

**SOUTH OGDEN CITY
ORDINANCE NO. 20-21**

**AN ORDINANCE INDEFINITELY CLOSING LINCOLN AVENUE BETWEEN 36TH
STREET AND RIVERDALE ROAD**

WHEREAS, South Ogden City (“**City**”) is a municipal corporation, duly organized and existing under the laws of the State of Utah; and

WHEREAS, the City owns, maintains, and exercises jurisdiction over Lincoln Avenue between 36th Street and Riverdale Road within the City’s limits (the “**Street**”), which is shown in the map attached hereto as **Exhibit A**; and

WHEREAS, Seasons on Riverdale, LLC has purchased property on the east side of the Street and is developing the property into residential units and intends to use a portion of the Street for public parking, which will benefit nearby retail and residential developments and the public generally (“**Development**”); and

WHEREAS, the Street is considered a “class C” road because it is a city street; and

WHEREAS, Utah Code §§ 72-5-105(3)(c)(iii), (d)(i) permits the City to temporarily close a class C road and convert the class C road into a separate public use or purpose if “closure of all or part of a class C road is necessary to mitigate unsafe conditions,” and the new “public use or purpose [is] related to the mitigation of the unsafe condition,” and

WHEREAS, Utah Code § 72-5-105(7) permits the City to “close to vehicular travel and convert to another public use or purpose a highway, road, or street over which the local highway authority has jurisdiction, for an indefinite period of time;” and

WHEREAS, as a result of the Development, the City has found that the Street is no longer necessary for vehicular travel as 36th Street and Riverdale Road provide, and will continue to provide for the foreseeable future, adequate access to the Development; and

WHEREAS, the City has also found that additional parking for the Development will alleviate unsafe traffic patterns and mitigate the risk of accidents at the intersection of 36th Street and Lincoln Ave. and Riverdale Rd. and Lincoln Avenue, both of which are intersections with major thoroughfares without traffic lights; and

WHEREAS, closing the Street and leasing the Street to be used for public parking will promote the health, safety, and the general welfare of the community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH OGDEN THAT:

1. The City hereby finds as follows:

- a. Riverdale Road and 36th Street provide adequate access to all Development along the Street and in other areas adjacent to the Street
- b. As a result of the Development, the Street is not necessary for vehicular travel
- c. Closing of the Street is in the best interest of and benefits the resident of South Ogden City and the public generally
- d. Closing of the Street will reduce through traffic and therefore the risk of accidents at the intersections at the north end and the south end of the street

2. The City shall close the Street and permit the Street to be converted into a public use as required by Utah law, which may include the lease of the Street to the South Ogden City Community Development and Renewal Agency.

3. City staff are authorized to take such actions as may be necessary to accomplish the purposes of this ordinance.

4. All orders, ordinances, and resolutions regarding the subject matter of this ordinance that 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, that has been previously repealed.

5. 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.

6. 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 whatsoever, this ordinance being deemed the separate, independent, and severable act of the City Council of South Ogden City.

7. This ordinance takes effect upon its publication and recording, but not sooner than 15 days from this date.

DATED this ____ day of _____, 2020.

Mayor Russell L. Porter

Attest:

Leesa Kapetanov, City Recorder

EXHIBIT A
Portion of Lincoln Avenue to be Indefinitely Closed

