

**TOOELE CITY CORPORATION
ORDINANCE 2026-22**

**AN ORDINANCE OF THE TOOELE CITY COUNCIL VACATING THE SOUTHERN
TWENTY-FOOT PORTION OF UTAH AVENUE LOCATED BETWEEN THE RAILWAY
CROSSING AND 1100 WEST**

WHEREAS, Tooele City has initiated a petition to vacate twenty feet of the southern portion of Utah Ave ROW between the railway crossing and 1100 West; and,

WHEREAS, the Petition complies with the requirements for right-of-way vacations, as described in UCA Section 10-20-813; and,

WHEREAS, the ROW contains approximately 14,4810 square-feet (0.34 acres); and,

WHEREAS, the ROW runs **west** and **east**, and is bounded by the railway crossing on the **west**, and 1100 West Road on the **east**, the industrial property to the **north**; and,

WHEREAS, the Affected Parcel of the property to the south is listed as 02-009-0-0013 (Entry No. 175918); and,

WHEREAS, the land owners have contracted to have the ROW surveyed (see the surveyed right-of-way legal description(s) attached hereto as Exhibit A); and,

WHEREAS, the property proposed to be vacated is as shown and attached hereto as Exhibit B; and,

WHEREAS, pursuant to UCA Section 72-5-105, "title to the vacated [ROW] . . . shall vest to the adjoining record owners, with the vacated portion of the [ROW] assessed to the adjoining owner"; and,

WHEREAS, the railroad crossing located west of the subject property will not be widened beyond its existing configuration, and the City does not anticipate improving the full 109-foot width of the Utah Avenue right-of-way because the additional right-of-way is not necessary for future public roadway improvements and would primarily benefit the adjoining property rather than the general public; and,

WHEREAS, the City has identified underground utilities and infrastructure located in and under the ROW, namely, Beehive Broadband, Comcast, Depot Broadband LLC, Enbridge Gas Utah, Rocky Mountain Power, Settlement Canyon Irrigation, and Tooele City; and,

WHEREAS, it is in the public interest, and necessary for the protection of public safety and utility service continuity, for the City to explicitly reserve and grant a perpetual blanket Public Utility Easement over the entirety of the vacated right-of-way for the benefit of all public and franchised private utility providers having or anticipating facilities within the subject area; and,

WHEREAS, if the ROW is vacated, the City and other entities responsible for the maintenance of public utilities will need access to the utility infrastructure located in and under the ROW; and,

WHEREAS, the City has notified the owners and operators of all known utility facilities, if any, in and under the ROW, and those owners, if any, have been notified of the vacation of the ROW; and,

WHEREAS, the public hearing notice requirements of Utah Code Ann. §10-20-208 have been met; and,

WHEREAS, as required by UCA Sections 10-20-813 and 72-5-105, this ordinance and its exhibits are to be recorded in the office of the Tooele County Recorder to accomplish the vacation of the ROW; and,

WHEREAS, a public hearing was held before the City Council on the Petition on September 2, 2026, during which the City Council considered (1) whether there was good cause to vacate the ROW, and (2) whether the public interest or any person would be materially injured by the vacation of the ROW:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOEELE CITY COUNCIL that:

1. Good cause exists to vacate the ROW, as follows:
 - a. Tooele City has petitioned for the ROW vacation; and,
 - b. The portion of ROW vacated has no historic, current, or anticipated future use as transportation rights-of-way and serve no public purpose with the exception of easements for existing and future underground Tooele City public utilities and existing private franchise utilities;
 - c. the above-referenced utility companies have been notified to the ROW vacation; and,
 - d. the ROW vacation will reserve to Tooele City Corporation utility easements for existing and future Tooele City public utilities in the vacated ROW; and,
 - e. the ROW vacation will reserve to the owners of private franchise utilities easements for utilities existing in the vacated ROW as of the date of approval of this ordinance; and,
 - f. the public hearing identified no reason why the ROW vacation should not be approved.
2. Neither the public interest nor any person is anticipated to be materially injured by the vacation of the ROW, as follows:
 - a. Tooele City has petitioned for the ROW vacation; and,
 - b. the portion of ROW vacated has no historic, current, or anticipated future use as transportation rights-of-way and serve no public purpose with the

- exception of easements for existing and future underground Tooele City public utilities and existing private franchise utilities;
- c. the above-referenced utility companies have been notified of the ROW vacation; and,
 - d. the ROW vacation will reserve to Tooele City Corporation utility easements for existing and future Tooele City public utilities in the ROW; and,
 - e. the ROW vacation will reserve to the owners of private franchise utilities easements for utilities existing in the ROW as of the date of approval of this ordinance; and,
 - f. the public hearing identified no reason why the ROW vacation should not be approved.
3. The ROW, as described above and as depicted and described in Exhibits A and B, is hereby vacated.
 4. Title to the vacated ROW shall vest to the adjoining record owner, subject to the perpetual blanket Public Utility Easement reserved herein, as well as any other pre-existing easements, covenants, or encumbrances of record.
 5. There is hereby expressly reserved unto Tooele City, all public utility providers, and all private franchised utility companies operating within Tooele City, a perpetual, non-exclusive, blanket Public Utility Easement (PUE) over, under, upon, and across the entire 20-foot vacated right-of-way described in Exhibit A and depicted in Exhibit B. This easement shall burden the vacated land and run with the land in favor of said utility providers, granting them the perpetual right to construct, operate, maintain, repair, replace, inspect, and access any and all existing or future utility lines, pipes, cables, wires, mains, and related facilities, together with rights and ingress and egress.
 6. Easements for all existing utilities (including, but not limited to, water, sewer, power, gas, communications, cable, and other public utilities and private franchise utilities) located in and under the vacated and remaining ROW are hereby expressly preserved in favor of the utility owners.
 7. Easements for all future Tooele City utilities in and under the vacated and remaining ROW are hereby expressly preserved in favor of Tooele City.
 8. The City Recorder shall record this ordinance, together with its exhibits, in the office of the Tooele County Recorder.

This Ordinance is necessary for the immediate preservation of the peace, health, safety, or welfare of Tooele City and shall become effective immediately upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council
this 2nd day of September, 2026.

TOOELE CITY COUNCIL

(For)

(Against)

[Type or Print Name]

[Type or Print Name]

[Type or Print Name]

[Type or Print Name]

[Type or Print Name]

ABSTAINING:

[Type or Print Name]

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

[Type or Print Name]

ATTEST:

Approved as to Form:

Shilo Baker
Shilo Baker, City Recorder

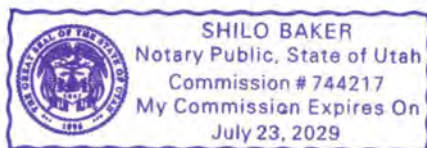
Matthew C. Johnson
Matthew C. Johnson, City Attorney

SEAL



STATE OF UTAH)
) ss.
COUNTY OF TOOELE)

Before me, a notary public, appeared Maresa Manzione, who did affirm to me that she is the Mayor of Tooele City Corporation, and that she did execute the foregoing ordinance with due authority this 2nd day of September, 2026.



Shilo Baker
Notary Public
Residing in Tooele County, Utah

EXHIBIT A

ROW Vacation Legal Description



TOOELE CITY, TOOELE COUNTY, UTAH
JOB NO. 8124-01
06-25-2026

UTAH AVENUE RIGHT-OF-WAY VACATION LEGAL DESCRIPTION

PART OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF UNION PACIFIC RAILROAD AND THE EXISTING SOUTHERLY RIGHT-OF-WAY LINE OF UTAH AVENUE, SAID POINT BEING 154.55 FEET SOUTH 00°05'12" EAST ALONG THE SECTION LINE AND 737.73 FEET NORTH 89°54'48" EAST FROM THE NORTHWEST CORNER OF SAID SECTION 29 (SAID NORTHWEST CORNER BEING 5293.32 FEET NORTH 00°05'12" WEST FROM THE SOUTHWEST CORNER OF SAID SECTION 29); THENCE CONTINUING ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF UNION PACIFIC RAILROAD AND ALONG A CURVE TURNING TO THE LEFT WITH A RADIUS OF 5679.50 FEET, AN ARC LENGTH OF 20.37 FEET, A DELTA ANGLE OF 00°12'20", A CHORD BEARING OF NORTH 34°42'20" EAST, AND A CHORD LENGTH OF 20.37 FEET; THENCE SOUTH 45°34'08" EAST 215.27 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG SAID CURVE TURNING TO THE LEFT WITH A RADIUS OF 1553.00 FEET, AN ARC LENGTH OF 238.31 FEET, A DELTA ANGLE OF 08°47'31", A CHORD BEARING OF SOUTH 50°50'42" EAST, AND A CHORD LENGTH OF 238.07 FEET; THENCE SOUTH 34°45'33" WEST, 4.00 FEET TO A POINT ON THE ARC OF A CURVE; THENCE SOUTHEASTERLY ALONG SAID CURVE TURNING TO THE LEFT WITH A RADIUS OF 1557.00 FEET, AN ARC LENGTH OF 274.29 FEET, A DELTA ANGLE OF 10°05'37", A CHORD BEARING OF SOUTH 60°17'16" EAST, AND A CHORD LENGTH OF 273.94 FEET TO THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF UTAH AVENUE AND THE WESTERLY RIGHT-OF-WAY LINE OF 1100 WEST STREET; THENCE SOUTH 0°07'34" EAST 20.85 FEET ALONG SAID WESTERLY LINE OF 1100 WEST STREET TO THE EXISTING SOUTHERLY RIGHT-OF-WAY LINE OF UTAH AVENUE AND A POINT ON THE ARC OF A CURVE; THENCE TWO (2) COURSES ALONG SAID SOUTHERLY LINE AS FOLLOWS: (1) NORTHWESTERLY ALONG SAID CURVE TURNING TO THE RIGHT WITH A RADIUS OF 1492.69 FEET, AN ARC LENGTH OF 530.09 FEET, A DELTA ANGLE OF 20°20'50", A CHORD BEARING OF NORTH 55°42'49" WEST, AND A CHORD LENGTH OF 527.31 FEET; AND (2) NORTH 45°32'24" WEST 209.76 FEET TO THE POINT OF BEGINNING.

CONTAINING: 14,819 SQUARE FEET OR 0.340 ACRES

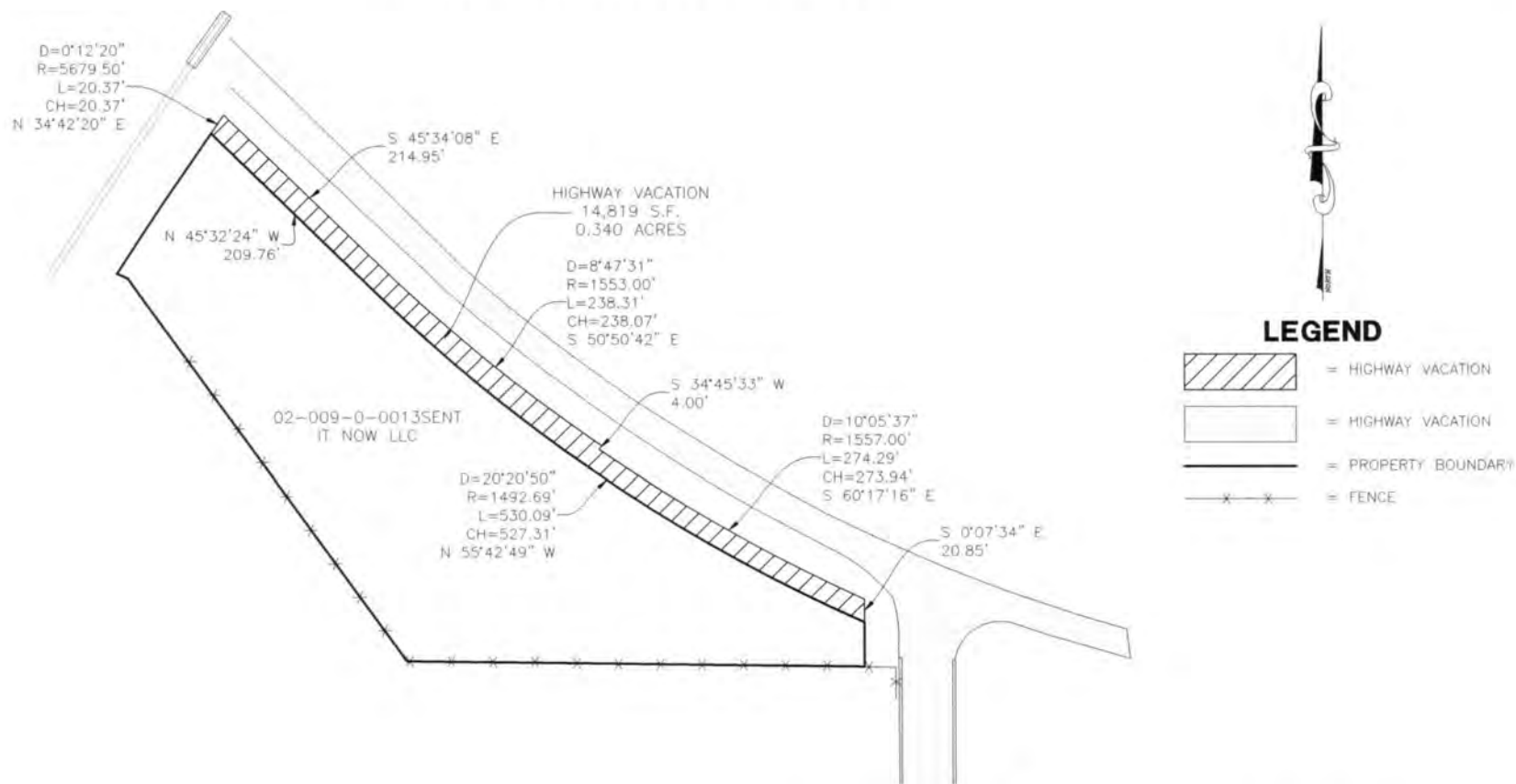
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ogden@reeve-assoc.com • reeve-assoc.com

EXHIBIT B

RIGHT OF WAY VACATION EXHIBIT

ROAD VACATION EXHIBIT



**Reeve
& Associates, Inc.**

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TRAFFIC ENGINEERS • STRUCTURAL ENGINEERS • LANDSCAPE ARCHITECTS

Project Info.

Designer: J. FELT
Date: 06/29/2026
Name: TOOELE
Number: 8124-01
Scale: 1"=100'