

RESOLUTION NO. 85-129

A RESOLUTION AUTHORIZING RELEASE OF ANY INTEREST HELD BY DELTA CITY TO PROPERTIES VACATED IN WHICH DELTA CITY MAY HOLD AN INTEREST LOCATED WITHIN BLOCK 71 OF THE AMENDED PLAT OF DELTA TOWNSITE, PLAT "A", AND AUTHORIZING EXECUTION AND RELEASE OF DEEDS TO SAID PROPERTIES UPON PAYMENT OF THE COSTS THEREFOR.

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

A. Prospective purchasers of property within Block 71 of the Amended Plat of Delta Townsite, Plat "A", as in the office of the Recorder of Millard County, Utah (which Block is hereinafter referred to as "Block 71") have requested that Delta City release its interest to certain properties within Lot 1 of Block 71.

B. Delta City has obtained opinions from licensed title examiners of their attempt to find what interest, if any, Delta City may have in and to said property so that the ownership interests of Delta City can be identified and appropriately dealt with. The opinions of said title agents are that the ownership plats maintained by the Millard County Recorder show a strip of land approximately 9.75 feet in width running North and South through the center of said Lot 1, but that the abstracts and indexes maintained by the Millard County Recorder do not show the nature of that ownership interest.

C. A search has been made of the Delta City records to determine what interests, if any, Delta City may claim in the subject 9.75 foot wide strip of property. There is no record maintained for the City, nor is there memory of any present City officials regarding ownership of said property by Delta City.

D. The City Council has determined that it is in the best interests of the residents of Delta City to have the described strip of land placed into beneficial use for the enhancement, beautification and development of the City of Delta and to have said property included on the property tax roles.

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

Section 1. Finding Regarding Subject Property. The City Council hereby finds and determines that the property

described below is not included in, nor a part of the Delta City master street plan, nor is the property occupied or used by Delta City nor is there foreseeable need for the property and the same should therefore be released. The property which is the subject of this resolution is located in Block 71 of the amended plat of Delta Townsite, Plat "A", according to the official records of the Recorder of Millard County, Utah, and is described more particularly as follows:

Beginning at a point located West 114.0 feet from the Southeast corner of Lot 1 of said Block 71; thence proceeding North 247.5 feet to the North boundary of said Lot 1; thence West along the North boundary of said Lot 1 9.75 feet; thence South 247.5 feet to the South Boundary of said Lot 1; thence East 9.75 feet to the point of beginning.

Section 2. Release of Interest. The City Council hereby declares that the interest of Delta City, if any, to the above described property is hereby released and authorization is given for the mayor and city recorder to execute and attest, respectively, quit-claim deeds releasing the northernmost 137.5 feet of the described property to Donald W. Hamilton, or such persons as he may in writing direct and the southernmost 110.0 of said described property to the successors of Elwin L. Pace, or such persons as his lawfully appointed successor may designate in writing. The approval to execute and release such deeds are expressly conditioned on payment by said recipients of a reasonable fee to reimburse Delta City for its cost in effecting a release of interest and preparation and execution of deeds conveying any interest the City may have in and to the described property. Authorization is given for said deeds to be delivered to a licensed escrow agent to allow for delivery to the property owners upon payment of such fees into escrow.

Section 3. Effective Date. This resolution shall become effective upon adoption.

Section 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.

Section 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 6 day of May, 1985.

Grant S. Nielson
GRANT S. NIELSON, Mayor

Attest:

Dorothy Jeffery
DOROTHY JEFFERY,
City Recorder

QUIT CLAIM DEED

THE CITY OF DELTA, a municipal corporation and political subdivision of the State of Utah, GRANTOR, hereby QUIT CLAIMS to DONALD W. HAMILTON, of P.O. Box 95, Midway City, California 92655, GRANTEE, for the sum of TEN AND 00/100 DOLLARS (\$10.00) and other good and valuable consideration, the following described parcels of real property located in Millard County, State of Utah:

Commencing at a point North 110.0 feet and West 114.0 feet from the Southeast corner of Lot 1 of Block 71 of the amended plat of Delta Townsite, Plat "A", according to the official records of the Recorder of Millard County, Utah; thence North 137.5 feet to the North boundary of Lot 1 of said Block 71; thence West 9.75 feet along said North boundary; thence South 137.5 feet; thence East 9.75 feet to the point of beginning.

RESERVING TO THE GRANTOR and its successors and assigns an easement for any underground or overhead utility lines.

SUBJECT TO the right-of-way or easements therein of any lot owner and the franchise rights of any public utility.

IN WITNESS WHEREOF, the City of Delta has caused the foregoing instrument to be executed by its proper officers thereunto duly authorized, this 6th day of May, A.D. 1985.

CITY OF DELTA

By: Grant S Nielson
GRANT S NIELSON, Mayor

Attest: Dorothy Jeffery
DOROTHY JEFFERY,
City Recorder

STATE OF UTAH)
: ss.
COUNTY OF MILLARD)

On this _____ day of _____, A.D. 1985, personally appeared before me GRANT S NIELSON and DOROTHY JEFFERY, who being by me duly sworn, did say that they are the mayor and city recorder, respectively, of the City of Delta, a municipal corporation and political subdivision of the State of Utah and that