

ORDINANCE NO. 18-01

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, VACATING A PORTION OF 38th STREET AND GRANT AVENUE; 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 10-9a-609.5 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 10-9a-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 Subsection 10-9a-609.5 (1)(a) who consents to the vacation.; and,

WHEREAS, the City Council finds, and has determined, in conformance with UC Title 10-9a-609.5, there is good cause for vacating the easement described and that the vacating or narrowing of this easement will not be detrimental to the public interest nor will any person be materially injured by the vacation; and,

WHEREAS, the City Council finds that in conformance with UC Title 10-9a-609.5, that notice of the intention of the City Council to vacate this easement, or part, following a public hearing on the matter has been given as provided in the UC §10-9a-208, or other applicable statute or requirement; and,

WHEREAS, the City Council finds that in conformance with UC Title 10-9a-609.5, 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 Council finds in conformance with UC Title 10-9a-609.5, that either or both of the following shall be recorded in the office of the recorder of Weber county: (a) a plat reflecting the vacation; or (b) a true and accurate copy of this ordinance

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, More Particularly Described As:

A Part Of The Southeast Quarter Of Section 5, Township 5 North, Range 1 West Of The Salt Lake Base And Meridian, More Particularly Described As Follows:

Beginning At A Point On The Northerly Right-Of-Way Line Of 38th Street, Being Located South 1°17'43" West 510.51 Feet Along The Monumented Centerline Of Washington Boulevard And North 90°00'00" West 730.36 Feet From The Centerline Monument At Washington Boulevard And 37th Street, (Said Point Being Described As 21.367 Chains North And 1536.53 Feet West Of The Southeast Corner Of Said Quarter Section, By Record); Running Thence North 1°16'07" East 15.00 Feet (North 15 Feet By Record); Thence North 88°43'53" West 15.00 Feet (West 15 Feet By Record), To The Easterly Right-Of-Way Line Of Grant Avenue; Thence South 1°16'07" West 15.00 Feet; Thence South 88°43'53" East 15.00 Feet To The Point Of Beginning. Containing 225 Sq. Ft. Or 0.005 Ac, More Or Less.

A Part Of The Southeast Quarter Of Section 5, Township 5 North, Range 1 West Of The Salt Lake Base And Meridian, More Particularly Described As Follows:

Beginning At A Point On The Northerly Right-Of-Way Line Of 38th Street, Being Located South 1°17'43" West 510.51 Feet Along The Monumented Centerline Of Washington Boulevard And North 90°00'00" West 730.36 Feet From The Centerline Monument At Washington Boulevard And 37th Street, (Said Point Being Described As 21.367 Chains North And 1536.53 Feet West Of The Southeast Corner Of Said Quarter Section, By Record); Running Thence North 1°16'07" East 15.00 Feet (North 15 Feet By Record); Thence North 88°43'53" West 15.00 Feet (West 15 Feet By Record), To The Easterly Right-Of-Way Line Of Grant Avenue; Thence South 1°16'07" West 15.00 Feet; Thence South 88°43'53" East 15.00 Feet To The Point Of Beginning. Containing 225 Sq.Ft. Or 0.005 Ac, More Or Less.

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.

Be It Also Ordained, that the foregoing Recitals are incorporated herein.

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 South Ogden City.

SECTION VI - DATE OF EFFECT

This Ordinance shall be effective on the 20th day of March, 2018, and after publication or posting as required by law.

DATED this 20th day of March, 2018

SOUTH OGDEN, a municipal corporation

by: _____
Russell Porter, Mayor

Attested and recorded

Leesa Kapetanov, CMC
City Recorder