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11-549-0001
Cherry Glen 1 thru 15

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RICHARD T. MAUGHAN, DAVIS CNTY RECORDER
2003 DEC 30 9:59 AM FEE .00 DEP LHL
REC'D FOR FRUIT HEIGHTS CITY

ORDINANCE NO. 2003-04

AN ORDINANCE REZONING THE CHERRY GLEN SUBDIVISION INCLUDING THE VACATED AND INCORPORATED ABRAMS WAY SUBDIVISION FROM THE R-S-12 ZONE TO THE R-1-10 ZONE IN FRUIT HEIGHTS, DAVIS COUNTY, UTAH

WHEREAS, the owner of the Cherry Glen Subdivision which includes the vacated and incorporated Abrams Way Subdivision, has petitioned the City of Fruit Heights to rezone said subdivision from the R-S-12 zone to the R-1-10 zone; and

WHEREAS, the Fruit Heights City Planning Commission has reviewed such petition and has recommend to the Fruit Heights City Council that such a zoning change be made at their duly called and conducted meeting on October 7, 2003; and

WHEREAS, lawful notice of a public meeting upon this petition has been given pursuant to 10-9-402 (1)(b) & 10-9-103(2)(a)(i) of the Utah Code and Fruit Heights City Zoning Ordinance; and

WHEREAS, the Fruit Heights City Council conducted a Public Hearing on October 9, 2003 and has accepted and heard public comment on the proposed re-zoning and has determined that there is good cause for granting the herein stated re-zoning petition and that such action will not be detrimental to the general interest, and that it is in the best interest of the City of Fruit Heights and its citizens to take such action;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FRUIT HEIGHTS UTAH, as follows:

SECTION 1. Legal Description.

This ordinance affects the following described parcel of real property:
All of Lots 1 - 15 of Cherry Glen Subdivision and more particularly described as follows:

Beginning at a point which is south 359.97 feet and East 617.01 feet from the West Quarter Corner of Section 36; Township 4 North; Range 1 West; Salt Lake Base and Meridian, said point being also on the easterly right-of-way line of US Highway 89; and running along said easterly right-of-way line N03°39'00"W 500.09 feet; thence N69°50'00"E 236.82 feet; thence S27°09'00"E 5.10 feet; thence 98.29 feet along a 633.00 foot radius curve to the left (central angle = 8°53'47", tangent = 49.24 feet, chord = 98.19 feet, chord bearing = S38°42'29"E); thence S43°09'23"E 473.39 feet; thence S69°33'00"W 612.79 feet, to the point of beginning.
Contains 225,200 square feet or 5.17 acres.

SECTION 2. Recording of Ordinance

Upon passage of this ordinance, a copy hereof shall be recorded in the office of the Davis County Recorder.

SECTION 3. Repeal.

All City ordinances in conflict with these provisions are hereby repealed. However, all provisions in force immediately prior to this ordinance shall continue in force hereafter for the purpose of any pending legal action, all rights acquired, all fines, penalties and forfeitures imposed, and any liabilities already incurred.

SECTION 4. Severability.

If any provision of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

SECTION 5. Effective Date.

This ordinance shall take effect immediately upon first publication.

PASSED and APPROVED this 7th day of October, 2003.



FRUIT HEIGHTS CITY:

Rick L Miller

Rick L. Miller, Mayor

ATTEST:

Richard B. Waite
Richard B. Waite, Recorder