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RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
07/17/2017 12:47 PM
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DEP RT REC'D FOR SOUTH WEBER CITY

13-012-005
13-030-0003

**AN ORDINANCE VACATING A PORTION OF STREET RIGHT-OF-WAY KNOWN
AS 7400 SOUTH LOCATED BETWEEN 1550 EAST AND SOUTH WEBER DRIVE**

South Weber, UT 84405

ORDINANCE 17-08

AN ORDINANCE VACATING A PORTION OF STREET RIGHT-OF-WAY KNOWN AS 7400 SOUTH LOCATED BETWEEN 1550 EAST AND SOUTH WEBER DRIVE

WHEREAS, the City desires to vacate a portion of the 7400 South right-of-way between 1550 East and South Weber Drive as a public street; and

WHEREAS, the 7400 South right-of-way is a partially dedicated right-of-way and partially a prescriptive use easement; and

WHEREAS, the proposed street vacation has been reviewed by the City Council, all appropriate public hearings have been held in accordance with Utah Code 10-9a-208 to obtain public input regarding the proposed vacation of public interest in the section of street, and the Council now finds good cause for vacating the public's interest in a portion of the 7400 South right-of-way;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH WEBER CITY, STATE OF UTAH:

Section 1. Vacation of Portion of 7400 South Right-of-Way. South Weber City hereby vacates the public interest in that portion of the 7400 South right-of-way shown as Parcel A and described in the attached EXHIBIT "A," which is by this reference made a part hereof. Parcel A shall be vacated in favor of and to J. Harold & Lou Ann Ray (Parcel 13-012-0057), the abutting property owner.

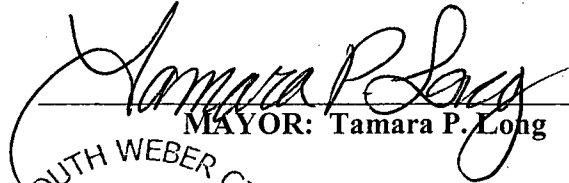
Section 2. Maintained Public Right-of-Way. South Weber City shall keep and maintain the public interest in Parcels B (dedicated right-of-way) and C (prescriptive use easement) of the 7400 South right-of-way as shown and described in EXHIBIT "A" for public access to a well house and maintenance of a public utility. Parcel B shall remain in the name of the City. Parcel C shall remain in the name of Lou Ann Ray (parcel 13-030-0003), but South Weber City will maintain the prescriptive use easement for public access.

Section 3. Balance of 7400 South Right-of-Way. The remaining portion of the 7400 South right-of-way outside of Parcels A, B, and C, shown in dotted shading on the attached EXHIBIT "A," is believed to be subject to a prescriptive use easement. To the extent any prescriptive use rights exist on or across such property, the City hereby vacates all public interest and prescriptive use rights in that remainder portion of the 7400 South right-of-way.

Section 4. Severability Clause. If any part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all provisions, clauses and words of this Ordinance shall be severable.

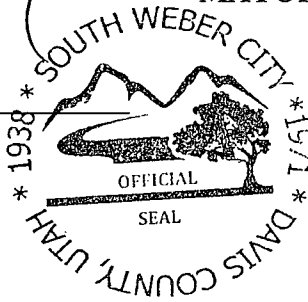
Section 5. Effective Date. This Ordinance shall become effective immediately upon passage and will be recorded with the Davis County Recorder.

PASSED AND ADOPTED by the City Council of South Weber City, Utah, this 27th day of June, 2017.


MAYOR: Tamara P. Long

ATTEST:


Elyse Greiner, City Recorder



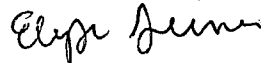
<u>Roll call vote was as follows:</u>		
Mr. Taylor	yes	no
Mr. Hyer	<u>yes</u>	no
Mrs. Sjoblom	<u>yes</u>	no
Mr. Casas	<u>yes</u>	no
Mr. Winsor	<u>yes</u>	no

excused

STATE OF UTAH)
 : SS.
COUNTY OF DAVIS)

I, Elyse Greiner, do hereby certify that I am the duly appointed, qualified and acting City Recorder of South Weber City, Davis County, State of Utah. I further certify that the above, foregoing, and attached Ordinance entitled AN ORDINANCE VACATING A PORTION OF STREET RIGHT-OF-WAY KNOWN AS 7400 SOUTH LOCATED BETWEEN 1550 EAST AND SOUTH WEBER DRIVE constitutes a true and correct copy of such Ordinance passed and adopted by the City Council of said City on Tuesday, the 27th day of June, 2017, as said Ordinance officially appears in my official Ordinance File of South Weber City, and on deposit in my office as such Recorder.

IN WITNESS THEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of said South Weber City this 27th day of June, 2017.


Elyse Greiner
City Recorder

CERTIFICATE OF POSTING

I, the duly appointed recorder for the City of South Weber, hereby certify that **ORDINANCE 17-08: AN ORDINANCE VACATING A PORTION OF STREET RIGHT-OF-WAY KNOWN AS 7400 SOUTH LOCATED BETWEEN 1550 EAST AND SOUTH WEBER DRIVE** was passed and adopted the 27 day of June, 2017, and certify that copies of the foregoing Ordinance 17-08 were posted in the following locations within the municipality this 6 day of July, 2017.

1. South Weber Elementary, 1285 E. Lester Drive
2. South Weber Family Activity Center, 1181 E. Lester Drive
3. South Weber City Building, 1600 E. South Weber Drive



Elyse Greiner, City Recorder

EXHIBIT "A"

