

**ORDINANCE NO. 13-17**

**AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, VACATING A CITY  
UTILITY EASEMENT LOCATED AT APPROXIMATELY 6028  
RIDGELINE DRIVE; AND ESTABLISHING AN EFFECTIVE DATE.**

**SECTION I - RECITALS**

WHEREAS, the City of SOUTH OGDEN City (“City”) is a municipal corporation duly organized and existing under the laws of Utah; and,

WHEREAS, in conformance with Utah Code (“UC”) §10-3-717, the governing body of the city may exercise all administrative powers by resolution; and,

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

WHEREAS, the City Council finds that in conformance with UC Title 10 it may pass an ordinance to vacate, narrow, or change utility easements within the city or otherwise manage or dispose of city property; and,

WHEREAS, the City Council finds that in conformance with UC Title 10, on its own initiative, it may enact an ordinance declaring a street, alley, or a part of a street or alley or utility easement is vacated; and,

WHEREAS, the City Council finds, and has determined, in conformance with UC Title 10, that: there is good cause for the vacating the easement described herein and , further, that the vacating or narrowing of this easement will not be detrimental to the public interest; and,

WHEREAS, the City Council finds that in conformance with UC Title 10, that notice of the intention of the City Council to vacate this easement, or part, has been given as provided in the UC §10-9a-609.5, or other applicable statute or requirement; and,

WHEREAS, the City Council finds that in conformance with UC Title 10, that intention of the governing body of the city to vacate the 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 *Standard Examiner*; and,

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

**SECTION II - EASEMENT VACATED**

**Now Therefore, Be It Ordained** By The City Council Of South Ogden City That The Easement In Favor Of South Ogden City, At Approximately 6029 Ridgeline Drive, Property Id No. 07-556-0001 And More Particularly Described As:

A 20.0 foot wide easement being 10 feet either side of the following described centerline:

Beginning at a point 759.08 feet North 88°39' 55" West along the quarter section line from the northeast corner of the south west quarter of Section 22, Township 5 North, range 1 West, Salt Lake base and meridian, U.S. Survey; running thence South 0°36' 58" West 977.12 feet; thence South 89°23'02" East 775.22 feet to the quarter section line.

Should Be And The Same Is Hereby Vacated And Abandoned Subject Only To The Exceptions As Otherwise Provided Therein.

**Be It Further Ordained**, That Notwithstanding The City's Vacation And Relinquishment Of The City's Easement As Described Above, Nothing Herein Shall Be Deemed Or Construed To Act So As To Diminish, Restrict Or Extinguish The Right Of Way And Easements Otherwise Existing Appurtenant To This Vacated Easement, If Any, Of Any Lot Owner Or The City Nor Shall The Franchise Rights Of Any Public Utility Be Impaired Thereby.

### **SECTION III - PRIOR ORDINANCES AND RESOLUTIONS:**

The body and substance of any and all 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 are in conflict with this Ordinance, are, to the extent of 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 have the effect of rendering 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 South Ogden City.

### **SECTION VI - DATE OF EFFECT**

This Ordinance shall be effective on the 2<sup>nd</sup> day of July, 2013, and after publication or posting as required by law.

DATED this 2<sup>nd</sup> day of July, 2013

SOUTH OGDEN, a municipal corporation

by: \_\_\_\_\_  
James F. Minster, Mayor

Attested and recorded

\_\_\_\_\_  
Leesa Kapetanov  
City Recorder