

ORDINANCE NO. 22-03

**AN ORDINANCE OF THE CITY OF SOUTH OGDEN, UTAH
GRANTING AN ACCESS EASEMENT TO THE DEPOT
TOWNHOMES LLC ACROSS CITY PROPERTY IDENTIFIED
AS A PORTION OF COUNTRY CLUB SUBDIVISION, LOT 58**

SECTION I - RECITALS

WHEREAS, the City of South Ogden (“City”) is a municipal corporation duly organized and existing under the laws of Utah; and,

WHEREAS, the City Council finds that in conformance with UC §10-3-702, the governing body of the city may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by State law or any other provision of law; and,

WHEREAS, The Depot Townhomes LLC has requested an access easement be established on a portion of City owned property located in the Country Club Subdivision, Lot 58, Parcel # 06-022-0034, and,

WHEREAS, The Depot Townhomes LLC has granted South Ogden City several easements across their property for access to and maintenance of a drainage inlet structure along the Burch Creek and also a storm drain line, and,

WHEREAS, the City hereby agrees that The Depot Townhomes LLC should have the right of access for all activities in connection with the purposes for which this easement will be granted, and,

WHEREAS, the City has power to grant access across its property and all rights in connection with this easement.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH that the following be enacted by ordinance:

SECTION II – GRANTING OF EASEMENT

Based Upon The Review And Recommendation Of Responsible City Staff, And
The City Manager, And The Findings Of The City Council, The Grant of Easement

Agreement Attached Hereto As **Attachment “A”**, And By This Reference Fully Incorporated Herein, Is Hereby Approved And Adopted For The Provision Of Granting An Easement To The Depot Townhomes LLC.

SECTION III - PRIOR ORDINANCES AND RESOLUTIONS

The body and substance of all prior Ordinances and Resolutions, with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

SECTION IV - REPEALER OF CONFLICTING ENACTMENTS

All orders, ordinances and resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal will not be construed to revive any act, order or resolution, or part, repealed.

SECTION V - SAVINGS CLAUSE

If any provision of this Ordinance be held or deemed, or shall be invalid, inoperative or unenforceable such will not render any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed the separate independent and severable act of the City Council of South Ogden City.

SECTION VI - DATE OF EFFECT

This Ordinance will be effective on the 5th day of April, 2022, and after publication or posting as required by law.

DATED the 5th day of April, 2022.

SOUTH OGDEN, a municipal corporation

by: _____
Mayor Russell Porter

ATTESTED:

Leesa Kapetanov, CMC
City Recorder

ATTACHMENT "A"

ORDINANCE NO. 22-03

An Ordinance Of The City Of South Ogden, Utah Granting An Access
Easement To The Depot Townhomes LLC Across City Property
Identified As A Portion Of Country Club Subdivision, Lot 58

05 Apr 22

When Recorded Mail To:
Attn: GRANTEE
927 South State Street
Salt Lake City, UT 84111
Tax Parcel 06-022-0034

GRANT OF EASEMENT

WHEREAS, **South Ogden City Corporation**, hereinafter called the Grantor, owner and entitled to possession of real property situated in South Ogden, Weber County, Utah;

WHEREAS, **The Depot Townhomes, LLC, a Utah Limited Liability Company**, hereinafter called the Grantee, is desirous of obtaining an easement over and along a portion of said property, as more particularly hereinafter described; and

WHEREAS, the said Grantor is willing to grant and convey the same to the Grantee for the consideration hereinafter set forth;

NOW, THEREFORE, in consideration of the sum of \$ 40.00 to the Grantor paid by the Grantee, receipt of which is hereby acknowledged, said Grantor hereby conveys and grants to the Grantee, its successors, transfers and assigns an ingress egress easement and right of way hereinafter described in South Ogden, Weber County, Utah; in, over, upon, across and through those portions of Grantor's land as follows:

Part of the North Quarter of Section 8 Township 5 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey also being a part of Country club subdivision lot 58 being more particularly described as;

Beginning at the Northeast Corner of said lot 58, Said point being 339.16 feet South 89°45'50" East along the Section line from the North Quarter Corner of said Section 8 and running thence Southeasterly along an arc of a 50.00 foot radius curve to the left 0.91 feet (Central Angle equals 01°02'30" Long Chord bears South 31°59'15" East 0.91 feet); thence South 25°00'10" West 33.18 feet to a point on an arc; thence Northwesterly along the arc of a 80.06 foot radius curve to the right 36.92 feet (Central Angle equals 26°25'28" Long Chord bears North 32°09'45" West 36.60 feet) to the Section line; thence South 89°45'50" East 33.03 feet to the place of beginning.
Contains 575 feet squared

Herein above referenced description as depicted on the attached **Exhibit**.

Grantor shall, subject to the Grantee's rights as herein granted, have the right to fully enjoy and use the premises burdened by said easement, but Grantor, his heirs, successors, administrators, representatives or assigns, shall not erect any permanent buildings or structure upon the lands comprising the perpetual or permanent easement above described without Grantee's consent in writing first had and obtained.

Grantee by accepting this grant agrees to replace or repair, with materials of like kind and equal quality, any existing fences, ditches, pipelines, driveways, curbing, parking lot, landscaping or roadways, including the appurtenances thereto, damaged or destroyed in said construction, and will restore the surface as near as can be to its original condition within the easement area. Grantee, his heirs, successors, administrators, representatives or assigns, shall not erect any permanent buildings or structures over and across said easement.

WITNESS THE HANDS of Grantor this _____ day of _____ 20_____.

SOUTH OGDEN CITY

By Russell L. Porter, Mayor

STATE OF UTAH }
 } s.s.
COUNTY OF WEBER }

On the _____ day of _____, 20____, personally
appeared before me, _____, personally
known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the
within instrument and acknowledged to me that they executed the same in their authorized capacity and that by their
signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public

My Commission Expires: _____

Residing at: _____

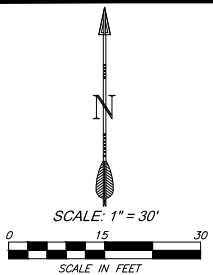


EXHIBIT A

BRENT MAISEY FAMILY TRUST
05-138-0065
ENTRY 2963459

WINFORD J. BARLOW, JR.
05-138-0041
ENTRY 2994546

DEPOT TOWNHOMES, LLC
05-138-0050
ENTRY 3074436

AMBER WARDROP &
HUSB ROBERT C
05-138-0049
ENTRY 3080802

NORTH QUARTER CORNER,
SECTION 8, TOWNSHIP 5 NORTH,
RANGE 1 WEST, S.L.B.&M.
(FOUND BRASS CAP MONUMENT)

SOUTH OGDEN CITY
06-022-0034

P.O.B.

$\Delta=01^{\circ}02'30''$
 $R=50.00'$
 $L=0.91'$
 $S31^{\circ}59'15''E$
 $LC=0.91''$

$\Delta=26^{\circ}25'28''$
 $R=80.06'$
 $L=36.92'$
 $N32^{\circ}09'45''W$
 $LC=36.60'$

33.03'
 $S89^{\circ}45'50''E$
339.16'

$S25^{\circ}00'10''W$
33.18'

Part of the North Quarter of Section 8 Township 5 North,
Range 1 West, Salt Lake Base and Meridian, U.S. Survey also
being a part of Country club subdivision lot 58 being more
particularly described as;

Beginning at the Northeast Corner of said lot 58, Said point
being 339.16 feet South 89°45'50" East along the Section line
from the North Quarter Corner of said Section 8 and running
thence Southeasterly along an arc of a 50.00 foot radius curve
to the left 0.91 feet (Central Angle equals 01°02'30" Long Chord
bears South 31°59'15" East 0.91 feet); thence South 25°00'10"
West 33.18 feet to a point on an arc; thence Northwesterly along
the arc of a 80.06 foot radius curve to the right 36.92 feet
(Central Angle equals 26°25'28" Long Chord bears North
32°09'45" West 36.60 feet) to the Section line; thence South
89°45'50" East 33.03 feet to the place of beginning.
Contains 575 feet squared

DEPOT TOWNHOMES, LLC
06-021-0052
ENTRY 3074436

LEGEND	
	EASEMENT BOUNDARY
	EXISTING PARCEL LINES
	CENTERLINE
	SECTION LINE
	FOUND SECTION CORNER



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