CITY OF LOGAN
ORDINANCE NO. 05-04

AN ORDINANCE VACATING RIGHT-OF-WAY IN THE AREA OF 600 NORTH AND DARWIN AVENUE

WHEREAS, Utah State University desires to construct a new living/learning center and parking terrace in the area of 600 North and Darwin Avenue; and

WHEREAS, Utah State University has agreed to relocate the existing City of Logan utilities within the right-of-way; and

WHEREAS, Utah State University has coordinated relocation of the other existing utilities within the right-of-way; and

WHEREAS, Utah State University will establish public utility easements along the existing 600 North and Darwin Avenue rights-of-way for maintenance of relocated utilities; and

WHEREAS, The Logan Municipal Council finds there is good cause for vacating the right-of-way located on 600 North between 700 East and 800 East and Darwin Avenue and the Council finds such action shall not materially injure the public or any person.

THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN, STATE OF UTAH, AS FOLLOWS:

SECTION 1: Pursuant to Sections 10-8-8.2 and 10-8-8.4, Utah Code Annotated, 1953, the properties below are hereby abandoned and vacated:


BEG AT THE SOUTHEAST CORNER OF LOT 3, BLOCK 12, PLAT "E" LOGAN CITY SURVEY, SAID POINT BEING FURTHER DESCRIBED AS THE INTERSECTION OF THE CENTERLINE OF DARWIN AVENUE AND THE NORTH RIGHT-OF-WAY LINE OF 600 NORTH STREET,
THENCE WEST 1.5 RODS ALONG SAID NORTH RIGHT-OF-WAY LINE TO THE INTERSECTION OF SAID RIGHT-OF-WAY LINE AND THE WEST RIGHT-OF-WAY LINE OF DARWIN AVENUE, THEN NORTH 297 FEET MORE OR LESS ALONG SAID WEST RIGHT-OF-WAY LINE TO THE NORTH LINE OF SAID LOT 3, THENCE EAST 3.0 RODS ACROSS THE RIGHT-OF-WAY OF DARWIN AVENUE TO THE EAST RIGHT-OF-WAY LINE OF SAID DARWIN AVENUE, THENCE SOUTH 297 FEET MORE OR LESS ALONG SAID EAST RIGHT-OF-WAY LINE TO THE NORTH RIGHT-OF-WAY LINE OF 600 NORTH STREET, THENCE WEST 1.5 RODS ALONG SAID NORTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING. TOTAL ACREAGE BEING ±0.34 ACRES.

SECTION 2: Effective Date. This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH THIS 4th DAY OF January, 2005 by the following vote:

Ayes: Thompson
Nays: None
Absent: None

Laraine Swenson, Chair

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the 4th day of January, 2005.

Laraine Swenson, Chair

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 4th day of January, 2005.

Douglas E. Thompson, Mayor
PI: NE 4

Section 34 Township 12 North Range 1 East

Scale 1 Inch - 50 FEET

BLOCK 12, PLAT "E" LOGAN CITY SVY.

TAX UNIT

700 NORTH STREET

PROPOSED VACATION

600 NORTH STREET

See 06-000-4

Ent 882302 Bl 1338 Pg 528
EASEMENT AGREEMENT

UTAH STATE UNIVERSITY, a non-profit corporation and a public agency of the State of Utah, ("Grantor"), in consideration of the mutual covenants set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby conveys and warrants against all claiming by, through or under Grantor, to the CITY OF LOGAN, a municipal corporation of the State of Utah ("Grantee"), a perpetual easement and right of way upon, under, across and through an eighteen foot (18') wide strip of land ("Easement Area"), which Easement Area is more particularly described on Exhibit A attached hereto, for the purpose of installing, constructing, maintaining, repairing and replacing thereon, public utility infrastructure and facilities.

Grantee shall have all rights of ingress and egress reasonably necessary or convenient for the full and complete use, occupation, and enjoyment of the easement granted hereby, and all rights and privileges incident thereto.

Grantee hereby covenants and agrees that, upon the exercise of any of its rights hereunder, Grantee will restore the Easement Area to substantially the same condition as existed immediately prior to Grantee’s exercise of such rights, including, without limitation, backfilling and compaction of any excavation areas, and the reasonable repair of any landscaping or surface improvements damaged as a result of Grantee’s exercise of such rights.

IN WITNESS WHEREOF, Grantor and Grantee have executed this Easement Agreement as of this 3rd day of December, 2004.

GRANTOR

UTAH STATE UNIVERSITY, a non-profit corporation and a public agency of the State of Utah

By: [Signature]
Name: Kevin C. Womack, Associate Vice President of Business and Finance

GRANTEE

CITY OF LOGAN, a municipal corporation of the State of Utah

By: [Signature]
Name: Douglas E. Thompson
Title: Mayor

[ATTACH ACKNOWLEDGMENTS]
STATE OF UTAH

COUNTY OF Cache

On the 3rd day of December, 2004, personally appeared before me Kevin C. Womack, personally known to me or ☑ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

My Commission Expires:

4-1-08

STATE OF UTAH

COUNTY OF Cache

On the 16th day of December, 2004, personally appeared before me Douglas E. Thompson and ☑ personally known to me or ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

My Commission Expires:

1/12/07
EXHIBIT A

18.00-foot Utility Easement Boundary Description
A parcel of land, to be set aside as an 18.00-foot Utility Easement, situate in the Northeast Quarter of Section 34, Township 12 North, Range 1 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the southwest corner of Lot 4 of Block 12 of the Logan City Townsite Survey, and running thence East 587.70 feet along the south line of said Block 12 to the southeast corner of Lot 1 of said Block 12; thence South 18.00 feet; thence West 587.70 feet to the east line of 700 East Street; thence North 18.00 feet along said east line to the point of beginning.  *Parcel contains 10,578 square feet or 0.243 acres.*

Ent 879818 Bk 1333 Pg 1381
STATE OF UTAH  
COUNTY OF CACHE, ss.

On this 24th day of January, 2005, A.D., personally appeared before me, Rachelle S. Thomas, 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

LEGAL NOTICE

LOGAN MUNICIPAL COUNCIL

a copy of which is hereto attached, was published in said newspaper for One (1) issue of February 23, 2005, and ending January 23, 2005.

Signed, Rachelle S. Thomas

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

Signed, Cynthia K. Fulton

Notary Public.


LEGAL NOTICES

LOGAN MUNICIPAL COUNCIL

SUMMARY OF ORDINANCES passed by the Logan Municipal Council are as follows:

ORD. 05-05. An ordinance amending 6-39 to change the hours, owned by LaRue K. Johnson, Trustee, was adopted and approved January 4, 2005. The property is identified as Tax ID No. 02-063-002. LaGrand Johnson Property Annexation, and is located at approximately 620 South Main. It was annexed in accordance with UCA section 10-2-418.

ORD. 05-04. Pursuant to Sections 10-8-2 and 10-8-4, UCA, an ordinance was adopted and approved January 4, 2005 vacating a city right-of-way located at 600 North between 700 and 800 East and Darwin Avenue to facilitate the construction by Utah State University of a new residence hall.


Cynthia K. Fulton
Notary Public
(Civil)

PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE, etc.

On this 30th day of December, A.D. 2004, personally appeared before me, Rachelle S. Thomas, 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

NOTICE OF PUBLIC HEARING VACATION OF STREET RIGHT-OF-WAY

was published in said newspaper for Four (4) issues commencing December 11, 2004 and ending December 30, 2004.

Signed Rachelle S. Thomas

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

Signed Cynthia K. Love, Notary Public.