CITY OF LOGAN
ORDINANCE NO. 06-18

AN ORDINANCE VACATING A PORTION OF RIGHT-OF-WAY LOCATED ON LOT 2 AND LOT 10 OF THE COTTONWOOD COVE SUBDIVISION AT THE INTERSECTION OF RIVERWALK PARKWAY AND RIVERWALK CIRCLE

WHEREAS, the Logan Municipal Council finds there is good cause for vacating a portion of a certain right-of-way located on Lot 2 and Lot 10 of the Cottonwood Cove Subdivision at the intersection of Riverwalk Parkway and Riverwalk Circle; and

WHEREAS, the Council finds such action shall not materially injure the public or any person.

THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN AS FOLLOWS:

SECTION 1: Pursuant to Sections 10-8-8.2 and 10-8-8.3, Utah Code Annotated, 1953, the property below is hereby abandoned and vacated:

A PART THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 11 NORTH, RANGE 1 EAST, OF THE SALT LAKE BASE & MERIDIAN, ALSO A PART OF BLOCK 1, PLAT B, LOGAN ISLAND SURVEY, ALSO A PART OF LOT 10, COTTONWOOD COVE ESTATES SUBDIVISION, LOGAN CITY, CACHE COUNTY, UTAH

BEGINNING AT A POINT ON A SOUTHERLY BOUNDARY LINE OF LOT 10 AND ON THE RIGHT-OF-WAY OF RIVERWALK PARKWAY, SAID POINT BEING NORTH 00°00'00" WEST 38.39 FEET AND NORTH 75°52'48" WEST 32.74 FEET FROM LOGAN G.I.S. MONUMENT #362; THENCE TO THE LEFT ALONG THE ARC OF A 50.00 FOOT RADIUS CURVE A DISTANCE OF 42.01 FEET, CHORD BEARS SOUTH 80°03'05" WEST 40.78 FEET; THENCE SOUTH 64°48'18" EAST 7.93 FEET; THENCE TO THE LEFT ALONG THE ARC OF A 25.00 FOOT RADIUS CURVE A DISTANCE OF 33.42 FEET, CHORD BEARS NORTH 76°54'32" EAST 30.99 FEET; THENCE TO THE RIGHT ALONG THE ARC OF A 124.00 FOOT RADIUS CURVE A DISTANCE OF 4.42 FEET, CHORD BEARS NORTH 39°37'53" EAST 4.42 FEET TO THE BEGINNING. CONTAINING 367 SQUARE FEET.

A PART THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 11 NORTH, RANGE 1 EAST, OF THE SALT LAKE BASE & MERIDIAN, ALSO A PART OF BLOCK 1, PLAT B, LOGAN ISLAND SURVEY, ALSO A PART OF LOT 2, COTTONWOOD COVE ESTATES SUBDIVISION, LOGAN CITY, CACHE COUNTY, UTAH

BEGINNING AT A POINT ON THE NORTHERLY BOUNDARY OF LOT 2 AND ON THE RIGHT-OF-WAY OF RIVERWALK PARKWAY, SAID POINT BEING NORTH 90°00'00" WEST 94.22 FEET AND SOUTH 04°01'24" EAST 5.64 FEET FROM LOGAN G.I.S. MONUMENT #362; THENCE ALONG AN ARC THAT CURVES TO THE LEFT WITH A RADIUS OF 50.00 FEET AND A LENGTH OF 36.05 FEET, WHICH CHORD BEARS SOUTH 24°40'43" EAST 35.27 FEET; THENCE ALONG AN ARC THAT CURVES TO THE RIGHT WITH A RADIUS OF 25.00 FEET AND A LENGTH OF 30.77 FEET, WHICH CHORD BEARS SOUTH 10°04'10" EAST 28.87 FEET; THENCE NORTH 25°11'42" EAST 21.30 FEET; THENCE ALONG AN ARC THAT CURVES TO THE LEFT WITH A RADIUS OF 25.00 FEET AND A LENGTH OF 39.27 FEET, WHICH CHORD BEARS NORTH 19°48'18" WEST 35.36 FEET; THENCE NORTH 64°48'18" WEST 18.64 FEET TO THE BEGINNING. CONTAINING 734 SQUARE FEET.
SECTION 2: Effective Date. This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH THIS ___ DAY OF ___ , 2006 by the following vote:

Ayes: 

Nays: 

Absent: 

Stephen C. Thompson, Chairman

ATTEST:

Lois Price, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the ___ ___ day of March, 2006.

Stephen C. Thompson, Chairman

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this ___ ___ day of March, 2006.

Randy Watts, Mayor
DATE: 17 March 2006
FROM: Steve Mumford, Planner I
SUBJECT: Riverwalk Parkway Right-of-Way Abandonment

Summary of Planning Commission Proceedings

Project Name: Right-of-Way Abandonment of Riverwalk Parkway
Project Address: Approximately 715 Riverwalk Parkway
Recommendation of Planning Commission: Approval of Request to Vacate and Abandon a portion of Right-of-Way.
Current Zoning: SFR, Single Family Residential

On March 9, 2006 the Planning Commission unanimously recommended that the Municipal Council approve a Vacation and Abandonment of 1,101 square feet of right-of-way located at the intersection of Riverwalk Parkway and Riverwalk Circle. Upon approval of this vacation, the area will be vacated to lots 2 and 10 of the approved Cottonwood Cove Subdivision.

I have attached the staff report to the Planning Commission and the minutes from the March 9, 2006 Planning Commission meeting. The Planning Commission had no questions or issues with this application, and no public comments were received.

Attachments:
Planning Commission Minutes from March 9, 2006
Staff Report to the Planning Commission March 9, 2006
REPORT SUMMARY...

Project Name: Right of Way Abandonment of Riverwalk Parkway
Proponent/Owner: City of Logan
Project Address: Approximately 715 Riverwalk Parkway
Request: A Right-of-Way Vacation and Abandonment
Current Zoning: SFR, Single Family Residential
Staff Recommendation: Recommend Approval to the Municipal Council
Type of Action: Legislative

PROJECT

The proponent is requesting an abandonment of existing Right-of-Way from Riverwalk Parkway on lots 2 and 10 of Cottonwood Cove Subdivision due to construction of Riverwalk Circle. The total area to be abandoned is approximately 1,101 square feet.

Land use adjoining the subject property
North: SFR: Cottonwood Cove
East: SFR: Carl Inoway Sr. Housing
West: SFR: Cottonwood Cove
South: SFR: Carl Inoway Sr. Housing

Utah Code now mandates that Vacations and Abandonments must first be heard before the Planning Commission in a Public Hearing prior to being heard before the Municipal Council. The Planning Commission therefore acts as a recommending body to the Municipal Council, similar to rezone applications.

Riverwalk Parkway ended in a cul-de-sac prior to the approval of Cottonwood Cove Subdivision. Due to the construction of Riverwalk Circle, portions of this right-of-way will need to be abandoned by the City and vacated to lots 2 and 10 of Cottonwood Cove Subdivision.

Staff sees no problem with the abandonment of this right-of-way. It allows the subdivision to fully develop with the approved lot sizes and street configuration.

AGENCY AND CITY DEPARTMENT COMMENTS
The comments from the various City departments and divisions were to “proceed as submitted.” No specific requirements or conditions were added.

PUBLIC COMMENTS
This item has been publicly noticed. At the time the staff report was prepared, no comments had been received by the Department of Community Development.

RECOMMENDATION
Staff recommends that the Planning Commission approve a motion to recommend approval to the Municipal Council of PC Docket # 06-010 for Right-of-Way Abandonment of Riverwalk Parkway, located at approximately 715 Riverwalk Parkway.

RECOMMENDED FINDINGS FOR APPROVAL
The Planning Commission bases its decisions on the following findings supported in the administrative record for this project:

1. The Right of Way Abandonment of Riverwalk Parkway conforms to the requirements of the Utah Code.

2. The Right of Way Abandonment of Riverwalk Parkway conforms to the requirements of Title 17.

3. The Right of Way Abandonment of Riverwalk Parkway is compatible with existing land uses and zoning.

Respectfully submitted,

Steve Mumford
Planner I

Report Published: March 2, 2006
Minutes of the meeting for the Logan Planning Commission convened in regular session on Thursday, March 9, 2006, with Chair Karl Ward conducting. The chair called the meeting to order at 5:30 p.m.


Planning Commissioners Absent: none.

Staff Present: Jay Nielson, Tavis Austin, and Steve Mumford.

Minutes as written and recorded from the February 23, 2006, meeting were moved to be approved by Mr. Kerr and seconded by Mr. Morgan. The vote was unanimously approved.

Tape 1A
Public Hearings
06-010 Vacation of Street Right-of-Way. Vacation of a portion of the right-of-way located on Lot 2 and Lot 10 of the Cottonwood Cove Subdivision at the intersection of Riverwalk Parkway and Riverwalk Circle.

STAFF: Staff reviewed the report as written.

PROPONENT: Nothing further to add.

PUBLIC: There were no public comments.

MOTION: Mr. Karchner motioned that the Planning Commission recommend approval to the Municipal Council of PC Docket #06-010 for Right-of-Way Abandonment of Riverwalk Parkway, located at approximately 715 Riverwalk Parkway. Ms. Hinckley seconded the motion.

RECOMMENDED FINDINGS FOR APPROVAL
1. The Right of Way Abandonment of Riverwalk Parkway conforms to the requirements of the Utah Code.

2. The Right of Way Abandonment of Riverwalk Parkway conforms to the requirements of Title 17.

3. The Right of Way Abandonment of Riverwalk Parkway is compatible with existing land uses and zoning.

[Moved: Mr. Karchner Seconded: Ms. Hinckley Passed: 6, 0]

Yea: J. Kerr, G. Karchner, B. Morgan, R. Robison, P. Morgan, M. Hinckley
Nay: Abstain:

On the 28th day of March, 2006, personally appeared before me, Rachelle S. Thomas, who being first duly sworn, deposes and says that she is the chief clerk of the Cache Valley Publishing Co., publishers of The Herald Journal, a daily newspaper published in Logan, City, Cache County Utah, and that the advertisement

LEGAL NOTICE
LOGAN MUNICIPAL COUNCIL

was published in said newspaper for One (1) issue commencing March 28, 2006 and ending March 28, 2006.

Signed Rachelle S. Thomas

Subscribed and sworn to before me, the day and year above written.

Signed Cynthia K. Fulton
Notary Public


LEGAL NOTICES

SUMMARY OF AN ORDNANCE amending the Logan Municipal Code, 1999, passed by the Logan Municipal Council, is as follows:

ORD. 06-18. An ordinance was adopted and approved March 21, 2006 vacating a portion of right-of-way located on Lots 2 and 10 of the Cottonwood Cove Subdivision at the intersection of Riverway Parkway and Riverwalk Circle pursuant to Sections 10-8-8.2 and 10-8-8.3, UCA 1953.

City ordinances are effective upon publication. Full texts may be reviewed at the Office of the Logan City Recorder, City Hall, 255 North Main, during regular business hours.

Lois Price, Recorder
Publication Date: March 28, 2006
STATE OF UTAH
COUNTY OF CACHE, etc.

On this 6th day of March, 2006, personally appeared before me Rachelle S. Thomas, who being first duly sworn, deposes and says that she is the chief clerk of the Cache Valley Publishing Co., publishers of The Herald Journal, a daily newspaper published in Logan, City, Cache County Utah, and that the advertisement

NOTICE OF PUBLIC HEARING

VACATION OF STREET RIGHT-OF-WAY

of which is hereto attached, was published in said newspaper for Four (4) issues commencing February 12, 2006, and ending March 5, 2006.

Signed Rachelle S. Thomas

Subscribed and sworn to before me, the day and year above written.

Signed Notary Public.


NOTICE OF PUBLIC HEARING

VACATION OF STREET RIGHT-OF-WAY

The Logan Planning Commission will hold a public hearing on Thursday, March 9, 2006, not before 5:30 p.m., in the Municipal Council Chambers, 255 North Main, Logan, UT, and the Logan Municipal Council will hold a public hearing on Tuesday, March 21, 2006, not before 8:30 p.m., in the Municipal Council Chambers, 255 North Main, Logan, UT, to consider the adoption of an ordinance vacating a portion of right-of-way located on Lot 2 and Lot 10 of the Cottonwood Cove Subdivision at the intersection of Riverwalk Parkway and Riverwalk Circle. Property proposed to be abandoned or vacated by the City is described as follows:

A part the southeast quarter of Section 4, Township 11 North, Range 1 East, of the Salt Lake Base & Meridian, also a part of Block 1, Plat B, Logan Island Survey, also a part of Lot 10, Cottonwood Cove Estates Subdivision, Logan City, Cache County, Utah

Beginning at a point on a southerly boundary line of Lot 10 and on the right-of-way of Riverwalk Park-

NOTARY PUBLIC

CYNTHIA K. FULTON
320 West 1330 North
Logan, UT 84341