

ORDINANCE 12-02

AN ORDINANCE RECOGNIZING AND ESTABLISHING A PUBLIC THOROUGHFARE OVER AN EIGHT FOOT STRIP OF PROPERTY VACATED IN 1904.

WHEREAS, in 1904 the Hyrum City Council passed an order (hereinafter "1904 Order") reducing the widths of the following streets between Main Street and Third South Street by eight (8'): Fourth East Street; Fifth East Street; Sixth East Street; and Seventh East Street. This eight foot (8') strip of property ("Property") is described in Exhibit "A" attached hereto;

WHEREAS, the Hyrum City Council recorded the 1904 Order in the Cache County Recorder's Office but did not ever convey the Property to adjacent and abutting property owners;

WHEREAS, from 1904 through the date of passage of this ordinance, neither current nor former property owners adjacent to and abutting the Property have asserted rights of ownership in the Property;

WHEREAS, Utah Code Ann. Section 72-104 provides that property is dedicated and abandoned to the use of the public when it has been continuously used as a public thoroughfare for a period of ten years;

WHEREAS, the public and Hyrum City have continuously and without interruption used the Property as a public thoroughfare for a time period well in excess of ten years, including utilizing the Property for public travel and installation and placement of utilities;

NOW, THEREFORE, the City Council of Hyrum City does hereby ordain as follows:

Pursuant to Utah Code Annotated 72-5-104 the Property is deemed a public thoroughfare and dedicated and abandoned to the use of the public.

The 1904 Order vacating the Property is hereby abrogated and superseded by this ordinance.

This ordinance shall take effect upon passage and recordation at the Cache County Recorder's Office.

PASSED AND ADOPTED by action of the Hyrum City Council
in open session this the 17th day of May, 2012.

W. Dean Howard
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Posted: _____

EXHIBIT "A"

1. That Fourth East Street between Main Street and Third South Street in said Hyrum City, be and the same is hereby narrowed to the width of five rods eight and one half feet, measured from the east boundary of said street.

That the part of said Fourth East Street described as follows: Beginning at the southeast corner of block twenty-two (22) in plat "D" of Hyrum City Survey in Cache County, Utah, and running thence north forty (40) rods to the northeast corner of said block, thence east eight (8) feet, more or less, to a point five (5) rods eight and one half ($8\frac{1}{2}$) feet west of the east boundary of said street, thence south forty (40) rods to a point due east of the place of beginning, thence west eight (8) feet, more or less, to the place of beginning, be and the same is hereby vacated.

That the part of said Fourth East Street described as follows: Beginning at the southeast corner of block nineteen (19) in plat "D" of Hyrum City Survey in Cache County, Utah, and running thence north forty (40) rods to the northeast corner of said block, thence east eight (8) feet, more or less, to a point five (5) rods eight and one half ($8\frac{1}{2}$) feet west of the east boundary of said street, thence south forty (40) rods to a point due east of the place of beginning, thence west eight (8) feet, more or less, to the place of beginning, be and the same is hereby vacated.

That the part of said Fourth East Street described as follows: Beginning at the southeast corner of block eight (8) in plat "D" of Hyrum City Survey in Cache County, Utah, and running thence north forty (40) rods to the northeast corner of said block, thence east eight (8) feet, more or less, to a point five (5) rods eight and one half ($8\frac{1}{2}$) feet west of the east boundary of said street,

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of land contiguous or adjacent to each and all of the said streets to vacate and alter which application is made in said petition as aforesaid; and whereas it satisfactorily appears to the said City Council that the allegations in the said petition are true;

And Whereas, the said City Council is satisfied that neither the public nor any person will be materially injured by the granting of said petition;

Now, Therefore, It is hereby ordered by the City Council of Hyrum City in the County of Cache and State of Utah, as follows:-

1. That Fourth East Street between Main Street and Third South Street in said Hyrum City, be and the same is hereby narrowed to the width of five rods eight and one half feet, measured from the east boundary of said street.

That the part of said Fourth East Street described as follows: Beginning at the southeast corner of block twenty-two (22) in plat "D" of Hyrum City Survey in Cache County, Utah, and running thence north forty (40) rods to the northeast corner of said block, thence east eight (8) feet, more or less, to a point five (5) rods eight and one half ($8\frac{1}{2}$) feet west of the east boundary of said street, thence south forty (40) rods to a point due east of the place of beginning, thence west eight (8) feet, more or less, to the place of beginning, be and the same is hereby vacated.

That the part of said Fourth East Street described as follows: Beginning at the southeast corner of block nineteen (19) in plat "D" of Hyrum City Survey in Cache County, Utah, and running thence north forty (40) rods to the northeast corner of said block, thence east eight (8) feet, more or less, to a point five (5) rods eight and one half ($8\frac{1}{2}$) feet west of the east boundary of said street, thence south forty (40) rods to a point due east of the place of beginning, thence west eight (8) feet, more or less, to the place of beginning, - be and the same is hereby vacated.

That the part of said Fourth East Street described as follows: Beginning at the southeast corner of block eight (8) in plat "D" of Hyrum City Survey in Cache County, Utah, and running thence north forty (40) rods to the northeast corner of said block, thence east eight (8) feet, more or less, to a point five (5) rods eight and one half ($8\frac{1}{2}$) feet west of the east boundary of said street,

thence south forty (40) rods to a point due east of the place of beginning, thence west eight (8) feet more or less to the place of beginning, - be and the same is hereby vacated.

2. That Fifth East Street between Main Street and Third South Street in said Hyrum City, be and the same is hereby narrowed to the width of five rods eight and one half feet, measured from the east boundary of said street.

That the part of said Fifth East Street described as follows: Beginning at the southeast corner of block twenty three (23) in plat "D" of Hyrum City Survey in Cache County, Utah, and running thence north forty (40) rods to the northeast corner of said block, thence east eight (8) feet, more or less, to a point five (5) rods eight and one half (8 1/2) feet west of the east boundary of said street, thence south forty (40) rods to a point due east of the place of beginning, thence west eight (8) feet, more or less to the place of beginning, - be and the same is hereby vacated.

That the part of said Fifth East Street described as follows: Beginning at the southeast corner of block eighteen (18) in plat "D" of Hyrum City Survey in Cache County, Utah, and running thence north forty (40) rods to the northeast corner of said block, thence east eight (8) feet, more or less, to a point five (5) rods eight and one half (8 1/2) feet west of the east boundary of said street, thence south forty (40) rods to a point due east of the place of beginning, thence west eight (8) feet, more or less, to the place of beginning, - be and the same is hereby vacated.

That the part of said Fifth East Street described as follows: Beginning at the southeast corner of block nine (9) in plat "D" of Hyrum City Survey in Cache County, Utah, and running thence north forty (40) rods to the northeast corner of said block, thence east eight (8) feet, more or less, to a point five (5) rods eight and one half (8 1/2) feet west of the east boundary of said street, thence south forty (40) rods to a point due east of the place of beginning, thence west eight (8) feet, more or less, to the place of beginning, - be and the same is hereby vacated.

3. That Sixth East Street between Main Street and Third South Street in said Hyrum City, be and the same

is hereby narrowed to the width of five rods eight and one half feet, measured from the east boundary of said street.

That the part of said Sixth East Street described as follows: Beginning at the southeast corner of block twenty-four (24) in plat D of Hyrum City Survey in Cache County, Utah, and running thence north forty (40) rods to the northeast corner of said block, thence east eight (8) feet, more or less, to a point five (5) rods eight and one half (8 1/2) feet west of the east boundary of said street, thence south forty (40) rods to a point due east of the place of beginning, thence west eight (8) feet, more or less, to the place of beginning, - be and the same is hereby vacated.

That the part of said Sixth East Street described as follows: Beginning at the southeast corner of block seventeen (17) in plat D of Hyrum City Survey in Cache County, Utah, and running thence north forty (40) rods to the northeast corner of said block, thence east eight (8) feet, more or less, to a point five (5) rods eight and one half (8 1/2) feet west of the east boundary of said street, thence south forty (40) rods to a point due east of the place of beginning, thence west eight (8) feet, more or less, to the place of beginning, - be and the same is hereby vacated.

That the part of said Sixth East Street described as follows: Beginning at the southeast corner of block ten (10) in plat D of Hyrum City Survey in Cache County, Utah, and running thence north forty (40) rods to the northeast corner of said block, thence east eight (8) feet, more or less, to a point five (5) rods eight and one half (8 1/2) feet west of the east boundary of said street, thence south forty (40) rods to a point due east of the place of beginning, thence west eight (8) feet, more or less, to the place of beginning, - be and the same is hereby vacated.

4. That Seventh East Street between Main Street and Third South Street in said Hyrum City, be and the same is hereby narrowed to the width of five rods eight and one half feet, measured from the east boundary of said street.

That the part of said Seventh East Street described as follows: Beginning at the southeast corner of block twenty-five in plat D of Hyrum City Survey in Cache County, Utah, and running thence north forty (40) rods to the northeast corner of said block, thence east eight (8) feet, more or less, to a point

five (5) rods eight and one half (8 1/2) feet west of the east boundary of said street, thence south forty (40) rods to a point due east of the place of beginning, thence west eight (8) feet, more or less, to the place of beginning, - be and the same is hereby vacated.

That the part of said Seventh East street described as follows: Beginning at the southeast corner of block sixteen (16) in plat "D" of Hyrum City Survey in Cache County, Utah, and running thence north forty (40) rods to the northeast corner of said block, thence east eight (8) feet, more or less, to a point five (5) rods eight and one half (8 1/2) feet west of the east boundary of said street, thence south forty (40) rods to a point due east of the place of beginning, thence west eight (8) feet, more or less, to the place of beginning, - be and the same is hereby vacated.

That the part of said Seventh East street described as follows: Beginning at the southeast corner of block eleven (11) in plat "D" of Hyrum City Survey in Cache County, Utah, and running thence north forty (40) rods to the northeast corner of said block, thence east eight (8) feet, more or less, to a point five (5) rods eight and one half (8 1/2) feet west of the east boundary of said street, thence south forty (40) rods to a point due east of the place of beginning, thence west eight (8) feet, more or less, to the place of beginning, - be and the same is hereby vacated.

5. That this order duly certified by the Recorder of this city, be recorded as by law provided, in the office of the county recorder of the County of Cache in the State of Utah.

Passed and adopted this fourth day of January, A. D. nineteen hundred and four.

Attest:
John W Jensen
City Recorder.



O M Wilson
Mayor.

State of Utah) ss.
County of Cache,)

I, John W Jensen, City Recorder of the City of Hyrum in the County of Cache and State of Utah, do hereby certify that the above and foregoing order was duly passed and adopted by the City Council of said Hyrum City at a