

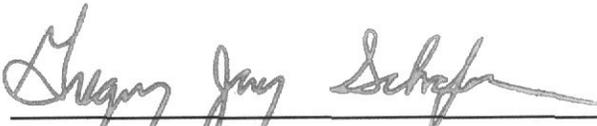
City of Delta
76 N 200 W
Delta UT 84624-9440
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Certificate of Resolution Passage

STATE OF UTAH)
COUNTY OF MILLARD } §
CITY OF DELTA)

I, GREGORY J. SCHAFER, as the duly appointed, sworn and acting Delta City Recorder, do hereby certify that the attached, numbered as City of Delta Resolution Number 05-303 was duly adopted by the necessary quorum of the Delta City Council on November 17, 2005.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the corporate seal of said City.



GREGORY J. SCHAFER, CMC
Delta City Recorder



RESOLUTION NO. 05-303

A RESOLUTION TO AMEND THE WHITE SAGE SUBDIVISION PLAT, AFFECTING THE WHITE SAGE SUBDIVISION PROPERTY LOCATED IN DELTA, UTAH, BY VACATING A FOURTEEN (14) FOOT DRAINAGE AND PUBLIC UTILITY EASEMENT LOCATED BETWEEN LOTS 56-57, WHITE SAGE SUBDIVISION.

RECITALS

The City Council of the City of Delta, Utah, referred to herein as the "City Council," recites the following as the basis for enacting this Resolution.

A. On or about July 28, 1983, Intermountain Power Agency filed a subdivision plat of the White Sage Subdivision located in Delta, Utah, with the Millard County Recorder's Office in Fillmore, Utah.

B. Said White Sage Subdivision Plat sets forth the following language as it relates to the location of certain drainage and public utility easements:

"All side and back lot lines have a 7.0 ft. drainage and public utilities easement on each side unless otherwise shown on this plat."

C. The City Council is empowered under §§10-9a-608 and 10-9a-609 Utah Code Annotated (1983 edition), as amended, to vacate, alter or amend a subdivision plat, any portion of a subdivision plat, or any street, lot, or alley contained in the subdivision plat.

D. The property owners of Lots 56-57, White Sage Subdivision, have a buyer for said lots who desires to construct a home which will result in an encroachment on a drainage and public utility easement platted, but unoccupied, lying between said Lots 56 and 57.

E. On or about September 1, 2005, the property owners of Lots 56-57, White Sage Subdivision, filed a Petition to Amend White Sage Subdivision Plat ("petition") with the Delta City Recorder's Office as required by State law, requesting that Delta City vacate the drainage and public utility easement between Lots 56-57 as shown on the White Sage Subdivision Plat on file with the Millard County Recorder's Office and that said plat be amended to reflect said change.

F. On or about October 13, 2005, the Delta City Planning Commission held a public hearing at the Delta City Council Chambers, 76 North 200 West, Delta, Utah, after publishing notice

as required by law, for the purpose of receiving public comment for or against vacating said drainage and public utility easement.

G. After receiving public comment at said public hearing, the Delta City Planning Commission voted to recommend to the Delta City Council that the drainage and public utility easement located between Lots 56 and 57 of the White Sage Subdivision Plat be vacated.

H. On or about November 3, 2005, the Delta City Council held a public hearing at the Delta City Council Chambers at 76 North 200 West, Delta, Utah after providing notice as required by law, for the purpose of receiving public comment for or against vacating said drainage and public utility easement.

I. After receiving public comment at said public hearing, the Delta City Council considered the matter and has determined that vacating the drainage and public utility easement between Lots 56 and 57, White Sage Subdivision will not be detrimental to the general interest of the residents of Delta City.

J. The City Council is satisfied that neither the public interest nor any person will be materially injured by the vacation of said drainage and public utility easement. The City Council is further satisfied that there is good cause for vacating said drainage and public utility easement between Lots 56-57, White Sage Subdivision.

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

1. Vacating Public Utility Easement between Lots 56 and 57, White Sage Subdivision. The White Sage Subdivision Plat on file with the Millard County Recorder's Office as Entry #48431 in Book 173 at Pages 462-469 of Official Records thereof is hereby amended to vacate the drainage and public utility easement between Lots 56 and 57, White Sage Subdivision.

2. Incorporation by Reference of White Sage Subdivision Plat. The White Sage Subdivision Plat on file with the Millard County Recorder's Office is hereby incorporated into this Resolution by reference, as though fully set forth and made a part of this Resolution.

3. Effective Date. This Resolution shall become effective upon adoption.

4. Recordation of Resolution with the Millard County Recorder's Office. This Resolution shall be recorded with the Millard County Recorder's Office in Fillmore, Utah to reflect such amendments to the White Sage Subdivision Plat on file therein.

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 ADOPTED this 17 day of NOVEMBER, 2005.



GAYLE BUNKER, Mayor

Attest: 

GREGORY JAY SCHAFFER
City Recorder

