

**HARRISVILLE CITY
ORDINANCE 557**

**AN ORDINANCE VACATING A 20-FOOT-WIDE AND 35-FOOT-WIDE
PUBLIC UTILITY EASEMENTS ON LOT 1 AND 2 WITHIN THE ASCENSION
LUTHERAN CHURCH SUBDIVISION.**

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

WHEREAS, the Harrisville City Council (Hereafter “Council”) met in a regular session on May 14, 2024 to consider a petition by application, to vacate 20-foot-wide and 35-foot-wide public utility easements (Hereafter “Easements”) for Lot 1 and 2, in the Ascension Lutheran Church Subdivision; and

WHEREAS, Utah Code Annotated Title 10 Chapter 9a 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 1 and 2, in the Ascension Lutheran Church Subdivision; and

WHEREAS, vacating the existing Easements would unencumber future right-of-way and easement; and

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

WHEREAS, the Council held a public hearing to consider the Applicant’s petition to vacate the Easements on May 14, 2024; and

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

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

- Section 1:** **Vacation of Easement.** A portion of a public utility easement being a part of Lots 1 and 2 of the Ascension Lutheran Church Subdivision Recorded in the Weber County Recorder’s Office in Book 11 and Page 344 of plats which is more particularly described within Exhibit “A”.
- Section 2:** **Severability.** If a court of competent jurisdiction determines that any part of this ordinance is unconstitutional or invalid, then such portion of the ordinance, or specific application of the ordinance, shall be severed from the remainder, which shall continue in full force and effect.
- Section 3:** **Effective date.** This ordinance shall be effective immediately upon posting after final passage, approval, and posting.

PASSED AND ADOPTED by the City Council on this 14 day of May, 2024.


MICHELLE TAIT, Mayor
Harrisville City
ATTEST:


JACK FOGAL
City Recorder



Roll Cal Vote Tally:

Council Member Wilhelmsen	<u>Yes</u>	No
Council Member Weiss	<u>Yes</u>	No
Council Member Christensen	<u>Yes</u>	No
Council Member Jackson	<u>Yes</u>	No
Council Member Fawcett	<u>Yes</u>	No

RECORDED this 15 day of May, 2024.

PUBLISHED OR POSTED this 15 day of May, 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) Martin Henderson Harris Cabin and 3) 2150 North on the above referenced dates.


City Recorder

DATE: 5/15/24