

PUBLIC UTILITY EASEMENT VACATION

ORDINANCE #23-13

AN ORDINANCE AMENDING THE RAINBOW OAKS P.U.D. SUBDIVISION PLAT BY VACATING A PUBLIC UTILITY EASEMENT LOCATED AT APPROXIMATELY 11489 SOUTH OBERLAND ROAD; ALSO ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Sandy City Council has been granted specific authority to regulate, plan and establish public streets within Sandy City and may amend such regulations and plans or vacate a street, right-of-way, public utility easements, according to the provisions of Sections 10-8-8 and 10-9a-607 through 10-9a-609.5, Utah Code Annotated; and

WHEREAS, the Sandy City has received a request for modification of the Rainbow Oaks P.U.D. Subdivision Plat by vacating a public utility easement at approximately 11489 South Oberland Road; and

WHEREAS, the Planning Commission held a public hearing on August 3, 2023, to consider the vacation, which meeting was preceded by publication of the meeting agenda by posting in Sandy City Hall, Sandy Parks & Recreation, Salt Lake County Library-Sandy, on the Sandy City Website - <http://www.sandy.utah.gov>, and the Utah Public Notice Website - <http://pmn.utah.gov> on July 21, 2023; and

WHEREAS, the Planning Commission determined that good cause exists for vacation of said public utility easement and that there is neither material injury to either the public interest nor any person by the requested vacation, and forwarded a positive recommendation to the City Council; and

WHEREAS, a public hearing was held by the Sandy City Council on August 29, 2023, to consider adoption of the proposed vacation, which meeting was preceded by posting in Sandy City Hall, Sandy Parks & Recreation, Salt Lake County Library-Sandy, on the Sandy City Website - <http://www.sandy.utah.gov>, and the Utah Public Notice Website - <http://pmn.utah.gov> on July 26, 2023, and has taken into consideration citizen testimony, planning and demographic data, the desires of the owners of the property and the Planning Commission recommendation as part of the Council's deliberations; and

WHEREAS, vacation of a public utility easement located at approximately 11489 South Oberland Road is in the best interest of the health, safety and welfare of the City's residents.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City, State of Utah, that, upon recording of this Ordinance, the Rainbow Oaks P.U.D. Subdivision Plat will be modified by vacating a public utility easement at approximately 11489 South Oberland Road, as described in **Exhibit "A"** and shown on **Exhibit "B"**, which are attached hereto and by this reference made a part hereof.

Section 1. Amendment. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance hereby adopted are hereby repealed.

Section 2. Recording of Ordinance. the City Recorder is hereby directed to file a certified copy of this Ordinance with the Salt Lake County Recorder.

Section 3. Severable. If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined in its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 5. Effective. This ordinance shall become effective upon being recorded with the Salt Lake County Recorder.

PASSED AND APPROVED this _____ day of _____, 2023.

Brooke D'Sousa, Council Chair

ATTEST:

City Recorder

PRESENTED to the Mayor of Sandy City for her approval this _____ day of _____, 2023.

APPROVED this _____ day of _____, 2023.

Monica Zoltanski, Mayor

ATTEST:

City Recorder

PUBLISHED this _____ day of _____, 2023.

Exhibit “A”

LEGAL DESCRIPTION

LOT 5 OF THE RAINBOW OAKS P.U.D. SUBIVISION PLAT

CEDAR CITY
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RICHFIELD
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