

**HARRISVILLE CITY
ORDINANCE 553**

**AN ORDINANCE VACATING A 10-FOOT-WIDE PUBLIC
UTILITY EASEMENT ON LOT 10 WITHIN THE CINNAMON
PARK SUBDIVISION**

WHEREAS, Harrisville City (hereafter “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, the Harrisville City Council (hereafter “Council”) met in a regular session on April 9, 2024 to consider a petition by application, to vacate a 10-foot-wide public utility easement (hereafter “Easement”) on Lot 10, in Cinnamon park subdivision; and

WHEREAS, Title 10, Chapter 9a of the *Utah Code Annotated* enables municipalities to regulate land use and development;

WHEREAS, Title 10, Chapter 9a, Sections 608, 609, and 609.5 require that any vacation of some or all of a public street, right-of-way, or easement, including those recorded by subdivision plat, within the City may only be approved by the City Council; and

WHEREAS, the Applicant is the owner of Lot 10 of the Cinnamon Park subdivision, and desires to unencumber the buildable area of a future addition onto an existing residential home; and

WHEREAS, vacating the existing Easement would unencumber future right-of-way and easement, scheduled to be dedicated to the City upon recordation of Ordinance and Exhibits; and

WHEREAS, the Applicant has agreed to relocate the existing Easement by recording a new 10-foot-wide city and public utility easement with Weber County Recorder’s Office, upon the vacation of the existing Easement, at a new location along the west property line a newly created 10-foot-wide city and public utility easement right-of-way as part , (see **Exhibit A**); and

WHEREAS, the Applicant has obtained permission from each affected utility entity who, having interest in the Easement, have each given their consent to vacate the Easement; and

WHEREAS, the Council held a public hearing to consider the Applicant’s petition to vacate the easement on April 9, 2024; and

WHEREAS, pursuant to *Utah Code* §10-9a-609.5(3), the Council finds that there is good cause to vacate the Easement and that neither the public interest nor any person will be materially injured by vacating the Easement.

NOW, THEREFORE, be it ordained by the City Council of Harrisville City as follows:

Section 1: Vacation of Easement. A portion of a public utility easement being apart of Lots 10 and 11 of Cinnamon Park Subdivision Recorded in the Weber County Recorders Office in Book 13 and Page 67 of plats which is more particularly described within **Exhibit B**.

Section 2: Creation of Easement. A public utility easement being apart of Lot 11 of Cinnamon Park Subdivision Recorded in the Weber County Recorders Office in Book 13 and Page 67 of plats which is more particularly described within **Exhibit A**.

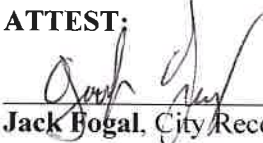
Section 3: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of the Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

Section 4: Effective date. This Ordinance shall be effective immediately upon posting after final passage, approval, and posting.



MICHELLE TAIT, Mayor
Harrisville City



ATTEST:


Jack Fogal, City Recorder

RECORDED this 10 day of April, 2024.
PUBLISHED OR POSTED this 10 day of April, 2024.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Harrisville City, hereby certify that foregoing ordinance was duly passed and published, or posted at 1) City Hall 2) 2150 North and 3) Harrisville Cabin on the above referenced dates.



City Recorder

DATE: 4/10/2024

Proposed Easement Description

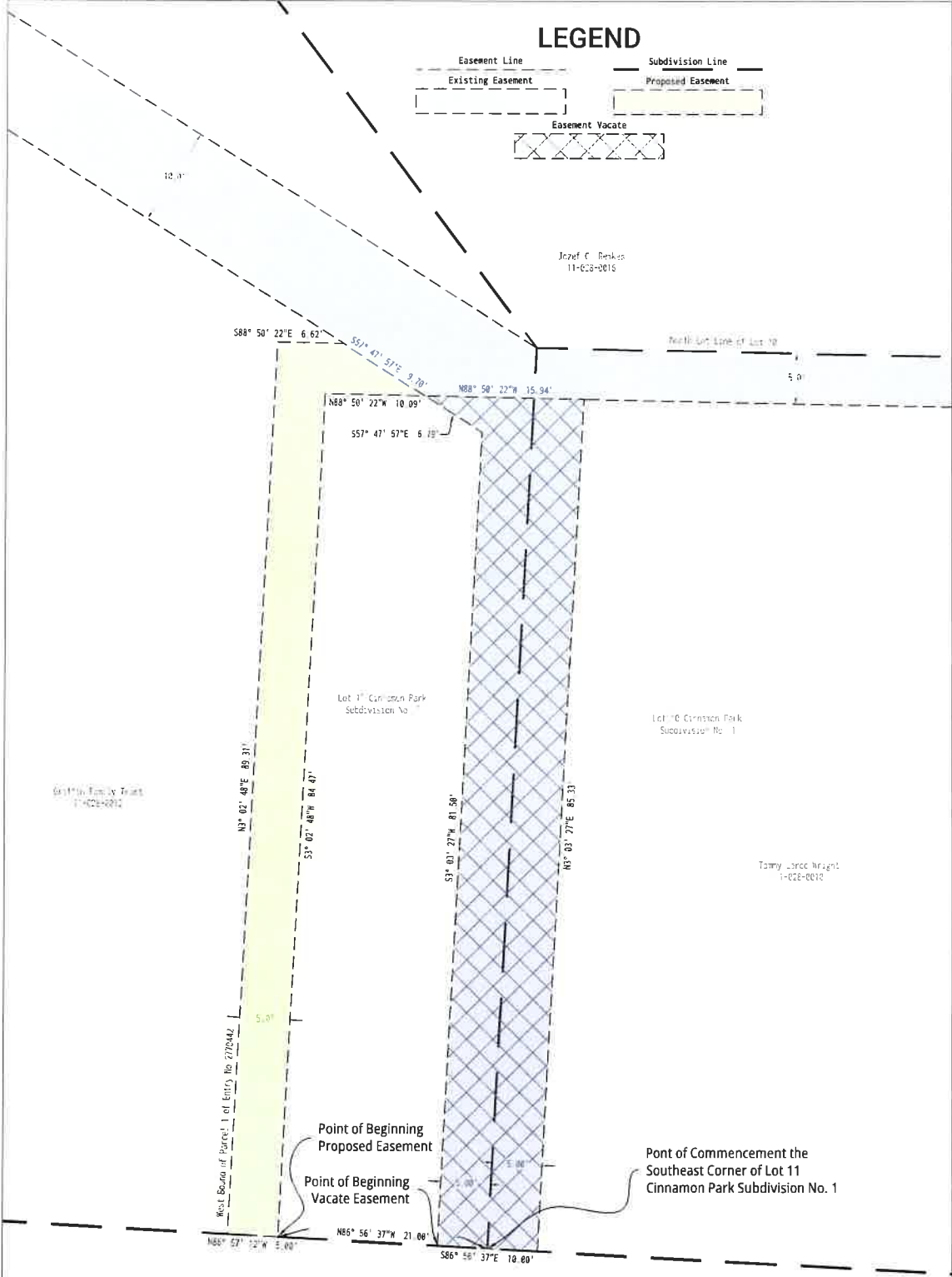
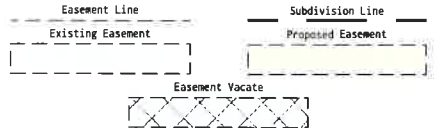
A public utility easement being apart of lot 11 of Cinnamon Park Subdivision Recorded in the Weber County Recorders Office in Book 13 and Page 67 of plats which is more particularly described as follows.

Beginning at a point 21.00 feet North $89^{\circ}56'37''$ East from the Southeast Corner of said lot 11, Basis of bearing being North $1^{\circ}09'38''$ East along the centerline monuments found in the intersection of 1100 North and Lochwood Drive along Washington Boulevard, and running thence North $86^{\circ}57'12''$ West 5.00 feet to the West bounds of Parcel 1 of that Special Warranty Deed found at Entry No. 2770442; thence North $03^{\circ}02'48''$ East along said West bounds 89.31 feet to projection of the North lot line of Lot 10 of Said Subdivision; thence South $88^{\circ}50'22''$ East 6.62 feet to an existing public utility easement; thence along the existing utility easement South $57^{\circ}47'57''$ East 9.70 feet to a point 5.00 feet southerly perpendicularly distance from the projection of the North lot line of said lot 10; thence North $88^{\circ}50'22''$ West 10.09 feet to a point 5.00 feet East of the West line of said Special Warranty Deed; thence South $03^{\circ}02'48''$ West 84.47 feet to the point of beginning.

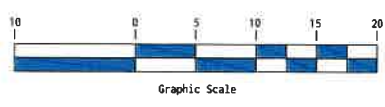
Containing 476.23 square feet, more or less.



LEGEND



SCALE: 1" = 10'



1000 North Street
Public Right of Way

Vacate Easement Description

A portion of a public utility easement being apart of lots 10 and 11 of Cinnamon Park Subdivision Recorded in the Weber County Recorders Office in Book 13 and Page 67 of plats which is more particularly described as follows.

Beginning at a point 5.00 feet North 89°56'37" East from the Southeast Corner of said lot 11, Basis of bearing being North 1°09'38" East along the centerline monuments found in the intersection of 1100 North and Lochwood Drive along Washington Boulevard, and running thence South 86°56'37" East 10.00 feet; thence North 03°03'27" East paralleling the East lot line of said lot 11 a distance of 85.33 feet to the North utility easement of said lot 10; thence along the South bounds and its projection of said easement North 88°50'22" West 15.94 feet; thence South 57°47'57" East 6.79 feet to a point 5.00 feet perpendicularly distant from said East lot line of Lot 11; thence South 03°03'27" West 81.50 feet to the point of beginning.

Containing 862.01 square feet, more or less.

