

ORDINANCE NO. 21-08

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, VACATING THE ALLEY BETWEEN ADAMS AND PORTER AVENUES FROM 40TH STREET TO ITS END MID-BLOCK BEFORE 41ST STREET; AND ESTABLISHING AN EFFECTIVE DATE.

SECTION I - RECITALS

WHEREAS, the 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 some or all of a public street or municipal utility easement 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 mailing notice to each owner of record of each parcel that is accessed by the alley, mailed to each affected entity, posted on or near the

alley in a manner that is calculated to alert the public, published on the South Ogden website, and published on the Utah Public Notice Website; 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 - ALLEY VACATED

Now Therefore, Be It Ordained By The City Council Of South Ogden City That The Alley Located Between Adams, Porter Avenues From 40th Street To Its End Mid-Block Before 41st Street, 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 Alley 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 3rd day of August, 2021, and after publication or posting and recording of the plat as required by law.

DATED this 3rd day of August, 2021.

SOUTH OGDEN, a municipal corporation

Russell Porter, Mayor

Attested and recorded

Leesa Kapetanov, CMC
City Recorder