

RESOLUTION NO. 85-121

A RESOLUTION ACCEPTING DEDICATION FROM MITCHELL V. MYERS, AS TRUSTEE OF THE MITCHELL V. MYERS FAMILY TRUST, OF CERTAIN PROPERTIES LOCATED WITHIN THE WHITE SAGE ANNEXATION TO DELTA CITY AND DECLARING THE FULFILLMENT OF THE PARK DEDICATION REQUIREMENTS ESTABLISHED UNDER ANNEXATION AGREEMENT NO. 2 OF ANNEXATION ORDINANCE NO. 82-44 AND AUTHORIZING ACCEPTANCE AND RECORDATION OF DEEDS COMPLETING SAID DEDICATIONS.

RECITALS

The City Council of the City of Delta, Utah, referred to herein as the "City Council," hereby recites the following as the basis for adopting this resolution:

A. Mitchell V. Myers and Joan Myers of Delta, Utah, were owners of certain land annexed into the corporate limits of Delta City by Ordinance No. 82-44, enacted pursuant to a petition submitted by said owners, and others. Said owners further executed an agreement entitled "Annexation Agreement No. 2 - Annexation Ordinance No. 82-44" wherein they agreed to dedicate the property described in Exhibit "A" hereto to Delta City.

B. Mitchell V. Myers and Joan Myers did dedicate to Delta City a portion of the real property described in Exhibit "A" hereto by execution of the street dedication plat approved by the City Council dedicating Manzanita Avenue and Ponderosa Drive to the City of Delta, Utah, which plat has been recorded and thereby passing title to these portions of the property contained in Exhibit "A" encompassed within said Manzanita Avenue and Ponderosa Drive to Delta City.

C. Subsequent to the execution of said street dedication plat, the properties heretofore owned by said Mitchell V. Myers and Joan Myers have been conveyed to Mitchell V. Myers, as trustee of the Mitchell V. Myers Family Trust. The trustee of said trust has now offered to dedicate to Delta City the remaining portions of the property described in Exhibit "A" hereto by the two warranty deeds attached hereto as Exhibits "B" and "C".

D. The City Council has determined that it is in the best interests of the residents of Delta City to accept the dedication of said properties. The City Council has further determined that it is appropriate to declare the dedication requirements set out in paragraph 3 of said Annexation Agreement No. 2, Annexation Ordinance No. 82-44, as completed based on the properties heretofore dedicated by said annexation petitioners and that the remaining dedications to be made in accordance with this resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Delta, Utah:

1. Acceptance of Dedication. The City Council hereby accepts dedication of the real property described in the warranty deeds attached hereto as Exhibits "B" and "C" from Mitchell V. Myers as trustee of the Mitchell V. Myers Family Trust. Authorization is given for the Mayor or City Recorder to accept delivery of the executed originals of said deeds and to cause the same to be recorded in the office of the Recorder of Millard County, Utah.

2. Fulfillment of Park Dedication Requirements. The City Council hereby determines and finds that upon delivery and recordation of good and sufficient deeds from Mitchell V. Myers as trustee of the Mitchell V. Myers Family Trust or other persons conveying to Delta City good and marketable title to the properties described in Exhibits "B" and "C", respectively, that the park dedication requirements set out in paragraph 3 of Annexation Agreement No. 2, Annexation Ordinance No. 82-44 have been completed and are hereby declared to be completed. The effect of this finding shall be that Mitchell V. Myers and Joan Myers, or their successors in interest, shall not be obligated to make any further payment of park dedication fees as required under said Annexation Agreement No. 2, Annexation Ordinance No. 82-44, nor of any other dedication fee, impact fee, or other requirement imposed or enacted as a replacement to said park dedication requirement.

3. Effective Date. This resolution shall become effective immediately upon adoption. The findings set out in paragraph 2 hereof shall become effective upon recordation of warranty deeds conveying good and marketable title to the properties described in Exhibits "B" and "C" hereto to Delta City.

4. Severability. In the event that any provision of this resolution less than the entire resolution is held invalid by a court of competent jurisdiction, this resolution shall be deemed severable and such finding of invalidity shall not affect the remaining portions of this resolution.

5. Repeal of Conflicting Resolutions. To the extent that any resolutions or policies of the City of Delta conflict with the provisions of this resolution, they are hereby amended to be in accordance with the provisions hereof.

PASSED AND APPROVED THIS 11 day of March, 1985.


GRANT S NIELSON, Mayor

Attest: 
DOROTHY JEFFERY,
City Recorder

THE EAST 3.36 ACRES OF THE
NORTH 25 ACRES OF PARCEL 2 - IPP OPTION

The East 3.36 Acres of the North 25 Acres of the following tract:

BEGINNING 54 feet South and 221 feet East of the Northwest corner of the Southwest quarter of Section 8, Township 17 South, Range 6 West, Salt Lake Base and Meridian; thence East 769 feet; thence South 2,586 feet; thence West 990 feet; thence North 2,200 feet; thence East 221 feet; thence North 386 feet to the point of beginning.

EXCEPTING THEREFROM that portion lying within the bounds of the State Road on the North.

Said East 3.36 Acres being more particularly described as follows:

BEGINNING at a point on the South side of a State Road, said point being South 0°51'13" West along the Section Line 36.81 feet and North 88°30'36" East along the South side of said State Road 307.07 feet and North 88°35'54" East 586.48 feet from the West quarter corner of Section 8, Township 17 South, Range 6 West, Salt Lake Base and Meridian and running thence North 88°35'54" East 103.51 feet; thence leaving said State Road South 0°51'58" West 1,417.18 feet; thence North 89°08'47" West 103.43 feet; thence North 0°51'58" East 1,413.11 feet to the point of beginning. Containing 3.36 Acres.

WARRANTY DEED

MITCHELL V. MYERS as trustee of the Mitchell V. Myers Family Trust, GRANTOR, of Delta, Millard County, Utah, hereby CONVEYS and WARRANTS to CITY OF DELTA, a municipal corporation and political subdivision of the State of Utah of P.O. Box 397, Delta, Utah 84624, GRANTEE, for the sum of TEN AND 00/100 DOLLARS (\$10.00), and other good and valuable consideration, the following described tract of land in Millard County, State of Utah:

Beginning at a point that is South 0°51'13" West along the Section line 36.81 feet and North 88°30'36" East along the South side of a State Road 307.07 feet and North 88°35'54" East 689.99 feet and South 0°51'58" West 961.10 feet from the West 1/4 corner of Section 8, Township 17 South, Range 6 West, Salt Lake Base & Meridian; and running thence South 0°51'58" West 456.075 feet; thence North 89°08'47" West 43.43 feet; thence North 0°51'58" East 456.085 feet; thence South 89°08'02" East 43.43 feet to the point of beginning. Contains 0.4547 acres.

WITNESS, the hand of said Grantor, this 5th day of

December, 1985.

Mitchell V Myers trustee
MITCHELL V. MYERS as trustee of
the Mitchell V. Myers Family
Trust

STATE OF UTAH)
 : ss.
COUNTY OF MILLARD)

On the 5th day of December, 1985, personally appeared before me MITCHELL V. MYERS as trustee of the Mitchell V. Myers Family Trust, signer of the foregoing instrument, who duly acknowledged to me that he executed the same pursuant to and in accordance with the powers vested in him by the terms of said trust.

5-10-85

WARRANTY DEED

MITCHELL V. MYERS as trustee of the Mitchell V. Myers Family Trust, GRANTOR, of Delta, Millard County, Utah, hereby CONVEYS and WARRANTS to CITY OF DELTA, a municipal corporation and political subdivision of the State of Utah of P.O. Box 397, Delta, Utah 84624, GRANTEE, for the sum of TEN AND 00/100 DOLLARS (\$10.00), and other good and valuable consideration, the following described tract of land in Millard County, State of Utah:

Beginning at a point on the South side of a State Road, said point being South 0°51'13" West along the Section line 36.81 feet and North 88°30'36" East along the South side of said State Road 307.07 feet and North 88°35'54" East 646.53 feet from the West 1/4 corner of Section 8, Township 17 South, Range 6 West, Salt Lake Base & Meridian; and running thence North 88°35'54" East 43.46 feet; thence leaving said State Road South 0°51'58" West 901.10 feet; thence North 89°08'02" West 43.43 feet; thence North 0°51'58" East 899.38 feet to the point of beginning. Contains 0.8975 acres.

WITNESS, the hand of said Grantor, this 5th day of December, 1985.

Mitchell V Myers trustee
MITCHELL V. MYERS as trustee of
the Mitchell V. Myers Family
Trust

STATE OF UTAH)
 : ss.
COUNTY OF MILLARD)

On the 5th day of December, 1985, personally appeared before me MITCHELL V. MYERS as trustee of the Mitchell V. Myers Family Trust, signer of the foregoing instrument, who duly acknowledged to me that he executed the same pursuant to and in accordance with the powers vested in him by the terms of said trust.

Notary Public
Notary Public