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RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
12/11/2017 03:09 PM
FEE \$0.00 Pgs: 4
DEP RTT REC'D FOR CENTERVILLE CITY

RETURNED

DEC 11 2017

ORDINANCE NO. 2017-33

AN ORDINANCE GRANTING THE PETITION TO VACATE A PUBLIC UTILITY EASEMENT ALONG THE SIDE LOT LINES OF LOT 4 AND LOT 5 OF THE HOGAN OFFICE PARK SUBDIVISION LOCATED AT APPROXIMATELY 940 NORTH 950 WEST, CENTERVILLE, UTAH

WHEREAS, Centerville City has received a petition from Opulent Holdings, LLC, owner of Parcel No. 06-240-0007, consisting of Lot 4 and Lot 5 of the Hogan Office Park Subdivision located at approximately 940 North 950 West, Centerville, Davis County, Utah ("Property"); and

WHEREAS, Opulent Holdings, LLC has combined the previous lots into one parcel or lot constituting the Property and desires to construct a building or building across the previous lot line and the existing public utility easement which must be vacated prior to construction of the building or buildings; and

WHEREAS, the City Council has held a public hearing on this matter and provided notice of the date, time and place of the hearing in accordance with *Utah Code Ann.* § 10-9a-208; and

WHEREAS, the City Council is satisfied that neither the public nor any person will be materially injured by the proposed vacation of the public utility easement and that there is good cause for the vacation in accordance with *Utah Code Ann.* § 10-9a-609.5.

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

Section 1. Vacation. The City Council hereby finds there is good cause and neither the public nor any person will be materially injured by the vacation of the public utility easement along the side lot lines of Lot 4 and Lot 5 of the Hogan Office Park Subdivision located at approximately 940 North 950 West, Centerville, Davis County, Utah, which easement, as more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference, is hereby vacated. Pursuant to *Utah Code Ann.* § 10-9a-609.5, the vacation set forth herein shall operate as a revocation of the acceptance of and the relinquishment of the City's fee or interest therein, but shall not be construed to impair any right-of-way or easement of any lot owner or the franchise rights of any public utility.

Section 2. Recording. The City Recorder is directed to cause this Ordinance to be recorded in the office of the Davis County Recorder's Office in accordance with *Utah Code Ann.* § 10-9a-609.5, as amended.

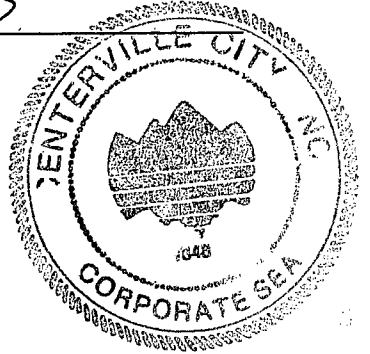
Section 3. Severability Clause. If any part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all provisions, clauses and words of this Ordinance shall be severable.

Section 4. Effective Date. This Ordinance shall become effective upon publication or posting, or thirty (30) days after passage, whichever occurs first. The vacation set forth herein shall become effective upon the date of recording of this Ordinance.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 5th DAY OF DECEMBER, 2017.

CENTERVILLE CITY

By: *Paul A. Cutler*
Mayor Paul A. Cutler



ATTEST:

Marsha L. Morrow
Marsha L. Morrow, City Recorder

Voting by the City Council:

	"AYE"	"NAY"	"ABSENT"
Councilmember Fillmore	_____	_____	_____
Councilmember Ince	<u>X</u>	_____	<u>X</u>
Councilmember Ivie	<u>X</u>	_____	_____
Councilmember McEwan	<u>X</u>	_____	_____
Councilmember Mecham	<u>X</u>	_____	_____

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the foregoing referenced dates.

Marsha L. Morrow
MARSHA L. MORROW, City Recorder

DATE: 12-6-2017

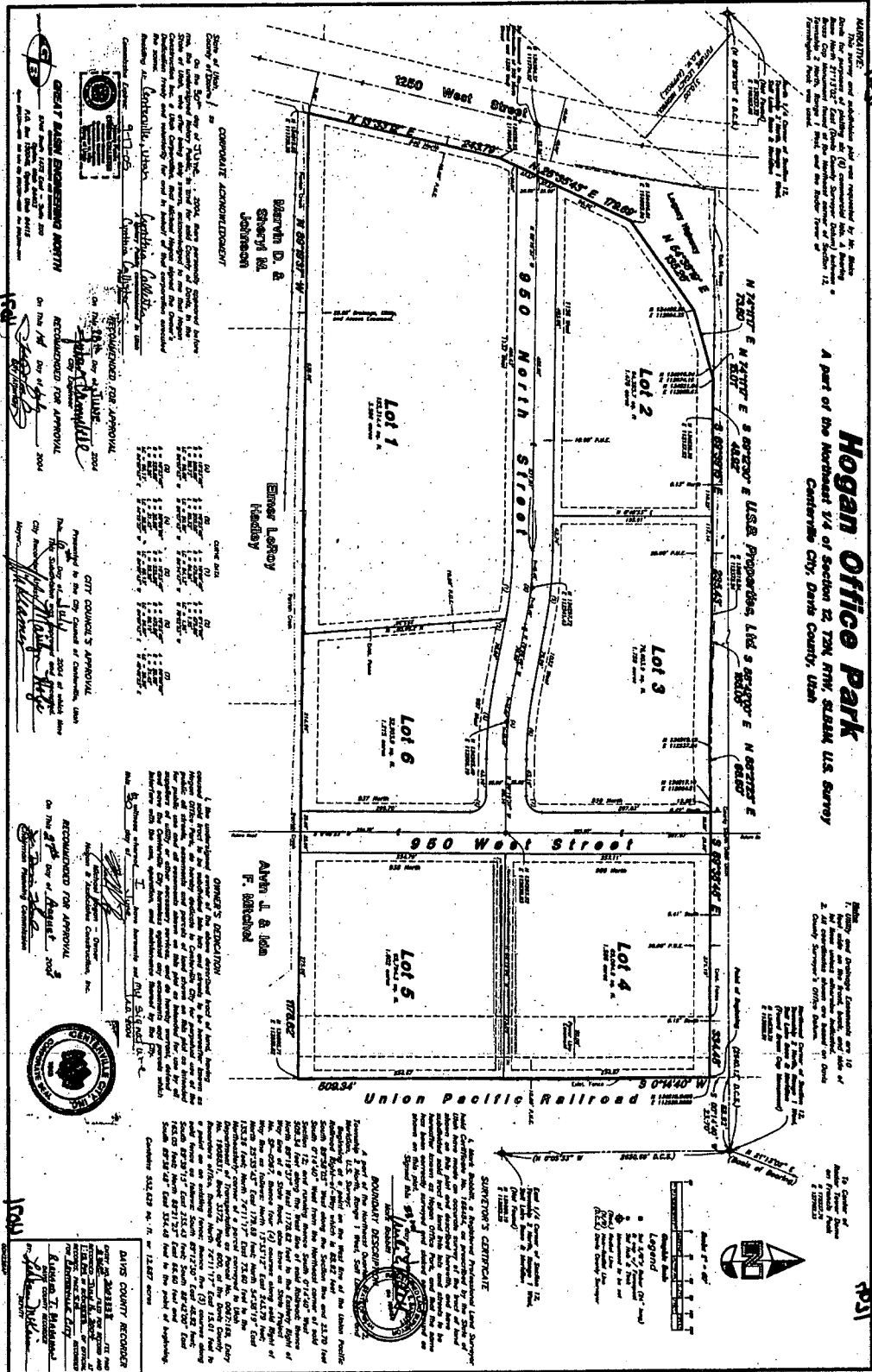
RECORDED this 6 day of Dec, 2017.

PUBLISHED OR POSTED this 6 of Dec, 2017.

EXHIBIT A

**DESCRIPTION OF VACATED PUBLIC UTILITY EASEMENT
BETWEEN LOT 4 AND LOT 5 OF THE HOGAN OFFICE PARK
SUBDIVISION, CENTERVILLE, UTAH**

4071



NOTICE: The plat and subdivision are not required by the State. Each lot purchaser is advised that (1) commercial title, a financing plan, and a survey of the property should be obtained from a licensed surveyor, and (2) the plat should be recorded in the public records of the county in which the property is located. The plat is subject to the provisions of the Utah Subdivision Map Act, Chapter 2, Part 2, and the Rules and Regulations of the State Surveyor General.

Hogan Office Park
A part of the Northeast 1/4 of Section 12, T24N R7W, S44W U.S. Survey
Cache County, Utah

Plat No. 1250
Section 12, T24N R7W, S44W
Cache County, Utah

Plat No. 1250
Section 12, T24N R7W, S44W
Cache County, Utah

COMPOSITE ACKNOWLEDGMENT
I, the undersigned, Surveyor, do hereby certify that the above described land being hereunto laid out and divided into lots, as shown on this plat, is a true and correct representation of the actual situation of the land, and that the same has been surveyed and laid out in accordance with the laws of the State of Utah, and that the same is subject to the provisions of the Utah Subdivision Map Act, Chapter 2, Part 2, and the Rules and Regulations of the State Surveyor General.

Surveyor: **Matthew A. Johnson**
Cache County, Utah

GREAT BASIN ENGINEERING NORTH
On this 1st day of July, 2004, I, the undersigned, Surveyor, do hereby certify that the above described land being hereunto laid out and divided into lots, as shown on this plat, is a true and correct representation of the actual situation of the land, and that the same has been surveyed and laid out in accordance with the laws of the State of Utah, and that the same is subject to the provisions of the Utah Subdivision Map Act, Chapter 2, Part 2, and the Rules and Regulations of the State Surveyor General.

Surveyor: **Matthew A. Johnson**
Cache County, Utah

CITY COUNCIL'S APPROVAL
I, the undersigned, Mayor of the City of Panguitch, Utah, do hereby certify that the above described land being hereunto laid out and divided into lots, as shown on this plat, is a true and correct representation of the actual situation of the land, and that the same has been surveyed and laid out in accordance with the laws of the State of Utah, and that the same is subject to the provisions of the Utah Subdivision Map Act, Chapter 2, Part 2, and the Rules and Regulations of the State Surveyor General.

Mayor: **John W. Johnson**
City of Panguitch, Utah

PLAT RECORD
I, the undersigned, County Clerk, do hereby certify that the above described land being hereunto laid out and divided into lots, as shown on this plat, is a true and correct representation of the actual situation of the land, and that the same has been surveyed and laid out in accordance with the laws of the State of Utah, and that the same is subject to the provisions of the Utah Subdivision Map Act, Chapter 2, Part 2, and the Rules and Regulations of the State Surveyor General.

County Clerk: **John W. Johnson**
Cache County, Utah

SURVEYOR'S CERTIFICATE
I, the undersigned, Surveyor, do hereby certify that the above described land being hereunto laid out and divided into lots, as shown on this plat, is a true and correct representation of the actual situation of the land, and that the same has been surveyed and laid out in accordance with the laws of the State of Utah, and that the same is subject to the provisions of the Utah Subdivision Map Act, Chapter 2, Part 2, and the Rules and Regulations of the State Surveyor General.

Surveyor: **Matthew A. Johnson**
Cache County, Utah

