

**PERRY CITY
ORDINANCE NO. 26-M**

ORDINANCE TO VACATE A PORTION OF THE HARGUS HILL RIGHT-OF-WAY

AN ORDINANCE OF PERRY CITY, UTAH, VACATING THE RIGHT-OF-WAY AT HARGUS HILL; LEGISLATIVE FINDINGS; DECLARATION OF VACATION; QUIT CLAIMING THE PROPERTY WITHIN THE VACATED PORTION OF SAID RIGHT-OF-WAY; RESERVING A RIGHT-OF-WAY FOR UTILITIES THAT MAY NOW EXIST IN SAID PORTION VACATED; DIRECTING THE CITY RECORDER TO RECORD THIS ORDINANCE IN THE OFFICE OF THE COUNTY RECORDER; AND PROVIDING THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, Perry City (hereafter "City") is a municipal corporation, duly organized and existing under the laws of the state of Utah;

WHEREAS, the City received a request to vacate a portion of the Hargus Hill Road located in the City;

WHEREAS, the right-of-way to be vacated is set forth in Exhibit "A attached hereto and incorporated herein by this reference;

WHEREAS, in accordance with Utah Code §10-20-813, the City gave notice, as provided in State Law, of the Public Hearing, which was held on July 23, 2026, and notice was also provided to the owner of record and affected entities, and posted at least ten (10) days before the Public Hearing;

WHEREAS, the City Council enters its findings determining that good cause exists to vacate, that such action would be in the best interest of the City, and there is no detriment to public interest;

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

Section 1: Findings.

In accordance with State Law, the City Council makes and enters the following findings to support the vacating to the public right-of-way:

1. That the City finds that the required notice for this Ordinance to vacate and hold the Public Hearing required by State Law has been given and the Public Hearing has been duly held.
 - a. That the public health and safety is best served by vacating Hargus Hill Road as identified in Exhibit "A" because: **such vacation is required by the Utah Department of Transportation, the Olsen Orchards Subdivision is providing alternative routes for access, and the vacation eliminates a substandard Highway 89 access and routes travelers to safer Highway 89 access points.**

- b. That vacating of Hargus Hill Road is not detrimental to any legitimate public interest because: **the Olsen Orchard Subdivision is providing alternative routes for access.**

Section 2: Declaration Vacating Right-of-way.

That the public right-of-way of Hargus Hill Road as legally described and depicted in Exhibit "A" attached hereto and incorporated herein by this reference is hereby vacated.

Section 3: Quit Claim.

The City hereby relinquishes and does quit-claim the right-of-way vacated by this Ordinance to the adjoining property owners.

Section 4: Reservation.

The City hereby reserves an easement of adequate size to service, maintain, relocate, or replace any utilities that remain within the right-of-way vacated by this Ordinance.

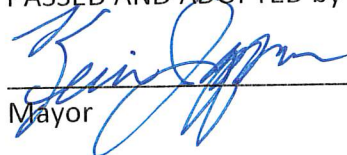
Section 5: Authorization.

The City Recorder is authorized and directed to cause a copy of this Ordinance to be recorded in the office of the Box Elder County Recorder.

Section 6: Effective Date.

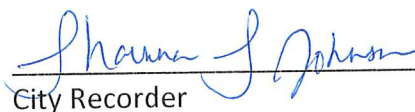
This Ordinance shall become effective only when executed in conjunction with the approved Olsen Orchards Subdivision Phase 1 plat.

PASSED AND ADOPTED by the City Council on this 13th day of August, 2026.



Mayor

ATTEST:



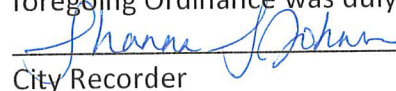
City Recorder



RECORDED this 18th day of August, 2026.
PUBLISHED OR POSTED this 18th day of August, 2026.

CERTIFICATE OF POSTING

In accordance with State Law, I, the City Recorder of Perry City, Utah, hereby certify the foregoing Ordinance was duly adopted and posted as provided in State Law.



City Recorder DATE: 8/18/26