

Ordinance No. 2019-002

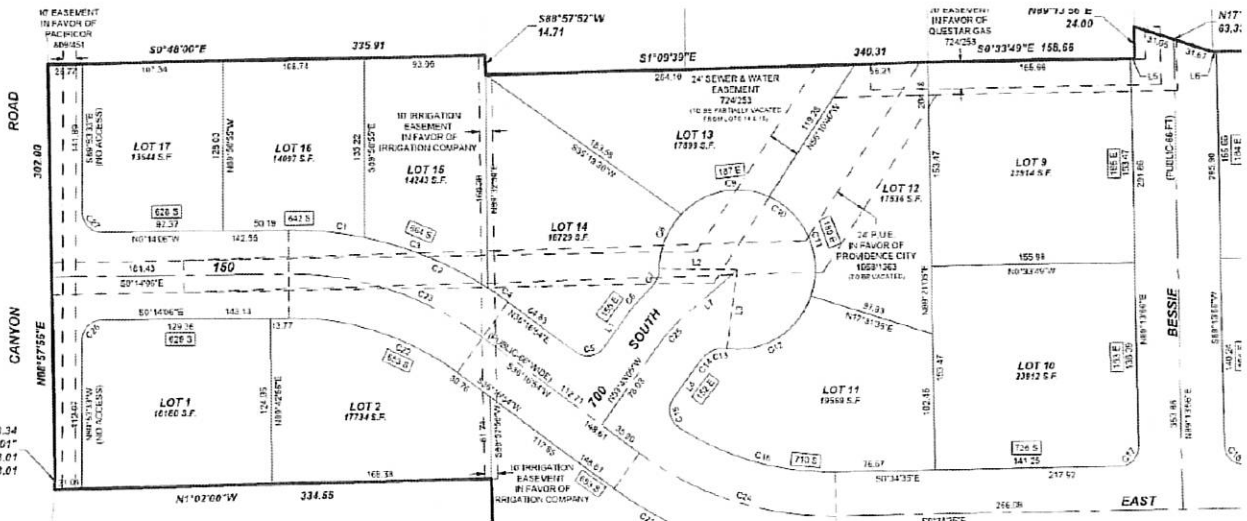
AN ORDINANCE VACATING AND RELOCATING A 24-FT PUBLIC UTILITY EASEMENT (PUE) IN THE GENERAL AREA OF 720 SOUTH 150 EAST.

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 Providence City desires to provide for the health, safety, and welfare, and promote the prosperity, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values in areas that may be considered sensitive, including but not limited to fire danger, slope, soil content.

WHEREAS Providence City received an application to vacate a 24 located in the general area of 720 South 150 East.

- Providence City currently has a 24-ft PUE located in the general area of 720 South 150 East (see Lot 12 in the illustration).



- The developer of the proposed Ridgeview Estates Subdivision is requesting the existing 24' easement in favor of Providence City shown in the proposed Lots 12 – 15 and extending into 150 East be vacated, and utilities in the existing easement be relocated in the existing easement in the proposed Lot 13 and in 700 South and 150 East, as shown on the construction plans for the subdivision.
- The existing portion of the easement shown in the proposed Lot 13 will remain. The Developer is requesting the portion of this easement show in Lots 14 and 15 and extending into the proposed 150 East be vacated, and the utilities in the existing easement be relocated in 700 South and 150 East, as shown on the construction plans for the subdivision.

WHEREAS, prior to granting the request for vacation and relocation, the Providence City Council considered the following findings of fact, conclusions of law, and conditions:

Findings of Fact:

- UCA § 10-9a-609.5 list the requirements for vacating a street, right-of-way, or easement.

- UCA § 10-9a-609.5(3) states 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.
- The petitioners want to combine the above referenced parcels into one lot. The lot created from combining the parcels will have a public utility easement around the perimeter of the lot.

Conclusions of Law:

- The petitioner filed a petition in accordance with UCA § 10-9a-609.5(1)
- The Providence City Council held a public hearing pursuant to UCA § 10-9a-609.5(2).
- The Providence City Council had determined that good cause exists for the vacation; and neither the public interest nor any person will be materially injured by the vacation.

Conditions:

- That the petitioners complete the relocation of the utilities as shown on the Approved Construction Plans for Ridgeview Estate Subdivision.

THEREFORE be it ordained by the Providence City Council

- The vacation and relocation of a 24-ft PUE located in the general area of 720 South 150 East shall be approved based on the findings of fact, conclusions of law, and conditions listed above.
- This ordinance shall become effective immediately upon passage and posting or 30 days after final passage, whichever is closer to the date of final passage.

Ordinance adopted by vote of the Providence City Council this 12 day of February 2019.

Council Vote:

Allen, Kirk	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Eck, Kristina	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Fresz, Brent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Giles, Dennis	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Sneddon, Roy	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent

Signed by Mayor John Drew this 12th day of February 2019.

Providence City

John Drew, Mayor

Attest:

Skarlet Bankhead, Recorder

