

After recording, return to:  
City Attorney's Office  
Murray City Corporation  
5025 South State Street  
Murray UT 84107

Mail tax notice to:

Affected Parcel ID Nos:  
21-12-129-007  
21-12-129-017  
21-12-129-026  
21-12-129-027  
21-12-129-028

**ORDINANCE NO. 22-26**

**AN ORDINANCE PERMANENTLY CLOSING AND VACATING AN  
UNUSED PUBLIC UTILITY EASEMENT AT 4994 SOUTH COMMERCE  
DRIVE, MURRAY CITY, SALT LAKE COUNTY, STATE OF UTAH**

WHEREAS, the Murray City Municipal Council received a petition to vacate a blanket public utility easement BVBP Current Apartments, LLC; and

WHEREAS, the petition requested that two public utility easements located on the property at 4994 South Commerce Drive, Murray, Salt Lake County, State of Utah, be permanently closed and any rights-of-way vacated; and

WHEREAS, the exact location of the two public utility easements cannot be determined either because the original easements were blanket easements or include incomplete legal descriptions; and

WHEREAS, the petition meets the requirements of U.C.A. §10-9a-609.5, 1953 as amended; and

WHEREAS, the request was made in order to facilitate the proposed construction of the 4800 Lofts Apartment development; and

WHEREAS, the Murray City Municipal Council finds good cause to permanently close the public utility easements at 4994 South Commerce Drive, Murray, Salt Lake County, State of Utah, and to vacate any rights-of-way; that the action will not be

detrimental to the public interest, nor materially injure any person or the public interest; and that said unused public utility easement should be permanently closed and the right-of-way vacated; and

WHEREAS, the Murray City Municipal Council finds that there is filed a written consent to the vacation by the owners of the properties adjacent to the portion of right-of-way being vacated; that affected entities have been given notice and have been consulted; that owners of record of each parcel accessed by the right-of-way have been given notice; and that notice has been published and a public hearing has been held on September 6, 2022 pursuant thereto, all as required by law.

BE IT ORDAINED BY THE MURRAY CITY MUNICIPAL COUNCIL:

*Section 1.* That the public utility easement located at 4994 South Commerce Drive, Murray, Salt Lake County, Utah, granted to Mill Creek Power Company by Instrument recorded November 15, 1910 as Entry No. 273070 in Book 7-Y at Page 201 of Official Records is permanently closed and vacated and that the City releases any and all title, right or interest it may have in the described parcel, SUBJECT TO any easement or right-of-way of any lot owner and the franchise rights of any public utility.

*Section 2.* That the public utility easement located at 4994 South Commerce Drive, Murray, Salt Lake County, Utah, granted to Murray City Corporation by Instrument recorded June 1, 1959 as Entry No. 1656187 in Book 1617 at Page 602 of Official Records is permanently closed and vacated and that the City releases any and all title, right or interest it may have in the described parcel, SUBJECT TO any easement or right-of-way of any lot owner and the franchise rights of any public utility.

*Section 3.* That any remaining City-owned public utility easement located at 4994 South Commerce Drive, Murray, Salt Lake County, State of Utah, whether from a blanket easement or incomplete legal description, is permanently closed and vacated and that the City releases any and all title, right or interest it may have in the described parcel, SUBJECT TO any easement or right-of-way of any lot owner and the franchise rights of any public utility. Such City-owned blanket public utility easements or easements with incomplete legal descriptions hereby vacated pertain to the parcel of land particularly described as follows:

**4994 South Commerce Drive**

AN ENTIRE TRACT OF LAND BEING ALL OR PART OF THOSE PARCELS OF LAND DESCRIBED IN THE FOLLOWING FIVE (5) DOCUMENTS: 1) PARCELS 1 AND 2 IN THAT QUIT CLAIM DEED RECORDED MARCH 27, 2007 AS ENTRY NO. 10045932 IN BOOK 9440, AT PAGE 4721 AND; 2) PARCELS 1 AND 2A IN THAT CORRECTIVE WARRANTY DEED RECORDED JANUARY 6, 2020 AS ENTRY NO. 13163764 IN BOOK 10881, AT PAGE 7453 AND; 3) NEW PARCEL NO. 2 IN THAT QUIT CLAIM DEED RECORDED NOVEMBER 20, 2020 AS ENTRY NO. 13468861 IN BOOK 11064, AT PAGE 8997 AND; 4) NEW PARCEL NO. 3 IN THAT QUIT CLAIM

DEED RECORDED NOVEMBER 20, 2020 AS ENTRY NO. 13468862 IN BOOK 11064, AT PAGE 8999 AND; 5) QUIT CLAIM DEED RECORDED JANUARY 21, 2020 AS ENTRY NO. 13173999 IN BOOK 10886, AT PAGE 8651 IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER, SAID ENTIRE TRACT IS LOCATED IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF AN EASTERLY EXTENSION OF THE NORTHERLY LINE OF AN EXISTING STORAGE BUILDING AND THE WESTERLY RIGHT-OF-WAY LINE OF COMMERCE DRIVE, WHICH IS 1902.89 FEET SOUTH  $00^{\circ}06'27''$  EAST ALONG THE QUARTER SECTION LINE AND 522.29 FEET EAST FROM THE NORTH QUARTER CORNER OF SAID SECTION 12; THENCE WESTERLY ALONG SAID EXTENSION AND NORTHERLY LINE OF EXISTING STORAGE BUILDING THE FOLLOWING FIVE (5) COURSES: 1) NORTH  $86^{\circ}53'40''$  WEST 87.98 FEET; 2) SOUTH  $03^{\circ}06'20''$  WEST 3.50 FEET; 3) NORTH  $86^{\circ}53'40''$  WEST 78.54 FEET; 4) NORTH  $03^{\circ}06'20''$  EAST 4.50 FEET; 5) NORTH  $86^{\circ}53'40''$  WEST 106.65 FEET TO A SOUTHERLY EXTENSION OF AN EXISTING CHAIN LINK FENCE AND THE EASTERLY LINE OF THAT CERTAIN RECORD OF SURVEY FILED AS S2004-09-0565 IN THE OFFICE OF THE SALT LAKE COUNTY SURVEYOR; THENCE NORTH  $00^{\circ}21'53''$  EAST 101.45 FEET (RECORD = NORTH  $0^{\circ}19'$  WEST) ALONG SAID EXISTING CHAIN LINK FENCE TO A NORTHEASTERLY CORNER OF SAID RECORD OF SURVEY; THENCE NORTH  $70^{\circ}42'50''$  WEST 245.57 FEET ALONG THE NORTHERLY LINE OF SAID RECORD OF SURVEY TO THE EASTERLY BOUNDARY LINE OF THAT PARCEL OF LAND DESCRIBED IN THAT QUIT CLAIM DEED RECORDED SEPTEMBER 24, 2013 AS ENTRY NO. 11729670 IN BOOK 10179, AT PAGE 8425 IN THE OFFICE OF SAID RECORDER; THENCE NORTHERLY ALONG SAID EASTERLY BOUNDARY LINE THE FOLLOWING TWO (2) COURSES: 1) NORTH  $41^{\circ}05'32''$  EAST 128.76 FEET (RECORD = NORTH  $42^{\circ}$  EAST 141.33 FEET); 2) NORTH  $20^{\circ}05'32''$  EAST (RECORD = NORTH  $21^{\circ}00'00''$  EAST) EAST 339.24 FEET 320.80 FEET TO AND ALONG THE EASTERLY LINE OF THE REED AND LIZ KNIGHT SUBDIVISION RECORDED DECEMBER 13, 2007 AS ENTRY NO. 10299837 IN BOOK 2007 OF PLATS, AT PAGE 476 IN THE OFFICE OF SAID RECORDER TO A BOUNDARY LINE AGREEMENT RECORDED AUGUST 29, 1992 AS ENTRY NO. 5320908 IN BOOK 6509, AT PAGE 1816 BEING THE CENTER OF A NARROW ROAD COMMONLY KNOWN AS BONNYVIEW AVENUE BEING A 2-ROD WIDE ROAD AND SHOWN ON THAT CERTAIN RECORD OF SURVEY FILED AS S87-11-0306 IN THE OFFICE OF SAID SURVEYOR; THENCE EASTERLY ALONG SAID BOUNDARY LINE AGREEMENT AND EXTENSION THEREOF THE FOLLOWING TWO (2) COURSES: 1) SOUTH  $74^{\circ}59'33''$  EAST (RECORD = SOUTH  $75^{\circ}00'00''$  EAST) 91.67 FEET; 2) SOUTH  $84^{\circ}14'33''$  EAST (RECORD = SOUTH  $84^{\circ}15'00''$  EAST) 186.70 FEET TO SAID WESTERLY RIGHT-OF-WAY LINE OF COMMERCE DRIVE; THENCE SOUTH  $03^{\circ}35'06''$  EAST 555.29 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

*Section 4.* This Ordinance shall take effect upon the first publication and filing of a copy thereof in the office of the City Recorder.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this 6<sup>th</sup> day of September, 2022.

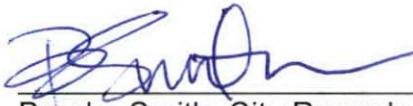


MURRAY CITY MUNICIPAL COUNCIL

  
Kat Martinez

Kat Martinez, Chair

ATTEST:

  
\_\_\_\_\_  
Brooke Smith, City Recorder

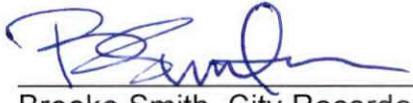
Transmitted to the Office of the Mayor of Murray City on the 9<sup>th</sup> day of  
September, 2022.

MAYOR'S ACTION: Approved.

DATED this 9<sup>th</sup> day of September, 2022.

  
\_\_\_\_\_  
Brett A. Hales, Mayor

ATTEST:

  
\_\_\_\_\_  
Brooke Smith, City Recorder

## CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance or a summary hereof was published according to law on the 27<sup>th</sup> day of September, 2022.



---

Brooke Smith, City Recorder