

Ordinance No. 017-2013

AN ORDINANCE RELOCATING A PUBLIC UTILITY EASEMENT (PUE) THAT IS PART OF LOT 4 SPRING CREEK HOLLOW SUBDIVISION, LOCATED GENERALLY AT 164 NORTH 300 EAST.

WHEREAS UCA § 10-9a-102.(2) states “. . . municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls . . .” and

WHEREAS UCA § 10-9A-609.5 states:

(3) The legislative body may adopt an ordinance granting a petition to vacate some or all of a public street, right-of-way, or easement if the legislative body finds that:

- (a) good cause exists for the vacation; and
(b) neither the public interest nor any person will be materially injured by the vacation.

WHEREAS the applicant owns two adjacent parcels:

- The boundary line between the parcels has been adjusted to increase the available footprint of Lot 4, as to allow a single family home to be constructed that would allow for more options in a single level living floor plan.
After the boundary line adjustment, both parcels continue to meet zoning code.
The applicant has provided signatures from the utility companies agreeing to the relocation.
The applicant has provided signatures from the other lot owners in Spring Creek Hollow Subdivision consenting to the change.

THEREFORE be it ordained by the Providence City Council:

- The request to relocate the existing PUE located generally at 164 North 300 East shall be approved.
The council finds that relocating the existing PUE to correspond with the boundary line adjustment is good cause for the vacation.
The Council finds that with signatures of agreement from the lot owners in Spring Creek Hollow Subdivision and the utility companies, neither the public interest nor any person will be materially injured by the vacation.
This ordinance shall become effective immediately upon passage and posting.

Passed by vote of the Providence City Council this 10 day of September 2013.

Council Vote:

Table with 6 columns: Name, (X)Yes, ()No, ()Excused, ()Abstained, ()Absent. Rows include Astle, Dale; Bagley, Bill; Calderwood, Don; Call, Ralph; Russell, John.

Signed by Mayor Ronald Liechty this 26 day of September 2013.

Providence City

Ronald Liechty, Mayor

Attest:

Skarlet Bankhead, Recorder

