

ORDINANCE NO. 97-67

AN ORDINANCE OF OGDEN CITY, UTAH, VACATING A PORTION OF CANAL ALLEY BEGINNING AT THE BACK PROPERTY LINE OF 2454 WASHINGTON BOULEVARD AND EXTENDING SOUTH TO 25TH STREET, AS PART OF A REALIGNMENT OF SUCH ALLEY, SUCH PORTION TO BE VACATED MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS SOUTH 89D02' EAST 132.20 FEET FROM THE SOUTHWEST CORNER OF LOT 5, BLOCK 26, PLAT "A" OGDEN CITY SURVEY; THENCE NORTH 0D58' WEST 258.00 FEET; THENCE NORTH 79D22'03" EAST 16.33 FEET; THENCE SOUTH 0D58' WEST 261.28 FEET; THENCE NORTH 89D02' WEST 16.00 FEET TO THE POINT OF BEGINNING. CONTAINS 4,154 SQUARE FEET OR 0.0954 ACRES;

AND PROVIDING FOR THE AMENDMENT OF THE RECORD OF SURVEY MAP FOR THE OGDEN CITY CENTRE CONDOMINIUM PROJECT AT 2484 WASHINGTON BOULEVARD; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON PUBLICATION AFTER FINAL PASSAGE.

WHEREAS, the development of the Ogden City Centre Condominium Project ("Condominium Project") required the realignment of Canal Alley and such realignment of Canal Alley involves the vacation of a portion of the alley as it is currently platted and the dedication of additional property needed for the new alignment as presently constructed;

WHEREAS, the additional property to be dedicated as part of the new alignment of Canal Alley is owned by the Ogden Redevelopment Agency, subject to a parking lease of the Condominium Project;

WHEREAS, such vacation will result in property being added to the Common Area of the Ogden City Centre Condominium Project which will require an amendment of the survey map for the condominium, and, in addition, numerous information was depicted on the original record of survey map and the property referred to on the record of survey map as the "Parking Parcel," which extraneous information should be eliminated;

WHEREAS, the dedication of the new alignment of Canal Alley requires a revision to the description of the "Parking Parcel" as referred to on the record of survey map and amendment to the lease agreement between the Ogden Redevelopment Agency and the owners of the Condominium Project in order to exclude the area to be dedicated;

WHEREAS, the necessary changes to the record of survey map and the dedication can best be accomplished by the approval and recording of an amended plat providing for the amendments to the record of survey map for such condominium project and the dedication of the new alignment of Canal Alley;

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REC FOR: OGDEN CITY

WHEREAS, a proposed amended plat and record of survey map, incorporating the above changes, has been submitted to the City;

WHEREAS, the Ogden City Planning Commission has reviewed the proposed amended record of survey map and the proposed vacation and realignment and have recommended that the amended record of survey map be approved and such portion of the alley be vacated and the new alignment of the alley be dedicated;

WHEREAS, the Ogden Redevelopment Agency has recommended that the property interest in that portion of the vacated alley which would normally be conveyed to the agency as the adjacent property to the east, should be transferred to the adjacent property owners to the west, together with a small strip of property lying between the existing and proposed alignment of Canal Alley, subject to the condition that the agency retain air rights and structural support easements to provide for possible future construction of a parking terrace on the remaining property;

WHEREAS, there are existing utilities within the vacated portion which must be maintained but which can effectively be operated and maintained by easement;

WHEREAS, a public hearing was held by the City Council on *Sept. 14, 1997* to consider the proposed vacation and amended plat, after notice of said public hearing was provided, as required by state law, by publishing a notice of such hearing once a week for four consecutive weeks in A newspaper of general circulation in Ogden City; and

WHEREAS, it appears to the City Council that neither the public nor any person will be materially injured, if such portion is vacated and the plat is amended, and that there is good cause for such vacation and such vacation will not be detrimental to the general interest.

NOW, THEREFORE, The Council of Ogden City hereby ordains:

SECTION 1. Subject to the conditions provided in Section below, that portion of Canal Alley in the 2500 Block, in Ogden City, Weber County, Utah, described herein, as said portion of the alley has heretofore been dedicated to Ogden City and the use of the public is hereby closed to the public pursuant to law, and the dedication thereof is hereby vacated reserving, however, A utility easement on and across such vacated portion. The specific section of Canal Alley vacated and closed is more particularly described as follows:

Beginning at a point which is South 89D02' East 132.20 feet from the Southwest

corner of Lot 5, Block 26, Plat "A" Ogden City Survey; Thence North 0D58' West 258.00 feet; Thence North 79D22'03" East 16.33 feet; Thence South 0D58' West 261.28 feet; Thence North 89D02' West 16.00 feet to the point of beginning. (contains 4,154 square feet or 0.0954 acres.)

SECTION 2. Ogden City hereby relinquishes and quit claims to the abutting property owners to the west, as their interests may appear, all of its right, title and interest in and to the land within said portion of said street hereby closed and vacated; provided, however, that said vacation is subject to a utility easement across such vacated alley.

SECTION 3. The following amendments to the record of survey map for the condominium project known as the Ogden City Centre, A Utah Condominium Project ("Condominium Project"), located in Ogden City, County of Weber as such record of survey map was recorded on Dec. 31, 1992 in Book 34, at Page 97-18, in the records of the Weber County Recorder's Office, are hereby approved as follows:

1. The boundaries of the Condominium Project expanded to add as Common Area property accepted by reason of the vacation and realignment of Canal Alley;
2. The dedication of the new alignment of Canal Alley by the Ogden Redevelopment Agency;
3. The changes incident to the modifications to the lease agreement for the "Parking Parcel;" and
4. The elimination of all extraneous site plan information.

SECTION 4. The approval of the vacation of that portion of Canal Alley described herein and the amendments to the Condominium Project is conditioned upon the following:

1. The amended record of survey map and the dedication plat be approved by the

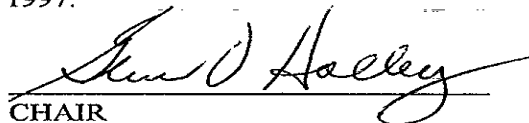
Mayor in accordance with the subdivision regulations of Ogden City;

2. A utility easement be reserved on and across the vacated portion of Canal Alley;
3. The dedication for the new alignment of Canal Alley and deeds quit claiming its interest in the vacated portion of Canal Alley to the adjacent property owners to the west be approved and executed by the Ogden Redevelopment Agency;
4. The Ogden Redevelopment Agency convey to the property owners adjacent to Canal Alley on the west that property lying between the existing and proposed alignment of Canal Alley, subject to a utility easement on and across such property to be conveyed to the City and such easements for air rights and structural support as the agency determines is necessary to protect possible future construction of a parking terrace;
5. A "Second Amendment to Agreement for Lease, Operation and Maintenance of Parking Facility" deleting the property contained in the new alignment of Canal Alley from the lease premises be approved and executed by all of the parties.

SECTION 5. The City Recorder of Ogden City is authorized and directed to cause a copy of this ordinance to be recorded in the office of the Weber County Recorder, subject to those conditions as provided in Section 4 being met and all such documents be recorded concurrently therewith.

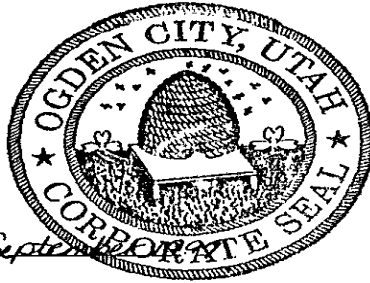
SECTION 6. Effective Date. This ordinance shall become effective immediately upon publication after final passage.

PASSED, ADOPTED AND ORDERED PUBLISHED by the Council of Ogden City, Utah, this 16th day of Sept., 1997.


CHAIR

ATTEST:

Gloria J. Bennett
CITY RECORDER



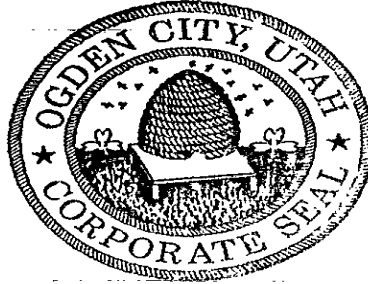
Transmitted to the Mayor on 23 September

Mayor's Action: Approved Vetoed

Steve Mackham
MAYOR

ATTEST:

Gloria J. Bennett
CITY RECORDER



Publication date: 9/29/97

Effective date: 9/29/97

Approved as to Form: Aug 7/29/97
Legal Date