

1 **Ordinance No. 2020-012**

2
3 AN ORDINANCE VACATING A SIDE STREET STUBBED OUT FROM SPRING CREEK PARKWAY AT
4 APPROXIMATELY 400 N IN PROVIDENCE UT; AND THREE UTILITY EASEMENTS IN THE SAME GENERAL
5 AREA.

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

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- 18 • On October 29, 2020, Providence City received a petition to vacate a side street stubbed out
19 from Spring Creek Parkway & 3 PUEs at approximately 400 N in Providence UT as shown on the
20 attached map.
 - 21 • The City Council considered the following:
22 Findings of Fact:
 - 23 ○ 10-9a-609.5(4) states the legislative body may adopt an ordinance granting a petition to
24 vacation some or all of a public street or municipal utility easement if the legislative
25 body finds that: (a) good cause exists for the vacation; and (b) neither the public interest
26 nor any person will be materially injured by the vacation.

26 Conclusions of Law:

- 27
- 28 ○ The City Council is the legislative body for Providence City.
 - 29 ○ On November 18, 2020, the City Council held a public hearing to consider vacating a side
30 street stubbed out from Spring Creek Parkway and 3 public utility easements at
31 approximately 400 N.
 - 32 ○ Good cause exists for the vacation:
 - 33 ■ the petitioner would like to develop a single-family residential subdivision;
34 because of the topography, the side street stub, including utility easements #1
35 and #2, does not work with the proposed street layout; the lots in the proposed
36 subdivision are in harmony with the zone and neighboring developments; the
37 proposed street layout does not negatively impact the transportation mobility
38 or connectivity, nor does it negatively impact the pedestrian connectivity
39 throughout the entire subdivision.
 - 40 ■ the petitioner will relocate utility easement #3 to an area that better serves the
41 proposed development.
 - 42 ○ Neither the public interest nor any person will be materially injured by the vacation.
 - 43 ■ At the present time, traffic does not use the street stub; and there are no
44 utilities in the 3 existing easements.

44 Conditions:

- 45
- 46 ○ The petitioner will continue to meet all applicable federal, state, county, and local
47 codes, rules, laws, policies, etc.

48 THEREFORE be it ordained by the Providence City Council

- 49
- 50 • The petition to vacate a side street stubbed out from Spring Creek Parkway and 3 utility
51 easements at approximately 400 N in Providence UT shall be approved based on the findings of
52 fact, conclusions of law, and conditions listed above.
 - This ordinance shall become effective immediately upon passage and posting or 30 days after

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final passage, whichever is closer to the date of final passage.

Passed by vote of the Providence City Council this 18 day of November 2020.

Council Vote:

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 11th day of December 2020.

Providence City
John Drew

John Drew, Mayor

Attest:
Skarlet Bankhead
Skarlet Bankhead, Recorder



RECEIVED
OCT 29 2020
By: *pe*

PARTIAL VACATION
PUBLIC STREET AND PUES

LITTLE BALDY PLACE SUBD.
FALLNER & CHENOWETH
PROVIDENCE, UTAH

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