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Affects Parcel Nos.: T-163-C-1
T-TEA-D-1-A
T-168-G

TOQUERVILLE CITY

ORDINANCE 2020.09

AN ORDINANCE VACATING AND CHANGING THE ALIGNMENT OF PORTIONS OF SHANGRILA DRIVE AND AUTHORIZING THE REVERSION OF VACATED PORTIONS OF SAID STREET TO ADJACENT PROPERTY OWNERS.

RECITALS

WHEREAS, Toquerville City (“*City*”) is an incorporated municipality duly organized under the laws of the State of Utah.

WHEREAS, Utah Code Annotated, Title 10, Chapter 9a, Subsection 102(2) states "... municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls ..."

WHEREAS, pursuant to Utah Code Annotated § 10-3b-301, the Toquerville City Council (“*City Council*”) is designated as the governing body of the City and the “land use authority” with regards to the approval and regulation of roads, utilities, subdivisions and land uses within the City.

WHEREAS, pursuant to Utah Code Annotated § 10-9a-609.5 the City Council, may pass an ordinance to vacate, narrow, or modify public streets and utility easements within the City or otherwise manage or dispose of city property; and,

WHEREAS, the City Council finds that, in conformance with Utah Code Annotated § 10-9a-609.5 the City, at the request of adjacent property owners have initiated a petition to modify and vacate part of Shangrila Drive, a public street and utility right-of-way in the areas described and depicted in the Road Vacation marked *Exhibit “B”* prepared by Alpha Engineering which is attached hereto (“*Re-Alignment & Vacation Plat*”); and,

WHEREAS, the City Council finds, and has determined, in conformance with Utah Code Annotated § 10-9a-609.5(7)(b), that: a) there is good cause for vacating and modifying the alignment of Shangrila Drive as described and depicted, b) the vacating and realigning of this public street will not be detrimental to the public interest nor will any person be materially injured by the vacation, c) the portion of the street to be vacated does not include a protected utility easement as defined in Utah Code Annotated § 54-3-27; and,

WHEREAS, the City Council finds that in conformance with Utah Code Annotated § 10-9a-609.5(7)(b), that notice of the intention of the City Council to re-align and vacate part of Shangrila Drive following a public hearing on the matter has been given as provided and that all other applicable noticing requirements as set forth in Utah Code Annotated § 10-9a-208 and elsewhere in the Utah Municipal Code (Utah Code Annotated Title 10, Chapter 9a) have been satisfied; and,

WHEREAS, the City Council finds that, in conformance with Utah Code Annotated § 10-9a-609.5, the published notice required for this action has been properly given by publishing the same in a newspaper of general circulation in the City, i.e. the *Spectrum*; and,

WHEREAS, to fully effectuate the purposes and intent set forth above, the City Council now desires to adopt the following Ordinance.

ORDINANCE

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

1. FINDINGS. The City Council finds that the process for approval of the re-alignment and partial vacature of Shangrila Drive has been complied with and that good cause exists – as set forth in the Recitals above.

2. REALIGNMENT AND PARTIAL VACATURE OF SHANGRILA DRIVE. The following portion of Shangrila Drive in Toquerville City, Washington County, State of Utah is hereby re-aligned and partially vacated as set forth in the Re-Alignment and Vacation Plat attached to this Ordinance.

3. RECORDING OF QUITCLAIM DEEDS. To bring clarity to property owners adjacent to the vacated area of Shangrila Drive, after adoption of this Ordinance, but prior to recording of said Ordinance, the Mayor is authorized and directed to execute and cause to be recorded quitclaim deeds in favor of the property owners directly adjacent to the two areas being vacated. Said quitclaim deeds shall contain the metes and bounds legal descriptions as set forth in "Exhibit "A"".

4. RECORDING OF ORDINANCE. Upon approval, execution and official attestation of this Ordinance, the original shall be recorded in the Official Records on file in the Office of the Recorder of Washington County, State of Utah, the effect of which being to vacate and re-align a portion of Shangrila Drive in conformance with Utah Code Annotated § 10-9a-609.5 thus voluntarily relinquishing the City's fee title interest in the vacated area.

5. REPEALER. This Ordinance shall repeal and supersede all prior ordinances and resolutions governing the same.

6. SAVINGS CLAUSE. If any provision or clause in this Ordinance or the application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications hereof which can be implemented without the invalid provision, clause, or application hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.

7. EFFECTIVE DATE. This Ordinance shall take effect immediately upon approved by the City Council.

PASSED AND APPROVED THIS 16th DAY OF April, 2020.

John 'Chuck' Williams	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Keen Ellsworth	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Justin Sip	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Gary Chaves	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Ty Bringham	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

CITY OF TOQUERVILLE
a Utah Municipal Corporation

Attest:

 04/21/2020
Lynn Chamberlain, Mayor Date


Ruth Evans, City Recorder

