEGAL DESCRIPTION
 BEGINNING AT A POINT ON THE EAST RIGHT OF WAY LINE OF CHURCH WOOD DRIVE SAID POINT BEING NORTH 26.24
 FEET AND WEST 250.00 FEET AND N15°31'34"E, 130.45 FEET FROM A FOUND BRASS CAP MONUMENT BEING THE
 WITNESS CORNER TO THE NORTHEAST CORNER OF SECTION 14, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE
 AND MERIDIAN SAID MONUMENT BEING NORTH 2390.88 FEET FROM THE FOUND BRASS CAP MONUMENT MARKING
 THE EAST QUARTER CORNER OF SECTION 14, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN AND
 RUNNING THENCE N15°31'34"E, 400.43 FEET ALONG THE EAST RIGHT OF WAY LINE OF CHURCH WOOD DRIVE TO AN
 EXISTING FENCE LINE; THENCE N78°15'01"E, 582.27 FEET ALONG SAID EXISTING FENCE LINE TO A FENCE CORNER; THENCE
 N15°35'00"E, 140.81 FEET ALONG A FENCE LINE AND THE EXTENSION THEREOF TO A FENCE CORNER REPRESENTING THE
 SOUTH RIGHT OF WAY LINE OF A PERCE LINE AND THE EXTENSION THEREOF TO A FENCE CORNER; THENCE
 N15°35'00"E, 2500.33 FEET ALONG THE BOUNDARY OF SAID PINE CANYON BOYS RANCH SUBDIVISION; THENCE
 S89°09'14"E, 1501.29 FEET ALONG THE BOUNDARY OF SAID PINE CANYON BOYS RANCH SUBDIVISION TO A POINT ON THE
 BOUNDARY OF PINE CANYON BOYS RANCH SUBDIVISION LOT 3; THENCE ALONG THE BOUNDARY OF SAID LOT 3
 N75°18'03"W, 658.35 FEET; THENCE 89.90 FEET ALONG THE ARC OF A 300.00 FOOT RADIUS CURVE TO THE RIGHT (CHORD
 BEARS N66°42'56"W, 89.57 FEET); THENCE 77.37 FEET ALONG THE ARC OF A 300.00 FOOT RADIUS CURVE TO THE LEFT
 (CHORD BEARS N65°31'07"W, 77.16 FEET); THENCE 77.37 FEET ALONG THE ARC OF A 300.00 FOOT RADIUS CURVE TO THE LEFT
 (CHORD BEARS N65°31'07"W, 77.16 FEET); THENCE 19.81 FEET ALONG THE ARC OF A 160.00 FOOT RADIUS CURVE TO THE LEFT
 (CHORD BEARS N76°27'12"W, 19.80 FEET); THENCE 19.81 FEET ALONG THE ARC OF A 160.00 FOOT RADIUS CURVE TO THE LEFT
 (CHORD BEARS N76°27'12"W, 19.80 FEET); THENCE 19.81 FEET ALONG THE ARC OF A 160.00 FOOT RADIUS CURVE TO THE LEFT
 (CHORD BEARS N76°27'12"W, 19.80 FEET); TO THE POINT OF BEGINNING.
 CONTAINS: 97.587 ACRES - 17 LOTS

OWNER'S DEDICATION AND CONSENT TO RECORD
 KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED ARE THE OWNER(S)
 OF THE HEREON DESCRIBED TRACT OF LAND AND HEREBY CAUSE THE SAME TO BE
 DIVIDED INTO LOTS AND STREETS TOGETHER WITH EASEMENTS AS SET FORTH
 HEREAFTER TO BE KNOWN AS:

MURRAY FLATS SUBDIVISION PHASE 1
 VACATING AND AMENDING LOT 2 PINE CANYON BOYS RANCH
 THE UNDERSIGNED OWNER(S) HEREBY DEDICATE TO TOOELE COUNTY ALL THOSE
 PARTS OR PORTIONS OF SAID TRACT OF LAND ON SAID PLAT DESIGNATED HEREON
 AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER. THE
 UNDERSIGNED OWNER(S) ALSO HEREBY CONVEY TO THE HEREON DESCRIBED TRACT
 A PERPETUAL NON-EXCLUSIVE EASEMENT OVER THE STREETS AND PUBLIC UTILITY
 EASEMENTS SHOWN ON THIS PLAT, THE SAME TO BE USED FOR DRAINAGE AND THE
 INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES AND
 FACILITIES.

IN WITNESS WHEREOF I/WE HAVE SET MY/OUR HAND THIS _____ DAY
 OF _____ A.D. 20____
Richard Palmer
 RICHARD PALMER
 PUBLIC UTILITY DEVELOPER, LLC

INDIVIDUAL ACKNOWLEDGEMENT
 COUNTY OF Tooele
 STATE OF UTAH
 ON THE 8th day of April A.D. 2009 PERSONALLY
 APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY
 OF Tooele, IN THE STATE OF UTAH, THE SIGNER OF THE ABOVE OWNER'S DEDICATION
 WHO DULY ACKNOWLEDGED TO ME THAT *Vicki Powell* SIGNED IT FREELY AND
 VOLUNTARILY AND FOR THE USES AND PURPOSE THEREIN MENTIONED

MY COMMISSION EXPIRES Oct 19, 2012
Curdy D. Coombs
 NOTARY PUBLIC
 RESIDING AT Tooele County

INDIVIDUAL ACKNOWLEDGEMENT
 COUNTY OF Tooele
 STATE OF UTAH
 ON THE 8th day of April A.D. 2009 PERSONALLY
 APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY
 OF Tooele, IN THE STATE OF UTAH, THE SIGNER OF THE ABOVE OWNER'S DEDICATION
 WHO DULY ACKNOWLEDGED TO ME THAT *Richard Palmer* SIGNED IT FREELY AND
 VOLUNTARILY AND FOR THE USES AND PURPOSE THEREIN MENTIONED

MY COMMISSION EXPIRES 8/14/2011
 NOTARY PUBLIC
 RESIDING AT Tooele, UT

FINAL PLAT
MURRAY FLATS SUBDIVISION PHASE 1
 A SUBDIVISION LOCATED IN THE SOUTH HALF OF SECTION 12
 TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN,
 TOOELE COUNTY, UTAH

ENGINEER/SURVEYOR: **FOCUS** ENGINEERING & SURVEYING
 201 WEST DOTTAGE AVE. SANDY, UT 84070 PH: 322-0078
 OWNER/DEVELOPER: **RICK PALMER**
 236 WEST PLUM STREET GRANTSVILLE, UTAH 84029 PHONE: 435-840-0389

TOOELE COUNTY RECORDER
 NO. 222898
 STATE OF UTAH, COUNTY OF TOOELE, RECORDED
 & FILED AT THE REQUEST OF *Vicki Powell*
 DATE 4/10/09 TIME 1:24 PM BOOK 1006 PAGE 1006

LINE TABLE

LINE	LENGTH	BEARING
L1	113.87	S74°04'40"E
L2	207.95	N72°10'22"W

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	TANGENT	CHORD	BEARING	CHORD
C1	150.00	24.44	89°36'14"	14.90	5.20	N12°11'12"E	17.14
C2	120.00	19.40	69°59'20"	8.91	3.77	N72°22'24"E	13.48
C3	270.00	33.24	73°02'36"	16.84	6.27	N12°22'24"E	23.23
C4	15.00	23.39	89°29'54"	14.81	5.02	N12°10'22"W	21.08
C5	123.00	4.91	21°12'30"	2.48	1.02	N16°30'21"E	4.91
C6	40.00	15.97	51°21'18"	8.10	3.09	N10°18'14"E	16.77
C7	80.00	34.87	33°41'59"	17.29	6.74	N74°22'24"E	34.54
C8	60.00	18.98	48°28'12"	10.29	4.71	N10°10'22"E	18.58
C9	80.00	32.34	49°29'52"	17.87	6.48	N10°10'22"E	30.70
C10	40.00	16.76	22°32'03"	8.78	3.21	N12°10'22"E	16.48
C11	770.00	180.93	132°14'11"	90.88	30.21	N82°25'20"E	180.52
C12	40.00	15.99	51°12'20"	8.10	3.09	N10°18'14"E	16.77
C13	60.00	24.44	69°59'20"	12.84	4.71	N72°22'24"E	23.23
C14	25.00	76.11	119°31'53"	46.14	16.84	N15°31'34"E	71.33
C15	40.00	15.99	51°13'20"	8.12	3.09	N10°18'14"E	16.79
C16	800.00	33.02	22°25'21"	16.01	5.81	N12°10'22"E	33.87
C17	800.00	167.26	124°00'13"	84.09	28.94	N12°10'22"E	167.26
C18	40.00	15.83	49°34'23"	8.00	3.09	N10°18'14"E	16.63
C19	60.00	24.44	69°59'20"	12.84	4.71	N72°22'24"E	23.23
C20	163.00	7.31	21°12'30"	3.68	1.36	N16°30'21"E	7.31
C21	15.00	23.40	89°29'52"	14.81	5.02	N12°10'22"W	21.08
C22	430.00	213.49	144°14'14"	102.34	34.94	N12°10'22"E	213.49
C23	15.00	23.41	89°29'52"	14.83	5.02	N12°10'22"W	21.11
C24	720.00	183.77	124°00'13"	92.37	31.02	N12°10'22"E	183.79
C25	15.00	23.26	90°00'00"	11.90	4.24	N12°10'22"E	21.01
C26	240.00	71.92	170°01'14"	36.23	12.62	N12°10'22"E	71.92
C27	380.00	22.94	14°16'33"	11.60	4.24	N10°18'14"E	22.94
C28	150.00	35.50	55°52'30"	17.78	6.48	N10°18'14"E	35.50
C29	180.00	23.82	29°29'32"	11.78	4.24	N12°10'22"E	23.82
C30	163.00	6.11	21°12'30"	3.08	1.12	N16°30'21"E	6.11
C31	800.00	205.77	144°14'14"	103.48	34.94	N12°10'22"E	205.77
C32	770.00	193.84	144°14'14"	97.43	32.71	N12°10'22"E	193.84
C33	270.00	68.91	170°01'14"	40.74	14.24	N12°10'22"E	68.91
C34	130.00	16.11	14°16'33"	6.79	2.48	N10°18'14"E	16.11
C35	15.00	16.68	83°14'28"	8.37	3.09	N12°10'22"W	16.68

LEGEND
 X X X EXISTING FENCE
 PROPOSED ROAD MONUMENT
 PROPOSED EASEMENT
 10' FRONT AND ALONG BOUNDARY EASEMENT
 5' SURROUNDING LOT MINIMUM
 FOUND SECTION CORNER
 SECTION CORNER NOT FOUND
 FOUND WITNESS CORNER MONUMENT

CORPORATE ACKNOWLEDGMENT
 ON THE 8th DAY OF April A.D. 2009, PERSONALLY
 APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY
 OF Salt Lake, IN SAID STATE OF UTAH, *Richard Palmer* WHO AFTER BEING
 DULY SHOWN, ACKNOWLEDGED TO ME THAT HE IS THE *Chief Executive Officer*
 of *Celtic Bank Corp.*, A CORPORATION IN THE STATE OF UTAH, AND THAT HE
 SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF
 SAID CORPORATION FOR THE PURPOSES THEREIN MENTIONED, AND THAT SAID
 CORPORATION EXECUTED THE SAME.
 MY COMMISSION EXPIRES 7-21-2012
Donna J. Jolley
 NOTARY PUBLIC, RESIDING IN
 Salt Lake City

COUNTY HEALTH DEPT.
 APPROVED THIS 5th
 DAY OF MARCH A.D. 2009
 BY THE TOOELE COUNTY HEALTH DEPT.

NORTH TOOELE COUNTY FIRE DEPARTMENT
 APPROVED THIS 17 DAY OF
MARCH A.D. 2009

PLANNING COMMISSION
 APPROVED THIS 2nd DAY OF
April A.D. 2009 BY THE PINE CANYON
 TOWNSHIP PLANNING COMMISSION

TOOELE COUNTY ENGINEERING
 APPROVED THIS 2nd
 DAY OF April A.D. 2009

TOOELE COUNTY SURVEYOR
 I HEREBY CERTIFY THAT THIS OFFICE HAS
 EXAMINED THIS PLAT AND IT IS CORRECT
 IN ACCORDANCE WITH THE INFORMATION ON FILE
 RECORD # 08-0126-01
Byron M. Coff
 DATE TOOELE COUNTY SURVEYOR

TOOELE COUNTY ATTORNEY
 APPROVED AS TO FORM THIS 11th
 DAY OF MARCH A.D. 2009

TOOELE COUNTY TREASURER
 APPROVED THIS 5th
 DAY OF MARCH A.D. 2009

TOOELE COUNTY RECORDER
 NO. 222898
 STATE OF UTAH, COUNTY OF TOOELE, RECORDED
 & FILED AT THE REQUEST OF *Vicki Powell*
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