

ORDINANCE NO. 20-23

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, VACATING PORTIONS OF UNUSED RIGHTS-OF-WAY OF LINCOLN AVENUE BETWEEN 36TH STREET AND RIVERDALE ROAD; AND ESTABLISHING AN EFFECTIVE DATE.

SECTION I - RECITALS

WHEREAS, the City of South Ogden City (“City”) is a municipal corporation duly organized and existing under the laws of Utah; and,

WHEREAS, in conformance with Utah Code (“UC”) §10-3-717, the governing body of the city may exercise all administrative powers by resolution; and,

WHEREAS, in conformance with UC §10-3-702, the governing body of the city may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by State law or any other provision of law; and,

WHEREAS, the City Council finds that in conformance with UC Title 10-8-8 it may pass an ordinance to vacate, narrow, or change utility easements within the city or otherwise manage or dispose of city property; and,

WHEREAS, the City Council finds that in conformance with UC Title 10, on its own initiative, it may enact an ordinance declaring a street, alley, or a part of a street or alley or utility easement is vacated; and,

WHEREAS, the City Council finds, and has determined, in conformance with UC Title 10, that: there is good cause for the vacating the easements and or rights of way described and, further, that the vacating or narrowing of these easements and or rights of way will not be detrimental to the public interest; and,

WHEREAS, the City Council finds that in conformance with UC Title 10, that notice of the intention of the City Council to vacate this easement, or part, has been given as provided in the UC §10-9a-609.5, or other applicable statute or requirement; and,

WHEREAS, the City Council finds that in conformance with UC Title 10, that intention of the governing body of the city to vacate the easements and or rights of way described, and the notice required for action on such question has been properly published as required preceding action; and,

WHEREAS, the City finds that certain exigencies of city governmental operations require these actions be taken;

SECTION II - EASEMENT/RIGHTS-OF-WAY VACATED

Now Therefore, Be It Ordained By The City Council Of South Ogden City That The Portions Of Unused Rights-Of-Way Of Lincoln Avenue Between 36th Street And Riverdale Road, And More Particularly Described In **Attachment "A"** Should Be And The Same Are Hereby Vacated And Abandoned Subject Only To The Exceptions As Otherwise Provided Therein.

Be It Further Ordained, That Notwithstanding The City's Vacation And Relinquishment Of The Easements And Or Rights Of Way As Described Above, Nothing Herein Shall Be Deemed Or Construed To Act So As To Diminish, Restrict Or Extinguish The Right Of Way And Easements Otherwise Existing Appurtenant To These Vacated Easements, If Any, Of Any Lot Owner Or The City, Nor Shall The Franchise Rights Of Any Public Utility Be Impaired Thereby. Specifically, The Street Easement And Right-Of-Way Is Vacated And The City Retains All Utility Easements Undiminished Or Changed.

That the foregoing recitals are incorporated herein.

SECTION III - PRIOR ORDINANCES AND RESOLUTIONS:

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

SECTION IV - 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 shall not be construed to revive any act, order or resolution, or part repealed.

SECTION V - SAVINGS CLAUSE:

If any provision of this Ordinance shall be held or deemed or shall be invalid, inoperative or unenforceable such reason shall not render any 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 VI - DATE OF EFFECT

This Ordinance shall be effective on the 15th day of December, 2020, and after publication or posting as required by law.

DATED this 30th day of November, 2020

SOUTH OGDEN, a municipal corporation

by: _____
Russell Porter, Mayor

Attested and recorded

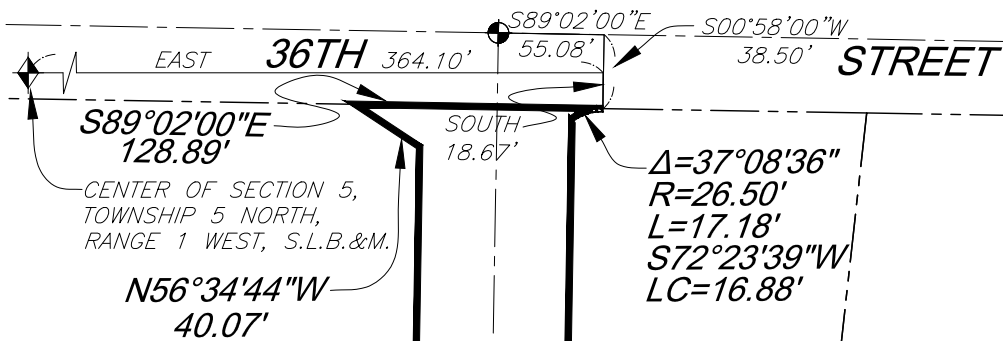
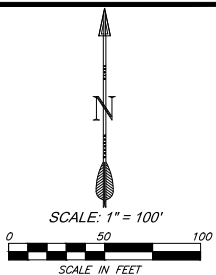
Leesa Kapetanov, CMC
City Recorder

ATTACHMENT “A”

ORDINANCE NO. 20-23

An Ordinance Of South Ogden City, Utah, Vacating Portions Of Unused Rights-Of-Way
Of Lincoln Avenue Between 36th Street And Riverdale Road; And Establishing An
Effective Date.

30 Nov 20



A PART OF THE NORTHWEST QUARTER OF THE
SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 5 NORTH,
RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S.
SURVEY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH RIGHT OF WAY
LINE OF 36TH STREET, SAID POINT BEING LOCATED
SOUTH 89°02'00\"/>

CONTAINS 73,707 SQUARE FEET OR 1.692 ACRES, MORE
OR LESS.

Ⓐ
3810CAPO, LLC
05-136-0026
ENTRY 2525817

Ⓑ
BARREY J BIGLER
TRUST AGREEMENT
05-136-0025
ENTRY 2178726

Ⓒ
G43, LLC
05-136-0023
ENTRY 3085944

YFP OGDEN, LLC
05-139-0125
ENTRY 2691140

STEVEN FARNSWORTH
05-137-0008
ENTRY 1742632

EXHIBIT A

LEGEND

- EASEMENT BOUNDARY
- EXISTING PARCEL LINES
- CENTERLINE
- FOUND SECTION CORNER
- STREET MONUMENT

TW LIMITED LIABILITY CO.
05-122-0026
ENTRY 2144687

RIVERDALE
COMMERCIAL, LLC
05-122-0029
ENTRY 3070547

SEASONS ON RIVERDALE, LLC
05-122-0028
ENTRY 3083065

RIVERDALE
COMMERCIAL, LLC
05-137-0011
ENTRY 3083064

ROAD TO
BE VACATED

RIVERDALE
COMMERCIAL, LLC
05-137-0011
ENTRY 3083064