

## **ORDINANCE NO. 09-06-2020**

**AN ORDINANCE VACATING A PORTION OF RIGHT-OF-WAY NEAR THE SOUTHEAST CORNER OF THE INTERSECTION OF HIGHLAND DRIVE AND 120 EAST PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.**

**WHEREAS**, the City of Santaquin is a fourth class city of the state of Utah; and

**WHEREAS**, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the city to pass ordinances which are reasonably and appropriately related to the objectives of that power, i.e. providing for the public safety, health, morals, and welfare; and

**WHEREAS**, in accordance with Santaquin City Code Title 11 Chapter 5 Section 11, the Santaquin City Planning Commission discussed the proposed right-of-way vacation on August 25, 2020 and forwarded a recommendation to the City Council; and

**WHEREAS**, in accordance with Santaquin City Code Title 11 Chapter 5 Section 11, property owners within three hundred feet (300') have been notified of the public hearing which was held at the September 1, 2020 City Council meeting to hear public comments regarding the area being petitioned for vacation; and

**WHEREAS**, the City Council finds that good cause exists for the vacation or alteration and neither the public interest nor any person will be materially injured by the vacation; and

**WHEREAS**, after vacation of said right-of-way, the City intends to convey by quit-claim deed the abandoned right-of-way to the adjoining property owner, Pilot Peak Investments, LLC.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Santaquin City, State of Utah, as follows:

### **Section I. Vacating Public Right-of-Way**

Right-of-way located southeast of the intersection of Highland Drive and 120 East shall be vacated as shown in Exhibit A.

### **Section II. Severability**

If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the

AFFIDAVIT OF POSTING

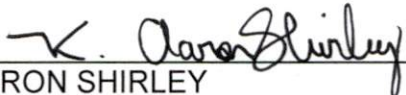
STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )

I, K. AARON SHIRLEY, City Recorder of Santaquin City, Utah, do hereby certify and declare that I posted in three (3) public places the ordinance, which is attached hereto on the 1<sup>st</sup> day of September, 2020.

The three places are as follows:

1.     Zions Bank
2.     Post Office
3.     City Office

I further certify that copies of the ordinance so posted were true and correct copies of said ordinance.

  
\_\_\_\_\_  
K. AARON SHIRLEY  
Santaquin City Recorder

The foregoing instrument was acknowledged before me this 8 day of September, 2020, by K. AARON SHIRLEY.

  
\_\_\_\_\_  
Notary Public



STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )

I, K. AARON SHIRLEY, City Recorder of Santaquin City, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the City Council of Santaquin City, Utah, on the 1<sup>st</sup> day of September, 2020, entitled

**“AN ORDINANCE VACATING A PORTION OF RIGHT-OF-WAY ON THE SOUTHEAST CORNER OF THE INTERSECTION OF HIGHLAND DRIVE AND 120 EAST PROVIDING FOR CORRECTION OF SCRIVENER’S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.”**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this 1<sup>st</sup> day of September, 2020.

  
\_\_\_\_\_  
K. AARON SHIRLEY  
Santaquin City Recorder

(SEAL)

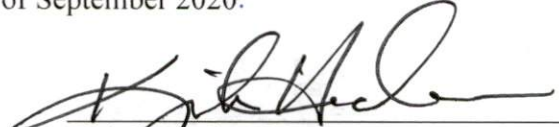


intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

**Section V. Posting and Effective Date**


This ordinance shall become effective at 5:00 p.m. on Wednesday, September 2<sup>nd</sup>, 2020. Prior to that time, the City Recorder shall deposit a copy of this ordinance in the official records of the City and place a copy of this ordinance in three places within the City.

PASSED AND ADOPTED this 1<sup>st</sup> day of September 2020.

  
Kirk Hunsaker, Mayor

Councilmember Nick Miller	Voted	<u>Yes</u>
Councilmember Elizabeth Montoya	Voted	<u>Yes</u>
Councilmember Lynn Meham	Voted	<u>Yes</u>
Councilmember Jennifer Bowman	Voted	<u>Yes</u>
Councilmember David Hathaway	Voted	<u>Yes</u>

ATTEST:

  
K. Aaron Shirley, City Recorder