

**ORDINANCE NO. 08-2022**

**AN ORDINANCE OF WEST HAVEN CITY, UTAH, TERMINATING AND VACATING  
PART OF THAT CERTAIN "DRAINAGE AND CONSERVATION EASEMENT" ON  
LOT 228 OF SECRIST ACRES SUBDIVISION; AND, ESTABLISHING AND  
APPROVING AN AMENDED PLAT FOR SECRIST ACRES SUBDIVISION, 1ST  
AMENDMENT, IF SUCH AMENDMENT BE REQUIRED BY THE COUNTY  
RECORDER'S OFFICE; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE  
CHANGES.**

**Section 1. Recitals:**

WHEREAS, West Haven City (herein "City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and,

WHEREAS, the City Council finds that in conformance with UCA §10-3-717, and UCA §10-3-701, the governing body of the city may exercise all administrative and legislative powers by resolution or ordinance; and,

WHEREAS, the City Council finds that in conformance with UCA §10-3-717, and UCA §10-3-701, the governing body of the city has previously adopted a Subdivision Ordinance which, among other things, provides for certain procedures and fees for approving proposed site plans for development within the City; and,

WHEREAS, the City Council finds that the Planning Commission has recommended certain changes to a previously recorded subdivision plat which includes a drainage and conservation easement; and,

WHEREAS, the City Council finds that the necessary public hearing has been conducted in this matter; and,

WHEREAS, the City Council finds that it is in the public interest to effectively promulgate and to make certain changes to the subdivision and the originally recorded plat related thereto and that the adoption of this Ordinance will serve those ends; and,

WHEREAS, the City Council finds that the real property approved as a subdivision is commonly known and was recorded as Secrist Acres Subdivision recorded with Weber County; and,

WHEREAS, the City Council finds that the owner(s) of Lot No. 228 of Secrist Acres Subdivision, West Haven City, Weber County, Utah, have/has petitioned West Haven City to amend said Lot No. 228 of Secrist Acres Subdivision by vacating a portion of the "Drainage and Conservation Easement" on Lot No. 228 Secrist Acres Subdivision, West Haven City, Weber County, Utah as shown on Exhibit 1, below and incorporated fully herein; and otherwise changing the plat thereof; and,

WHEREAS, the City Council finds that as part of the approval process of vacating a portion of the "Drainage and Conservation Easement" on Lot No. 228 Secrist Acres Subdivision, West Haven City, Weber County, Utah, the Weber County Recorder's office may require filing a formal amended plat of such changes. Should such an eventuality arise, the Mayor and other city officials should be authorized to sign such amended plat; and,

WHEREAS, the City Council finds that the public safety, health, and welfare is at issue in this matter and requires action by the City as noted above;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST HAVEN CITY, UTAH** that

The real property which is described as Lot No. 228 Secrist Acres Subdivision, West Haven City, Weber County, Utah which contains a "Drainage and Conservation Easement" designation and limitation, as further shown below, and by this reference herein incorporated in full, shall hereby have eighty (80) feet of that easement designation and limitation vacated to the extent shown on Exhibit 1; and that should the Weber County Recorder's office require filing a formal amended plat documenting such changes, the Mayor and other city officials are authorized and empowered to cause to be created such an amended plat without further actions of this Council together with authority to record said new plat.

Be it further ordained that the remaining "Drainage and Conservation Easement" on the burdened estates, including the rest of the easement on Lot No. 228 not designated in Exhibit 1, as conveyed and recorded in the original subdivision that is Secrist Acres Subdivision, are unaffected by this vacation.

The foregoing recitals are fully incorporated



## **Section 2. Repealer of Conflicting Enactments:**

All orders, ordinances and resolutions regarding the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which conflict with any of the provisions of this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

## **Section 3. Prior Ordinances and Resolutions:**

The body and substance of any prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

## **Section 4 - Savings Clause:**

If any provision of this Ordinance shall be held or deemed to be or shall be invalid, inoperative or unenforceable for any reason, such reason shall not render any other provision or provisions hereof

invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed to be the separate independent and severable act of the City Council of West Haven City

**Section 5. Date of Effect:**

BE IT FURTHER ORDAINED that this Ordinance, and the changes contemplated, shall become effective on the 4<sup>th</sup> day of May, 2022, and after publication or posting as required by law.

DATED this 4<sup>th</sup> day of May 2022

WEST HAVEN CITY, a municipal corporation

by: \_\_\_\_\_  
Mayor Rob Vanderwood

Attested and Recorded

\_\_\_\_\_  
Emily Green  
City Recorder

