**ORDINANCE NO. \_\_\_\_\_\_\_\_\_\_\_\_**

**AN ORDINANCE OF PAYSON CITY VACATING A PUBLIC UTILITY EASEMENT LOCATED WITHIN LOT 2 OF THE HENLINE PLAT B SUBDIVISION**

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

**WHEREAS,** Jacksons Food Stores, Inc. is the owner of certain real property located at approximately 1250 West 800 South, Payson City, Utah, identified as Utah County Parcel No. 41:736:0008, and more particularly described as Lot 2 of the Henline Plat B Subdivision, recorded in the Utah County Recorder’s Office on July 22, 2010 ; and

**WHEREAS,** the Henline Plat B Subdivision was recorded as a vacation and re-subdivision of an earlier subdivision known as Henline Plat A ; and

**WHEREAS,** apublic utility easement was created across Lot 2 at the time of recording the Henline Plat A Subdivision, and such easement remained in place following the recording of the Henline Plat B Subdivision, running through the central portion of Lot 2 in its current location; and

**WHEREAS,** on August 2, 2023, the Payson City Council approved a subdivision entitled “Payson Jacksons Subdivision,” which modified property boundaries owned by Jacksons Food Stores, Inc. and the Utah Department of Transportation (UDOT) and expressly approved the vacation of the public utility easement crossing Lot 2 of the Henline Plat B Subdivision; and

**WHEREA,** subsequent to City Council approval, UDOT declined to execute the subdivision plat, citing internal policy regarding plat execution; and

**WHEREAS,** the transfer of real property interests between Jacksons Food Stores, Inc. and UDOT was nevertheless completed through a quitclaim deed, which has been properly recorded in the Utah County Recorder’s Office; and

**WHEREAS,** Jacksons Food Stores, Inc. has requested that the City of Payson formally vacate the public utility easement by ordinance or other instrument acceptable for recording by the Utah County Recorder’s Office, independent of subdivision plat recordation; and

**WHEREAS,** the City Council finds that the public utility easement is no longer necessary for public use, that no public utilities currently rely upon the easement, or that alternative utility access exists, and that vacating the easement will not adversely affect the public health, safety, or welfare; and

**WHEREAS,** Utah Code 10-20-207 authorizes municipalities to vacate easements and other public interests in land when such interests are no longer required for public purposes;

**NOW, THEREFORE,** be it ordained by the City Council of Payson, Utah, that:

1. **Findings Incorporated**. The foregoing recitals are hereby adopted as findings of fact and are incorporated into this Ordinance by reference.
2. **Vacation of Public Utility Easement**. Pursuant to the authority granted to municipalities under Utah law, the City hereby vacates and extinguishes the public utility easement, described in Exhibit 1, which was originally created by the recording of the Henline Plat A Subdivision, to the extent it affects Lot 2 of the Henline Plat B Subdivision identified as Utah County Parcel No. 41:736:0008, as shown on the recorded plats and depicted in Exhibit 2.
3. **Reservation of Existing Rights** This ordinance shall not be construed to: a) impair any existing private utility easements, if any, not owned by the City; or b) affect any rights previously conveyed by recorded deed or agreement unrelated to the public utility easement hereby vacated.
4. **Authorization to Record.** The City Recorder is hereby authorized and directed to: a) record this Ordinance, or a certified copy thereof, in the Utah County Recorder’s Office; and b) take any additional actions necessary to effectuate the intent of this Ordinance.
5. **Effective Date.** This Ordinance shall take effect upon adoption.

Passed and adopted by the Payson City Council, Utah, this 18th day of February 2026.

William R. Wright, Mayor

Attest:

Amalie R. Ottley, City Recorder

**EXHIBIT “1**”

(Public Utility Easement Legal Description and Map)

**EXHIBIT “2**”

(Map of lot 2 and Easement to be Vacated)