

WEST BOUNTIFUL CITY

ORDINANCE #431-20 (Corrected)

AN ORDINANCE APPROVING DISCONNECTION OF APPROXIMATELY TWO ACRES OF REAL PROPERTY FROM WEST BOUNTIFUL CITY

WHEREAS, Ludean A. Smith, as Trustee of The Smith Family Revocable Trust created under Trust Agreement dated March 10, 2000; Mack G. Smith and Carolyn Smith, as Trustees of The Mack G. and Carolyn Smith Revocable Trust created under Trust Agreement dated September 4, 1998; J. Lynn Smith, as Trustee of the J. Lynn Smith Living Trust, as amended and restated on November 8, 2017; and Cindy S. Hatch, an individual (collectively, "**Petitioners**"), filed a Petition for Disconnection (the "**Petition**") from West Bountiful City of approximately 2.027 acres of real property owned by Petitioners;

WHEREAS, the area proposed for disconnection (the "**Property**") is identified by the Davis County Assessor as Parcel ID No. 06-030-0047, with a street address of 1818 West 400 South, West Bountiful, Utah 84087, and is more particularly described in the attached **Exhibit A** and depicted in the attached **Exhibit B**;

WHEREAS, following statutory notice, the West Bountiful City Council held a public hearing on the Petition;

WHEREAS, at the hearing, Petitioners' representative spoke in favor of the Petition, expressing Petitioners' desire that the Property be under the same jurisdiction as an adjacent larger parcel of real property owned by Petitioners (the "**Adjacent Property**"); no one spoke against the Petition;

WHEREAS, the Adjacent Property is located in unincorporated Davis County, but is included in the City's annexation plan and, along with the Property, in the West Bountiful/Woods Cross Legacy Community Development Project Area;

WHEREAS, the City deems it desirable to cooperate with Petitioners in the development of the Property and the Adjacent Property, and Petitioners have expressed their desire to cooperate with the City in that regard;

WHEREAS, the City Council, having considered Petitioners' request for disconnection, is willing to grant the Petition in accordance with this Ordinance;

WHEREAS, the City Council adopted Ordinance #431-20 dated effective July 21, 2020, approving the disconnection of the Property; however, the legal description in the ordinance and local entity plat provided by Petitioners was incorrect;

WHEREAS, this Ordinance is intended to correct Ordinance #431-20 to provide the correct legal description and depiction of the Property.

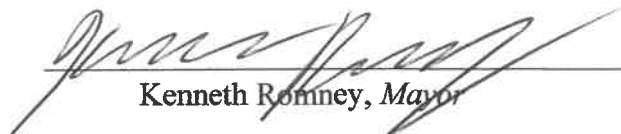
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST BOUNTIFUL CITY, AS FOLLOWS:

1. The City hereby approves disconnection of the Property from the City.
2. The Mayor is hereby authorized and directed to prepare, file, and submit all documents, and take all other actions required of the City Council under *Utah Code Ann.* § 10-5-507, to carry out the purposes of that statute and this Ordinance.

This Ordinance will become effective upon signing and posting.

ADOPTED this 20th day of October 2020.

By:


Kenneth Romney, Mayor

<u>Voting by the City Council:</u>	<u>Aye</u>	<u>Nay</u>
Councilmember Ahlstrom	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Bruhn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Enquist	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Preece	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Wood	<input checked="" type="checkbox"/>	<input type="checkbox"/>



Attest:


Cathy Brightwell, City Recorder

EXHIBIT A

Legal Description of the Property

06-030-0047

Beginning 940.40 feet North and East 3.44 feet from the Southwest corner of Section 23, Township 2 North, Range 1 West, Salt Lake Base and Meridian to an existing wire fence as described in paragraph 2 of Final Order, Judgment and Decree Quieting Title recorded September 11, 2008 as Entry No. 2391975 in Book 4613 at Page 801; thence along said existing wire fence the following four courses: North 02°49'13" East 1.90 feet and North 01°13'17" West 164.46 feet and North 01°08'27" East 147.06 feet and North 00°04'35" East 66.25 feet; thence West 233.08 feet; thence South 00°05'15" West 379.60 feet parallel to the section line; thence East 234.44 feet to the point of beginning.

