

ORDINANCE NO. 97-23

AN ORDINANCE OF OGDEN CITY, UTAH, VACATING A 12' RIGHT-OF-WAY KNOWN AS DEPOT ALLEY LOCATED BETWEEN WALL AND LINCOLN AVENUES IN THE 2400 BLOCK; AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PART OF THE SOUTH HALF OF SECTION 29, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF LINCOLN AVENUE, OGDEN, UTAH, SAID POINT BEING NORTH 0D58' EAST 132.0 FEET FROM THE SOUTHEAST CORNER OF BLOCK 23, PLAT A, OGDEN CITY SURVEY; THENCE NORTH 89D02' WEST 386.4 FEET; THENCE SOUTH 0D58' WEST 12.0 FEET; THENCE NORTH 89D02' WEST 279.6 FEET TO THE EAST LINE OF WALL AVENUE; THENCE NORTH 0D58' EAST 12.0 FEET; THENCE SOUTH 89D 58' EAST 233.90 FEET; THENCE NORTH 0D58' EAST 12.0 FEET; THENCE SOUTH 89D02' EAST 432.10 FEET; THENCE SOUTH 0D58' WEST 12.0 FEET TO THE POINT OF BEGINNING;

AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON PUBLICATION AFTER FINAL PASSAGE.

WHEREAS, there has been filed with the Ogden City Council a petition, on behalf of Ogden City Redevelopment Agency, requesting vacation of a 12' right-of-way known as Depot Alley located between Wall and Lincoln Avenues in the 2400 Block in order to facilitate the development of a parking lot on property directly north of such right-of-way;

WHEREAS, the proposed vacation has been reviewed by the Planning Commission and received favorable recommendation from such body upon condition that a perpetual right of access be provided to all owners of property located along the south side of Depot Alley;

WHEREAS, a public hearing was held by the City Council on April 1, 1997, to consider the proposed vacation, 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 that there is good cause for such vacation and such vacation will not be detrimental to the general interest.

E: 1526673 BK 1912 PG 2148
DOUG CROFTS, WEBER COUNTY RECORDER
07-MAR-98 1015 AM FEE \$1.00 DEP MB
REC FOR: OGDEN CITY

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

SECTION 1. That a 12' right-of-way known as Depot Alley located between Wall and Lincoln Avenues in the 2400 Block, in Ogden City, Weber County, Utah, as said portion of the 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 dedication thereof is hereby vacated subject to a perpetual access easement upon the property to the north, belonging to the Ogden City Redevelopment Agency, being recorded providing access to all owners of property located adjacent to the alley to be vacated. The specific section of Depot Alley hereby vacated and closed is more particularly described as follows: 01-019-0001, 0002, 0003, 0004, 0005 TO 0012, 0038, 0034

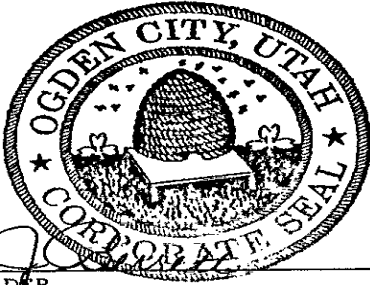
A part of the South half of Section 29, Township 6 North, Range 1 West, Salt Lake Base and Meridian, described as follows: Beginning at a point on the West line of Lincoln Avenue, Ogden, Utah, said point being North 0D58' East 132.0 feet from the Southeast corner of Block 23, Plat A, Ogden City Survey; thence North 89D02' West 386.4 feet; thence South 0D58' West 12.0 feet; thence North 89D02' West 279.6 feet to the East line of Wall Avenue; thence North 0D58' East 12.0 feet; thence South 89D58' East 233.90 feet; thence North 0D58' East 12.0 feet; thence South 89D02' East 432.10 feet; thence South 0D58' West 12.0 feet to the point of beginning.

SECTION 2. Upon recording of this ordinance, Ogden City hereby relinquishes and quit claims to the abutting property owners, as their interests may appear, all of its right, title and interest in and to the land within said portion of said right-of-way hereby closed and vacated.

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, together with such executed easements as determined by the City Attorney to be necessary to provide a perpetual access easement, across the property to the north belonging to the Ogden City Redevelopment Agency, providing access to all owners of property located adjacent to the alley to be vacated.

SECTION 4. 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 1st day of April, 1997.



ATTEST:

Gloria J. Bennett
CITY RECORDER

Gene D. Halley
CHAIR

Transmitted to the Mayor on 4 April, 1997

Mayor's Action: Approved Vetoed

Sam Alsham
MAYOR

ATTEST:

Gloria J. Bennett
CITY RECORDER



Publication date: 4/11/97

Effective date: 4/11/97

Approved as to Form: AWJ
Legal