

1 **Ordinance No. 2016-011**

2  
3 AN ORDINANCE VACATING AND REMOVING A PUBLIC UTILITY EASEMENT LOCATED IN THE  
4 PROVIDENCE HOLLOWES SUBDIVISION BETWEEN PARCEL NO. 02-286-001 AND 02-286-0002,  
5 (LOT 1, 509 NORTH 470 EAST AND LOT 2, 529 NORTH 470 EAST, RESPECTIVELY).  
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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  
9

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 Findings of Fact:

- 19 ○ UCA § 10-9a-609.5 list the requirements for vacating a street, right-of-way, or  
20 easement.  
21 ○ UCA § 10-9a-609.5(3) states the legislative body may adopt an ordinance  
22 granting a petition to vacate some or all of a public street, right-of-way, or  
23 easement if the legislative body finds that: (a) good cause exists for the  
24 vacation; and (b) neither the public interest nor any person will be materially  
25 injured by the vacation.  
26 ○ The petitioners want to combine the above referenced Lots into one lot. The lot  
27 created from combining the two Lots will have a public utility easement around  
28 the perimeter of the lot.

29 Conclusions of Law:

- 30 ○ The petitioner filed a petition in accordance with UCA § 10-9a-609.5(1) on April  
31 28, 2016.  
32 ○ The Providence City Council held a public hearing pursuant to UCA § 10-9a-  
33 609.5(2).  
34 ○ The Providence City Council had determined that good cause exists for the  
35 vacation; and neither the public interest nor any person will be materially  
36 injured by the vacation.

37 Conditions:

- 38 ○ That the petitioners proceed with the process to combine the Lots.  
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40 THEREFORE be it ordained by the Providence City Council

- 41 • The petition filed by Jeff and Christine Jackman to vacate and remove a public utility  
42 easement located in the Providence Hollowes Subdivision between Parcel No. 02-286-001  
43 and 02-286-0002, (Lot 1, 509 North 470 East and Lot 2, 529 North 470 East, respectively)  
44 shall be approved based on the findings of fact, conclusions of law, and conditions listed  
45 above.  
46 • This ordinance shall become effective immediately upon passage and posting.  
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48 Ordinance adopted by vote of the Providence City Council this 10 day of May 2016.


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Council Vote:

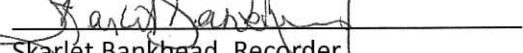
Allen, Kirk	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Baldwin, Jeff	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Drew, John	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Giles, Dennis	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input 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 Don W Calderwood this 24 day of May 2016.

Providence City

  
Don W. Calderwood, Mayor

Attest:

  
Scarlet Bankhead, Recorder

