

ORDINANCE NO. 13-10

**AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, TERMINATING
AND VACATING ALL OF TUSCAN RIDGE TOWNHOMES PHASE 2
AMENDED; ESTABLISHING AND APPROVING AN AMENDED PLAT
FOR TUSCAN RIDGE TOWNHOMES PHASE 4; AND
ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.**

Section 1. Recitals:

WHEREAS, South Ogden City (“City”) is a municipal corporation duly organized and existing under the laws of Utah; and,

WHEREAS, the City Council finds that in conformance with Utah Code (“UC”) § 10-3-717, and UC § 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 UC § 10-3-717, and UC § 10-3-701, the governing body of the city has previously adopted a Subdivision Ordinance which provides for certain procedures and fees to approve proposed site plans for development within the City; and,

WHEREAS, the City Council finds that the Planning Commission has recommended certain changes a previously recorded subdivision plat; and,

WHEREAS, the City Council finds that the public hearing(s), if needed, has/have been conducted in this matter; and,

WHEREAS, the City Council finds that it is in the public interest to 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 certain real property in the City of South Ogden, Weber County, Utah, was approved as a Subdivision to be recorded with the Weber County Recorder; and,

WHEREAS, the City Council finds that the real property approved as a subdivision is commonly known and was recorded as Tuscan Ridge Townhomes Phase 2 Amended Subdivision recorded with Weber County; and,

WHEREAS, the City Council finds that the owner of Tuscan Ridge Townhomes Phase 2 Amended Subdivision, South Ogden City, Weber County, Utah, has petitioned South Ogden City to amend said Tuscan Ridge Townhomes Phase 2 Amended Subdivision by

vacating Tuscan Ridge Townhomes Phase 2 Amended Subdivision from the previously approved subdivision and approving a change to be called Tuscan Ridge Townhomes Phase 4 and otherwise changing the plat; and,

WHEREAS, the City Council finds that as part of the approval process for the amended plat it is necessary to vacate and terminate the original Tuscan Ridge Townhomes Phase 2 Amended Subdivision, as recorded and to vacate and terminate the public utility easements on said Tuscan Ridge Townhomes Phase 2 Amended Subdivision;

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

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH that

The real property described as **Tuscan Ridge Hckb\ca Yg Phase 2 Amended Subdivision**, South Ogden City, Weber County, Utah, is vacated as an approved subdivision as further set out and identified and discussed above; and that an amended subdivision to be called **Tuscan Ridge Hckb\ca Yg Phase 4** is authorized and created with authority to record a new plat.

Be it further ordained that the easement estates as conveyed in the original subdivision of **Tuscan Ridge Hckb\ca Yg Phase 2 Amended Subdivision**, are unaffected by this subdivision vacation and remain as originally set out.

Section 2 - Repealer of Conflicting Enactments:

All orders, ordinances and resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which are in conflict with any of the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed, except that 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 and all prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are hereby reaffirmed and readopted.

Section 4 - Savings Clause:

If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Ordinance and the provisions of this Ordinance being deemed to be the separate independent and severable act of the City Council of South Ogden City.

Section 5 - Date of Effect

This Ordinance shall be effective on the 7th day of May, 2013, and after publication or posting as required by law.

DATED this 7th day of May, 2013

SOUTH OGDEN, a municipal corporation

by: _____
Mayor James F. Minster

Attested and recorded

Leesa Kapetanov
City Recorder