

ORDINANCE 2014-16

**AN ORDINANCE VACATING THE PUBLIC RIGHT-OF-WAY INTEREST
IN ROADS LOCATED WITHIN THE PARCEL 9 P.U.D. COMMERCIAL
SUBDIVISION PHASE 1 IN STANSBURY PARK**

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

SECTION I – PURPOSE. Penelope Rose, Inc., owner of the Parcel 9 P.U.D. Commercial Subdivision Phase 1, petitioned the Tooele County Planning Commission to vacate the Subdivision Plat including all unimproved commercial lots and all unimproved, dedicated roadways within the Plat. The vacation will allow them to incorporate this property into their overall residential properties. There have been no improvements constructed within the subdivision and the improvement bond has already lapsed.

Following proper notice and a public hearing on the issue, the Tooele County Planning Commission approved and adopted Resolution 2014-01 which vacated the Parcel 9 P.U.D. Commercial Subdivision Phase 1, including Units 1, 2, 3, 4, 5, 6, 7, 8, and 9, and recommended approval of the rights-of-way vacation to the Tooele County Commission. 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 Parcel 9 P.U.D. Commercial Subdivision Phase 1, including Dow Lane and Jeremy Way, located in Section 17, Township 2 South, Range 4 West, Salt Lake Base and Meridian, Stansbury Park, Tooele County, Utah. The subdivision was vacated by Resolution 2014-01 of the Tooele County Planning Commission.

The County's interest in the vacated subdivision shall be transferred and conveyed to the abutting landowner, Penelope Rose, Inc.

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 Ordinances and resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION IV - EFFECTIVE DATE. This ordinance shall become effective 15 days after its passage provided it has been published, or at such publication date if more than 15 days after passage.

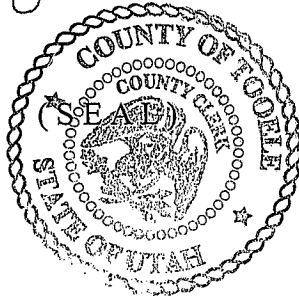
IN WITNESS WHEREOF the Tooele County Commission, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 21st day of October 2014.

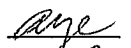
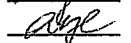
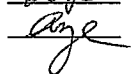
ATTEST:

TOOELE COUNTY COMMISSION:


MARILYN K. GILLETTE, Clerk


J. BRUCE CLEGG, Chairman



Commissioner Clegg voted 
Commissioner Hurst voted 
Commissioner Milne voted 

APPROVED AS TO FORM:



DOUG HOGAN
Tooele County Attorney

EXHIBIT A

TOOELE COUNTY PLANNING COMMISSION RESOLUTION NO. 2014-01

A RESOLUTION VACATING PARCEL 9 P.U.D. COMMERCIAL SUBDIVISION PHASE I

WHEREAS Penelope Rose, Inc., owner of certain property encumbered by that certain Parcel 9 P. U. D. Commercial Subdivision Phase 1 subdivision plat, recorded February 9, 2004, as Entry No. 218364 in the Tooele County Official Records (the "Plat"), intends to vacate all unimproved commercial lots and all undeveloped, dedicated roadways within the Plat, whereupon Penelope Rose, Inc. intends to incorporate the entire property as part of their overall residential properties; and

WHEREAS the Tooele County Planning Commission, pursuant to Tooele County Code §13-10-1, 2, 3, has been petitioned from Penelope Rose, Inc. to vacate the Plat by vacating all unimproved commercial 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 Tooele County Planning Commission as follows:

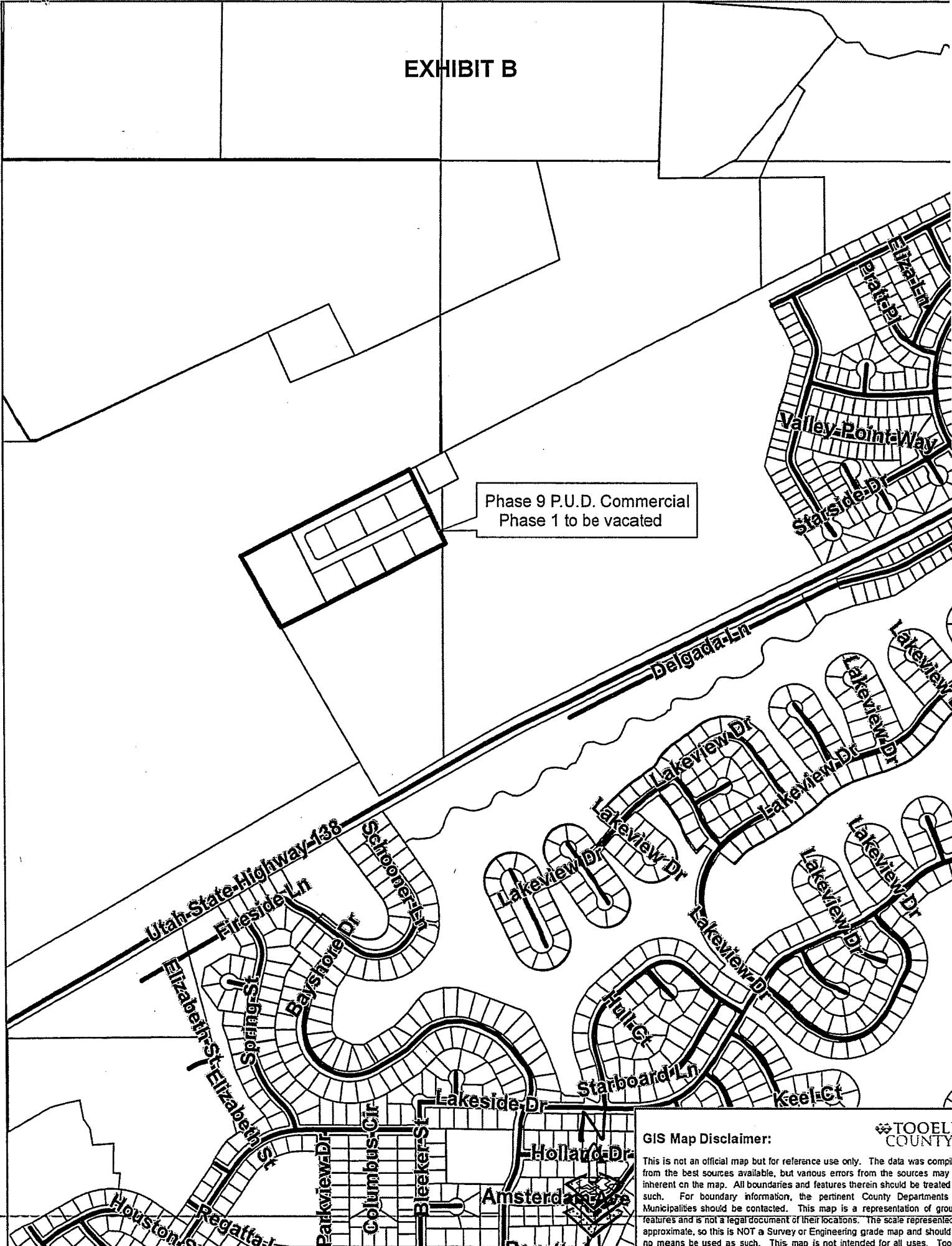
- Section 1. This Resolution shall be recorded in the Official Records of Tooele County, Utah, which document shall provide notice of the Plat vacation.
- Section 2. This Resolution and the Plat vacation shall be effective upon the date set forth below.
- Section 3. Once the vacations are complete, Penelope Rose, Inc. proposes to combine the parcels into their overall residential development plan for the area.
- Section 4. If any conflict between this Resolution and the Plat should arise, the terms of this Resolution shall control.

NOW THEREFORE, BE IT FURTHER RESOLVED by the Tooele County Planning Commission that this Resolution shall constitute the vacation of:

Units 1, 2, 3, 4, 5, 6, 7, 8, and 9 Parcel 9 P. U. D. Commercial Subdivision Phase; and

EXHIBIT B

Phase 9 P.U.D. Commercial
Phase 1 to be vacated



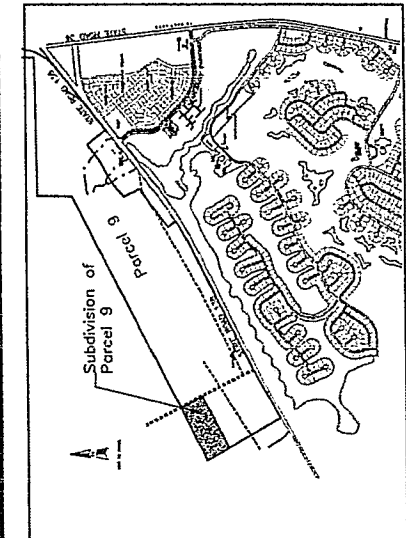
GIS Map Disclaimer:

This is not an official map but for reference use only. The data was compiled from the best sources available, but various errors from the sources may be inherent on the map. All boundaries and features therein should be treated as such. For boundary information, the pertinent County Departments or Municipalities should be contacted. This map is a representation of ground features and is not a legal document of their locations. The scale represented is approximate, so this is NOT a Survey or Engineering grade map and should not be used as such. This map is not intended for all uses. Tooele County is not responsible or liable for any derivative or misuse of this map.

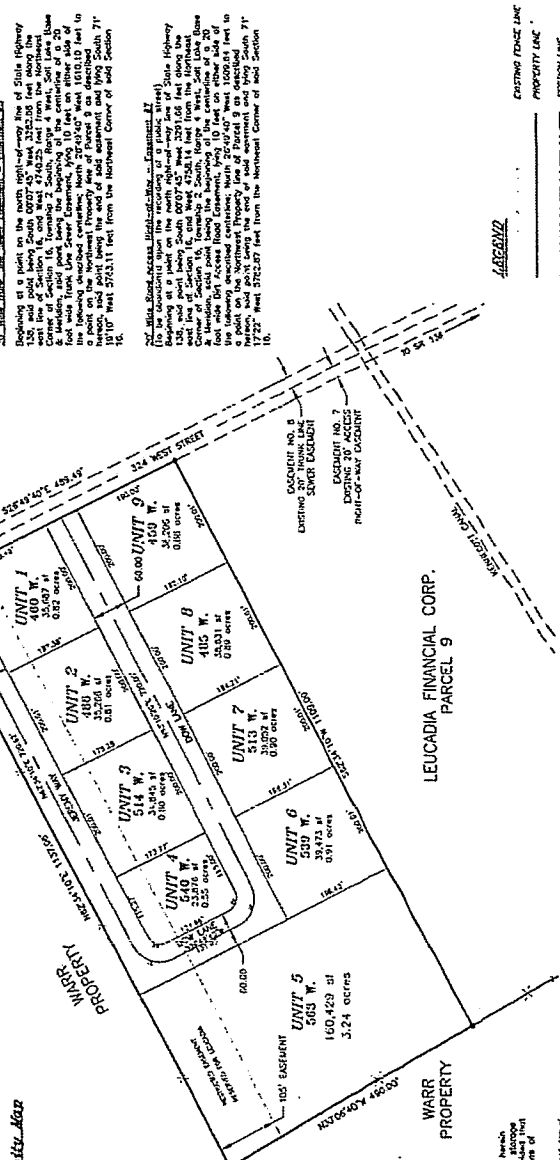


P.U.D. Commercial Phase 1 - Final Plat

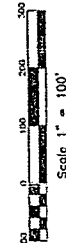
Located in Section 17, Township 2 South, Range 4 West,
Salt Lake Base and Meridian
324 West Highway 138, Stansbury Park, Utah



UNIT	AREA (SQ. FT.)	AREA (ACRES)
UNIT 1	400	0.009
UNIT 2	400	0.009
UNIT 3	400	0.009
UNIT 4	400	0.009
UNIT 5	365	0.008
UNIT 6	539	0.012
UNIT 7	513	0.012
UNIT 8	485	0.011
UNIT 9	600	0.014
UNIT 10	160,429	3.74



- NOTES:
1. Easements created by this plat are located beneath the units and shall be used for the purposes stated in the plat.
 2. Fire (emergency) vehicles to have access along the easements.
 3. The (emergency) vehicles to have access along the easements and have access to the easements.



Abstracts, Annotations
A part of Leucadia Financial Corp. Parcel 9, located in the Northwest Quarter of Section 17, Township 2 South, Range 4 West, Salt Lake Base and Meridian, is hereby subdivided into ten (10) units, to-wit: Unit 1, Unit 2, Unit 3, Unit 4, Unit 5, Unit 6, Unit 7, Unit 8, Unit 9, and Unit 10, and a 3.74 acre easement, all of which are shown on the plat. The units and easement are shown on the plat with their respective areas and bearings. The units and easement are shown on the plat with their respective areas and bearings. The units and easement are shown on the plat with their respective areas and bearings.

Surveyor's Certificate
I, Robert O. Dyer, do hereby certify that I am a Registered Land Surveyor in the State of Utah, and that I have personally surveyed and laid out the above described units and easement, and that the same are shown on the plat with their respective areas and bearings. I also certify that the plat is a true and correct copy of the original survey, and that the same is in accordance with the laws of the State of Utah. Witness my hand and the seal of my office, this 15th day of August, 2003.

Witness
I, Robert O. Dyer, do hereby certify that I am a Registered Land Surveyor in the State of Utah, and that I have personally surveyed and laid out the above described units and easement, and that the same are shown on the plat with their respective areas and bearings. I also certify that the plat is a true and correct copy of the original survey, and that the same is in accordance with the laws of the State of Utah. Witness my hand and the seal of my office, this 15th day of August, 2003.

Leucadia Financial Corp.
324 West Highway 138, Stansbury Park, Utah
529 East South Temple
Salt Lake City UT 84102
(801) 571-1095

Ward Engineering Group
Planning - Engineering - Surveying
1315 West Bank
Salt Lake City, Utah 84119
(801) 474-8400

Warr Property
105 S. 400 W.
Stansbury Park, Utah 84404
(801) 474-8400

P.O.B. Subdivision Parcel 9
Leucadia Financial Corp.

Leucadia Financial Corp.
324 West Highway 138, Stansbury Park, Utah
529 East South Temple
Salt Lake City UT 84102
(801) 571-1095