

ORDINANCE NO. 2022-03

AN ORDINANCE AMENDING THE CENTERVILLE CITY ZONING MAP BY CHANGING THE ZONING OF APPROXIMATELY 0.004 ACRES OF CERTAIN REAL PROPERTY LOCATED AT APPROXIMATELY 1756 NORTH MAIN STREET FROM RESIDENTIAL-LOW (R-L) TO AGRICULTURAL-LOW (A-L) AND APPROXIMATELY 13 SQUARE FEET OF THE SAME FROM AGRICULTURAL-LOW (A-L) TO RESIDENTIAL-LOW (R-L)

WHEREAS, the City is authorized to enact a zoning map consistent with the purposes set forth in the Utah Land Use Development and Management Act, as more particularly provided in Utah Code §§ 10-9a-101, *et seq.*, as amended, and the City is further authorized to make amendments to such zoning map in accordance with procedures set forth in Utah Code. § 10-9a-503, as amended; and

WHEREAS, in accordance with applicable provisions of Utah law and the goals of the Centerville City General Plan for the subject property, the City Council desires to amend the Centerville City Zoning Map to rezone the subject property from Residential-Low (R-L) to Agricultural-Low (A-L) and from Agricultural-Low (A-L) to Residential-Low (R-L) as more particularly provided herein; and

WHEREAS, the proposed amendments to the Centerville City Zoning Map for the Bowler and Mebius properties located at approximately 1756 North Main Street as set forth herein have been reviewed by the Planning Commission and the City Council and all appropriate public noticing and hearings have been provided and held in accordance with Utah law to obtain public input regarding the proposed revisions to the Zoning Map.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Bowler Zone Map Amendment. Subject to the conditions set forth in Section 2, the real property located at approximately 1756 North Main Street in Centerville City consisting of approximately 0.004 acres as more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference, is hereby rezoned from Residential-Low (R-L) to Agricultural-Low (A-L) and the Centerville Zoning Map is correspondingly amended as described herein.

Section 2. Condition of Zone Map Amendment. The Zone Map Amendment for the Bowler property is subject to the following condition of approval: Any rezone of the tract of land cannot become effective until the subject property is legally combined and recorded with Davis County, thereby absorbing it into the Bowler's applicable lot.

Section 3. Mebius Zone Map Amendment. Subject to the conditions set forth in Section 4, the real property located at approximately 1756 North Main Street in Centerville City consisting of approximately 13 square feet as more particularly described in **Exhibit B**, attached hereto and incorporated herein by this reference, is hereby rezoned from Agricultural-Low (A-L) to Residential-Low (R-L) and the Centerville Zoning Map is correspondingly amended as described herein.

Section 4. Condition of Zone Map Amendment. The Zone Map Amendment for the Mebius property is subject to the following condition of approval: Any rezone of the tract of land cannot become effective until the subject property is legally combined and recorded with Davis County, thereby absorbing it into the Mebius' applicable lot.

Section 5. Findings. The rezone of the subject properties from Residential-Low (R-L) to Agricultural-Low (A-L) and from Agricultural-Low (A-L) to Residential-Low (R-L) is based on the following findings:

- (a) The Planning Commission finds that there has been a sufficient review and consideration of the criteria outlined in CZC 12.21.080(e) of the Zoning Code for considering a rezone.
- (b) The Planning Commission finds that the zone map amendments are substantially consistent with the goals of the General Plan, as described in the staff report.

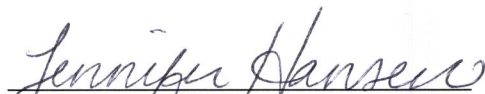
Section 6. Severability. If any section, part, or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts, and provisions of this Ordinance shall be severable.

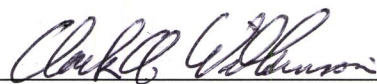
Section 7. Effective Date. This Ordinance shall become effective upon publication or posting, or thirty (30) days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 15th DAY OF FEBRUARY, 2022.

ATTEST:

CENTERVILLE CITY


 Jennifer Hansen, City Recorder

By: 
 Mayor Clark A. Wilkinson

Voting by the City Council:

	"AYE"	"NAY"	"ABSENT"
Councilmember Hirst	<u>X</u>	_____	_____
Councilmember Ince	<u>X</u>	_____	_____
Councilmember McEwan	<u>X</u>	_____	_____
Councilmember Mecham	<u>X</u>	_____	_____
Councilmember Summerhays	_____	_____	<u>X</u>

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the foregoing referenced dates.

Jennifer Hansen
JENNIFER HANSEN, City Recorder

DATE: 2-16-2022

RECORDED this 16th day of February, 2022.

PUBLISHED OR POSTED this 16th of February, 2022.



EXHIBIT A

Bowler Rezone Property Description

TRANSFER SLIVER B, 02-013-0059 TO 02-013-0139

PART OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, DAVIS COUNTY, UTAH, FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED IN WARRANTY DEED ENTRY #3384025 (RECORDED IN THE OFFICE OF THE DAVIS COUNTY RECORDER), SAID CORNER IS NORTH 9°48'31" WEST 30.42 FEET ALONG THE MONUMENT LINE AND NORTH 89°45'56" EAST 33.47 FEET TO THE INTERSECTION OF THE EASTERLY LINE OF MAIN STREET AND THE NORTHERLY LINE OF JENNINGS LANE AND NORTH 9°48'31" WEST 112.58 FEET (NORTH 9°18'30" WEST 112.42 FEET BY RECORD) FROM A BRASS CAP MONUMENT AT THE INTERSECTION OF MAIN STREET AND JENNINGS LANE (NOTE: SAID NORTHWEST CORNER IS RECORDED AS BEING SOUTH 89°38'40" WEST 1,323.18 FEET ALONG THE SECTION LINE AND SOUTH 663.20 FEET AND WEST 724.95 FEET AND NORTH 9°18'30" WEST 163.09 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 6), AND RUNNING THENCE NORTH 84°44'50" EAST 114.63 FEET (NORTH 84°59'00" EAST 114.44 FEET BY RECORD) ALONG THE NORTHERLY LINE OF SAID CONVEYANCE; THENCE NORTH 89°45'50" EAST (EAST BY RECORD) 5.29 FEET ALONG SAID NORTHERLY LINE; THENCE SOUTH 87°23'46" WEST 3.63 FEET; THENCE SOUTH 84°12'29" WEST 44.69 FEET ALONG A FENCE AND THE EXTENSION OF THE SOUTHERLY LINE OF A BLOCK WALL; THENCE SOUTH 9°25'35" EAST 2.88 FEET ALONG THE EASTERLY LINE OF SAID WALL; THENCE SOUTH 86°43'12" WEST 71.75 FEET ALONG THE SOUTHERLY LINE OF SAID WALL TO THE EASTERLY LINE OF SAID MAIN STREET; THENCE NORTH 9°48'31" WEST (NORTH 9°18'30" WEST BY RECORD) 1.12 FEET ALONG SAID EASTERLY LINE TO THE NORTH WEST CORNER OF SAID CONVEYANCE AND TO THE POINT OF BEGINNING.

CONTAINING 0.004 ACRES.

(NOTE: ROTATE THE ABOVE DESCRIPTION 0°19'46" CLOCKWISE FOR NAD83 STATE PLANE BEARINGS IN THE UTAH NORTH ZONE.)

EXHIBIT B

Mebius Rezone Property Description

TRANSFER SLIVER A, 02-013-0139 TO 02-013-059

PART OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, DAVIS COUNTY, UTAH, FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF A TRACT OF LAND CONVEYED IN WARRANTY DEED ENTRY #3384025 (RECORDED IN THE OFFICE OF THE DAVIS COUNTY RECORDER), SAID CORNER IS NORTH 9°48'31" WEST 30.42 FEET ALONG THE MONUMENT LINE AND NORTH 89°45'56" EAST 33.47 FEET TO THE INTERSECTION OF THE EASTERLY LINE OF MAIN STREET AND THE NORTHERLY LINE OF JENNINGS LANE AND NORTH 89°45'46" EAST 141.59 FEET (EAST 139.91 FEET BY RECORD) ALONG SAID NORTHERLY LINE TO THE SOUTHEAST CORNER OF SAID CONVEYANCE AND NORTH 7°41'00" WEST 122.07 FEET (NORTH 7°26'50" WEST 121.96 FEET BY RECORD) ALONG THE EASTERLY LINE OF SAID CONVEYANCE FROM A BRASS CAP MONUMENT AT THE INTERSECTION OF MAIN STREET AND JENNINGS LANE (NOTE: SAID NORTHEAST CORNER IS RECORDED AS BEING SOUTH 89°38'40" WEST 1,323.18 FEET ALONG THE SECTION LINE AND SOUTH 663.20 FEET AND WEST 724.95 FEET AND NORTH 9°18'30" WEST 50.67 FEET AND EAST 139.91 FEET AND NORTH 7°26'50" WEST 121.96 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 6), AND RUNNING THENCE SOUTH 89°45'50" WEST (WEST BY RECORD) 25.00 FEET; THENCE NORTH 87°23'46" EAST 24.89 FEET TO THE EASTERLY LINE OF SAID CONVEYANCE; THENCE SOUTH 7°41'00" EAST (SOUTH 7°26'50" EAST BY RECORD) 1.04 FEET TO THE NORTHEAST CORNER OF SAID CONVEYANCE AND TO THE POINT OF BEGINNING.

CONTAINING 13 SQUARE FEET BY RECORD.

(NOTE: ROTATE THE ABOVE DESCRIPTION 0°19'46" CLOCKWISE FOR NAD83 STATE PLANE BEARINGS IN THE UTAH NORTH ZONE.)