

RESOLUTION 85-139

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DELTA, UTAH AUTHORIZING EXECUTION AND DELIVERY OF A QUIT-CLAIM DEED RELEASING ANY REVERSIONARY INTEREST HELD BY DELTA CITY TO CERTAIN PROPERTY LOCATED IN LOT 2, BLOCK 53, DELTA TOWNSITE, PLAT "A."

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. The City of Delta issued a Warranty Deed to the Daughters of the Utah Pioneers on April 25, 1962, conveying certain property located within Lot 2, Block 53, Delta Townsite, Plat "A," referred to hereinafter as the "subject property." A copy of the deed is attached hereto as Exhibit "A." The subject property is described more particularly as follows:

Commencing at the Northeast corner of Lot 2, Block 53, Amended Plat of Delta Townsite, Plat "A"; and running thence West 33 feet; thence South 60 feet; thence East 33 feet; thence North 60 feet to the point of beginning.

B. The described Warranty Deed was recorded as Entry No. 5694 in Book 47 at pages 284 and 285 of records in the office of the Millard County Recorder. The deed contained a reservation as follows:

It is the intention of the grantor, in executing and delivering this conveyance to the grantee, that the hereinbefore described property shall be used solely and exclusively by the grantee herein named only for the purpose of maintaining the pioneer residence presently situated on said property and for the further purpose of erecting whatever structures and erecting whatever acts are necessary to the maintenance of the property and said pioneer residence as a public memorial. The grantee herein named, by its acceptance of this conveyance, covenants and agrees by and with the grantor herein named, that should grantee cease or fail to use the hereinbefore described property for the purposes herein set forth, that such property shall revert to and become the property of the said grantor, or its successors in interest, and all rights of the grantee in and to said property shall cease to exist.

C. On May 29, 1964, a correction Special Warranty Deed was issued by Delta City containing the same legal description

and reservation as set forth above, but providing that said property be conveyed to the Helen Mar McCullough Camp of Daughters of Utah Pioneers and Annie Melville Bishop Camp of Daughters of Utah Pioneers be named as the grantees of the subject property. A copy of this Special Warranty Deed is attached hereto as Exhibit "B."

D. The Daughters of the Utah Pioneers subsequently conveyed their interest in the subject property to the West Millard Hospital District, a political subdivision and quasi-municipal corporation of the State of Utah.

E. West Millard Hospital District desires to convey to the Millard County Housing Authority all of its right, title and interest into the subject property to allow said property to be used in the construction and operation of the Delta Senior Citizens Housing Project.

F. West Millard Hospital District has requested that Delta City convey and release to West Millard Hospital District its reversionary interest in the subject property as set forth in the Warranty Deed and Special Warranty Deed described above so that West Millard Hospital District can convey good and marketable title to the Millard County Housing Authority and so that the Millard County Housing Authority can obtain suitable financing for the Delta Senior Citizens Housing Project.

G. The City Council finds that the pioneer residence previously located on the subject property as described in the reservations contained in the deeds attached as Exhibits "A" and "B" hereto has been moved to a new location.

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

1. Purpose of Resolution. The City Council hereby finds and declares that the purpose for the reservation contained in the Warranty Deed and Special Warranty Deed described above has lapsed in that the pioneer residence previously located on the subject property has been moved to a new location. The City Council further finds and declares that the proposed use of the subject property for construction and operation of the Delta Senior Citizen Housing Project serves a useful and needed function within the City of Delta and supercedes any interest or purpose served by the reservation and reversionary interest described in the attached Warranty Deed and Special Warranty Deed.

2. Authorization to Release Interest. The City Council hereby finds and declares that the best interests of the resi-

dents of the City of Delta would be served by release of the reversionary interest held by Delta City in the subject property and does therefore hereby authorize execution of a Quit-Claim Deed to West Millard Hospital District releasing the reversionary interest described in the attached deeds.

3. Execution and Delivery of Deed. Authorization is hereby given for the Mayor and City Recorder of the City of Delta to execute and attest, respectively, a Quit-Claim Deed in a form approved by the Delta City Attorney, releasing the reversionary interest described above and to thereafter deliver said deed to West Millard Hospital District.

4. Effective Date. This resolution shall become effective upon adoption.

5. 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.

6. 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 21st day of October, 1985.

Grant S. Nielson
GRANT S NIELSON, Mayor

Attest: Dorothy Jeffery
DOROTHY JEFFERY
City Recorder

5694 WARRANTY DEED

CITY OF DELTA, a Utah municipal corporation, GRANTOR, hereby CONVEYS and WARRANTS to WEST MILLARD CHAPTER OF DAUGHTERS OF UTAH PIONEERS, GRANTEE, for the sum of ONE (\$1.00) DOLLAR, and other good and valuable consideration, the following described tract of land situated in the County of Millard, State of Utah:

Commencing at the Northeast corner of Lot 2, Block 53, Plat "A", Delta Townsite, and running thence West 33 feet; thence South 60 feet; thence East 33 feet; thence North 60 feet to the point of beginning.

Together with all improvements thereon and appurtenances thereunto belonging.

SUBJECT TO all rights of way and easements of record or now existing, EXPRESSLY RESERVING unto the Grantor whatever right of way might be necessary for the maintenance of existing ditches.

It is the intention of the Grantor, in executing and delivering this conveyance to the Grantee, that the hereinbefore described property shall be used solely and exclusively by the Grantee herein named only for the purpose of maintaining the pioneer residence presently situated on said property and for the further purpose of erecting whatever structures and performing whatever acts are necessary to the maintenance of the property and said pioneer residence as a public memorial. The Grantee herein named, by its acceptance of this conveyance, covenants and agrees by and with the Grantor herein named, that should said Grantee cease or fail to use the hereinbefore described property for the purposes herein set forth, that such property shall revert to and become the property of the said Grantor, or its successors in interest, and all rights of the Grantee in and to said property shall cease to exist.

IN WITNESS WHEREOF, the said Grantor has signed this deed by its Mayor, duly authorized by a resolution of Delta City Council, and duly attested by the City Recorder, and has affixed its corporate seal this 25th day of April, A. D., 1962.

ATTEST:

CITY OF DELTA

SPECIAL WARRANTY DEED

8541

1 CITY OF DELTA, a Utah municipal corporation, GRANTOR, hereby CONVEYS
2 and WARRANTS to HELEN MAR McCULLOUGH CAMP OF DAUGHTERS OF UTAH
3 PIONEERS and ANNIE MELVILLE BISHOP CAMP OF DAUGHTERS OF UTAH PIONEERS
4 GRANTEES, for the sum of ONE and no/100 (\$1.00) DOLLAR, and other good and
5 valuable consideration, the following described tract of land situated in the
6 County of Millard, State of Utah:

7 All the Grantor's one-half undivided interest in the property,
8 Commencing at the Northeast corner of Lot 2, Block 53,
9 Plat "A", Delta Townsite, and running thence West 33
feet; thence South 60 feet; thence East 33 feet; thence
North 60 feet to the point of beginning.

10 Together with all improvements thereon and appurten-
ances thereunto belonging.

11 SUBJECT TO all rights of way and easements of record
12 or now existing. EXPRESSLY RESERVING unto the Grantor
13 whatever right of way might be necessary for the main-
tenance of existing ditches.

14 It is the intention of the Grantor, in executing and de-
15 livering this conveyance to the Grantee, that the herein-
16 before described property shall be used solely and ex-
17 clusively by the Grantees herein named only for the purpose
18 of maintaining the pioneer residence presently situated on
19 said property and for the further purpose of erecting what-
20 ever structures and performing whatever acts are necessary
21 to the maintenance of the property and said pioneer residence
as a public memorial. The Grantees herein named, by their
acceptance of this conveyance, covenant and agree by and
with the Grantor herein named, that should said Grantees
cease or fail to use the hereinbefore described property
for the purposes herein set forth, that such property shall
revert to and become the property of the said Grantor, or its
successors in interest, and all rights of the Grantees in and
to said property shall cease to exist.

22 The Grantor warrants the title only as to acts of themselves.

1 IN WITNESS WHEREOF, the said Grantor has signed this deed by its Mayor,
2 duly authorized by a resolution of Delta City Council, and duly attested by the
3 City Recorder, and has affixed its corporate seal, this 29th day of May, A.D.,
4 1964.

5 ATTEST:

6 Carol G. Bennett
7 City Recorder

CITY OF DELTA

8 By Ned M. Church
9 Mayor

10 STATE OF UTAH)

11 : ss.

12 COUNTY OF MILLARD)

13 On the 29th day of May, A.D., 1964, personally appeared before me, Ned
14 M. Church, Mayor of the City of Delta, the signer of the above instrument, who
15 duly acknowledged before me that he executed the same for and on behalf of
16 said City of Delta by virtue of a resolution of the Delta City Council.

17 Carroll A. Lovell
18 Notary Public

19 Residing at Delta, Utah

20 My Commission Expires:

21 July 24, 1968

22 NO. 8541

23 RECORDED AT REQUEST OF

24 Lillian Brunker for HUP
25 DATE July 29, 1964 TIME 8:30 AM
26 BOOK 52 OF Rec PAGE 25 FEE 3.00
27 Eva Whitaker Millard County Recorder
By _____ Deputy