Ordinance No. 2020-012

AN ORDINANCE VACATING A SIDE STREET STUBBED OUT FROM SPRING CREEK PARKWAY AT APPROXIMATELY 400 N IN PROVIDENCE UT; AND THREE UTILITY EASEMENTS IN THE SAME GENERAL AREA.

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

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

- On October 29, 2020, Providence City received a petition to vacate a side street stubbed out from Spring Creek Parkway & 3 PUEs at approximately 400 N in Providence UT as shown on the attached map.
- The City Council considered the following:
 Findings of Fact:
 - 10-9a-609.5(4) states the legislative body may adopt an ordinance granting a petition to vacation some or all of a public street or municipal utility easement if the legislative body finds that: (a) good cause exists for the vacation; and (b) neither the public interest nor any person will me materially injured by the vacation.

Conclusions of Law:

- o The City Council is the legislative body for Providence City.
- On November 18, 2020, the City Council held a public hearing to consider vacating a side street stubbed out from Spring Creek Parkway and 3 public utility easements at approximately 400 N.
- o Good cause exists for the vacation:
 - the petitioner would like to develop a single-family residential subdivision; because of the topography, the side street stub, including utility easements #1 and #2, does not work with the proposed street layout; the lots in the proposed subdivision are in harmony with the zone and neighboring developments; the proposed street layout does not negatively impact the transportation mobility or connectivity, nor does it negatively impact the pedestrian connectivity throughout the entire subdivision.
 - the petitioner will relocate utility easement #3 to an area that better serves the proposed development.
- Neither the public interest nor any person will be materially injured by the vacation.
 - At the present time, traffic does not use the street stub; and there are no utilities in the 3 existing easements.

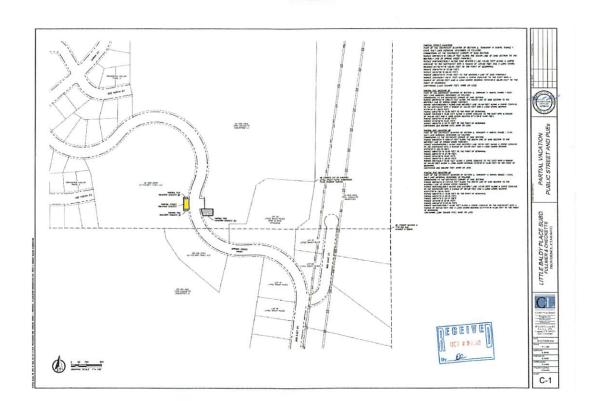
Conditions:

 The petitioner will continue to meet all applicable federal, state, county, and local codes, rules, laws, policies, etc.

THEREFORE be it ordained by the Providence City Council

- The petition to vacate a side street stubbed out from Spring Creek Parkway and 3 utility
 easements at approximately 400 N in Providence UT shall be approved based on the findings of
 fact, conclusions of law, and conditions listed above.
- This ordinance shall become effective immediately upon passage and posting or 30 days after

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