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The 1904 Order vacating the Property is hereby abrogated and superseded by this ordinance.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

ATTEST:	W. Dean Howard Mayor
Stephanie Fricke City Recorder	

Posted:_____

PASSED AND ADOPTED by action of the Hyrum City Council in open session this the $17^{\rm th}$ day of May, 2012.

I That Fourth East Street between Main Street and Third south street in said Hyrum bity, 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: Reginning at the southeast corner of block twentytwo (22) in plat D" of Hyrum Bity Survey in Cache County, Utah, and running thence north forty (40) rode to the morth east corner of said block, thence east eight (8) feet, more or less, to a point five 6) rods eight and one half (8 1/2) feet west of the east boundary of said street, Thence south forty (4,0) rode 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. I hat the part of said Fourth East altreet described as follows: Reginning at the southeast corner of block nineteen (1) in plat D" of Hyrum City Durvey in Cache County, Wal, and running thene north forty (40) rode to the northeast corner of said block, thence east eight (6) feet, more or less, to a point five (5) rodo, 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 Fourth East Street described as follows Deginning at the southeast corner of block eight (8) in plat "D" of Hyrum leity survey in bache bounty, Utal, and running there I've north forty (40) rode to the mortheast corner of said block thene east eight & feet, more or less, to a point five 6) rods eight and one half (8 1/2) feet west of the east boundary of said street,

of land contiguous or adjacent to each and all of the said streets to vacate and after which application is made in said petition as aforesaid; and whereas it satisfactorily appears to the said bity bouncil that the allegations in the said petition are true; and Whereas, the said bity bouncil 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 bity in the bounty of bache and State of Utali, as I That Fourth East Street between Main Street and. Third South Street in said Hyrum bity, 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: Reginning at the southeast corner of block twentytwo (22) in plat "D" of Hyrum bity Survey in backe County, Utah, and running thence north forty (40) rode to the north east corner of said block, thence east eight (8) feet, more or less, to apoint five 6) rods eight and one half (8 1/2) feet west of the east boundary of said street, thence south forty (40) rode 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. I hat the part of said downth East Street described as follows: Reginning at the southeast corner of block nineteen (1) in plat "D" of Hyrum City Durvey in Cache County, Wali, and running there north forty (40) rode to the northeast corner of said block, thence east eight (8) feet, more or less, to a point five (5) rode, 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 Fourth East Street described as follows Reginning at the southeast corner of block eight (8) in plat "D" of Hyrum bity survey in bache bounty, Utal, and running there I've north forty (4d rode to the northeast corner of said block thence east eight & feet, more or less, to a point five 6) rods eight and one half (x 1/2) feet west of the east boundary of said street,

thence south forty (40) rodo 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 ischereby 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 rode 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 bloch twenty three (23) in plat "D" of Hyrum bity Survey in backe bounts Utah, and running thence north forty (40) node 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 (81/2) 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, moreovers! to the place of beginning, - be and the same is hereby va-That the part of said Fifth East Street described as follows: (Seginning at the southeast corner of block eighteen (18) in plat & of Hyrum City Durvey in bache Country, Utal, and running thence north forty (40) rode to the north. east corner of said block, thence east eight (8) feet, more or less, to a point five 67 rods eight and one half (4 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 begin ning, thence west eight (8) feet, more or less, to the place of beginning, be and the same is hereby vacated. That the part of soid Fifth East Street described as follows: Beginning at the southeast corner of block nine (9) in plat D" of Hyrum City Survey in backe County, Utali 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 leas, to the place of begin ning, be and the same is hereby vacated,_ 3. That Sixth East Street between Main Street and Third South Street in said Hyrum bity, be and the same

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is hereby narrowed to the width of five roducight and one half feet, measured from the east boundary of said street. That the part of said shith last street described as follows. (Deginning at the southeast corner of block twenty four (24) in plat 3° of Hyrum Bity sluvey in bache County, Wal, 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) rode 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 () 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 3" of Hyrum bity Survey in backe County, Wah, 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) rode 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 racaled That the part of said sixth East Street described as follows (Deginning at the southeast corner of block ten (10) in plat D" of Hyrum leity showing in backe bounty, Utal, and running thence north forty (40) rods to the northeast corner of said block, thence cast eight (8) feet, more or less, to a point five (5) rode eight and one half (8 1/2) feet west of the cast bound ary of said street, thence south forty (40) rode 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 twentyfive in plat D. of Hyrum bity Survey in bache Country, What and running thence north forty (40) rods to the northeast corne 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) rode 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. I hat the part of said Seventh East altreet described as follows: Beginning at the southeast corner of block sixteen (16) in plat D" of Hyrum bity clurvey in backe bounty, Utah, and running thence north forty (40) rods to the northeast corner of said block, thence cast eight (8) feet, more or less, to a point five 6 trods eight and one half (8 112) 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: (Heginning at the southeast corner of block eleven (11) in plat D" of Hyrum bity Survey in bache bounty, Wal, and running thence north forty (40) rode to the northeast corner of said block, thence east eight (8) feet, more or less, to a point five 61 rods eight and one half (8 1/2) feet west of the east boundary of said street, thence south forty (40) rode to a point due east of the place of the ginning, 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 Bache in the State of Ellahi Passed and adopted this fourth day of January a.D. nineteen hundred and four Om Wilson. - John H Jensen Leity Recorder. State of Wah County of leache, I, John H Jensen City Recorder of the City of Hyrum in the bounty of backe and State of Utal, do hereby certify that the above and foregoing order was duly passed and adopted by The bity leouncil of said Hyrum bity at a