CITY OF LOGAN
ORDINANCE NO. 2002-50

AN ORDINANCE VACATING THE NORTHERN PORTION OF "OLD FIELD ROAD"
RIGHT-OF-WAY

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN AS
FOLLOWS:

SECTION 1: In the opinion of the Logan Municipal Council there is cause for vacating a
portion of a certain right-of-way located south of Golf Course Road at 100 West, and such action
shall not materially injure the public or any person. Therefore, pursuant to Sections 10-8-8.1 and
10-8-8.2, Utah Code Annotated, 1953, the following property is hereby abandoned and vacated:

BEG AT NW COR LT 6 BLK 4 PLT B PROVIDENCE FARM SVY & TH N 89° 07' W 198 FT
BR (N 89°19'24" W 212.16 FT MEAS) TO E BANK OF LOGAN RIVER TH NE'LY ALG E
BANK OF RIVER TO-WIT N 41° E 67 FT N 17°48' E 105.66 FT TH S 89°58'29" E 29.65 FT
TH S 63° 47' 54" E 61.44 FT MORE OR LESS TO THE TRUE POB; TH N 00°50'46" W 61.0
FT MORE OR LESS; TH N 35°32'53" E 111.25 FT MORE OR LESS; TH S 00°50'46" E 182.0
FT MORE OR LESS; TH N 63°47' 54" W 74.1 FT MORE OR LESS TO THE POB.
Containing 8,019 SF or 0.18 acres more or less.

Also identified as a portion of the "Old Field Road" right-of-way in Parcel 02-064-0004.

SECTION 2: This ordinance is contingent on the dedication of all rights-of-way
necessary for the realignment of the new 100 West Street, including sidewalks and parking strips
to City standards.

SECTION 3: Effective Date. This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH THIS 21st
DAY OF [August], 2002 by the following vote:

[Signatures]

ATTEST:

[Signature]

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for
approval or disapproval on the 21st day of [August], 2002.

[Signature]

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 21st day of [August], 2002.

[Signature]
Quit-Claim Deed

City of Logan, grantor, of Logan, County of Cache, State of Utah,

hereby QUIT-CLAIM to HOEFT LLC

of 2089 East Fort Union Blvd, grantee,

for the sum of Ten and 00/100 Dollars, and other good and sufficient consideration,

the following described tract(s) of land in Logan, Cache County, State of Utah, to wit:

AN ABANDONED PORTION OF OLD FIELD ROAD (100 WEST)

BEG AT NW COR LT 6 BLK 4 PLTB PROVIDENCE FARM SVY & TH N 89* 07' W 198 FT BR (N 89*19'24" W 212.16 FT MEAS) TO E BANK OF LOGAN RIVER TH NE'LY ALG E BANK OF RIVER TO-WIT N 41* E 67 FT N 17*48' E 105.66 FT TH S 89*58'29" E 29.65 FT TH S 63* 47' 54" E 61.44 FT MORE OR LESS TO THE TRUE POB; TH N 00*50'46" W 61.0 FT MORE OR LESS; TH N 35*32'53" E 111.25 FT MORE OR LESS; TH S 00*50'46" E 182.0 FT MORE OR LESS; TH N 63*47' 54" W 74.1 FT MORE OR LESS TO THE POB. Containing 8,019 SF or 0.18 acres more or less.

WITNESS the hand of said grantor(s) this 27th day of Aug., A.D. 20

Attest: ____________

Mayor

COUNTY OF Cache ss.

CITY OF LOGAN

By: ____________

Residing at: Logan, Utah - Cache County

My Commission Expires: 1/12/03

[Stamp]
Memo

To: City of Logan Municipal Council
From: C. Ronald Johnson, Assistant City Engineer
CC: Mayor Thompson, Kevin Hansen
Date: 08/02/02
Re: VACATING THE OLD FIELD ROAD RIGHT OF WAY

On November 1, 2000, the Municipal Council of the City of Logan passed Ordinance No. 2000-85 which vacated three pieces of land that were a part of "Old Field Road", or 100 West. One parcel was not included in that ordinance because agreement had not been reached with the parcel owner.

Since that time, agreement was reached with the owner of parcel 02-064-004, which contains the extreme north end of "Old Field Road", and part of that agreement with him, as with other property owners, was that we would vacate the part of "Old Field Road" within his parcel.

The owner has dedicated the right of way for the new roadway alignment, and improvements have been constructed as part of the City construction project on 100 West.

I, therefore, request that you begin the process of vacating the right of way which was "Old Field Road" in parcel 02-064-0004.

Thank you.
This will work. Section 2 is not necessary but it doesn't hurt anything if it is left in. Thanks.

>>> Lois Price 08/14/02 10:09AM >>>
Kymber - Please review the attached ordinance. It's the one I'll use as a sample for vacation to Hoeft. Is there a reason to include Section 2? The Council added it when they adopted it.

-Lois

After recording mail to: Logan City Recorder
255 North Main Street, Logan, UT 84321

CITY OF LOGAN
ORDINANCE NO. 2000-85

AN ORDINANCE VACATING THE "OLD FIELD ROAD" RIGHT-OF-WAY

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN AS FOLLOWS:

SECTION 1: In the opinion of the Logan Municipal Council there is cause for vacating a certain right-of-way located south of Golf Course Road at 100 West, and such action shall not materially injure the public or any person. Therefore, pursuant to Sections 10-8-8.1 and 10-8-8.2, Utah Code Annotated, 1953, the following property is hereby abandoned and vacated:

Located in Block 3, Plat B of the Providence Farm Survey. The City of Logan wishes to abandon all of the "Old Field Road" right-of-way on Parcel 02-064-0014, as recorded in the Cache County Recorder's Office as Entry 608/60, and Parcel 02-064,0009, as recorded in the Cache County Recorder's Office as Entry 498/987.

Also part of the "Old Field Road" right-of-way that will not be used as the new 100 West Street, on Parcel 02-085-0001, as recorded in the Cache County Recorder's Office as Entry 792/624.

SECTION 2: This ordinance is contingent on the dedication of all rights-of-way necessary for the realignment of the new 100 West Street, including sidewalks and parking strips to City standards.

SECTION 3: Effective Date. This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH THIS 1st DAY OF NOVEMBER , 2001 by the following vote:
Ayes: Kerr, Pearce, Allred, S. Thompson
Nays: None
Absent: Borg

Janice Pearce, Chairman

ATTEST:

Lois Price, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the ___ day of ____________________, 2000.
From: Lois Price
To: RON Johnson
Subject: Old Field Road ROW Vacation

Ron - I've talked to Kymber this morning and because we have a written notice from Hoeft that he wishes
the city to vacate the ROW his building is on, the four week public notice is not needed. That means we
can put the vacation on next week's agenda (August 21) as an action item if you and/or Kevin can be
there.

We're meeting with Tom Kerr at 4 p.m. today, so let me know before that. (The next regular meeting will
be September 4.)

Thanks,
-Lois

CC: Kymber Housley
On November 1, 2000, the Municipal Council of the City of Logan passed Ordinance No. 2000-85 which vacated three parcels of land which was a part of "Old Field Road" or 100 West. One parcel was not included in that ordinance because agreement had not been reached with the property owner.

Since that time, agreement was reached with the owner of parcel 02-064-0004, which contains the extreme north end of "Old Field Road", and part of the agreement with him, as with other property owners, was that we would vacate the part of "Old Field Road" within that parcel.

The owner has dedicated the right of way for the new roadway, and improvements have been constructed as part of the City construction project.

Please begin the process of vacating the right of way.

CC: LAURIE TANNER; Lois Price
I have a business owner of property on 100 West and Golf Course Road persistently requesting we vacate old Field Road right of way to him. I would like to meet with you to make sure I can and to make sure it is done correctly. We can meet in your office or down here in Engineering. Please let me know when would be a good time for you.

Thanks.
Dear Mr. Johnson:
I've tried to call you several times regarding the Golfcourse Road Property without any response. As we discussed, I need the following:

A signed Quit Claim Deed from the City
All Sprinklers and any other damage done by the city for the sidewalk and the electrical run.
Appropriate grading work and or curbing for the transition from the drive to the sidewalk.
Any other repair work required to bring the property back to its original state.

We discussed these issues several weeks ago.

I will be out of town until this Thursday. I expect a response from you with a plan prior to that time. Frankly, I am the one who has dedicated property to the city and should not have to put up with these problems.

If I do not hear from you within the next few days, I will work directly with the Mayor.
Sincerely,

Richard Hoeft
From: RON Johnson
To: Rhoef@aol.com
Subject: Re: Golf Course Road Property

August 1, 2002
Thank you for your reminder on the items still due dealing with your property and the realignment of 100 West. In response to your statements, I submit the following:

Because you had not agreed to dedicate the required right of way when the ordinance was passed vacating the un-needed portions of the "Old Field Road" alignment, (the ordinance was passed November 1, 2000, and you signed the Quit-Claim Deed on September 10, 2001) your property was not included in the ordinance for vacating the alignment. Therefore, we have begun the process of vacating the old right of way for your property. This process could take about 6 weeks to complete. When the process is complete, we will sign the deed and send it to you.

The sprinklers are being prepared and sod will be placed in the trench area where weeds are now growing.

The area along the sidewalk along the east of your property has been fixed with a curbing and asphalt patching.

As the project is closed out, all other items will be cleaned up and restored.

Thanks for your patience with us as we work to finish this and several other projects.

>>> <Rhoef@aol.com> 07/14/02 06:20PM >>>
Dear Mr. Johnson:
I've tried to call you several times regarding the Golfcourse Road Property without any response. As we discussed, I need the following:

A signed Quit Claim Deed from the City
All Sprinklers and any other damage done by the city for the sidewalk and the electrical run.
Appropriate grading work and or curbing for the transition from the drive to the sidewalk.
Any other repair work required to bring the property back to it's original state.

We discussed these issues several weeks ago.

I will be out of town until this Thursday. I expect a response from you with a plan prior to that time. Frankly, I am the one who has dedicated property to the city and should not have to put up with these problems.

If I do not hear from you within the next few days, I will work directly with the Mayor.
Sincerely,

Richard Hoeft
September 18, 2000

Rick Hoeft
Discovery Research
2089 East Fort Union Blvd
Salt Lake City, Utah 84121

Dear Rick,

We are continuing on the design of 100 west adjacent to your offices here in Logan. We appreciate your efforts in helping the City with this project. In our last meeting you had some concerns about the alignment of the new street and its potential effects on your easterly landscaping. Let me address those concerns:

1. The berm will need to be removed as part of the construction. This area will be landscaped with sod and all the sprinklers will be repaired or replaced to an equal or better condition. This will be done as part of the construction costs.
2. The pine tree at the northeasterly part of the landscaping will be out of the construction area and will remain.
3. The area between the sidewalk and the street will be landscaped with sod and sprinklers installed. The sprinklers will be connected to your existing system.
4. City staff will present and recommend to the City Council the vacation of the 100 West right-of-way which will not be used as part of this project.

If you have any other concerns or questions please feel free to call my office at (435) 750-9824.

Sincerely,

Michael Mecham, P.E.
City Engineer
Dear Mr. Johnson:
I've tried to call you several times regarding the Golfcourse Road Property without any response. As we discussed, I need the following:

A signed Quit Claim Deed from the City
All Sprinklers and any other damage done by the city for the sidewalk and the electrical run.
Appropriate grading work and or curbing for the transition from the drive to the sidewalk.
Any other repair work required to bring the property back to it's original state.

We discussed these issues several weeks ago.

I will be out of town until this Thursday. I expect a response from you with a plan prior to that time. Frankly, I am the one who has dedicated property to the city and should not have to put up with these problems.

If I do not hear from you within the next few days, I will work directly with the Mayor.
Sincerely,

Richard Hoeft
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE, ss.

On this 28th day of August, A.D. 2002, personally appeared before me Mandie Simpson, who being first duly sworn, deposes and says that she is the chief clerk of the Cache Valley Publishing Co., publishers of The Herald Journal, a daily newspaper published in Logan, City, Cache County Utah, and that the advertisement

a copy of which is hereto attached, was published in said newspaper for ONE (1) issue, commencing August 28, 2002, and ending August 28, 2002.

Signed Mandie Simpson

Subscribed and sworn to before me, the day and year above written.

Signed Cynthiak Fuller
Notary Public

My Commission expires 9-7-2003

LEGAL NOTICE

SUMMARY of an ordinance adopted by the Logan Municipal Council is as follows:

ORD. 02-50. An ordinance was adopted August 21, 2002, vacating a certain right-of-way known as the "Old Field Road" right-of-way and described as follows:

BEG AT NW COR LT 6 BLK 4 PLT B PROVIDENCE FARM SVY & TH N 69° 07' W 188 FT BR (N 89°19'24" W 212.16 FT MEAS) TO E BANK OF LOGAN RIVER TH NELY ALG E BANK OF RIVER TO WIT N 41° E 67 FT N 17°48' E 105.65 FT TH S 88°58'29" E 29.65 FT TH S 63° 47° 54° E 61.44 FT MORE OR LESS TO THE TRUE POB; TH N 00°50'46" W 61.0 FT MORE OR LESS; TH N 95°32'53" E 111.25 FT MORE OR LESS; TH S 00°50'46" E 182.0 FT MORE OR LESS; TH N 63°47" 54° W 74.1 FT MORE OR LESS TO THE POB. Containing 8,019 SF or 0.18 acres more or less.

Also identified as the northern portion of the "Old Field Road" right-of-way in Parcel 02-064-0004 and located south of Golf Course Road at 100 West.

Lois Price,
City Recorder
Publication Date: August 28, 2002

Full text of the ordinance may be reviewed at the City Recorder's Office, 255 North Main, Logan, during regular office hours.