

STREET VACATION – THE DEAD-END PORTION OF
ASPEN RIDGE ROAD AT APPROXIMATELY 12180 SOUTH

ORDINANCE 21-35

AN ORDINANCE MODIFYING THE OFFICIAL STREET MAP OF SANDY BY
VACATING 4,977 SQUARE FEET OF STREET RIGHT-OF-WAY FOR THE
DEAD-END PORTION OF ASPEN RIDGE ROAD AT APPROXIMATELY
12180 SOUTH; 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 according to the provisions of Sections 10-8-8 and 10-9a-609.5, Utah Code Annotated; and

WHEREAS, a modification to the official street map has been proposed to vacate 4,977 sq. ft. of street right-of-way for the dead-end portion of Aspen Ridge Road at approximately 12180 South; and

WHEREAS, the Planning Commission held a public meeting on November 18, 2021, to consider the vacation, which meeting was preceded by publication of the meeting agenda by posting in Sandy City Hall, on the Sandy City Website - <http://www.sandy.utah.gov>, and the Utah Public Notice Website - <http://pmn.utah.gov>, and on the property on November 9, 2021, also mailed out to residents within 500 feet and to affected entities of the portion to be vacated; and

WHEREAS, the Planning Commission determined that good cause exists for vacation 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 December 7, 2021, to consider adoption of the proposed vacation, which meeting was preceded by posting in Sandy City Hall, on the Sandy City Website - <http://www.sandy.utah.gov>, and the Utah Public Notice Website - <http://pmn.utah.gov>, on November 19, 2021, also mailed to residents within 500 feet and to affected entities, and posted on or near the street of right-of-way; and

WHEREAS, vacation of the dead-end portion of Aspen Ridge Road at approximately 12180 South, 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 Official Street Map of Sandy City will be modified by vacating 4,977 square feet of street right-of-way for the dead-end portion of Aspen Ridge Road at approximately 12180 South, as described in **Exhibit "A"** and shown on **Exhibit "B"**, which are attached hereto and by this reference made a part hereof.

Section 1. Effect of Vacation. Upon recording of this Ordinance, the vacation herein shall operate as a relinquishment of the City's fee in the vacated portion of street. Pursuant to section 10-9a-609.5, Utah Code Annotated, the City Council's vacation of the right-of-way described herein operates to the extent to which it is vacated as a revocation of the acceptance of and the relinquishment of the City's fee in the vacated street right-of-way and may not be construed to impair any right-of-way or easement of any lot owner, easement holder or the franchise rights of any public utility.

Section 2. Reservation of Easement. Sandy City hereby specifically retains and reserves unto itself an easement for all utility purposes over the entire portion of the vacated street right-of-way.

Section 3. Recording of Ordinance. the City Recorder is hereby directed to file a certified copy of this Ordinance with the Salt Lake County Recorder.

Section 4. 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 _____, 2021.

Alison Stroud, Sandy City Council Chair

ATTEST:

City Recorder

PRESENTED to the Mayor of Sandy City for his approval this _____ day of _____, 2021.

APPROVED this _____ day of _____, 2021.

Kurt Bradburn, Mayor

ATTEST:

City Recorder

PUBLISHED this _____ day of _____, 2021.