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3 **Ordinance No. 008-2021**

4 AN ORDINANCE VACATING A PORTION OF CITY RIGHT-OF-WAY LOCATED ON 300 E IN THE GENERAL AREA
5 OF 152 S TO 100 S

6 WHEREAS UCA § 10-3-701 states, "except as otherwise specifically provided, the governing body of each
7 municipality shall exercise its legislative power through ordinances." 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.
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17 WHEREAS, on May 12, 2021, Providence City received a petition to vacate a portion of city right-of-way
18 located on 300 E in the general area of 152 S to 100 S
19

20 WHEREAS the City Council held a public hearing about the proposed vacation on June 16th, 2021
21

22 WHEREAS the City Council considered the following in their deliberation:

23 Findings of Fact:

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

28 Conclusions of Law:

- 29 ○ The City Council is the legislative body for Providence City.
30 ○ On June 16th, 2021, pursuant to UCA 10-9a-609.5 the City Council held a public hearing
31 to determine whether good cause exists for the vacation; and the public interest or any
32 person will be materially injured by the proposed vacation.
33 ○ Good cause exists for the vacation:
34 ■ The petitioner informs - Buildings to the north encroach on the 99-foot right-of-
35 way. To the south right-of-way was vacated for parcels 02-113-0072, 02-113-
36 0092, and 02-113-0074, the vacation left a 66-foot right-of-way. The proposed
37 vacation of right-of-way would provide consistency in the size of right-of-way.
38 ○ Neither the public interest nor any person will be materially injured by the vacation.
39 ○ The application package did not contain proof of written notice to operators of utilities.
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41 Conditions:

- 42 1. The applicant will provide proof of written notice to operators of utilities.
43 2. The city council notices and holds a public hearing to take comment on the proposed
44 vacation of right-of-way.
45 3. If the city council adopts an ordinance vacating some or all of a public street or
46 municipal utility easement, the city council will ensure that a plat reflecting the vacation
47 and/or the ordinance (including the legal description of the vacation) is recorded in the
48 County Recorder's Office.
49 4. The action of vacation some or all of a public street or municipal utility easement
50 operated to the extent to which it is vacated, upon the effective date of the recorded
51 plat or ordinance, as a revocation of and the relinquishment of the municipality's fee in
52 the vacated public street or municipal utility easement; and may not be construed to
53 impair: and right-of-way or easement of any parcel or lot owner, the rights of any public

1 utility; or the rights of a culinary water authority or sanitary sewer authority.
2 5. The applicant will continue to meet all relevant federal, state, county, and
3 Providence City rules, laws, codes, ordinances. Approval by the City of any application or
4 paperwork submitted does not alleviate the owners and/or their agents from their
5 responsibility to understand and conform to local, state, and federal laws. Providence
6 City's approval is not intended to and cannot be construed to allow any laws to be
7 violated.

8 THEREFORE be it ordained by the Providence City Council

- 9 • The petition to vacate the right of way on 300 E in the general area of 152 S to 100 S shall be
10 granted; and
11 • This ordinance shall become effective immediately upon passage and posting or 30 days after
12 final passage, whichever is closer to the date of final passage.

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14 Passed by vote of the Providence City Council this 16th day of June 2021.

15
16 Council Vote:

17 Eck, Kristina	(X) Yes	() No	() Excused	() Abstained	() Absent
18 Kirk, Carrie	(X) Yes	() No	() Excused	() Abstained	() Absent
19 Paulsen, Joshua	(X) Yes	() No	() Excused	() Abstained	() Absent
20 Sealy, Jeanell	(X) Yes	() No	() Excused	() Abstained	() Absent
21 Speth, Brent	() Yes	() No	(X) Excused	() Abstained	() Absent

22
23 Signed by Mayor John Drew this 28 day of June 2021.

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25 Providence City

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30 John Drew, Mayor

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32 Attest:

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34 Ty Cameron, Recorder
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