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EN 2355738 PG 1 OF 3  
ERNEST D ROWLEY, WEBER COUNTY RECORDER  
25-JUL-08 856 AM FEE \$.00 DEP SPY  
REC FOR: OGDEN CITY

ORDINANCE NO. 2008-23

AN ORDINANCE OF OGDEN CITY, UTAH VACATING A PORTION OF E AVENUE BETWEEN 25<sup>TH</sup> STREET AND CAPITOL; QUIT CLAIMING THE PROPERTY WITHIN THE VACATED PORTION OF SAID STREET TO THE ABUTTING PROPERTY OWNERS AS THEIR INTERESTS MAY APPEAR; RESERVING A RIGHT-OF-WAY FOR ALL UTILITIES THAT MAY NOW EXIST IN SAID PORTION OF SUCH STREET; DIRECTING THE CITY RECORDER TO RECORD THIS ORDINANCE IN THE OFFICE OF THE COUNTY RECORDER; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON PUBLICATION AFTER FINAL PASSAGE.

WHEREAS, there has been filed with the Council of Ogden City a petition requesting that a portion of E Avenue between 25<sup>th</sup> Street and Capitol be vacated;

WHEREAS, the petition was reviewed by the Ogden City Planning Commission, which recommended that the petition be granted with certain conditions;

WHEREAS, after notice and public hearing as required by State law, the City Council finds that good cause exists for such vacation and that neither the public interest nor any person will be materially injured if such petition is granted.

**NOW, THEREFORE, the Council of Ogden City hereby ordains:**

**SECTION 1.** Subject to the conditions stated in Sections 2 and 3, the

easterly 14.5 feet of E Avenue between 25<sup>th</sup> Street and Capitol as said street has heretofore been dedicated to Ogden City and the use of the public, is hereby closed to the public pursuant to law and the platting and/or dedication thereof is hereby vacated; reserving, however, an easement for any utilities presently existing in said portion of such street, which easements may be terminated if such utilities are relocated or removed. The portion of E Avenue between 25<sup>th</sup> Street and Capitol hereby vacated and closed is generally described as 14.5' on the east side of E Avenue (99' right-of-way) between 25<sup>th</sup> Street and Capitol and more particularly described as follows:

A PART OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN: BEGINNING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 5, WEST OGDEN ADDITION AND RUNNING THENCE NORTH 89 DEG 02 MIN WEST 14.50 FEET THENCE SOUTH 0 DEG 58 MIN WEST 312.92 FEET MORE OR LESS TO A POINT WHICH IS 14.50 FEET NORTHWEST OF THE SOUTHWEST CORNER OF THAT PORTION OF PROPERTY VACATED AS ENTRY #1555181 IN BOOK 1937 AT PAGE 1070 OF WEBER COUNTY RECORDS AND THENCE SOUTH 89 DEG 02 MIN EAST 14.50 FEET AND THENCE NORTH 0 DEG 58 MIN EAST 312.92 FEET MORE OR LESS TO THE POINT OF BEGINNING.

**SECTION 2.** Subject to the condition stated in Section 3, Ogden City hereby relinquishes and quit claims to the abutting property owners to the East, as their interests may appear, all of its right, title and interest in and to the land within said portions of E Avenue between 25<sup>th</sup> Street and Capitol hereby closed and vacated; provided, however, that said vacation is subject to all utilities that may now exist in said vacated portions, including, but not limited to watermains, sanitary sewer mains, storm sewer lines, gas lines, electric lines, telephone lines and cable lines, said easement to provide full right of ingress and egress for maintenance, repairs or replacement of any and all such utility lines.

**SECTION 3. Conditions of Vacation.** The vacation approved herein is subject to the following conditions:

- A. Existing power poles within the vacated property shall be relocated, or;
- B. An easement shall be provided for the power poles as agreed to between the applicant and the power company

**SECTION 4.** 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, at such time as the conditions in Section 3 are met.

**SECTION 5. Effective date.** This ordinance shall be effective immediately upon publication after final passage.

**PASSED, ADOPTED AND ORDERED PUBLISHED** by the Council

of Ogden City, Utah this 19th day of July, 2008.

Mayor  
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CHAIR

ATTEST:

Codi Maxwell  
CITY RECORDER

TRANSMITTED TO THE MAYOR ON: 7/16/08

MAYOR'S ACTION:  Approved  Vetoed

Mark D. York  
MAYOR

PUBLICATION DATE: July 24, 2008

EFFECTIVE DATE: July 24, 2008

APPROVED AS TO FORM: MS 7/19/2008  
Legal Date



ATTEST:

Codi Maxwell  
City Recorder

