

ORDINANCE NO. 18-09

AN ORDINANCE OF THE CITY OF SOUTH OGDEN, UTAH DECLARING CERTAIN REAL PROPERTY AS SURPLUS TO THE CITY'S NEEDS, CHANGING THE ZONING OF THE SURPLUS PROPERTY FROM R-1-6 TO OPEN SPACE-1, AND GRANTING AN EASEMENT ACROSS THAT CITY PROPERTY; AMENDING THE ZONING MAP OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Section 1 - Recitals:

WHEREAS, the City Council finds that certain real property, identified by city staff and the planning commission, is surplus to the city's needs and should be; so declared; and, that the zoning of that surplus property should be changed from R-1-6 to Open Space-1; and, that an easement should be established and granted across that city property to provide for ingress and egress; and,

WHEREAS, the City Council finds that the full text of the zoning ordinance and its associated and related maps, representing recommendations from the planning commission and staff for zoning all or any part of the property being declared surplus as it lies within the municipality, have been subjected to the required public hearing prior to its adoption; and,

WHEREAS, the City Council finds that the zoning ordinance was lawfully adopted, with all later amendments thereto; and,

WHEREAS, the City Council finds that Utah Code provides that the legislative body may amend the number, shape, boundaries, or area of any zoning district; any regulation of or within the zoning district; or any other provision of the zoning ordinance; and,

WHEREAS, the City Council finds that the City Council may make no amendment to the City's zoning ordinance or zoning maps unless the amendment was proposed by the planning commission or is first submitted to the planning commission for its approval, disapproval, or recommendations; and,

WHEREAS, the City Council finds that South Ogden City desires to comply with the procedure specified in UC §10-9a-205 in preparing and adopting an amendment to the zoning ordinance or the zoning map; and,

WHEREAS, the City Council finds that based on the recommendation of the South Ogden City Planning Commission and staff, the City Council determines it to be in the best interest of the City to declare the subject property surplus and to change the existing

zone of certain property from R-1-6 to Open Space-1 under the Ordinances of the City; and,

WHEREAS, the City Council finds that such changes as suggested herein are consistent with, or otherwise follow, the City's General Plan; and,

WHEREAS, the City Council finds that the public convenience and necessity, public safety, health and welfare is at issue and requires action by the City as noted above;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN, UTAH that

- The property described in **Attachment "A"** is declared surplus to city needs; and,
- The zoning of that property is changed from R-1-6 to Open Space-1; and,
- An easement across city property, as described in **Attachment "B"** is established in perpetuity.

The foregoing recitals are incorporated herein.

Section 2 - Repealer of Conflicting Enactments:

All orders, ordinances and resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal will not be construed to revive any act, order or resolution, or part, repealed.

Section 3 - Prior Ordinances and Resolutions:

The body and substance of all prior Ordinances and Resolutions, with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

Section 4 - Savings Clause:

If any provision of this Ordinance be held or deemed or be invalid, inoperative or unenforceable such reason will render no other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed the separate independent and severable act of the City Council of South Ogden City.

Section 5 - Date of Effect

This Ordinance will be effective on the 18th day of September, 2018, and after publication or posting as required by law.

DATED the 18th day of September, 2018

SOUTH OGDEN, a municipal corporation

by: _____
Mayor Russell Porter

Attested and recorded

Leesa Kapetanov, CMC
City Recorder

ATTACHMENT “A”

ORDINANCE NO. 18-09

An Ordinance Of The City Of South Ogden, Utah Declaring Certain Real Property As Surplus To The City’s Needs, Changing The Zoning Of The Surplus Property From R-1-6 To Open Space-1, And Granting An Easement Across That City Property; Amending The Zoning Map Of The City; And Providing For An Effective Date.

18 Sep 18

EXHIBIT A

Legal Description of Real Property

A PART OF THE NORTH HALF OF SECTION 8, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT THE SOUTHWEST PROPERTY CORNER OF COUNTRY CLUB HEIGHTS LOCATED 1313.00 FEET SOUTH 00°57'52" WEST FROM THE NORTH QUARTER CORNER OF SAID SECTION 8;

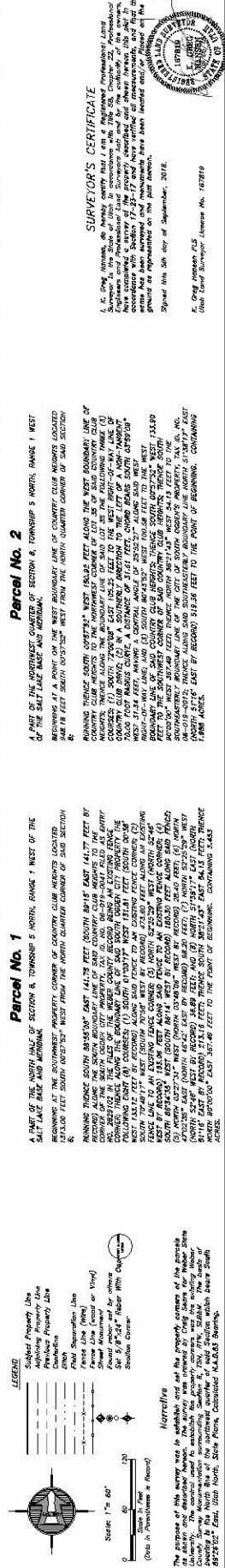
RUNNING THENCE SOUTH 88°55'08" EAST 141.75 FEET (SOUTH 89°15' EAST 141.77 FEET BY RECORD) ALONG THE SOUTH BOUNDARY LINE OF SAID COUNTRY CLUB HEIGHTS TO THE CORNER OF THE SOUTH OGDEN CITY PROPERTY, TAX ID. NO. 06-019-0041 FILED AS ENTRY NO. 2829102 IN THE FILES OF THE WEBER COUNTY RECORD BEING AN EXISTING FENCE CORNER; THENCE ALONG THE BOUNDARY LINE OF SAID SOUTH OGDEN CITY PROPERTY THE FOLLOWING EIGHT (8) COURSES; (1) SOUTH 01°00'17" WEST 131.81 FEET (SOUTH 00°38' WEST 133.12 FEET BY RECORD) ALONG SAID FENCE TO AN EXISTING FENCE CORNER; (2) SOUTH 70°48'17" WEST (SOUTH 70°56' WEST BY RECORD) 473.60 FEET ALONG AN EXISTING FENCE LINE TO AN EXISTING FENCE CORNER; (3) NORTH 52°25'29" WEST (NORTH 52°46' WEST BY RECORD) 153.06 FEET ALONG SAID FENCE TO AN EXISTING FENCE CORNER; (4) SOUTH 86°34'35" WEST (SOUTH 86°14' WEST BY RECORD) 180.30 FEET ALONG SAID FENCE; (5) NORTH 03°27'31" WEST (NORTH 03°48'06" WEST BY RECORD) 28.40 FEET; (6) NORTH 47°02'35" EAST (NORTH 46°42' EAST BY RECORD) 98.20 FEET; (7) NORTH 52°25'29" WEST (NORTH 52°46' WEST BY RECORD) 36.89 FEET; AND (8) NORTH 51°38'17" EAST (NORTH 51°16' EAST BY RECORD) 213.16 FEET; THENCE SOUTH 38°21'43" EAST 54.13 FEET; THENCE NORTH 90°00'00" EAST 367.49 FEET TO THE POINT OF BEGINNING. CONTAINING 3.453 ACRES.

ATTACHMENT “B”

ORDINANCE NO. 18-09


An Ordinance Of The City Of South Ogden, Utah Declaring Certain Real Property As Surplus To The City's Needs, Changing The Zoning Of The Surplus Property From R-1-6 To Open Space-1, And Granting An Easement Across That City Property; Amending The Zoning Map Of The City; And Providing For An Effective Date.

18 Sep 18



Signed this 5th day of September, 2018.

K. Greg Hansen FLS
Utah Land Surveyor License No. 167219



K. Greg Hansen FLS
Utah Land Surveyor License No. 167819

Utah Land Surveyor License No. 167819

NO. 117

Verónica Schild, *University of Buenos Aires*