

TOWN OF LEEDS

ORDINANCE 2009-09

AN ORDINANCE VACATING PORTIONS OF MOUNTAIN VIEW ROAD AND/OR CENTER STREET AND APPROVING THE DEDICATION OF OTHER PORTIONS OF MOUNTAIN VIEW ROAD AND CENTER STREET WITHIN THE TOWN,

WHEREAS, the Town of Leeds (the "Town") has been engaged in protracted litigation for several years with Terry and Tamara Prisbrey (the "Prisbreys") regarding, among other things, ownership of portions of Mountain View Road and Center Street within the Town.

WHEREAS, the Town and the Prisbreys recently entered into a mediation agreement (the "Mediation Agreement") with the intent of resolving the disputes between them.

WHEREAS, the Mediation Agreement calls for the Town to release its claims to, and vacate, certain portions of Mountain View Road and Center Street within the Town and for the Prisbreys to dedicate other portions of Mountain View Road and Center Street to the Town and public utility providers.

WHEREAS, the Town Council finds that it is in the best interests of the health, safety and welfare of the Town and its residents to resolve the Town's disputes with the Prisbreys by abandoning and vacating certain portions of Mountain View Road and Center Street and by having the Prisbreys dedicate other portions of Mountain View Road and Center Street to the Town and public utilities.

WHEREAS, the Town Council approved the Town's abandonment and vacation of certain portions of Mountain View Road and Center Street, as more particularly depicted and shown on that certain Mountain View Road & Center Street Dedication, Extension, Abandonment & Easement Plat surveyor stamped and dated July 1, 2009 to be recorded herewith (the "Plat"), and the Prisbreys' dedication to the Town and public utilities of other portions of Mountain View Road and Center Street, as depicted and shown on the Plat, by a 4 to 1 vote at a public hearing on September 24, 2008.

WHEREAS, the Town Council has determined that good cause exists for the vacation of certain portions of Mountain View Road and Center Street, as depicted on the Plat, and that neither the public interest nor any person will be materially injured by such vacation and the Town Council desires to adopt an ordinance to abandon and vacate the applicable portions of Mountain View Road and Center Street, pursuant to the provisions of Section 10-9a-609.5(3) of the Utah Code.

NOW THEREFORE, BE IT HEREBY ORDAINED by the Mayor and Town Council of Leeds Town, State of Utah, as follows:

1. Vacation of Portions of Mountain View Road and Center Street. The Town hereby abandons and vacates those certain portions of Mountain View Road and Center Street within the Town which are identified on the Plat to be recorded herewith.

2. Acceptance of Dedicated Portions of Mountain View Road and Center Street. The Town hereby accepts the Prisbrey's' dedication of those certain portions of Mountain View Road and Center Street within the Town which are identified on the Plat.

3. Recordation of Plat. The Plat reflecting the Town's vacation of portions of Mountain View Road and Center Street shall be recorded in the Official Records of the Office of the Recorder of Washington County, State of Utah.

4. Repealer. This Ordinance supersedes or repeals the provision(s) of any ordinance(s), resolution(s) or section(s) of the Leeds Town Ordinance that is (are) inconsistent with the provisions of this Ordinance.

5. Saving 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(s), clause(s), or application(s) hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.

6. Effective Date. This Ordinance shall become effective upon the effective date of the recorded Plat.

PASSED, APPROVED, ADOPTED AND ORDAINED this 24th day of June, 2009.

TOWN OF LEEDS

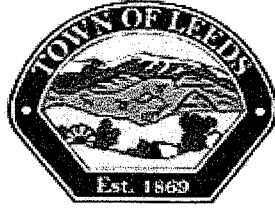
By: Trudy Law
Trudy Law, Mayor

By Vote:

	Yea	Nay	Absent
Mayor Trudy Law	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jared Westhoff	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alan Roberts	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kerth Sullivan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Frank Lojko	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:

Debbie Shakespeare
Debbie Shakespeare, Clerk/Recorder



TOWN OF LEEDS

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Website: www.leedstown.org

CERTIFICATE OF POSTING

I, Debbie Shakespeare, duly appointed and acting Clerk/Recorder for the Town of Leeds,
hereby certify that the forgoing ordinance 2009-09
was passed by the Leeds Town Council on the 24th day of June, 2009,
and that copies of the foregoing ordinance were posted at three public places within the Town
this 25th day of June 2009, which public places were:

Leeds Town Hall
Leeds Post Office
Leeds Market

Dated this 25th day of June 2009.

Debbie Shakespeare
Debbie Shakespeare, Clerk/Recorder