

1 **Ordinance No. 2016-004**

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3 AN ORDINANCE AMENDING PROVIDENCE CITY CODE TITLE

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5 WHEREAS UCA § 10-9a-102.(2) states “. . . municipalities may enact all ordinances, resolutions,
6 and rules and may enter into other forms of land use controls . . .” and

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8 WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote
9 the prosperity, peace and good order, comfort, convenience, and aesthetics of each municipality
10 and its present and future inhabitants and businesses, to protect the tax base, to secure
11 economy in governmental expenditures, to foster the state's agricultural and other industries, to
12 protect both urban and nonurban development, to protect and ensure access to sunlight for
13 solar energy devices, to provide fundamental fairness in land use regulation, and to protect
14 property values in areas that may be considered sensitive, including but not limited to fire
15 danger, slope, soil content.

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17 WHEREAS Brent Skinner, Manager 500 North LLC, and Nathan and Emily Peterson filed a
18 petition with the City for the vacation and removal of an existing public utility / berm easement
19 located along the old rear line of Lots 22 and 23 in Providence Hollow Subdivision. The Lots have
20 been expanded to the east through boundary line agreement with Stan Checketts LC,
21 necessitating the removal and relocation of the existing public utility / berm easement.

- 22 • Petitioners feel the current location of the easement limits the ability of the lot owners
23 to move their home further east on their lots.
- 24 • The signers of the petition are the current lot owners which are required to sign the
25 petition pursuant to Utah State Code 10-9a-609.5(1)(a)(i).
- 26 • The Planning Commission considered the following:

27 Findings of Fact:

- 28 ○ UCA § 10-9a-609.5 outlines the requirements for a petition to request vacation
29 of an easement.
- 30 ○ UCA § 10-9a-609.5(2) and UCA § 10-9a-208 requires the City Council hold a
31 public hearing.
- 32 ○ UCA 10-9a-609.5(3) The legislative body may adopt an ordinance granting a
33 petition to vacate some or all of a . . . easement if the legislative body finds that:
34 (a) good cause exists for the vacation; and (b) neither the public interest nor any
35 person will be materially injured by the vacation.

36 Conclusions of Law:

- 37 ○ The petition meets the requirements of UCA § 10-9a-609.5.
- 38 ○ On February 23, 2016, the Providence City Council held a public hearing
39 pursuant to UCA § 10-9a-609.5(2) and UCA § 10-9a-208.
- 40 ○ The City Council finds good cause exists for the vacation.
- 41 ○ The City Council finds neither the public interest nor any person will be
42 materially injured by the vacation, if the relocated public utility easement is not
43 combined with the irrigation easement.

44 Conditions:

- 45 ○ After adoption and signature, this ordinance will be recorded in the office of the
46 Cache County Recorder.
- 47 ○ The public utility easement will not be combined with the irrigation easement;
48 but will be relocated as a 10-foot easement adjacent to the west side of the 20-

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foot irrigation easement.

THEREFORE be it ordained by the Providence City Council

- This ordinance shall be adopted based on the findings of fact, conclusions of law, and conditions listed above.
- This ordinance shall become effective immediately upon passage and posting.

Ordinance adopted by vote of the Providence City Council this 23 day of February 2016.

Council Vote:

Allen, Kirk	(x) Yes	() No	() Excused	() Abstained	() Absent
Baldwin, Jeff	(x) Yes	() No	() Excused	() Abstained	() Absent
Drew, John	(x) Yes	() No	() Excused	() Abstained	() Absent
Giles, Dennis	(x) Yes	() No	() Excused	() Abstained	() Absent
Sneddon, Roy	(x) Yes	() No	() Excused	() Abstained	() Absent

Signed by Mayor Don W Calderwood this 24th day of February, 2016.

Providence City



Don W. Calderwood, Mayor



Attest:



Skarlet Bankhead, Recorder



