

1 **Ordinance No. 2020-005**

2
3 AN ORDINANCE VACATING A PUBLIC UTILITY EASEMENT (PUE) LOCATED BETWEEN LOTS 25 AND
4 26 OF THE COUNTRY GARDEN ESTATES II SUBDIVISION, IN THE GENERAL AREA OF 335 GARDEN
5 DR. PROVIDENCE, UT.

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7 WHEREAS UCA § 10-9a-102.(2) states “. . . municipalities may enact all ordinances, resolutions,
8 and rules and may enter into other forms of land use controls . . .” and
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10 WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote
11 the prosperity, peace and good order, comfort, convenience, and aesthetics of each municipality
12 and its present and future inhabitants and businesses, to protect the tax base, to secure
13 economy in governmental expenditures, to foster the state's agricultural and other industries, to
14 protect both urban and nonurban development, to protect and ensure access to sunlight for
15 solar energy devices, to provide fundamental fairness in land use regulation, and to protect
16 property values in areas that may be considered sensitive, including but not limited to fire
17 danger, slope, soil content.

- 18 • Providence City received a petition to vacate the PUE between Lots 25 and 26 of the Country
19 Garden Estates II Subdivision, in the general area of 335 Garden Dr. Providence, UT.
- 20 • The City Council considered the following:

21 Findings of Fact:

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

26 Conclusions of Law:

- 27 ○ The City Council is the legislative body for Providence City.
- 28 ○ On May 6, 2020, the City Council held a public hearing to consider vacating a 10-ft public
29 utility easement between Lots 25 and 26 in the Country Garden Estates II Subdivision,
30 generally located at 335 Garden Dr.
- 31 ○ Good cause exists for the vacation and relocation of the PUE:
 - 32 ■ the petitioner would like to combine Lots 25 & 26 into a single lot; the lot
33 created by combining the lots is in harmony with the zone and neighboring
34 developments, does not impact the transportation mobility or connectivity,
35 does not impact the pedestrian connectivity throughout the entire subdivision.
- 36 ○ Neither the public interest nor any person will be materially injured by the vacation.
 - 37 ■ At the present time, there are no utilities in the existing easement.

38 Conditions:

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

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42 THEREFORE be it ordained by the Providence City Council

- 43 • The petition to vacate the PUE between Lots 25 and 26 of the Country Garden Estates II
44 Subdivision, in the general area of 335 Garden Dr. shall be approved based on the
45 findings of fact, conclusions of law, and conditions listed above.
- 46 • This ordinance shall become effective immediately upon passage and posting or 30 days
47 after final passage, whichever is closer to the date of final passage.

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49 Passed by vote of the Providence City Council this 6th day of May 2020.

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Council Vote:

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|-----------------|---------|--------|-------------|---------------|------------|
| Eck, Kristina | (x) Yes | () No | () Excused | () Abstained | () Absent |
| Kirk, Carrie | (x) Yes | () No | () Excused | () Abstained | () Absent |
| Paulsen, Joshua | (x) Yes | () No | () Excused | () Abstained | () Absent |
| Sealy, Jeanell | (x) Yes | () No | () Excused | () Abstained | () Absent |
| Speth, Brent | (x) Yes | () No | () Excused | () Abstained | () Absent |

Signed by Mayor John Drew this 20th day of May 2020.

Providence City

John Drew, Mayor

Attest:

Skarlet Bankhead, Recorder

