

RESOLUTION NO. 83- 100

A RESOLUTION PROVIDING SPECIFICATIONS FOR CONSTRUCTION OF A FENCE BY SOUTHLAND CORPORATION AROUND THE PERIMETER OF THE PARCEL ON WHICH A "7-11" STORE IS PROPOSED FOR CONSTRUCTION AND OPERATION IN LOT 2 OF BLOCK 61, DELTA TOWNSITE, PLAT A.

RECITALS

The City Council of the City of Delta, Utah, referred to herein as the "City Council," hereby recites the following as the basis for adoption of this resolution:

A. On August 1, 1983, the City Council authorized the issuance of a class "A" beer license to Southland Corporation authorizing sale of light beer at a 7-11 Store to be operated by Southland Corporation on a portion of Lot 2, Block 61, Delta Townsite Plat A, provided that Southland Corporation comply with all applicable City ordinances and regulations.

B. Prior to approving issuance of a class "A" beer license at the site and for the purposes specified, the City Council made a specific finding that the 7-11 Store would not be in the proximity of the Delta Elementary School and the Delta Stake Meetinghouse of the Church of Jesus Christ of Latter-Day Saints, as the term proximity is defined in Section 32-4-17, Utah Code Annotated (1953), if among other conditions, a suitable fence was constructed around the perimeter of the parcel on which the 7-11 premises would be located. The Council further found that the purpose of the fence was to provide for the safety of children attending the Delta Elementary School and determined that the fence should be sufficient to deter passage by children between the school grounds and the property owned by Southland Corporation. The Council further determined that the fence should be of a solid material which would obscure vision between the school grounds and the Southland Corporation property.

C. Since August 1, 1983, officials of the Millard County School District have demonstrated to the City Council that the safety of children attending Delta Elementary School would be enhanced by construction of a fence that would deter passage of children between the school grounds and the Southland Corporation property, but that such fence should not obscure vision so as to allow observation of any children or other persons who may be located in the vicinity of the 7-11 Store premises by employees of the Millard School District.

D. The City Council has therefore determined to adopt this resolution to modify and amend its August 1, 1983 action in the manner set out herein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Delta, Utah:

Section 1. Proximity Finding. The City Council hereby finds that a fence should be constructed between the Delta Elementary School grounds and the property on which Southland Corporation proposes to operate a 7-11 Store on a portion of Lot 2 of Block 61, Delta Townsite, Plat A, according to the official plat thereof and further finds that such fence is necessary, along with factors of distance, orientation of the respective buildings, accessibility between buildings, application of Delta City regulatory ordinances and other factors to permit issuance of a class "A" beer license to Southland Corporation in accordance with Section 32-4-17, Utah Code Annotated (1953), and the applicable ordinances and regulations of the City of Delta.

Section 2. Amendment of Fence Specifications. The City Council hereby determines and specifies as a condition of issuance of a class "A" beer license to Southland Corporation that a suitable fence shall be constructed along the perimeter of the parcel on which the 7-11 Store premises are to be constructed and operated by Southland Corporation. The Council further specifies that the fence shall be constructed of materials such that children or other persons on or about the parcel on which Southland Corporation proposes to operate the 7-11 Store will be readily visible by personnel of the Millard County School District having supervisory responsibility over school aged children attending Delta Elementary School. The Council further specifies that the fence shall be of a chainlink material at least six feet in height and shall be installed in a quality, workmanlike manner, with no openings or passageways between the Southland Corporation property and the Delta Elementary School grounds.

Section 3. Effective Date. This resolution shall become effective upon adoption.

Section 4. Severability. In the event that any provision of this resolution less than the entire resolution is held invalid by a court of competent jurisdiction, this resolution shall be deemed severable and such finding of invalidity shall not affect the remaining portions of this resolution.

Section 5. Repeal of Conflicting Resolutions. To the extent that any ordinances, resolutions or policies of the City of Delta conflict with the provisions of this resolution, they are hereby amended to be in accordance with the provisions hereof.

PASSED AND ADOPTED THIS 5th day of Dec, 1983.

  
GRANT S NIELSON, Mayor

Attest:   
DOROTHY JEFFERY  
City Recorder