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3 **Ordinance No. 2016-017**

4 AN ORDINANCE VACATING AND RELOCATING THE PUBLIC UTILITY EASEMENTS (PUE) LOCATED BETWEEN
5 LOTS 4 AND 5 OF THE EDGEHILL DRIVE ESTATES SUBDIVISION, AND LOCATED BETWEEN LOT 5 OF THE
6 EDGEHILL DRIVE ESTATES SUBDIVISION AND LOT 34 EAST EDGEHILL ESTATES PHASE 2, LOCATED AT 292
7 EDGEHILL DRIVE

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

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

18
19 WHEREAS Kory Smith and Josh Maughan filed a petition with the City for vacation and relocation of the
20 Public Utility Easements (PUE) located between Lots 4 and 5 of the Edgehill Drive Estates Subdivision, and
21 located between Lot 5 of the Edgehill Drive Estates Subdivision and Lot 34 East Edgehill Estates Phase 2,
22 located at 292 Edgehill Drive.

- 23 • The Applicants would like to eliminate Lot 5 of Edgehill Drive Estates and absorb a portion of the
24 lot into lot 34 of East Edgehill Drive Estates and the other portion in Lot 4 of Edgehill Drive
25 Estates.
26 • The City Council considered the following:
27 Findings of Fact:
28 ○ UCA § 10-9a-609.5 outlines the requirements for a petition to request vacation of an
29 easement.
30 ○ UCA § 10-9a-609.5(2) and UCA § 10-9a-208 requires the City Council hold a public
31 hearing.
32 ○ UCA 10-9a-609.5(3) The legislative body may adopt an ordinance granting a petition to
33 vacate some or all of a . . . easement if the legislative body finds that: (a) good cause
34 exists for the vacation; and (b) neither the public interest nor any person will be
35 materially injured by the vacation.

36 Conclusions of Law:

- 37 ○ The petition meets the requirements of UCA § 10-9a-609.5.
38 ○ On July 26, 2016, the Providence City Council held a public hearing pursuant to UCA §
39 10-9a-609.5(2) and UCA § 10-9a-208.
40 ○ The City Council finds good cause exists for the vacation.
41 ○ The City Council finds neither the public interest nor any person will be materially
42 injured by the vacation.

43 Conditions:

- 44 ○ After adoption and signature, this ordinance will be recorded in the office of the Cache
45 County Recorder.
46 ○ The Applicants will continue with the amended plat process.

47
48 THEREFORE be it ordained by the Providence City Council

- 49 • This ordinance shall be adopted based on the findings of fact, conclusions of law, and conditions
50 listed above.
51 • This ordinance shall become effective immediately upon passage and posting.
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1 Ordinance adopted by vote of the Providence City Council this 26 day of July 2016.

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3 Council Vote:

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|-----------------|---------|--------|-------------|---------------|------------|
| 4 Allen, Kirk | (X) Yes | () No | () Excused | () Abstained | () Absent |
| 5 Baldwin, Jeff | (X) Yes | () No | () Excused | () Abstained | () Absent |
| 6 Drew, John | (X) Yes | () No | () Excused | () Abstained | () Absent |
| 7 Giles, Dennis | (X) Yes | () No | () Excused | () Abstained | () Absent |
| 8 Sneddon, Roy | (X) Yes | () No | () Excused | () Abstained | () Absent |

9
10 Signed by Mayor Don W Calderwood this 28 day of July 2016

11
12 Providence City

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14 Don W. Calderwood, Mayor



15
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17 Attest:

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19 Skarlet Bankhead, Recorder
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