



ORDINANCE NUMBER: 24-309

AN ORDINANCE OF THE COUNCIL OF THE CITY OF DELTA, STATE OF UTAH VACATING CERTAIN MID-BLOCK STREETS THROUGHOUT DELTA CITY.

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 Ordinance:

- A. **Whereas**, pursuant to Utah Code Ann. § 10-9a-609.5(7) Delta City has petitioned to vacate certain public streets within Delta City limits;
- B. **Whereas**, the notices required by Utah Code § 10-9a-609.5 have been satisfied and a public hearing has been held in compliance with Utah Code § 10-9a-208;
- C. **Whereas**, the Council expressly finds that there are no parcels accessed by the public street or municipal utility easement, and thus no notices were sent pursuant to Utah Code Ann. § 10-9a-208(2)(a);
- D. **Whereas**, the City Council has reviewed the General Plan for Delta City and determined granting of the Petition is in the best interest of Delta City;
- E. **Whereas**, the City Council has further determined that good cause exists for vacating the streets in question, that neither the public interest nor any person will be materially injured by the vacation, and that such vacation should be made;
- F. **Whereas**, the Delta City Council is empowered under Utah Code Ann. § 10-8-8, to adopt ordinances providing for vacation of streets within Delta City, Utah upon receipt of a petition therefore.;

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

Section 1. Street Vacation. The following public streets as described more particularly below in the office of the Millard County, Utah, Recorder are hereby vacated as a Delta City Street:

LOCATED IN BLOCK 27, PLAT "A ", DELTA TOWNSITE SURVEY, DELTA, UTAH

All of 150 East between 200 South and 300 South, and consisting of the following described real property:

BEGINNING AT THE N.W. CORNER OF LOT 4, BLOCK 27, PLAT "A", DELTA TOWNSITE SURVEY, MILLARD COUNTY, UTAH; THENCE S0°23'08"W, 248.87 FEET TO THE S.W. CORNER OF SAID LOT; THENCE N89°32'45"W, 16.50 FEET; THENCE N0°23'08"E, 248.87 FEET TO THE BLOCK LINE; THENCE ALONG SAID BLOCK LINE S89°32'48"E, 16.50 FEET TO THE POINT OF BEGINNING.

BEGINNING AT THE N.E. CORNER OF LOT 3, BLOCK 27, PLAT "A", DELTA TOWNSITE SURVEY, MILLARD COUNTY, UTAH; THENCE ALONG THE BLOCK LINE S89°32'48"E, 16.50 FEET TO THE CENTERLINE OF VACATED ROAD 150 EAST; THENCE ALONG SAID CENTERLINE S0°23'08"W, 248.87 FEET TO THE SOUTHERLY LINE AND EXTENSION THEREOF OF SAID LOT; THENCE ALONG SAID LINE N89°32'45"W, 16.50 FEET TO THE S.E. CORNER OF SAID LOT; THENCE N0°23'08"E, 248.87 FEET TO THE POINT OF BEGINNING.

BEGINNING AT THE S.E. CORNER OF LOT 2, BLOCK 27, PLAT "A", DELTA TOWNSITE SURVEY, MILLARD COUNTY, UTAH; THENCE N0°23'08"E, 248.87 FEET TO THE N.E. CORNER OF SAID LOT; THENCE S89°32'45"E, 16.50 FEET; THENCE S0°23'08"W, 248.87 FEET TO THE BLOCK LINE, THENCE N89°32'45"W, 16.50 FEET TO THE POINT OF BEGINNING.

BEGINNING AT THE S.W. CORNER OF LOT 1, BLOCK 27, PLAT "A", DELTA TOWNSITE SURVEY, MILLARD COUNTY, UTAH; THENCE ALONG BLOCK LINE N89°32'45"W, 16.50 FEET TO THE CENTERLINE OF VACATED ROAD 150 EAST; THENCE ALONG SAID CENTERLINE N0°23'08"E, 248.87 FEET TO THE NORTHERLY LINE AND EXTENSION THEREOF OF SAID LOT; THENCE ALONG SAID LINE S89°32'45"E, 16.50 FEET TO THE N.W. CORNER OF SAID LOT; THENCE S0°23'08"W, 248.87 FEET TO THE POINT OF BEGINNING.

Section 2. Effect of Street Vacation. This ordinance shall not result in an abandonment or vacation of any easements for drainage, sewer, water lines or other easements maintained by Delta City which may be presently located within the described streets; the vacation affected hereby shall not affect the easement of rights-of-way of any lot owners or the franchise rights of any public utility.

Section 3. Severability. If any provision of this ordinance, less than the entire ordinance, is held invalid by a court of competent jurisdiction, this ordinance shall be deemed severable and such finding of invalidity shall not affect the remaining portions of this ordinance.

Section 4. Repeal of Conflicting Ordinances. To the extent that any ordinances, resolutions or policies of the City of Delta conflict with the provisions of this ordinance, it is hereby amended to be in accordance with the provisions hereof.

Section 5. Expiration of Ordinance. All adjoining property owners must execute, sign and ready quit claim deeds that have the effect of combining remnant parcels resulting from this vacation with its associated lot that fronts the public right of way that is being vacated herein for recording with the Millard County Recorder within six months of the effective date of this Ordinance. If all adjoining properties have not fulfilled this requirement within six months, this Ordinance shall be deemed null and void and it shall NOT be filed with the Millard County Recorder pursuant to Section 6.

Section 6. Recording of Ordinance Prohibited. The recording of this Ordinance with the Millard County Recorder is expressly prohibited until all adjoining property owners are ready to file deeds to consolidate all resulting remnant parcels.

Section 7. No Remnants. This Ordinance shall be voided if it has the effect of creating remnants or islands of property within the City.

PASSED AND ADOPTED by the City Council of the City of Delta, State of Utah on the 4th day of September 2024, by the following Vote:

	Aye	Nay	Abstain	Absent
Kelly Carter	<u>X</u>	_____	_____	_____
KC Bogue	_____	_____	_____	<u>X</u>
Kiley J. Chase	<u>X</u>	_____	_____	_____
Nicholas W. Killpack	<u>X</u>	_____	_____	_____
Betty Jo Western	<u>X</u>	_____	_____	_____



John Wesley Niles
 John Wesley Niles
 MAYOR

Sherri Westbrook
 Sherri Westbrook
 CITY RECORDER