ORDINANCE NO. 2024-06

AN ORDINANCE OF IVINS CITY, UTAH, VACATING AN EASEMENT IN SERENTIY ESTATES SUBDIVISION

WHEREAS, a public utility and drainage easement in favor of Ivins City is currently shown on the plat maps for the Serenity Estates Subdivision located at approximately 600 South Main Street, a legal description and map designating same is attached hereto as Exhibit "A" and by this reference is incorporated herein; and

WHEREAS, Ivins City staff has determined, and the Ivins City Council hereby finds, that the City no longer requires said easement and that when the Serenity Estates Subdivision is recorded other public utility and drainage easements will be granted to Ivins City; and

WHEREAS, Ivins City would like to vacate said easement designated in Exhibit "A"; and

WHEREAS, a public hearing was held by the Ivins City Council on April 4, 2024; and

WHEREAS, the Ivins City Council finds that vacating said easement will not impact the rights of any public utility or property owners, will not be detrimental to the public interest and good cause exists for vacating this portion of right-of-way;

NOW, THEREFORE, BE IT ORDAINED by the Ivins City Council that the easement in favor of Ivins City, as designated in Exhibit "A," is hereby vacated.

Effective Date: This Ordinance shall become effective immediately upon passage and publication.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS 4th DAY OF APRIL, 2024 BY THE FOLLOWING VOTE:

	AYE	NAY	ABSTAIN	ABSENT
Mike Scott	_____	_____	_____	_____
Kevin Smith	_____	_____	_____	_____
Sharon Barton	_____	_____	_____	_____
Sharon Gillespie	_____	_____	_____	_____
Lance Anderson	_____	_____	_____	_____

_____

Chris Hart, Mayor

ATTEST:

_____

Kari D. Jimenez, City Recorder

CivilScience
Engineers Surveyors Solutions
1453 S Dixie Drive, Suite 150
St. George, UT 84770
435-986-0100

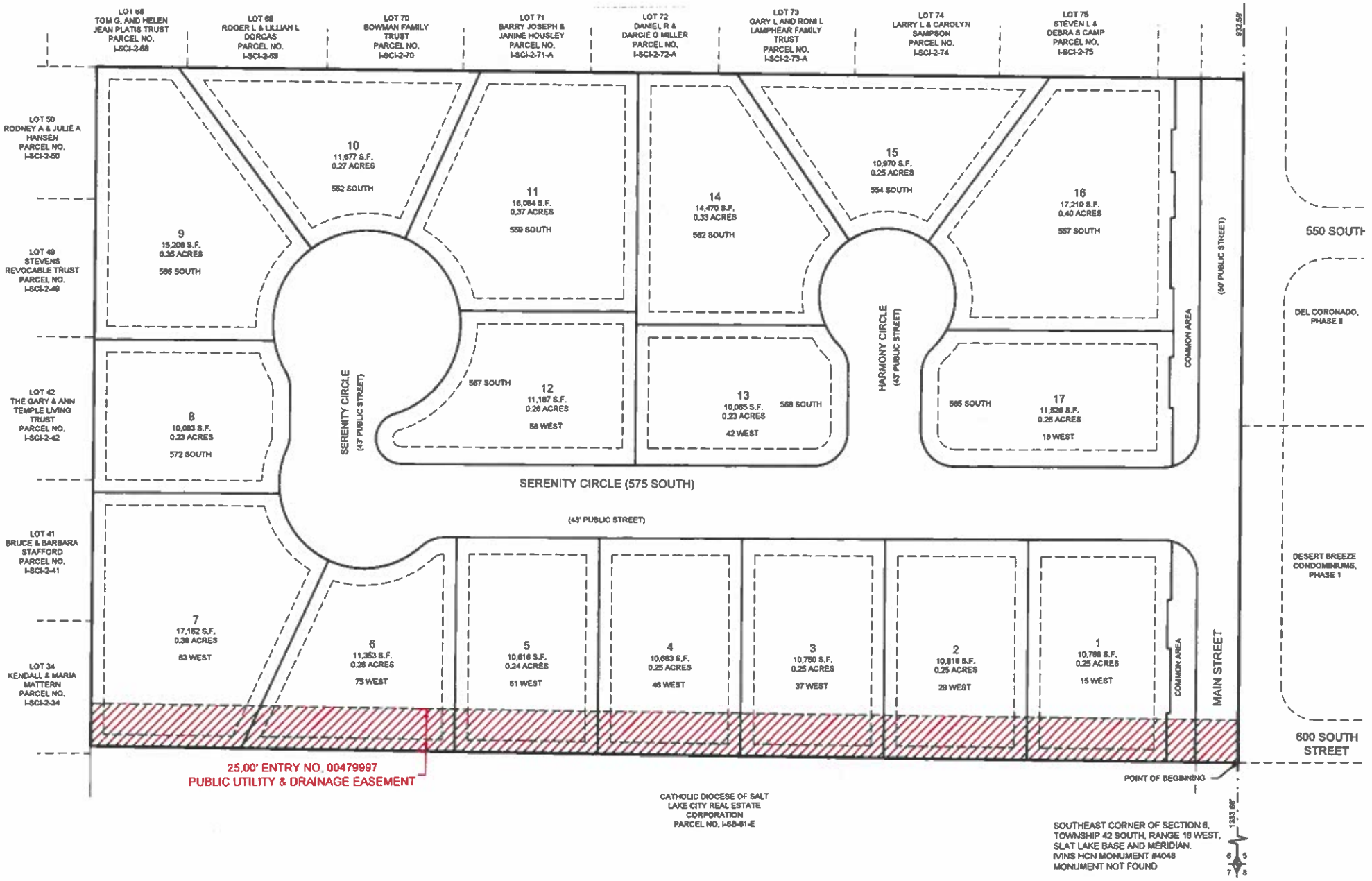
ENTRY NO. 00479997

PUBLIC UTILITY AND DRAINAGE EASEMENT

THE 25.00 FOOT WIDE EASEMENT IS DESCRIBED AS FOLLOWS:

THE SOUTH 25 FEET OF LOT 7, BLOCK 22 OF THE ST. GEORGE AND SANTA CLARA BENCH IRRIGATION SURVEY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 7, SAID POINT BEING N 0°49'03" W 1333.70 FEET ALONG THE SECTION LINE FROM THE SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 42 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE S 89°43'46" W 673.64 FEET ALONG THE SOUTH LINE OF SAID LOT 7 TO THE SOUTHWEST CORNER OF SAID LOT 7; THENCE N 0°46'03" W 25.00 FEET ALONG THE WEST LINE OF SAID LOT 7; THENCE N 89°43'46" E 673.62 FEET TO A POINT ON THE EAST LINE OF SAID LOT 7; THENCE S 0°46'03" E 25.00 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING. CONTAINS 16,841 SQUARE FEET.


LOT 68
TOM G. AND HELEN JEAN PLATIS TRUST
PARCEL NO. I-SCI-2-68
LOT 69
ROGER L & LILLIAN L DORCAS
PARCEL NO. I-SCI-2-69
LOT 70
BOWMAN FAMILY TRUST
PARCEL NO. I-SCI-2-70
LOT 71
BARRY JOSEPH & JANINE HOUSLEY
PARCEL NO. I-SCI-2-71-A
LOT 72
DANIEL R & DARCIE G MILLER
PARCEL NO. I-SCI-2-72-A
LOT 73
GARY L AND RONI L LAMPHEAR FAMILY TRUST
PARCEL NO. I-SCI-2-73-A
LOT 74
LARRY L & CAROLYN SAMPSON
PARCEL NO. I-SCI-2-74
LOT 75
STEVEN L & DEBRA S CAMP
PARCEL NO. I-SCI-2-75
822.59'
LOT 50
RODNEY A & JULIE A HANSEN
PARCEL NO. I-SCI-2-50
LOT 49
STEVENS REVOCABLE TRUST
PARCEL NO. I-SCI-2-49
LOT 42
THE GARY & ANN TEMPLE LIVING TRUST
PARCEL NO. I-SCI-2-42
LOT 41
BRUCE & BARBARA STAFFORD
PARCEL NO. I-SCI-2-41
LOT 34
KENDALL & MARIA MATTERN
PARCEL NO. I-SCI-2-34
9
15,208 S.F.
0.35 ACRES
586 SOUTH
10
11,677 S.F.
0.27 ACRES
552 SOUTH
11
16,084 S.F.
0.37 ACRES
559 SOUTH
14
14,470 S.F.
0.33 ACRES
562 SOUTH
15
10,970 S.F.
0.25 ACRES
554 SOUTH
16
17,210 S.F.
0.40 ACRES
557 SOUTH
8
10,083 S.F.
0.23 ACRES
572 SOUTH
SERENITY CIRCLE
(43' PUBLIC STREET)
567 SOUTH
12
11,187 S.F.
0.26 ACRES
58 WEST
13
10,085 S.F.
0.23 ACRES
42 WEST
568 SOUTH
HARMONY CIRCLE
(43' PUBLIC STREET)
565 SOUTH
17
11,526 S.F.
0.26 ACRES
16 WEST
COMMON AREA
(50' PUBLIC STREET)
550 SOUTH
DEL CORONADO, PHASE II
SERENITY CIRCLE (575 SOUTH)
(43' PUBLIC STREET)
7
17,152 S.F.
0.39 ACRES
83 WEST
6
11,353 S.F.
0.26 ACRES
75 WEST
5
10,616 S.F.
0.24 ACRES
61 WEST
4
10,683 S.F.
0.25 ACRES
46 WEST
3
10,750 S.F.
0.25 ACRES
37 WEST
2
10,816 S.F.
0.25 ACRES
29 WEST
1
10,786 S.F.
0.25 ACRES
15 WEST
COMMON AREA
MAIN STREET
DESERT BREEZE CONDOMINIUMS, PHASE 1
600 SOUTH STREET
25.00' ENTRY NO. 00479997
PUBLIC UTILITY & DRAINAGE EASEMENT
POINT OF BEGINNING
1333.66'
CATHOLIC DIOCESE OF SALT LAKE CITY REAL ESTATE CORPORATION
PARCEL NO. I-58-61-E
SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 42 SOUTH, RANGE 1E WEST, SLAT LAKE BASE AND MERIDIAN.
IVINS HCN MONUMENT #4048
MONUMENT NOT FOUND

Unofficial Copy

PUBLIC UTILITY AND DRAINAGE EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

In consideration of One Dollar ($1.00) and other good and valuable consideration as outlined herein paid to VENDON P. AND GERTRUDE W. ENCE, hereinafter referred to as "Grantors," do hereby grant, transfer and convey unto the Town of Ivins, hereinafter referred to as "Grantee", a 25 foot wide easement for the construction, maintenance, operation or replacement of public underground utilities and drainage devices. These underground utilities include water, sewer, storm drain, telephone, natural gas, cable television, electrical lines and such other utilities which impose similar burdens upon the dominant estate. No easement for roadway purposes is granted.

The 25 foot wide easement is described as follows:

The South 25 feet of lot 7, block 22 of the St. George and Santa Clara Bench Irrigation Survey, being more particularly described as follows:

Beginning at the Southeast corner of said lot 7, said point being also N 0°49'03" W 1333.70 feet along the section line from the Southeast corner of Section 6, Township 42 South, Range 16 West, Salt Lake Base and Meridian, and running thence S 89°43'46" W 673.64 feet along the South line of said lot 7 to the Southwest corner of said lot 7; thence N 0°46'03" W 25.00 feet along the West line of said lot 7; thence N 89°43'46" E 673.62 feet to a point on the East line of said lot 7; thence S 0°46'03" E 25.00 feet along said East line to the point of beginning. Contains 16,841 square feet.

The benefits of this easement shall inure to the benefit of Grantee, or any municipal successor thereof, but shall not inure to or be for the benefit of any private assignee of Grantee.

The other good and valuable considerations are outlined as follows:

1. All fences will be replaced or restored to their present condition.
2. All excavated areas will be restored with 90% - 95% compaction.
3. All disturbed vegetation to be re-seeded within thirty (30) days of construction.
4. All existing water irrigation lines will be restored to existing condition.

00479997 Bk0853 Pg0878

RUSSELL SHIRTS * WASHINGTON CO RECORDER
1994 SEP 29 09:47 AM FEE $12.00 BY CB
FOR: SOUTHERN UTAH TITLE CO

All conditions apply to original construction as well as any disturbances caused due to routine maintenance or replacement.

All above items are in place as long as easement exists.

IN WITNESS WHEREOF, the Grantor has executed this easement this 16th day of March, 1994.

Vendon P. Ence
(Deceased)

Gertrude W. Ence
Gertrude W. Ence

STATE OF UTAH)
) ss.
COUNTY OF)

SUBSCRIBED AND SWORN to before me by Gertrude W. Ence, who acknowledged to me that they are the owners of record and that she executed the above easement.

Barbara Salmon
Notary Public

My Commission Expires:
1-28-97

Residing In:
Washington

BARBARA SALMON
Notary Public
STATE OF UTAH
My Comm. Expires JAN 28, 1997
3585 CANYON VIEW DR SANTA CLARA UT 84765

00479997 Bk0853 Pg0879