



COMMISSION STAFF REPORT

MEETING DATE: April 06, 2021

ITEM TITLE, PRESENTER: Public Hearing for D Road Closure – Todd Adair – Road Department Superintendent

RECOMMENDATION: Close Roads at the private property line

SUMMARY

The petition to close portions of D1834 and D5307 will not restrict public access to public land. The portions of the roads on public land will remain open. The Public Notice has been advertised in the San Juan Record and posted on the Utah Public Notice Website for four (4) weeks. Letters were delivered to affected interest holders/adjacent property owners.

HISTORY/PAST ACTION

N/A

FISCAL IMPACT

N/A



ROAD DEPARTMENT

P.O. Box 188 | 885 East Center St | Monticello, Utah 84535
(435) 587-3230 | Fax: (435) 587-2771

March 8, 2021

To Whom It May Concern,

The San Juan County Commission has been petitioned by Sharon Fiscus to vacate D Roads that end on her property. The proposed road closures are as follows:

D1834 – 0.914 Mile
D5307 – 0.144 Mile

This road segments would be removed from the San Juan County Road Map and Travel Plan as a public road if this petition is approved.

As an affected interest holder or adjacent property owner, I would like to inform you of the request and the scheduled Public Hearing to discuss and determine the action. Please review the attachments included as to the location of the road. As stated in the Public Notice you may comment in person or in writing if you have any objection or concern with the action. If you no longer have any interest in the property please forward this letter to the current owner.

Thank You,

Todd Adair – Road Superintendent
San Juan County Road Department



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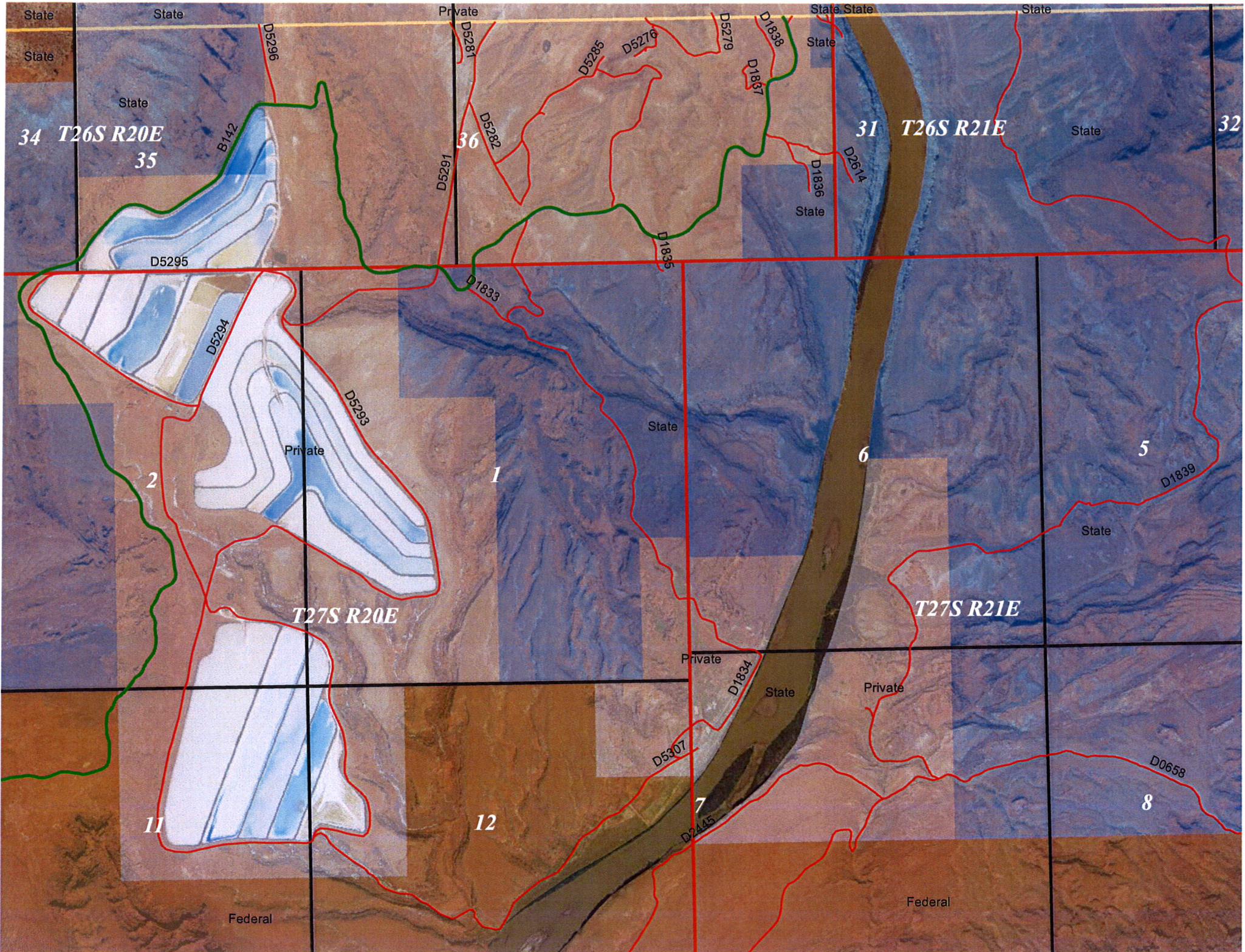
NOTICE OF PUBLIC HEARING

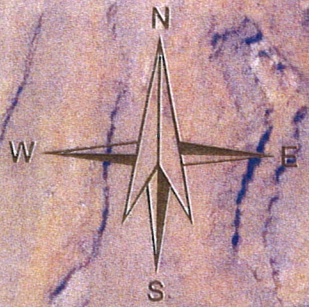
Board of San Juan County Commissioners, Utah

Public Notice is hereby given that on April 6, 2020, the Board of San Juan County Commissioners, Utah, will hold and conduct a public hearing to receive input from the public with respect to the vacation of roads in San Juan County, Utah. County D Road D-1834 is located in Section 1&12, Township 27 South, Range 20 East, Section 6&7, Township 27 South, Range 21 East, Salt Lake Base and Meridian. The road segment beginning 1.176 miles from B142 – Schafer Basin intersection and terminates at the end of the road at the intersection with D-5307 for a total of 0.914 miles. County D Road D-5307 is located Section 12, Township 27 South, Range 20 East, and Section 7, Township 27 South, Range 21 East, Salt Lake Base and Meridian. The road segment beginning 1.186 miles from the intersection of D-5294 and D-5293 and terminates 0.144 miles at the end of the road for a total of 0.144 miles. The petition is brought by the private property owner pursuant to *Utah State Code 72-3-108 – County Roads – Vacation and Narrowing*.

The Public Hearing will be held at 11:00 a.m. on Tuesday, April 6, 2021 in the Commission Chambers of the San Juan County Administration Building located at 117 South Main Street, Monticello, Utah 84535. All members of the public are invited to attend and participate in the public hearing. To join electronically, please use the following link: <https://us02web.zoom.us/j/82064982535> or join via One tap mobile +16699006833,,82064982535# US (San Jose). Prior to the public hearing, written comments may be submitted to the Board of Commissioners, P.O. Box 9, 117 South Main Street, Monticello, Utah 84535

Published March 10,17,24,31 of 2021 in the San Juan Record.





1 inch = 500 feet

1

SE

T27S R20E

NE

12

0.144 mi.
per SJC data

D5307

D1834

0.914 mi.
per SJC data

D1834

T27S R21E

7

D2445

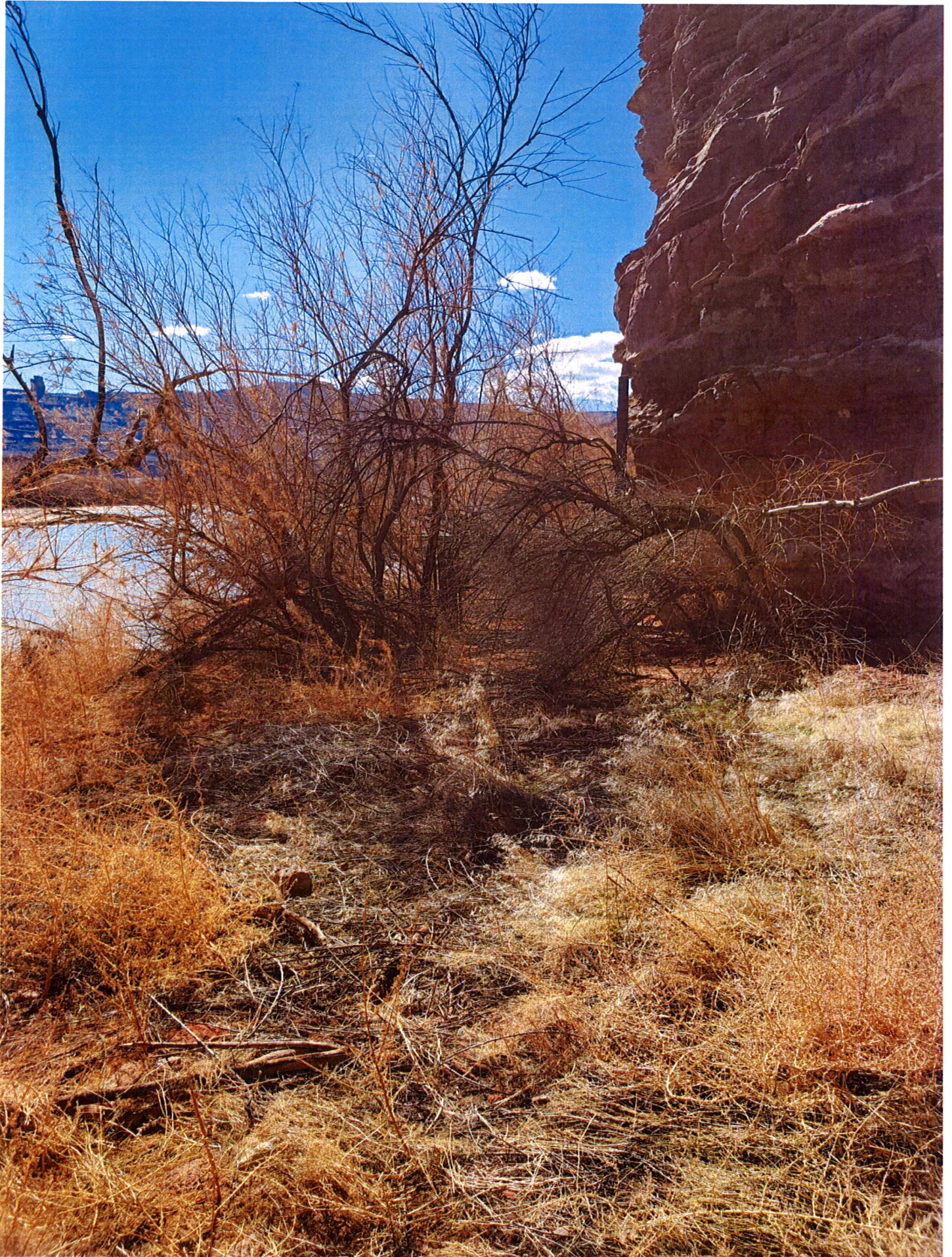
D2815
D1839
NE

D0848

6







3/31/2021

San Juan County Mail - Fwd: Road Closure on Private Property



Adair, Todd <tadair@sanjuancounty.org>

Fwd: Road Closure on Private Property

1 message

Wed, Mar 31, 2021 at 9:25 AM

To: "Adair, Todd" <tadair@sanjuancounty.org>

T.J.

I am forwarding the email of support from Bryan representing the Utah state lands neighboring property.

Best regards

Thanks for the update and the clarification both on the phone and via this email.

SITLA is fine with the closure of the roads on the private property. We appreciate the clarification that the roads on SITLA lands would remain open to the public. SITLA prefers public access to it adjoining lands and we are glad that public access on our property will remain unchanged if this is approved by the county.

There is an illegal locked gate on this same road that needs to be removed from SILTA lands and it needs to be placed on the private property where the proposed road will be closed to the public. This needs to be done ASAP and it needs to be done even if your proposed road vacation is denied by the county.

In conclusion, we are supportive of the road vacation on the private properties and we wish you the best wishes in your endeavors.

Thanks,

Bryan W. Torgerson
Resource Specialist
Trust Lands Administration
217 East Center Street, #230
Moab, UT 84532
435-259-7417 Office
435-259-9565 Cell
bryantorgerson@utah.gov

Emails to and from this email address may be considered public records and thus subject to Utah GRAMA requirements.



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

CARLOS M. BRACERAS, P.E.
Executive Director

JASON E. DAVIS, P.E.
Deputy Director of Engineering and Operations

TERIANNE S. NEWELL, P.E.
Deputy Director of Planning and Investment

March 22, 2021

Road Superintendent
San Juan County Road Dept.
PO Box 188
885 East Center Street
Monticello, UT 84535

RE: Proposal to Vacate or Privatize Existing Class D Roads in San Juan County

Dear Mr. Adair:

Thank you for your letter dated March 8, 2021 regarding a request for San Juan County to vacate or privatize existing Class D roads within the county located on the following properties:

1. A segment of D1834 – Sections 1&2, Township 27 South, Range 20 East and Section 6&7, Township 27 South, Range 21 East, Salt Lake Base and Meridian; the road segment beginning 1.176 miles from B142 – Schafer Basin intersection and terminates at the end of the road at the intersection with D5307; approximately 0.914 miles in length.
2. A segment of D5307 – Section 12, Township 27 South, Range 20 East and Section 7 Township 27 South, Range 21 East, Salt Lake Base and Meridian; the road segment beginning 1.186 miles from the intersection of D5294 and D5293 and terminates 0.144 miles at the end of the road; approximately 0.144 miles in length.

The Utah Department of Transportation (UDOT) has reviewed the proposal and Charles Stormont, Director of Right-of-Way, has provided the following response:

"As co-owner of Class D roads, see Utah Code 72-1-105, we appreciate the opportunity to provide a response to your inquiry. After review of the petition, it appears that access to public lands will remain available if the petition is granted. However, how those lands can be accessed will be changed. Pursuant to Utah Code 72-7-103 "...a highway authority may not close a legal access to a public highway, unless: (a) the property has reasonably equivalent access to the public highway after the legal access is closed; or (b) the highway authority acquires the legal point of access by gift, agreement, purchase, or eminent domain."

In light of this statute, we encourage the San Juan County Commission to carefully consider whether it believes that there will remain "reasonably equivalent access to the public highway" for other property in the area that may have previously relied on these routes for access. If the Commission concludes that there is not "reasonably equivalent access to the public highway," granting the petition would violate this statute and constitute an inverse condemnation. On the other hand, if the Commission concludes that "reasonably equivalent access to the public highway" remains, we encourage the Commission to carefully document the reasons it has reached that conclusion so that there is an adequate record to support their conclusion. Such an inquiry is an intensely factual one, so we defer to the judgment of the Commission on this question given its statutory responsibility with respect to Class D roads and its familiarity with the road network in this area."



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If you have any questions or concerns you can contact Charles Stormont at (385) 226-8948 or email at castormont@utah.gov.

Sincerely,

A handwritten signature in black ink that reads "Chris Potter".

Chris Potter, P.E.
Local Government Programs Engineer

CP/

Cc: Ben Huot, UDOT
Ivan Hartle, UDOT
Jeff Ericson, UDOT
Rick Torgerson, UDOT

Linda Hull, UDOT
Charles Stormont, UDOT
Jim Palmer, Assistant Attorney General
Kathleen Clarke, State Public Lands