

1 **Ordinance No. 2019-016**

2  
3 AN ORDINANCE VACATING AND RELOCATING THE PUBLIC UTILITY EASEMENT (PUE) BETWEEN LOTS 20  
4 AND 21 IN THE PROVIDENCE HOLLOW SUBDIVISION, GENERALLY LOCATED AT 574 NORTH 520 EAST.

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

8  
9 WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote the  
10 prosperity, peace and good order, comfort, convenience, and aesthetics of each municipality and its  
11 present and future inhabitants and businesses, to protect the tax base, to secure economy in  
12 governmental expenditures, to foster the state's agricultural and other industries, to protect both urban  
13 and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide  
14 fundamental fairness in land use regulation, and to protect property values in areas that may be  
15 considered sensitive, including but not limited to fire danger, slope, soil content.

- 16 • Providence City received a petition to vacate and relocate the PUE between lots 20 and 21 in the  
17 Providence Hollows Subdivision, generally located at 574 North 520 East.
- 18 • The City Council considered the following:

19 Findings of Fact:

- 20 ○ 10-9a-609.5(4) states the legislative body may adopt an ordinance granting a petition to  
21 vacation some or all of a public street or municipal utility easement if the legislative  
22 body finds that: (a) good cause exists for the vacation; and (b) neither the public interest  
23 nor any person will be materially injured by the vacation.

24 Conclusions of Law:

- 25 ○ The City Council is the legislative body for Providence City.
- 26 ○ On October 8, 2019, the City Council held a public hearing to consider vacating and  
27 relocating a 10-ft public utility easement between Lots 20 and 21 in the Providence  
28 Hollows Subdivision, generally located at 574 North 520 East.
- 29 ○ Good cause exists for the vacation and relocation of the PUE:
  - 30 ▪ the petitioner would like to adjust the lot line between Lots 20 and 21;
  - 31 ▪ the lot line adjustment is in harmony with the zone and neighboring  
32 developments, does not impact the transportation mobility or connectivity,  
33 does not impact the pedestrian connectivity throughout the entire subdivision.
- 34 ○ Neither the public interest nor any person will be materially injured by the vacation.
  - 35 ▪ At the present time, there are no utilities in the existing easement.

36 Conditions:

- 37 ○ The petitioner will continue to meet all applicable federal, state, county, and local  
38 codes, rules, laws, policies, etc.

39  
40 THEREFORE be it ordained by the Providence City Council

- 41 • The petition to vacate and relocate the 10-ft. PUE located between Lots 20 and 21 in the  
42 Providence Hollow Subdivision shall be approved based on the findings of fact, conclusions of  
43 law, and conditions listed.
- 44 • This ordinance shall become effective immediately upon passage and posting or 30 days after  
45 final passage, whichever is closer to the date of final passage.

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47 Ordinance adopted by vote of the Providence City Council this 8 day of October 2019.

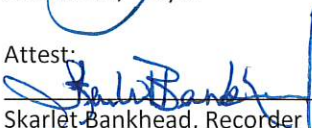
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49 Council Vote:

50 Allen, Kirk	(x) Yes	( ) No	( ) Excused	( ) Abstained	( ) Absent
51 Eck, Kristina	(x) Yes	( ) No	( ) Excused	( ) Abstained	( ) Absent
52 Fresz, Brent	(x) Yes	( ) No	( ) Excused	( ) Abstained	( ) Absent

1 Giles, Dennis (x) Yes ( ) No ( ) Excused ( ) Abstained ( ) Absent  
2 Sneddon, Roy (x) Yes ( ) No ( ) Excused ( ) Abstained ( ) Absent

3  
4 Signed by Mayor John Drew this 2nd day of December 2019.

5  
6 Providence City  
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8 \_\_\_\_\_  
9 John Drew, Mayor

10  
11 Attest:  
12   
13 Skarlet Bankhead, Recorder  
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