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| --- | --- | --- | --- | --- |
| ROLL CALL VOTING:  YES NO | | | | |
| Mayor Brent Winder (tie only) | [ | ] | [ | ] |
| Council Member Ben Hillyard | [ | ] | [ | ] |
| Council Member Dorel Kynaston | [ | ] | [ | ] |
| Council Member Janet Lunt | [ | ] | [ | ] |
| Council Member Kari Malkovich | [ | ] | [ | ] |
| Council Member David Pratt | [ | ] | [ | ] |

I move that this Ordinance be adopted.

Council Member

I second the foregoing motion.

Council Member

**Ordinance 2022-**

**AN ORDINANCE OF THE CITY OF WOODLAND HILL, UTAH, VACATING PORTIONS OF LOAFER DRIVE AND EAGLENEST; AND ESTABLISHING AN EFFECTIVE DATE.**

**SECTION** I - **RECITALS**

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

WHEREAS, in conformance with [UC §10-3-702](https://le.utah.gov/xcode/Title10/Chapter3/10-3-S702.html), the governing body of the city may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by State law or any other provision of law; and,

WHEREAS, the City Council finds that in conformance with [UC §10-9a-609.5](https://le.utah.gov/xcode/Title10/Chapter9a/10-9a-S609.5.html) it may pass an ordinance to vacate, narrow, or change utility easements within the city or otherwise manage or dispose of city property; and,

WHEREAS, the City Council finds that in conformance with [UC §10-9a-609](https://le.utah.gov/xcode/Title10/Chapter9A/10-9a-S609.html) & [UC §10-9a- 609.5](https://le.utah.gov/xcode/Title10/Chapter9a/10-9a-S609.5.html), a petition to vacate some or all of a public street, right-of-way, or easement has been received which includes: the name and address of each owner of record of land that is adjacent to the public street, right-of-way, or easement; or accessed exclusively by or within 300 feet of the public street, right-of-way, or easement; and the signature of each owner under [UC §10-9a-609.5 (l)(a)](https://le.utah.gov/xcode/Title10/Chapter9a/10-9a-S609.5.html) who consents to the vacation.; and,

WHEREAS, the City Council finds, and has determined, in conformance with [UC §10- 9a-609.5](https://le.utah.gov/xcode/Title10/Chapter9a/10-9a-S609.5.html), there is good cause for vacating the portion(s) of road described and that the vacating of the road(s) will not be detrimental to the public interest nor will any person be materially injured by the vacation; and,

WHEREAS, the City Council finds that in conformance with [UC §10-9a-609.5](https://le.utah.gov/xcode/Title10/Chapter9a/10-9a-S609.5.html), that notice of the intention of the City Council to vacate these portion of road(s), or part, following a public hearing on the matter has been given as provided in the [UC §10-9a-208](https://le.utah.gov/xcode/Title10/Chapter9A/10-9a-S208.html), or other applicable statute or requirement; and,

WHEREAS, the City Council finds that in conformance with [UC §10-9a-609.5](https://le.utah.gov/xcode/Title10/Chapter9a/10-9a-S609.5.html), that intention of the governing body of the city to vacate the easement described, and the notice required for action on such question has been given by publishing in a newspaper published or of general circulation in the City as required preceding action on such intention, i.e. the *Payson Chronicle;* and,

WHEREAS, the City Council finds in conformance with [UC §10-9a-609.5](https://le.utah.gov/xcode/Title10/Chapter9a/10-9a-S609.5.html), that either or both of the following shall be recorded in the office of the recorder of Utah county: (a) a plat reflecting the vacation; or (b) a true and accurate copy of this ordinance

WHEREAS, the City finds that certain exigencies of city governmental operations require these actions be taken;

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Woodland Hills:

## SECTION II **–** PUBLIC ROAD VACATION

The vacation of public road(s) by the City of Woodland Hills, set out in Attachment II A" hereto, and dedicated to Summit Creek Property Owners Association shall be filed with the Utah County Recorder.

Be it further ordained, the city's vacation and relinquishment of the city's road as described above, nothing herein shall be deemed or construed to act so as to diminish, restrict or extinguish the right of way and easements otherwise existing appurtenant to this vacated easement, if any, of any lot owner or the city nor shall the franchise rights of any public utility be impaired thereby.

Be It also ordained, that the foregoing recitals are incorporated herein.

## SECTION III - PRIOR ORDINANCES AND RESOLUTIONS:

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

## SECTION IV - REPEALER OF CONFLICTING ENACTMENTS:

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

## SECTION V - SAVINGS CLAUSE:

## If any provision of this Ordinance shall be held or deemed or shall be invalid, inoperative or unenforceable such reason shall not render any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed the separate independent and severable act of the City Council of the City of Woodland Hills.

## SECTION VI - DATE OF EFFECT

## This Ordinance shall be effective on the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_, 2022, and after publication or posting as required by law.

DATED this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_, 2022.

City of Woodland Hills

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor Brent Winder

Attested and recorded

Jody Stones, City Recorder

**ATTACHMENT "A"**