

E: 393334

ORDINANCE 2013-19

Ent: 393334 - Pg 1 of 6
Date: 12/17/2013 10:02 AM

Fee: \$0.00
Filed By: CF
Cory M. Houghton, Recorder
Tooele County Corporation
TOOELE COUNTY CORP

**ORDINANCE VACATING THE PUBLIC RIGHT-OF-WAY INTEREST
IN WHISPERING HORSE DRIVE, LOCATED EAST OF AND ADJACENT
TO DROUBAY ROAD, NORTH OF ERDA WAY**

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

SECTION I – PURPOSE. Whispering Horse Drive was dedicated to the County as a public road as part of the Alpine Ranch Subdivision in 2003. The road was constructed to County standards and provides access to four five-acre lots owned by Utah Youth Village and operated as Alpine Academy. Utah Youth Village has requested that the County vacate the public’s interest in the road due to safety and privacy concerns. This will make Whispering Horse Drive a private road in the form of an access easement, providing access to each of the lots, and will be maintained by Alpine Academy. The Tooele County 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 County hereby vacates the public right-of-way interest in Whispering Horse Drive (4130 North) which is part of the Alpine Ranch Subdivision Amended, as depicted on the plat attached hereto as Exhibit A and by this reference made a part hereof. The road is located east of and adjacent to Droubay Road and north of Erda Way in the Northwest Quarter of Section 35, Township 2 South, Range 4 West, Salt Lake Base & Meridian.

The County’s interest in the vacated portion is reapportioned amongst the parcels that front Whispering Horse Drive. Whispering Horse Drive is now a private road and will not be maintained by Tooele County.

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 Ordinances and resolutions in conflict herewith are hereby repealed to the extent of such conflict.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

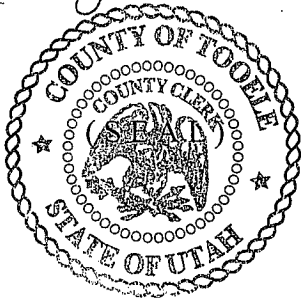
IN WITNESS WHEREOF the Tooele County Commission, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 3rd day of December 2013.

ATTEST:

TOOELE COUNTY COMMISSION:


MARILYN K. GILLETTE, Clerk


J. BRUCE CLEGG, Chairman



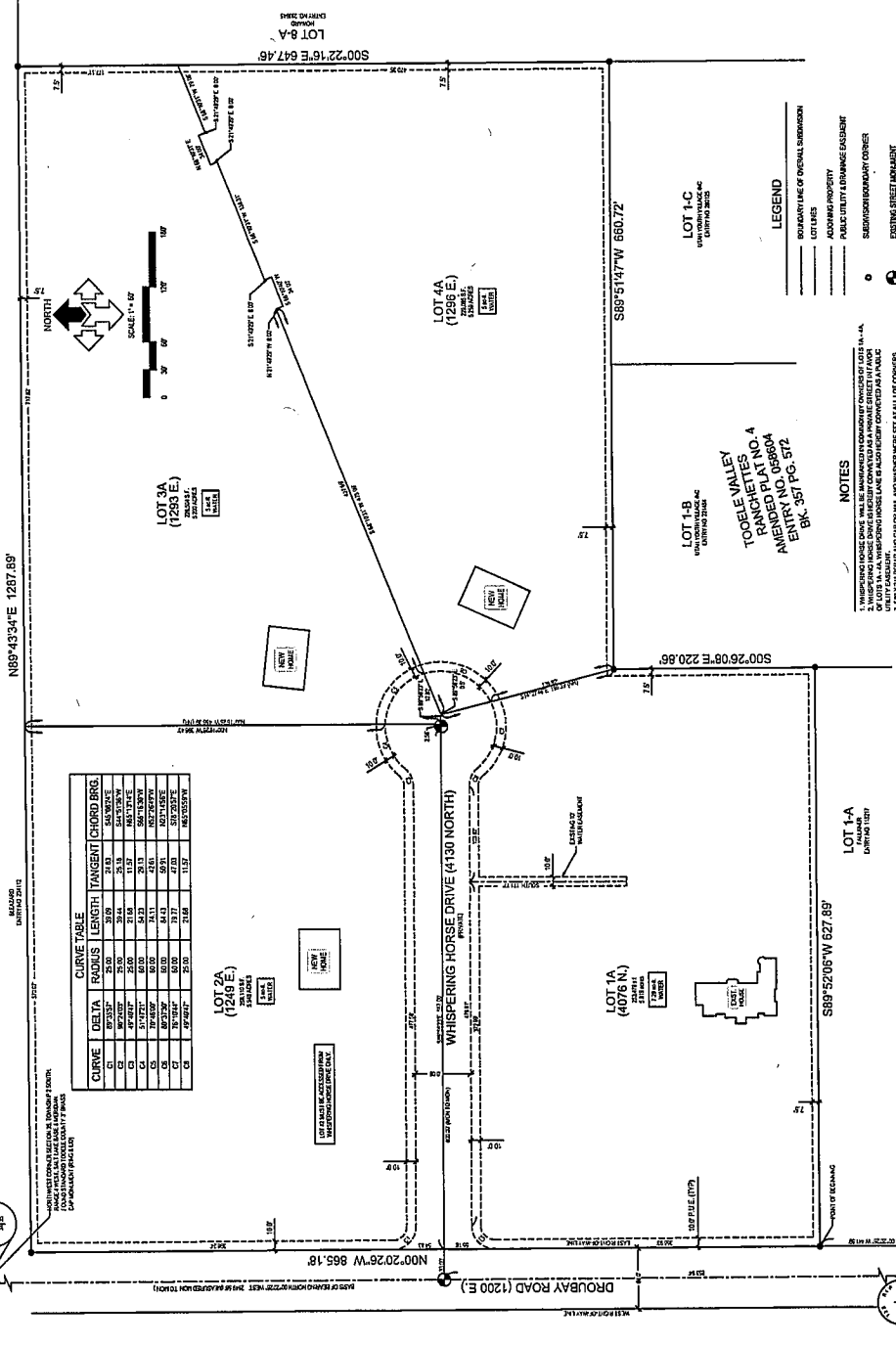
Commissioner Clegg voted aye
Commissioner Hurst voted aye
Commissioner Milne voted aye

APPROVED AS TO FORM:


DOUG HOGAN
Tooele County Attorney

ALPINE RANCH SUBDIVISION AMENDED

(VACATING WHISPERING HORSE DRIVE AND AMENDING LOTS 1-4)



SURVEYOR'S CERTIFICATE

I, DAVID B. DRAPER do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 8861599 as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, Michael Engineering, Inc., who say they are the true and lawful owners of the above described land, and who have subdivided said tract of land into lots and a private street together with easements hereafter to be known as:

ALPINE RANCH SUBDIVISION AMENDED

(VACATING WHISPERING HORSE DRIVE AND AMENDING LOTS 1-4)

and that the same has been correctly surveyed and staked on the ground as shown on this plat. I further certify that all lots meet frontage, width and area requirements of applicable zoning ordinances.

BOUNDARY DESCRIPTION

BEGINNING AT THE NORTHWEST CORNER OF LOT 1A OF TOOELE VALLEY RANCHETTES AS RECORDED WITH THE OFFICE OF THE TOOELE COUNTY RECORDER, SAID POINT ALSO BEING THE INTERSECTION OF EAST 2100 FEET AND DROUBAY ROAD (33 FOOT WIDE FRONT) FROM THE WEST QUARTER CORNER OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 4 WEST, SAID LAKE AND MERIDIAN, AND RUNNING THENCE NORTH 00°00'00" WEST ALONG SAID DROUBAY ROAD TO THE NORTHWEST CORNER OF LOT 1C OF SAID TOOELE VALLEY RANCHETTES; THENCE SOUTH 72°12' EAST ALONG THE WEST PROPERTY LINE OF SAID LOT 1C 64.87 TO THE NORTHEAST CORNER OF LOT 1C OF SAID TOOELE VALLEY RANCHETTES; THENCE SOUTH 89°54'40" WEST ALONG THE WEST PROPERTY LINE OF SAID LOT 1C 200.00 FEET TO THE NORTHEAST CORNER OF LOT 1A OF SAID TOOELE VALLEY RANCHETTES; THENCE SOUTH 00°20'38" EAST ALONG THE WEST PROPERTY LINE OF SAID LOT 1A 19.228186 FEET TO THE NORTHEAST CORNER OF LOT 1A OF SAID TOOELE VALLEY RANCHETTES; THENCE SOUTH 00°20'38" EAST ALONG THE WEST PROPERTY LINE OF SAID LOT 1A 14.82289 FEET TO THE POINT OF BEGINNING. THE 86°52'08" BEING ALONG THE NORTH PROPERTY LINE OF SAID LOT 1A 627.89 FEET TO CONTAINS 22.82 ACRES.

SURVEYOR'S STATE/ENDORSEMENT

DAVID B. DRAPER, L.S.
LICENSE NO. 8861599

OWNER'S VACATION AND CONSENT TO RECORD

Each of us, by these presents, that we, the undersigned owner of the above described tract of land, having caused same to be subdivided into lots and a private street together with easements to be hereafter herein as the

ALPINE RANCH SUBDIVISION AMENDED

(VACATING WHISPERING HORSE DRIVE AND AMENDING LOTS 1-4)

do hereby vacate the public right of way, others also hereby consent to say and the public makes a perpetual non-revocable easement for the use of the same for the installation, maintenance and operation of public utility lines for the use of the same for the installation, maintenance and operation of public utility lines and for the use of the same for the installation, maintenance and operation of public utility lines. The undersigned owner of the above described tract of land, having caused same to be subdivided into lots and a private street together with easements to be hereafter herein as the

UTAH YOUR PALACE, SIGNED BY: REC SURVEYOR, PRESENT

J. BRUCE CLEGG, COMMISSION CHAIR TOOELE COUNTY

ACKNOWLEDGMENT

STATE OF UTAH } S.S.
COUNTY OF SAU LAKE }

On this _____ day of _____ A.D. 20____, personally appeared before me the undersigned Michael Engineering, Inc., who say they are the true and lawful owners of the above described tract of land, and who have subdivided said tract of land into lots and a private street together with easements hereafter to be known as the Alpine Ranch Subdivision Amended (Vacating Whispering Horse Drive and Amending Lots 1-4). The undersigned owner of the above described tract of land, having caused same to be subdivided into lots and a private street together with easements to be hereafter herein as the

In witness whereof, I have hereunto set my hand and seal of my office, at _____, Utah, on the _____ day of _____, A.D. 20____.



TOOELE COUNTY HEALTH DEPARTMENT
APPROVED AS TO FORM THIS DAY OF _____ A.D. 20____ BY THE TOOELE COUNTY HEALTH DEPARTMENT.

TOOELE COUNTY HEALTH DEPARTMENT
APPROVED AS TO FORM THIS DAY OF _____ A.D. 20____ BY THE TOOELE COUNTY HEALTH DEPARTMENT.

TOOELE COUNTY ENGINEER
APPROVED THIS _____ DAY OF _____ A.D. 20____ BY THE TOOELE COUNTY ENGINEER.

TOOELE COUNTY AT-TORNEY
APPROVED THIS _____ DAY OF _____ A.D. 20____ BY THE TOOELE COUNTY AT-TORNEY.

TOOELE COUNTY TREASURER
APPROVED THIS _____ DAY OF _____ A.D. 20____ BY THE TOOELE COUNTY TREASURER.

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TOOELE COUNTY TREASURER
APPROVED THIS _____ DAY OF _____ A.D. 20____ BY THE TOOELE COUNTY TREASURER.

LOCATED IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 4 WEST SAU LAKE TWP. & MERIDIAN

TOOELE COUNTY RECORDER
RECORDED _____ A.D. 20____ BY THE TOOELE COUNTY RECORDER.

TOOELE COUNTY ENGINEERING COMMISSION
APPROVED AS TO FORM THIS DAY OF _____ A.D. 20____ BY THE TOOELE COUNTY ENGINEERING COMMISSION.

TOOELE COUNTY ENGINEERING COMMISSION
APPROVED AS TO FORM THIS DAY OF _____ A.D. 20____ BY THE TOOELE COUNTY ENGINEERING COMMISSION.

TOOELE COUNTY AT-TORNEY
APPROVED THIS _____ DAY OF _____ A.D. 20____ BY THE TOOELE COUNTY AT-TORNEY.

TOOELE COUNTY TREASURER
APPROVED THIS _____ DAY OF _____ A.D. 20____ BY THE TOOELE COUNTY TREASURER.

TOOELE COUNTY RECORDER
RECORDED _____ A.D. 20____ BY THE TOOELE COUNTY RECORDER.