

## WEST BOUNTIFUL CITY

### ORDINANCE #398-17

#### AN ORDINANCE VACATING A PORTION OF THE PUBLIC STREET KNOWN AS 1200 NORTH STREET, WEST BOUNTIFUL, UTAH, AND AUTHORIZING DISPOSAL OF THE UNDERLYING REAL PROPERTY

*WHEREAS*, the South Davis Sewer District (the “*Sewer District*”) and Utah Department of Transportation (“*UDOT*”) have submitted a petition requesting the City to vacate a portion of 1200 North Street situated immediately west of SR-67 (Legacy Highway) and continuing west until the street terminates, depicted as Parcel 1 in the Record of Survey Plat attached as **Exhibit A** (the “*Public Street*”);

*WHEREAS*, *Utah Code Ann.* § 10-9a-609.5 authorizes the City’s governing body to vacate the Public Street after a public hearing and upon appropriate findings;

*WHEREAS*, on December 5, 2017, the City Council held a public hearing on the proposed street vacation;

*WHEREAS*, on December 5, 2017, the City Council also held a public hearing on the proposed conveyance of the land underlying the Public Street to the Sewer District;

*WHEREAS*, the City Council finds that good cause exists to vacate the Public Street because the Sewer District is the only owner of land with access to the Public Street and there is no compelling reason for the Public Street to remain public. Consequently, neither the public interest nor any person will be materially injured by vacation of the Public Street. The City Council finds, therefore, that it is in the best interest of the City and its residents to vacate the Public Street and convey the underlying land to the Sewer District;

*WHEREAS*, the City desires to abandon the water line located within the Public Street (the “*Water Line*”), but retain its right to install, monitor, repair and replace water meters associated with the Water Line.

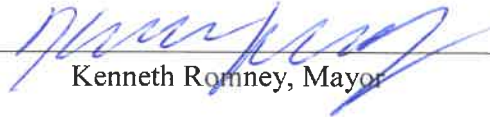
***NOW, THEREFORE, BE IT ORDAINED BY THE WEST BOUNTIFUL CITY COUNCIL THAT A PORTION OF 1200 NORTH STREET, DEPICTED AS PARCEL 1 IN THE RECORD OF SURVEY PLAT ATTACHED AS EXHIBIT A, BE VACATED AND THAT THE CITY CONVEY ITS INTEREST, IF ANY, IN THE LAND UNDERLYING THE VACATED STREET TO THE SOUTH DAVIS SEWER DISTRICT. THIS VACATION AND CONVEYANCE SHALL NOT AFFECT THE FRANCHISE RIGHTS OF ANY PUBLIC UTILITY. THE CITY HEREBY ABANDONS ITS INTEREST IN THE WATER LINE, BUT RETAINS ITS RIGHT TO INSTALL, MONITOR, REPAIR AND REPLACE WATER METERS ASSOCIATED WITH THE WATER LINE. THE SEWER DISTRICT WILL***

**NOTIFY THE CITY OF ANY NEW OR MODIFIED CONNECTIONS TO THE WATER LINE, AND WILL INSTALL WATER METERS AS NECESSARY TO MEASURE USAGE FROM THE WATER LINE.**

This ordinance will become effective upon signing and posting.

ADOPTED this 5th day of December, 2017.

By:

  
Kenneth Romney, Mayor

Voting by the City Council:	<u>Aye</u>	<u>Nay</u>
Councilmember Ahlstrom	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Bruhn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Enquist	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Preece	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>



Attest:

  
Cathy Brightwell, City Recorder

# **EXHIBIT A**

## ***Record of Survey Plat***



## Petition to Vacate Public Street

The undersigned is the sole owner of record of land that is adjacent to or accessed exclusively by a portion of the public street known as 1200 North Street, starting immediately west of State Route 67 (Legacy Parkway) and continuing west until it terminates, depicted as Parcel 1 in the attached Record of Survey Plat (the "*Public Street*").

The undersigned hereby petitions West Bountiful City to vacate the Public Street because the Public Street runs through the undersigned's land, and the undersigned is the only owner of land with access to the Public Street. There is no compelling reason for the Public Street to remain public, and neither the public interest nor any person will be materially injured by vacation of the Public Street.

DATED as of November 16, 2017.

SOUTH DAVIS SEWER DISTRICT

By: *David Wagoner*  
Its: *General Manager*

The State of Utah, Department of Transportation ("*UDOT*"), is the owner of land that is adjacent to and within 300 feet of the Public Street identified above, although such land is not accessed by the Public Street. UDOT hereby consents to and joins in the petition to vacate the Public Street for the reasons stated above.

UDOT

By: *Esq. Rahim Zadeyan*  
Its: *Right-of-way manager*

**CERTIFICATE OF PASSAGE  
AND POSTING ORDINANCE**

*I, the duly appointed and acting recorder for the City of West Bountiful,  
do hereby certify that the foregoing Ordinance No. 398-17  
was duly passed and published, or posted at three public places within the  
municipality on December 28, 2017, which public places are:*

- 1) West Bountiful City Hall,*
- 2) West Bountiful City Park Bowery, and*
- 3) Lakeside Golf Course.*

Cathy Brightwell  
*Cathy Brightwell, City Recorder*

DATE:

12/29/17