

ORDINANCE NO. 19 - 13

**AN ORDINANCE CREATING A PUBLIC UTILITY EASEMENT
AND VACATING UNUSED RIGHT-OF-WAY AND ROAD EASEMENT
ALONG 600 EAST STREET**

WHEREAS, the City Council of the City of North Logan, Utah, adopted and passed the Code of Revised Ordinance of the City of North Logan on March 16, 1989, which Code was published and effective on March 20, 1989; and

WHEREAS, said Code included Title 12, Land Use, which is the City's Zoning Ordinance; and

WHEREAS, said Code included Title 11, Streets and Public Ways, which contains Chapter 11-500 – Vacating of Streets; and

WHEREAS, the City has authority by State Law to vacate streets, rights of way, and public utility easements, from use by the public; and

WHEREAS, the proposed vacation of public rights of ways(s), as set forth herein, has been reviewed by the City and the City Council, and all appropriate hearings, postings, and notifications have been performed in accordance with Utah law to obtain public comment regarding the proposed determination.

WHEREAS, 600 East along the east side of Parcel #004-116-0042 in North Logan, Utah was installed with pavement, sidewalk, curb and gutter in 2019 and utilized only a part of the right-of-way and road easement contained on the SCOTT JAMES TWISS Parcel #04-116-0042 (along the west side of 600 East), as platted by the Logan Farm Survey; and

WHEREAS, 600 East along the east side of Parcel #004-116-0041 in North Logan, Utah was installed with pavement, sidewalk, curb and gutter in 2019 and utilized only a part of the right-of-way and road easement contained on the SCOTT J. and BRENDA L. BENNETT Parcel #04-116-0041 (along the west side of 600 East), as platted by the Logan Farm Survey; and

WHEREAS, an amended plat is being approved for Parcel #04-116-0042 and Parcel #04-116-0041 in which a 10 (ten) foot Public Utility Easement (PUE) is created within the portion of the right-of-way not utilized for the construction of 600 (see Exhibit A and Exhibit B); and

WHEREAS, an amended plat is being approved for Parcel #04-116-0042 and Parcel #04-116-0041 in which the portion of the right-of-way and road easement not utilized for the construction of 600 East will be vacated and become the property of the associated owners; and

WHEREAS, the City Council has deemed it appropriate to create a PUE the right-of-way and vacate the unused right-of-way and road easement that is part of Parcel #04-116-0042 and of Parcel #04-116-0041 (see Exhibit A and Exhibit B).

WHEREAS the PUE created and the property to be abandoned is described as follows:

That property lying on the west side and adjacent to 600 East and between approximately between 2700 North and 2630 North as shown on attached Exhibit A and Exhibit B.

ORDINANCE NO. 19 - 13

**AN ORDINANCE CREATING A PUBLIC UTILITY EASEMENT
AND VACATING UNUSED RIGHT-OF-WAY AND ROAD EASEMENT
ALONG 600 EAST STREET**

NOW, THEREFORE, the City of North Logan, Utah hereby adopts, passes and publishes the following:

**AN ORDINANCE CREATING A PUBLIC UTILITY EASEMENT
AND VACATING UNUSED RIGHT-OF-WAY AND ROAD EASEMENT
ALONG 600 EAST STREET**

BE IT ORDAINED by the City Council of the City of North Logan, Cache County, and State of Utah as follows:

SECTION I.

Creation of a Public Utility Easement (PUE) as indicated on attached Exhibit A and Exhibit B.

- (A) The City Council deems there to be good cause for creating a 10 (ten) foot PUE running along the west side of 600 East Street (being the east side of Parcel #04-116-0042 and Parcel #04-116-0041) running south approximately 250 feet (see Exhibit A and Exhibit B).

SECTION II. The following shall be added to Title 11, Chapter 11-500, Vacating of Streets.

11-509. Vacating Right-Of-Way for 600 East Street as dedicated to North Logan City as indicated on attached Exhibit A and Exhibit B.

- (A) The City Council deems there to be good cause for vacating the right -of-way and road easement running along the west side of 600 East Street (being the east side of Parcel #04-116-0042 and Parcel #04-116-0041) running south approximately 250 feet is hereby vacated (see Exhibit A and Exhibit B).
- (B) In accordance with State Law, Sections 10-8-8, the street as described above in (A) is hereby vacated. This vacated right-of-way property shall be reconnected to and become a part of the North Logan Aspen Meadows PUD Subdivision property.

SECTION III: CONFLICT

To the extent of any conflict between this ordinance and any other North Logan City ordinance(s) or regulation(s), the provisions of this Ordinance shall be controlling.

SECTION IV: SEVERABILITY.

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall

ORDINANCE NO. 19 - 13

**AN ORDINANCE CREATING A PUBLIC UTILITY EASEMENT
AND VACATING UNUSED RIGHT-OF-WAY AND ROAD EASEMENT
ALONG 600 EAST STREET**

not affect the validity or constitutionality of any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

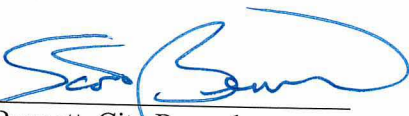
SECTION V: EFFECTIVE DATE.

This Ordinance shall take effect immediately upon the signing of the above mentioned agreement by the mayor on behalf of the City and all other required parties and after first posting as required by law.

ADOPTED AND PASSED by the City Council of North Logan City, Utah, this 18th day of December, 2019.

NORTH LOGAN CITY

ATTEST:



Scott Bennett, City Recorder

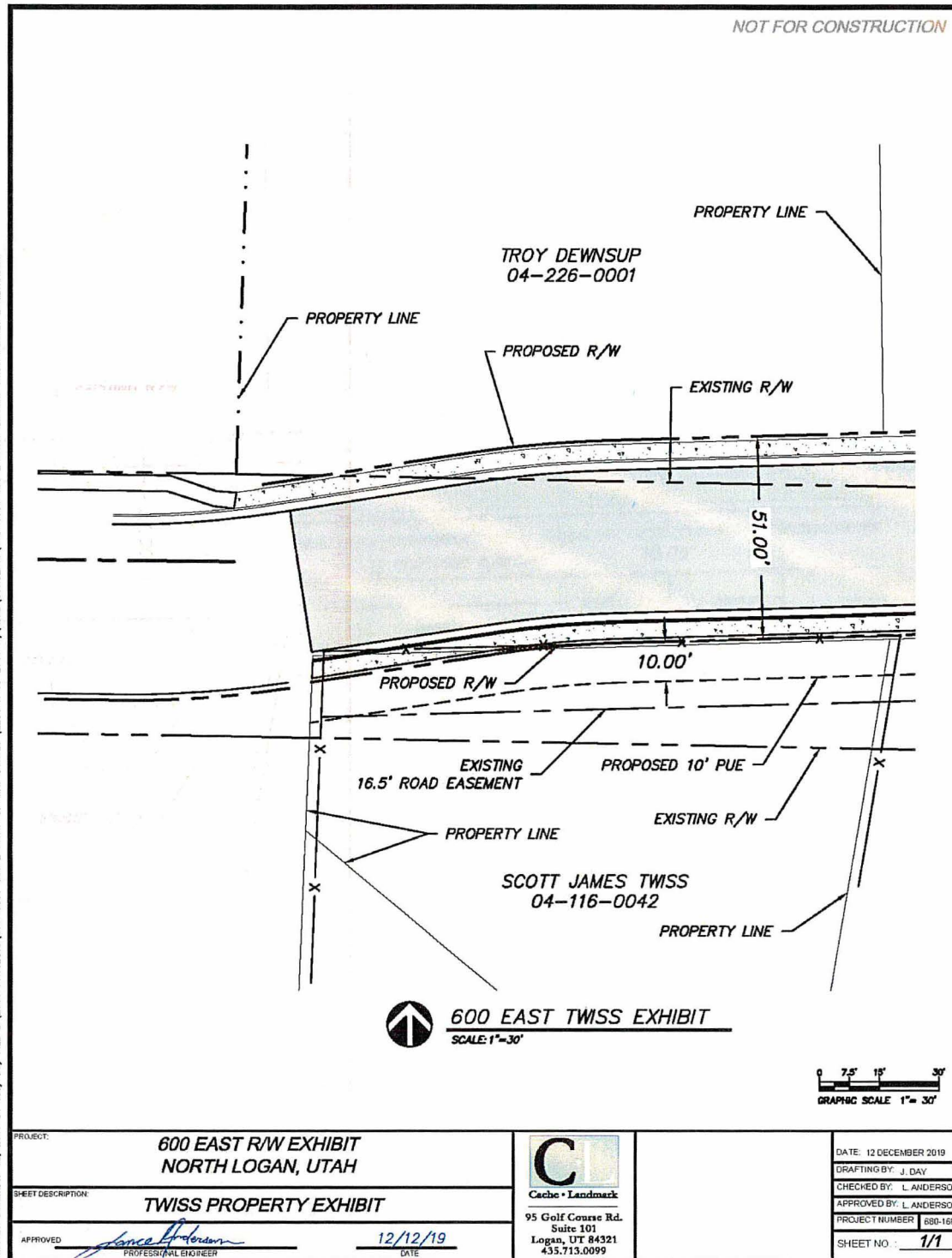
By 

Damon Cann, Mayor

ORDINANCE NO. 19 - 13

AN ORDINANCE CREATING A PUBLIC UTILITY EASEMENT AND VACATING UNUSED RIGHT-OF-WAY AND ROAD EASEMENT ALONG 600 EAST STREET

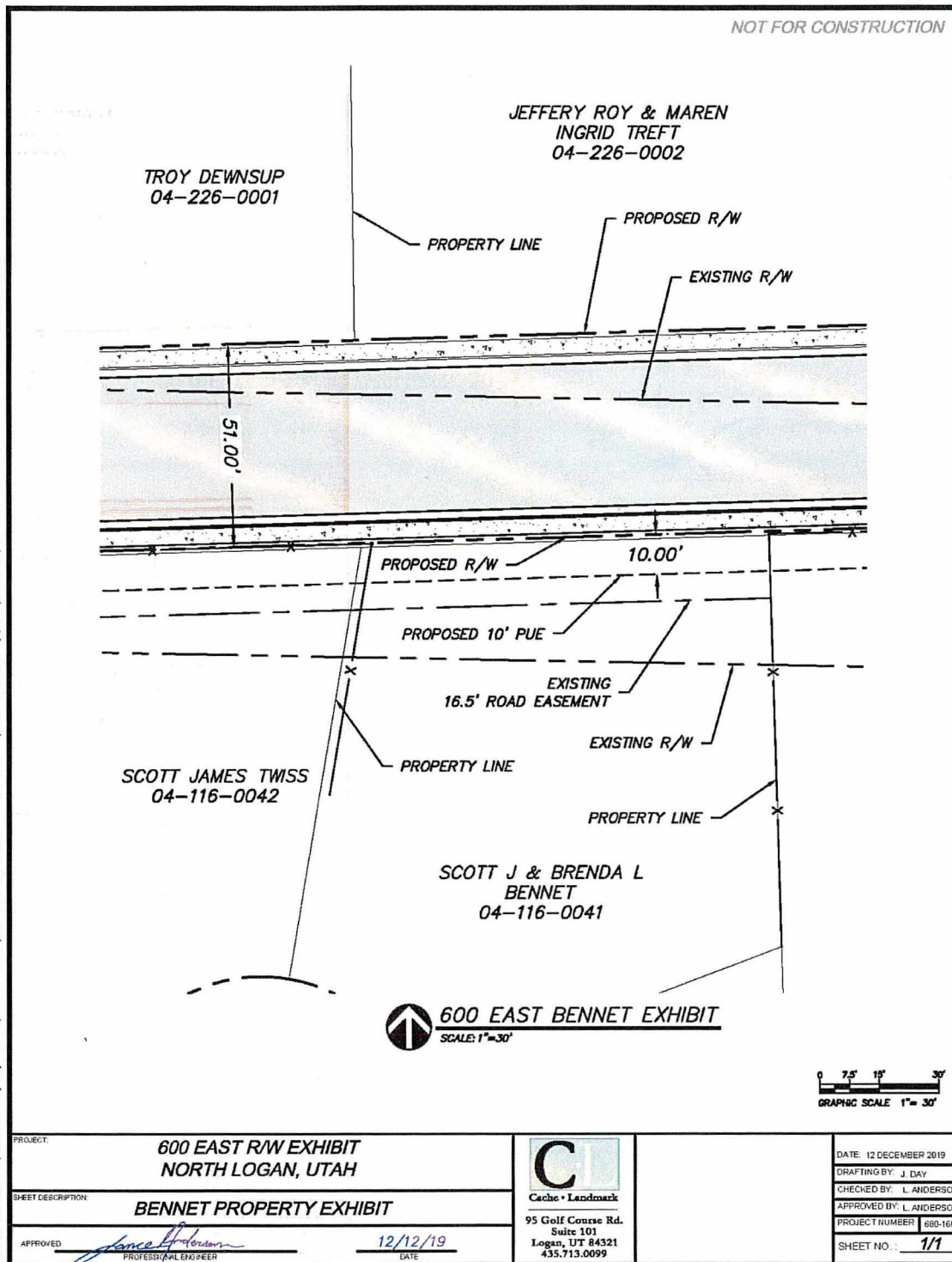
EXHIBIT A



ORDINANCE NO. 19 - 13

AN ORDINANCE CREATING A PUBLIC UTILITY EASEMENT AND VACATING UNUSED RIGHT-OF-WAY AND ROAD EASEMENT ALONG 600 EAST STREET

EXHIBIT B



ORDINANCE NO. 19 - 13

**AN ORDINANCE CREATING A PUBLIC UTILITY EASEMENT
AND VACATING UNUSED RIGHT-OF-WAY AND ROAD EASEMENT
ALONG 600 EAST STREET**

CERTIFICATE OF DUE POSTING

I, SCOTT BENNETT, City Recorder of North Logan, Utah, hereby certify that I, on the 19th day of December, 2019, in the City of North Logan, Cache County, State of Utah, posted the foregoing Ordinance No. 19-13 in a likely manner, a copy of which is hereto attached, in each of three of the most public places in the said City of North Logan, to-wit:

1. North Logan City Offices, 2076 North 1200 East
2. North Logan City Library, 475 East 2500 North
3. North Park Police Agency, 575 East 2500 North

WITNESS my hand this 19th day of December, 2019.



Scott Bennett, City Recorder