

ROLL CALL VOTING:		
	YES	NO
Mayor Brent Winder (tie only)	[]	[]
Council Member Ben Hillyard	[X]	[]
Council Member Dorel Kynaston	[X]	[]
Council Member Janet Lunt	[X]	[]
Council Member Kari Malkovich	[X]	[]
Council Member David Pratt	[X]	[]

I move that this Ordinance be adopted.


Council Member

I second the foregoing motion.


Council Member

Ordinance 2022- 12

AN ORDINANCE OF THE CITY OF WOODLAND HILLS, UTAH, VACATING PORTIONS OF LOAFER DRIVE AND EAGLENEST; AND ESTABLISHING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the City of Woodland Hills ("City") is a municipal corporation duly organized and existing under the laws of Utah;

WHEREAS, in conformance with UCA §10-3-702, the governing body of a city may by ordinance regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by State law or any other provision of law;

WHEREAS, the City Council of the City of Woodland Hills ("City Council") has the authority to vacate public streets within the boundary of the City pursuant to UCA §10-8-8;

WHEREAS, the City Council finds that in conformance with UCA §10-9a-609.5 it may by ordinance vacate, narrow, or change, utility easements within the City or otherwise manage or dispose of City property;

WHEREAS, the City Council finds that in conformance with UCA §10-9a-609 & UCA §10-9a-609.5, a petition to vacate some or all of a public street, right-of-way, or easement has been received which includes: the name and address of each owner of record of land that is adjacent to the public street, right-of-way, or easement; or accessed exclusively by or within 300 feet of the public street, right-of-way, or easement; and the signature of each owner under UCA §10-9a-609.5 (1)(a) who consents to the vacation;

WHEREAS, the City Council finds, and has determined, in conformance with UCA §10-9a-609.5, there is good cause for vacating the portions of the city streets described and that the vacating of the streets will not be detrimental to the public interest nor will any person be materially injured by the vacation;

WHEREAS, the City Council finds that in conformance with UCA §10-9a-609.5, that proper notice of the intention of the City Council to vacate these portion of streets , or part, following a public hearing on the matter has been given as provided in the UCA §10-9a-208, or other applicable statute or requirement;

WHEREAS, the City Council finds that in conformance with UCA §10-9a-609.5, that intention of the governing body of the City to vacate the public street and utility easement described, and the notice required for action on such question has been given by publishing in a newspaper published or of general circulation in the City as required preceding action on such intention, i.e. the *Payson Chronicle*;

WHEREAS, the City Council finds in conformance with UCA §10-9a-609.5, that either or both of the following shall be recorded by the City Recorder of the City in the office of the recorder of Utah County upon the satisfaction of the conditions herein: (a) a plat reflecting the vacation; or (b) a true and accurate copy of this Ordinance; and

WHEREAS, the City finds that certain exigencies of City governmental operations require these actions be taken;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Woodland Hills:

SECTION I – PUBLIC STREETS VACATION

The portions of Loafer Road and Eaglenest Drive, dedicated to the City through the recording of Thousand Oaks Plat D and Thousand Oaks Plat F on July 6, 2006 and recorded as Entry #85403:2006 and #85406:2006 with the Utah County Recorders Office, and depicted and described on Attachment A, ("Vacated Streets"), are hereby vacated, contingent upon and subject to, the entering into a Development Agreement between the City and Panthera Development, LLC on or before October 31, 2022. The City's vacation and relinquishment of the Vacated Streets, as depicted and described on Attachment A, shall not be deemed or construed to diminish, restrict, or extinguish, any right-of-way or easement otherwise existing appurtenant to the Vacated Streets, nor shall the franchise rights of any public utility be impaired thereby. The foregoing recitals and the Attachment hereto are incorporated herein.

SECTION II – RECORDING OF THE ORDINACE OR A PLAT REFLECTING THE VACATION

Upon the execution of the Development Agreement between the City and Panthera Development, LLC on or before October 31, 2022, the City Recorder is directed to file a true and correct copy of this Ordinance or a plat reflecting the Vacation with the Utah County Recorder.

SECTION III - PRIOR ORDINANCES AND RESOLUTIONS:

The body and substance of any 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 shall not be construed to revive any act, order or resolution, or part repealed.

SECTION V - SAVINGS CLAUSE:

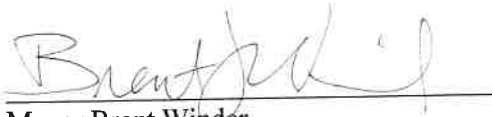
If any provision of this Ordinance shall be held or deemed or shall be invalid, inoperative or unenforceable such reason shall not render any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed the separate independent and severable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

SECTION VI - DATE OF EFFECT


This Ordinance shall be effective after publication or posting as required by law and the recording of a true and correct copy of this Ordinance or a plat reflecting the vacation with the Utah County Recorder. In the event a true and correct copy of this Ordinance or a plat reflecting the vacation is not recorded by the City Recorder with the Utah County Recorder on or before October 31, 2022, this Ordinance shall be void and of no further effect.

Adopted this 26th day of April, 2022.

City of Woodland Hills


Mayor Brent Winder

Attest:


Jody Stones, City Recorder



ATTACHMENT "A"

LOAFER DRIVE DESCRIPTION:

A PORTION OF LOAFER DRIVE, A 56.00' RIGHT OF WAY DEDICATED AS PART OF THE THOUSAND OAKS AT WOODLAND HILLS PLAT F, AS RECORDED AS ENTRY 85406:2006 IN THE OFFICE OF THE UTAH COUNTY RECORDER'S OFFICE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 161 AS SHOWN ON THE SAID THOUSAND OAKS AT WOODLAND HILLS PLAT F, SAID POINT BEING NORTH $00^{\circ}18'21''$ WEST 2244.23 FEET AND WEST 2165.68 FEET FROM THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 9 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH $89^{\circ}01'06''$ WEST 62.51 FEET; THENCE NORTH $27^{\circ}21'27''$ WEST 367.83 FEET; THENCE NORTHEASTERLY 531.44 FEET ALONG THE ARC OF A 306.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT (CHORD BEARS NORTH $22^{\circ}23'46''$ EAST 467.12 FEET) TO A POINT OF REVERSE CURVATURE; THENCE NORTHEASTERLY 25.16 FEET ALONG THE ARC OF A 15.00 FOOT RADIUS TANGENT CURVE TO THE LEFT (CHORD BEARS NORTH $24^{\circ}06'26''$ EAST 22.31 FEET) TO A POINT ON THE SUMMIT CREEK DRIVE WESTERLY ROAD RIGHT OF WAY; THENCE ALONG SAID WESTERLY RIGHT OF WAY, SOUTHEASTERLY 86.09 FEET ALONG THE ARC OF A 1056.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT (CHORD BEARS SOUTH $26^{\circ}16'17''$ EAST 86.07 FEET); THENCE NORTHWESTERLY 19.93 FEET ALONG THE ARC OF A 15.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT (CHORD BEARS NORTH $66^{\circ}40'10''$ WEST 18.50 FEET) TO A POINT OF COMPOUND CURVATURE; THENCE SOUTHWESTERLY 447.79 FEET ALONG THE ARC OF A 250.00 FOOT RADIUS TANGENT CURVE TO THE LEFT (CHORD BEARS SOUTH $23^{\circ}57'19''$ WEST 390.29 FEET); THENCE SOUTH $27^{\circ}21'27''$ EAST 395.60 FEET TO THE POINT OF BEGINNING. CONTAINING 1.14 ACRES OR 49,675 SQUARE FEET, MORE OR LESS.

EAGLENEST DESCRIPTION:

A PORTION OF THE EAGLENEST RIGHT OF WAY, A 50.00' RIGHT OF WAY DEDICATED AS PART OF THE THOUSAND OAKS AT WOODLAND HILLS PLAT D, AS RECORDED AS ENTRY 85403:2006 IN THE OFFICE OF THE UTAH COUNTY RECORDER'S OFFICE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EASTERLY CORNER OF LOT 114 AS SHOWN ON THE SAID THOUSAND OAKS AT WOODLAND HILLS PLAT D, SAID POINT BEING ON THE WESTERLY RIGHT OF WAY OF EAGLENEST, SAID POINT ALSO BEING NORTH $00^{\circ}18'21''$ WEST 1866.94 FEET AND WEST 2742.00 FEET FROM THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 9 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTHWESTERLY 81.28 FEET ALONG THE ARC OF A 400.00 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS NORTH $37^{\circ}03'04''$ WEST 81.14 FEET) TO A POINT OF REVERSE CURVATURE; THENCE NORTHWESTERLY 193.22 FEET ALONG THE ARC OF A 350.00 FOOT RADIUS TANGENT CURVE TO THE LEFT (CHORD BEARS NORTH $47^{\circ}02'43''$ WEST 190.78 FEET); THENCE NORTH $62^{\circ}51'36''$ WEST 46.36 FEET; THENCE NORTHWESTERLY 21.03 FEET ALONG THE ARC OF A 25.00 FOOT RADIUS TANGENT CURVE TO THE LEFT (CHORD BEARS NORTH $86^{\circ}57'17''$ WEST 20.41 FEET) TO A POINT OF REVERSE CURVATURE; THENCE NORTHEASTERLY 241.19 FEET ALONG THE ARC OF A 50.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT (CHORD BEARS NORTH $27^{\circ}08'24''$ EAST 66.67 FEET) TO A POINT OF REVERSE CURVATURE; THENCE SOUTHEASTERLY 21.03 FEET ALONG THE ARC OF A 25.00 FOOT RADIUS TANGENT CURVE TO THE LEFT (CHORD BEARS SOUTH $38^{\circ}45'55''$ EAST 20.41 FEET); THENCE SOUTH $62^{\circ}51'36''$ EAST 46.36 FEET; THENCE SOUTHEASTERLY 220.82 FEET ALONG THE ARC OF A 400.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT (CHORD BEARS SOUTH $47^{\circ}02'43''$ EAST 218.03 FEET) TO A POINT OF REVERSE CURVATURE; THENCE SOUTHEASTERLY 71.12 FEET ALONG THE ARC OF A 350.00 FOOT RADIUS TANGENT CURVE TO THE LEFT (CHORD BEARS SOUTH $37^{\circ}03'04''$ EAST 71.00 FEET); THENCE SOUTH $47^{\circ}07'40''$ WEST 50.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.57 ACRES OR 24,778 SQUARE FEET, MORE OR LESS.