

MILLCREEK, UTAH
RESOLUTION NO. 22-16

**A RESOLUTION DISCLAIMING AN INTEREST IN REAL PROPERTY LOCATED AT
OR NEAR 3785 ASH CIRCLE MILLCREEK, UTAH AND AUTHORIZING AND
DIRECTING THE MAYOR TO APPROVE AND FILE A DISCLAIMER**

WHEREAS, the Millcreek Council (“*Council*”) met in regular session on June 27, 2022 to consider, among other things, a resolution disclaiming an interest in real property located at or near 3785 Ash Circle Millcreek, Utah and authorizing and directing the mayor to approve and file a disclaimer; and

WHEREAS, in April 2022 Jared Hackett and Jaylene Hackett (“Hacketts”) filed a quiet title action with respect to real property located at or near 3785 Ash Circle Millcreek, Utah (“Property”); and

WHEREAS, the City was named as having a potential interest in the Property; and

WHEREAS, staff had determined that the Property may have been part of the road leading to Millcreek Canyon but when UDOT constructed I-215 it realigned the road to Millcreek Canyon and the Property appears to be a remnant parcel between the Hacketts and the I-215 sound wall with no access, and the Salt Lake County Recorder indicates no owner of the Property; and

WHEREAS, the Council has determined that Millcreek has no interest in the Property, and it is of no value to Millcreek; and

WHEREAS, the Council has determined that it is in the best interest of the Millcreek residents to disclaim any interest in the Property.

NOW, THEREFORE, BE IT RESOLVED that the Council hereby determines that Millcreek has no interest in the Property and authorizing and directing the mayor to approve and file the disclaimer in the form attached hereto.

This Resolution assigned No. 22-16, shall take effect immediately on passage.

PASSED AND APPROVED by the Millcreek Council this 27th day of June 2022.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Jackson	Yes	No
Uipi	Yes	No

2. Defendant has received a copy of the Complaint filed in this action and has reviewed the same with counsel of Defendant's choice or has elected to waive a review with counsel.

3. Defendant acknowledges that Plaintiffs claim ownership to real property located in Millcreek, Salt Lake County, State of Utah, known as the Deed Gap Parcel in the Complaint which is more particularly described in the Complaint, as follows:

(Adjacent to Maple Hills Subdivision)

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 42 SAID POINT NORTH 89°57'00" WEST 652.00 FEET ALONG THE MONUMENT LINE AND NORTH 644.42 FEET FROM THE STREET MONUMENT LOCATED AT 3900 SOUTH AND 3500 EAST AND RUNNING THENCE ALONG THE EAST LINE OF SAID LOT 42 THE FOLLOWING THREE (3) COURSES: 1) NORTH 55.58 FEET; 2) WEST 32.20 FEET; 3) NORTH 41.91 FEET TO THE NORTHEAST CORNER OF SAID LOT 42; THENCE SOUTH 86°00'00" EAST 73.88 FEET TO A POINT ON AN EXISTING FENCE; THENCE SOUTH 05°55'40" WEST 94.05 FEET ALONG SAID EXISTING FENCE TO A FENCE POST; THENCE NORTH 87°48'40" WEST 31.81 FEET TO THE POINT OF BEGINNING.

CONTAINS 4,782 SQ. FT. OR 0.110 ACRES, MORE OR LESS

Such real property is referred to herein as the "Deed Gap Parcel."

4. Defendant disclaims any right, title or interest in and to the Deed Gap Parcel, including but not limited to any claim of a right-of-way, license or other privilege to use any portion of the Deed Gap Parcel.

5. Defendant consents and agrees that the Court may enter its order in this matter to the effect that Defendant claims no right, title or interest in and to the Deed Gap Parcel as provided in this Disclaimer; provided that such order shall specify that Defendant

shall have no monetary obligation of any kind to Plaintiffs or any other party with respect to Plaintiffs' claims in this Civil Action.

DATED this ____ day of June, 2022.

Defendant:

MILLCREEK, a Utah municipal corporation

By:

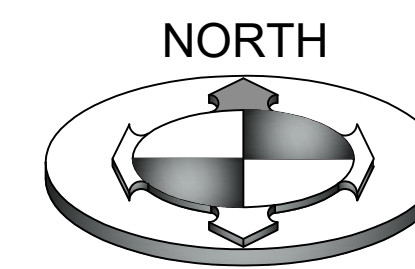
Name: _____

Title: _____

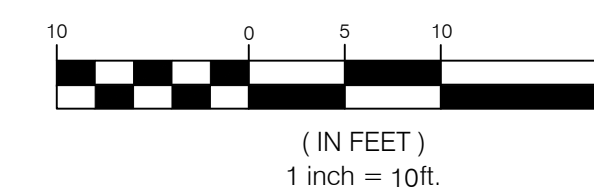
ATTEST:

BOUNDARY SURVEY

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 35,
TOWNSHIP 1 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN
SALT LAKE COUNTY, UTAH

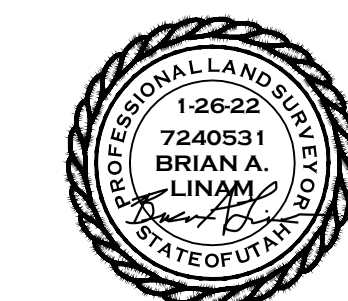


GRAPHIC SCALE



SURVEYOR'S CERTIFICATE:

I, BRIAN A. LINAM, SALT LAKE CITY, UTAH, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD LICENSE NO. 7240531 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH; THAT I HAVE MADE A SURVEY OF THE FOLLOWING DESCRIBED PROPERTY; THAT THIS PLAT CORRECTLY SHOWS THE TRUE DIMENSIONS OF THE BOUNDARIES SURVEYED AND OF THE VISIBLE IMPROVEMENTS AFFECTING THE BOUNDARIES AND THEIR POSITION IN RELATIONSHIP TO SAID BOUNDARIES;



NO.	DATE	DESCRIPTION

RECORD DESCRIPTION:

LOT 42, MAPLE HILLS, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF SALT LAKE, STATE OF UTAH.

PROPOSED DESCRIPTION:

LOT 42, MAPLE HILLS, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF SALT LAKE, STATE OF UTAH. CONTAINS 0.203 ACRES

TOGETHER WITH:
BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 42 SAID POINT NORTH 89°57'00" WEST 652.00 FEET ALONG THE MONUMENT LINE AND NORTH 644.42 FEET FROM THE STREET MONUMENT LOCATED AT 3900 SOUTH AND 3500 EAST AND RUNNING THENCE ALONG THE EAST LINE OF SAID LOT 42 THE FOLLOWING THREE (3) COURSES: 1) NORTH 55.58 FEET; 2) WEST 32.20 FEET; 3) NORTH 41.91 FEET TO THE NORTHEAST CORNER OF SAID LOT 42; THENCE SOUTH 86°00'00" EAST 73.88 FEET TO A POINT ON AN EXISTING FENCE; THENCE SOUTH 05°55'40" WEST 94.05 FEET ALONG SAID EXISTING FENCE TO A FENCE POST; THENCE NORTH 87°48'40" WEST 31.81 FEET TO THE POINT OF BEGINNING. CONTAINS 4.782 SQ. FT. OR 0.110 ACRES, MORE OR LESS
TOTAL AREA CONTAINS: 0.313 ACRES, MORE OR LESS

NARRATIVE OF BOUNDARY:

SCOPE
BENCHMARK ENGINEERING AND LAND SURVEYING, LLC WAS RETAINED BY JARED HACKETT TO PERFORM A BOUNDARY SURVEY AS SHOWN HEREON.

BASIS OF BEARINGS
THE BASIS OF BEARINGS FOR THIS SURVEY IS NORTH 89°57'00" WEST, AS SHOWN HEREON.

LIST OF REFERENCED DOCUMENTS
R1) WARRANTY DEED, FILED ON NOVEMBER 11, 2014, ENTRY NO 11951475 IN BOOK 10277 ON PAGE 1457 AT THE OFFICE OF THE RECORDER OF SALT LAKE COUNTY.
R2) MAPLE HILLS SUBDIVISION PLAT, FILED ON APRIL 1, 1953, ENTRY NO 1324023 IN BOOK "N" OF PLATS, PAGE 21 AT THE OFFICE OF THE RECORDER OF SALT LAKE COUNTY.

NARRATIVE
THE PURPOSE OF THIS BOUNDARY SURVEY IS FOR THE CLIENT TO PURCHASE A PORTION OF THE PROPERTY OWNED BY THE UTAH DEPARTMENT OF TRANSPORTATION AND TO COMBINE THE TWO PARCELS INTO ONE PARCEL.

LEGEND AND ABBREVIATIONS:

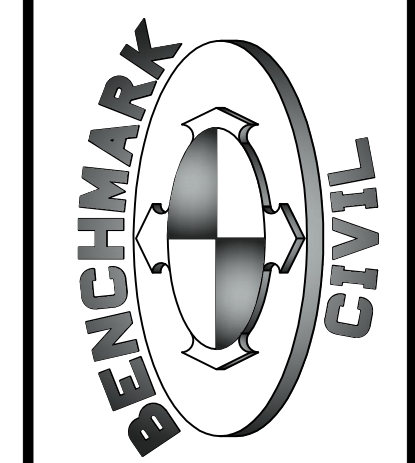
- STREET MON. (FOUND)
- PROPERTY CORNER (PLAT NOTED)
- ADJACENT PL. or LOT LINES
- EXISTING RIGHT-OF-WAY LINE
- CENTERLINE of ROAD
- FENCE, CHAIN
- FENCE, WOOD

PROJECT NO. 2111344

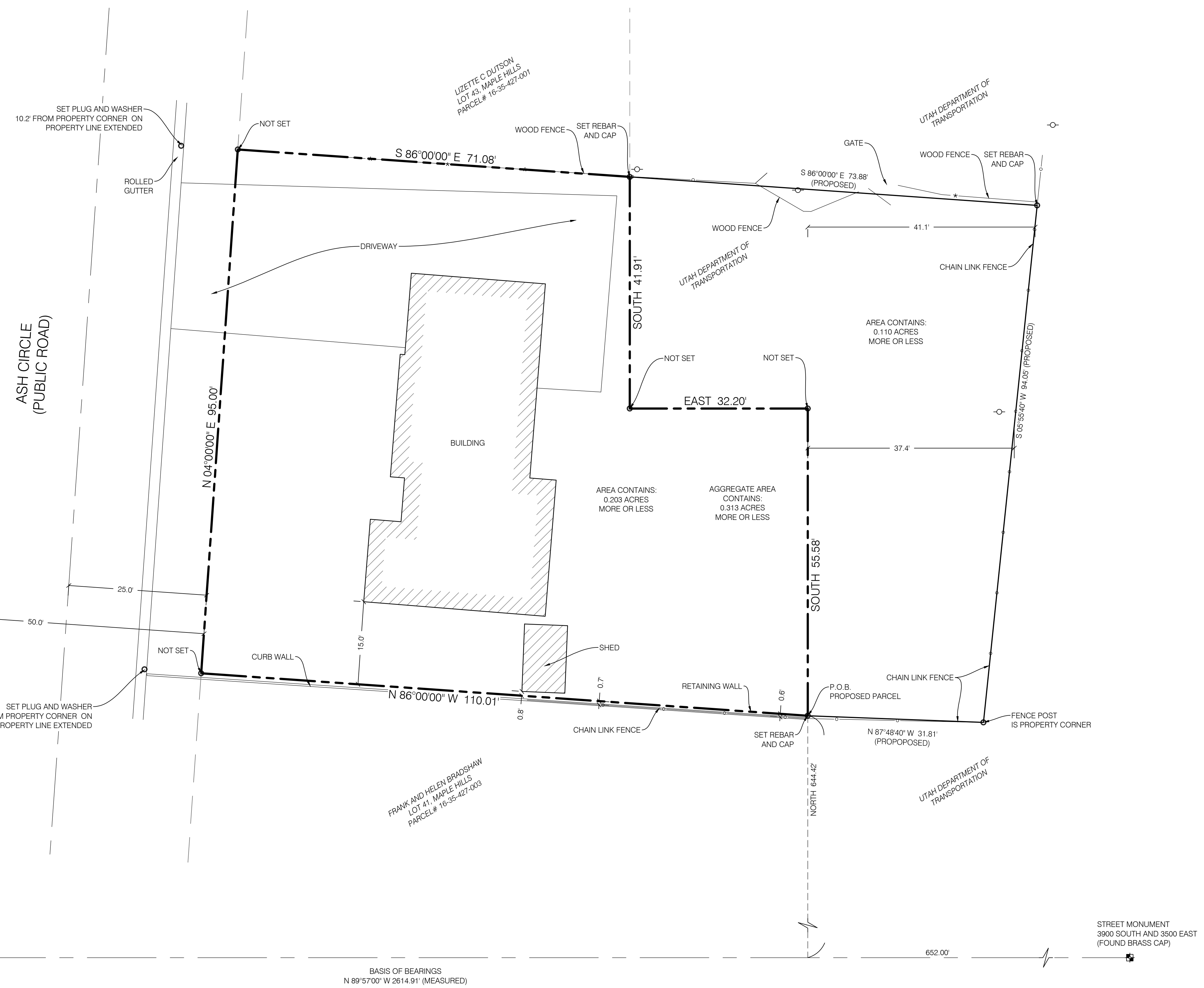
BOUNDARY SURVEY

SVB.01
1 OF 1

BENCHMARK ENGINEERING & LAND SURVEYING
9188 SOUTH STATE STREET SUITE # 100
SANDY, UTAH 84070 (801) 542-7192
www.benchmarkcivil.com



JARED HACKETT
3785 ASH CIRCLE
MILLCREEK CITY, UTAH



STREET MONUMENT
3900 SOUTH AND 3100 EAST
(FOUND BRASS CAP)

STREET MONUMENT
3900 SOUTH AND 3500 EAST
(FOUND BRASS CAP)

BASIS OF BEARINGS
N 89°57'00" W 2614.91' (MEASURED)