

# **SOUTH JORDAN CITY CITY COUNCIL REPORT**

**Meeting Date: 05/03/2022**

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**Issue:** DISTRICT HEIGHTS RESIDENTIAL –  
PARTIAL WATERLINE EASEMENT VACATION  
**Address:** 11210 S. River Heights Dr.  
**File No:** PLPP202200009  
**Applicant:** Ashley Atkinson, Sequoia Development

**Submitted by:** Damir Drozdek, Planner III  
Jared Francis, Senior Engineer  
**Presented by:** Steven Schaefermeyer, Director of Planning

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**Staff Recommendation (Motion Ready):** I move the City Council **approve** Ordinance 2022-11 vacating a portion of the waterline easement generally located at 11210 S. River Heights Dr.

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## **BACKGROUND:**

The applicant is seeking to vacate a portion of the waterline easement generally located at 11210 S. River Heights Dr. The easement was recorded with a subdivision plat in anticipation of serving future development. The current proposed development, however, will have no use for portion of the easement (stubs) as shown on Lot 8A of the River Heights at the North District 3<sup>rd</sup> Amended subdivision plat.

The proposed development will consist of 60 townhome units on approximately 4 acres of land. It will occupy Lot 8A and 8B of said subdivision. The aforementioned easement stubs are located at the southeast and southwest corners of Lot 8A.

Since one of the easement stubs is located close to a location of a future townhome building, and also there is no need for either easement stub, the applicant is seeking approval to vacate the aforementioned easement stubs to avoid future problems in terms of maintenance and building construction. Staff has reviewed the proposed easement vacation and finds no concerns with the proposal.

## **STAFF FINDINGS, CONCLUSIONS & RECOMMENDATION:**

### **Findings:**

- Utah Code § 10-9a-609.5(3) provides standards of approval for vacating a public easement: The legislative body may adopt an ordinance granting a petition to vacate some or all of a public street or municipal utility easement if the legislative body finds that:
  - (a) good cause exists for the vacation; and
  - (b) neither the public interest nor any person will be materially injured by the vacation.
- Staff finds there is a good cause to vacate the easement because the easement stubs are not currently serving anyone and it will not be in service either.

- Staff also finds that the proposed easement vacation is not expected to cause any material injury to any person or the public interest because the easement stubs are not currently being utilized nor are they planned to be utilized with the proposed project.

**Conclusion:**

- The proposed easement vacation will benefit the applicant and the future development and it will not materially injure the public interest nor any person.

**Recommendation:**

- Based on the Findings and Conclusions listed above, Staff recommends that the City Council take comments at the public hearing and **approve** the petition to vacate the easement, unless, during the hearing, facts are presented that contradict these findings or new facts are presented, either of which would warrant further investigation by Staff.

**ALTERNATIVES:**

- Approve an amended Application.
- Deny the Application.
- Schedule the Application for a decision at some future date.

**SUPPORT MATERIALS:**

- Aerial Map
- Site Plan
- River Heights at the North District 3<sup>rd</sup> Amended Subdivision Plat
- Applicant's Letter
- Ordinance 2022-11

Approved by:

*Steven Schaefermeyer*  
Steven Schaefermeyer (Apr 27, 2022 15:10 MDT)

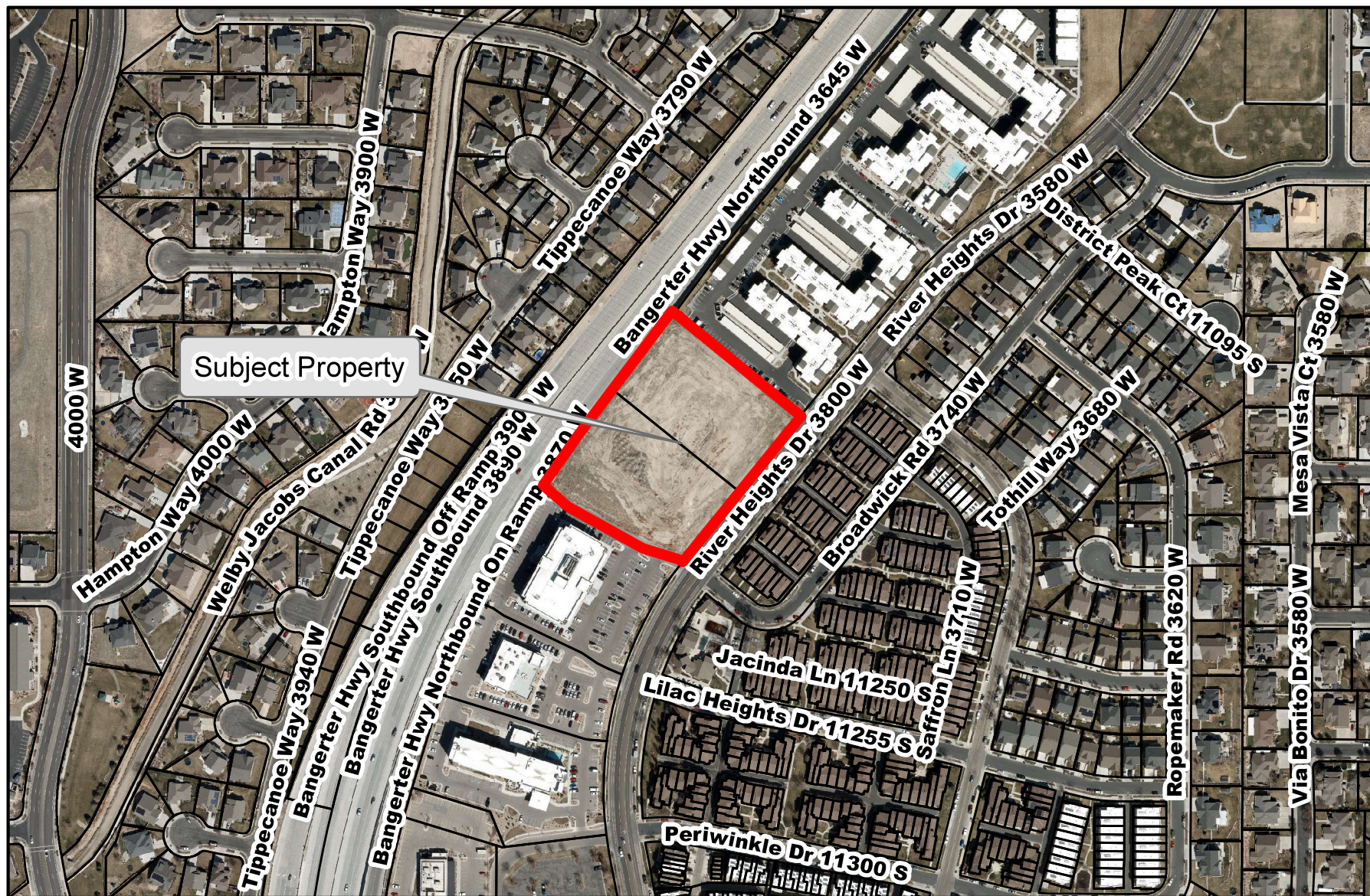
Steven Schaefermeyer  
Director of Planning


Submitted by:

*Damir Drozdek*  
Damir Drozdek (Apr 27, 2022 14:40 MDT)

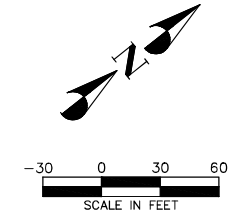
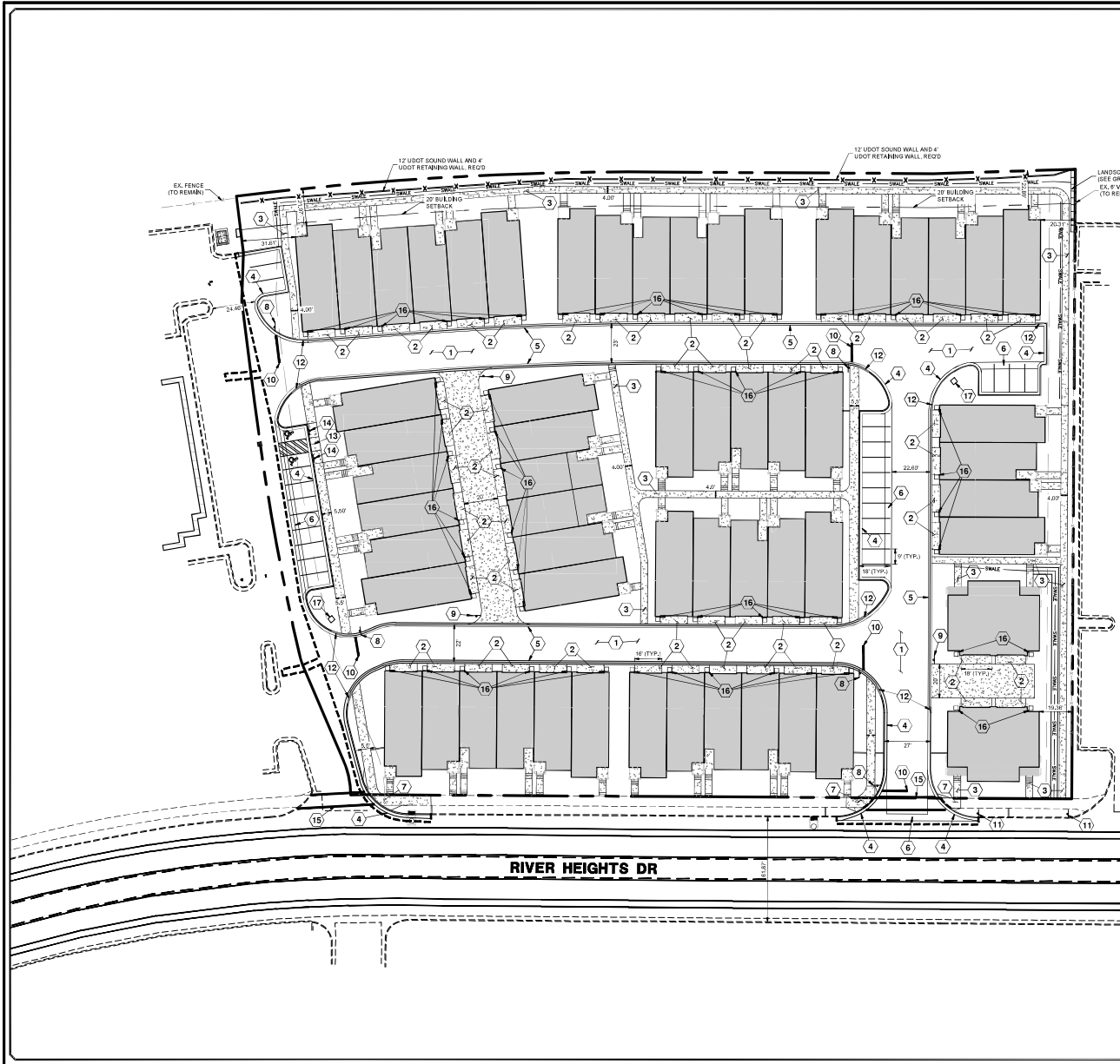
Damir Drozdek, AICP  
Planner III, Planning Department





<p><b>Legend</b></p> <p>STREETS</p> <p>PARCELS</p>	<h2>Aerial Map</h2> <h3>City of South Jordan</h3>	<p>0 105 210 420 630 840 Feet</p> <p>Aerial Imagery 2021</p> 
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- LEGEND**
- PROJECT BOUNDARY
  - BUILDING SETBACK
  - EXISTING CURB & GUTTER
  - EXISTING SIDEWALK
  - EXISTING FENCE
  - PROPOSED BUILDINGS
  - PROPOSED CURB & GUTTER
  - PROPOSED SIDEWALK
  - PROPOSED FENCE
  - PROPOSED SAWCUT

- KEYNOTE LEGEND**
- 1 ASPHALT PAVEMENT REQ'D (SEE DETAIL-5 ON SHEET C8.0)
  - 2 CONCRETE PAVEMENT REQ'D (SEE DETAIL-9 ON SHEET C8.0)
  - 3 4" CONCRETE SIDEWALK REQ'D, UNLESS NOTED OTHERWISE (SEE DETAIL-12 ON SHEET C8.1)
  - 4 24" CURB & GUTTER REQ'D (SEE DETAIL-7 TYPE A ON SHEET C8.0)
  - 5 24" MOUNTABLE CURB & GUTTER REQ'D (SEE DETAIL-7 TYPE D ON SHEET C8.0)
  - 6 8" WATERWAY REQ'D (SEE DETAIL-10 ON SHEET C8.1)
  - 7 ADA RAMP REQ'D (SEE DETAIL-13&14 ON SHEET C8.1)
  - 8 30" MUTCD R1-1 STOP SIGN WITH STREET SIGN REQ'D
  - 9 30" MUTCD R1-2 YIELD SIGN WITH STREET SIGN REQ'D
  - 10 12" WHITE STOP LINE PER MUTCD STANDARDS REQ'D
  - 11 12"x18" MUTCD R7-1 NO PARKING SIGN AND 12"x6" R7-201aP REQ'D
  - 12 MOUNTABLE CURB TO HIGH BACK CURB TRANSITION REQ'D
  - 13 ADA RAMP REQ'D (SEE DETAIL-25 TYPE A ON SHEET C8.3)
  - 14 MUTCD R7-4 & R7-4P ADA PARKING SIGN REQ'D
  - 15 PEDESTRIAN CROSSWALK STRIPING PER MUTCD REQ'D
  - 16 AIR CONDITIONING UNIT REQ'D
  - 17 CBU BOXES REQ'D

- SITE NOTES**
- ALL WORK SHALL BE DONE IN ACCORDANCE WITH GOVERNING AGENCY STANDARDS AND SPECIFICATIONS. IN THE ABSENCE OF PROJECT STANDARD AND SPECIFICATIONS APWA STANDARD AND SPECIFICATIONS SHALL GOVERN.
  - CONTRACTOR SHALL RETAIN AND PROTECT ALL EXISTING IMPROVEMENTS UNLESS OTHERWISE NOTED. CONTRACTOR IS RESPONSIBLE TO REPAIR ALL SIDEWALK PAVEMENT, GRAVEL UTILITIES, LANDSCAPING, IRRIGATION, FENCING AND EXISTING IMPROVEMENTS DAMAGED AS PART OF CONSTRUCTION.
  - ALL CURB DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
  - ALL WORK SHALL COMPLY WITH THE PROJECT PLANS, PROJECT SPECIFICATIONS, AND PROJECT GEOTECHNICAL ENGINEERING REPORT, WHICHEVER IS THE MOST STRINGENT.
  - ALL STRIPING, PAVEMENT MARKINGS, AND SIGNAGE TO COMPLY WITH THE CURRENT M.U.T.C.D. EDITION MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES OR LOCAL CODE, WHICHEVER IS MORE STRINGENT.
  - CONTRACTOR IS RESPONSIBLE FOR PERFORMING WORK ON OR ADJACENT TO A PUBLIC ROAD TO PROVIDE, INSTALL, AND MAINTAIN APPROPRIATE TRAFFIC CONTROL DEVICES, AS WELL AS ANY ADDITIONAL TRAFFIC CONTROL DEVICES THAT MAY BE REQUIRED TO INSURE SAFE AND EFFICIENT MOVEMENT OF TRAFFIC AND PEDESTRIANS THROUGH OR AROUND THE WORK AREA AND TO PROVIDE MAXIMUM PROTECTION AND SAFETY TO ROAD WORKERS.
  - DIMENSIONS FOR LAYOUT AND CONSTRUCTION ARE NOT TO BE SCALED FROM ANY DRAWING. IF PERTINENT DIMENSIONS ARE NOT SHOWN CONTACT ENGINEER FOR CLARIFICATION.

PRELIMINARY PLANS

DATE	DESCRIPTION	BY	DATE
03/22	PROJECT BOUNDARY	PEP	
03/22	BUILDING SETBACK	PEP	
03/22	EXISTING CURB & GUTTER	PEP	
03/22	EXISTING SIDEWALK	PEP	
03/22	EXISTING FENCE	PEP	
03/22	PROPOSED BUILDINGS	PEP	
03/22	PROPOSED CURB & GUTTER	PEP	
03/22	PROPOSED SIDEWALK	PEP	
03/22	PROPOSED FENCE	PEP	
03/22	PROPOSED SAWCUT	PEP	

**PEPG CONSULTING LLC**  
11210 SOUTH RIVER HEIGHTS DR. SUITE 101, SALT LAKE CITY, UT 84119  
PHONE: (801) 562-2521 • FAX: (801) 562-2551  
CIVIL ENGINEERING • LAND SURVEYING • PROJECT MANAGEMENT  
GEOTECHNICAL • MATERIALS TESTING • INSPECTIONS

**DISTRICT HEIGHTS TOWNHOMES**  
**11210 SOUTH RIVER HEIGHTS DR**  
SITE PLAN  
APPROVED: 03/22/2023  
PROJECT NUMBER: 11210-02-SITE  
DRAWN BY: [NAME]  
CHECKED BY: [NAME]

**SOUTH JORDAN CITY**  
UTAH 811  
SHEET NO. **C2.0**







4-6-2022

Alec Moffitt  
Sequoia Development  
9055 S. 1300 E. Sandy, Utah 84094  
801-944-4469

Dear Sir or Madam,

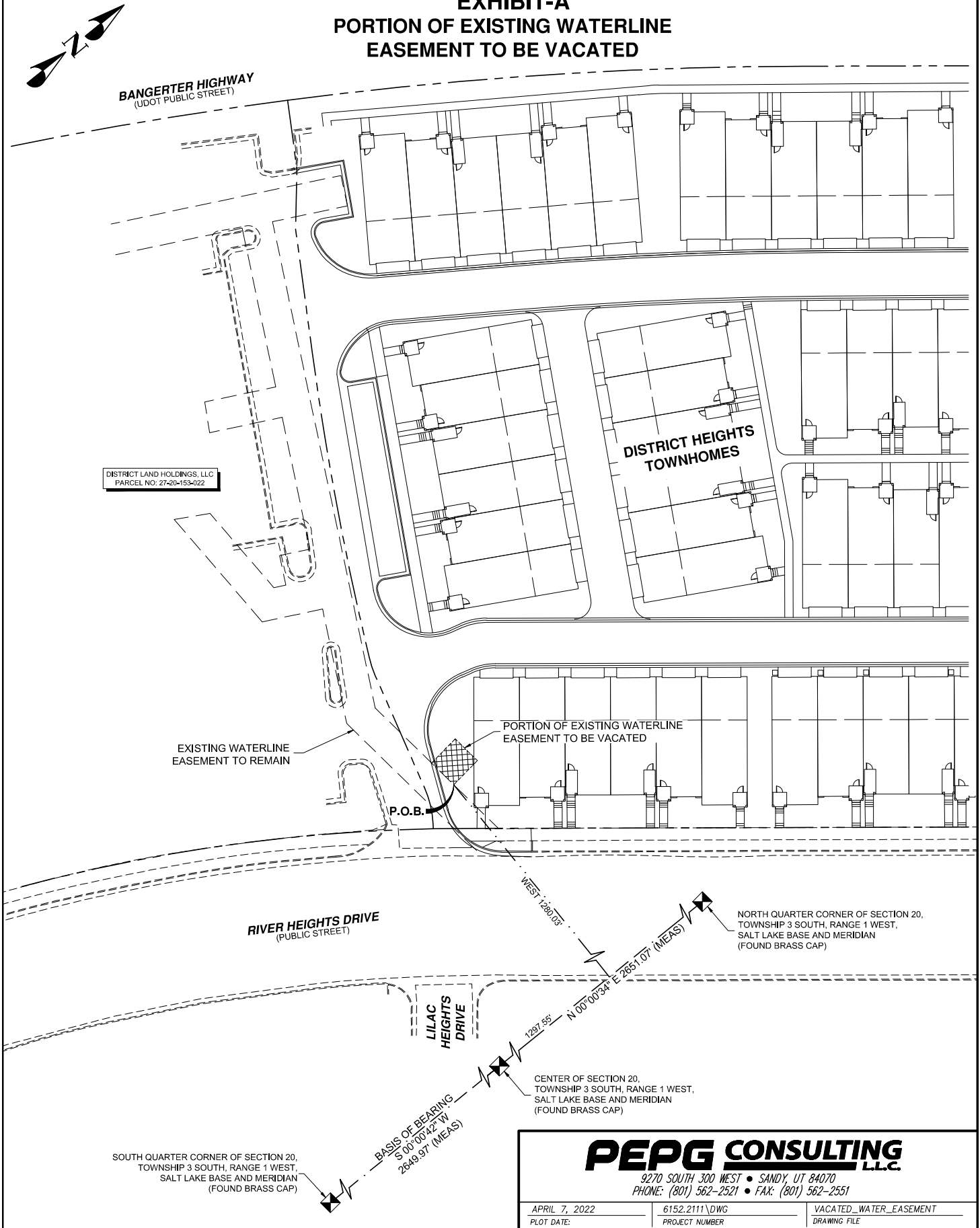
We are proposing to vacate the depicted easement in exhibit A of this letter. We are proposing a residential development at 11220 and 11210 S River Heights Dr. We are being required to move the water line because a portion of the easement overlaps with a proposed townhome. The current line is a stub that has never serviced a building. This would avoid any issues with future maintenance and would allow for the proposed home to be constructed. We would like to get the approval to make the change and vacate the following easement:

**Portion of Existing Waterline Easement to be Vacated**

Beginning at a point being North 00°00'34" East, along the section line, 1297.55 feet and West, 1280.03 feet from the Center of Section 20, Township 3 South, Range 1 West, Salt Lake Base and Meridian; and running thence South 83°22'29" West, 15.00 feet; thence North 06°37'31" West, 16.33 feet; thence North 83°22'29" East, 15.00 feet; thence South 06°37'31" East, 16.33 feet to the point of beginning.

Contains: 245 Sq. Ft.

# EXHIBIT-A PORTION OF EXISTING WATERLINE EASEMENT TO BE VACATED



**PEPG CONSULTING LLC**

9270 SOUTH 300 WEST • SANDY, UT 84070  
PHONE: (801) 562-2521 • FAX: (801) 562-2551

APRIL 7, 2022  
PLOT DATE:

6152.2111\DWG  
PROJECT NUMBER

VACATED\_WATER\_EASEMENT  
DRAWING FILE





4-21-2022

Alec Moffitt  
Sequoia Development  
9055 S. 1300 E. Sandy, Utah 84094  
801-944-4469

Dear Sir or Madam,

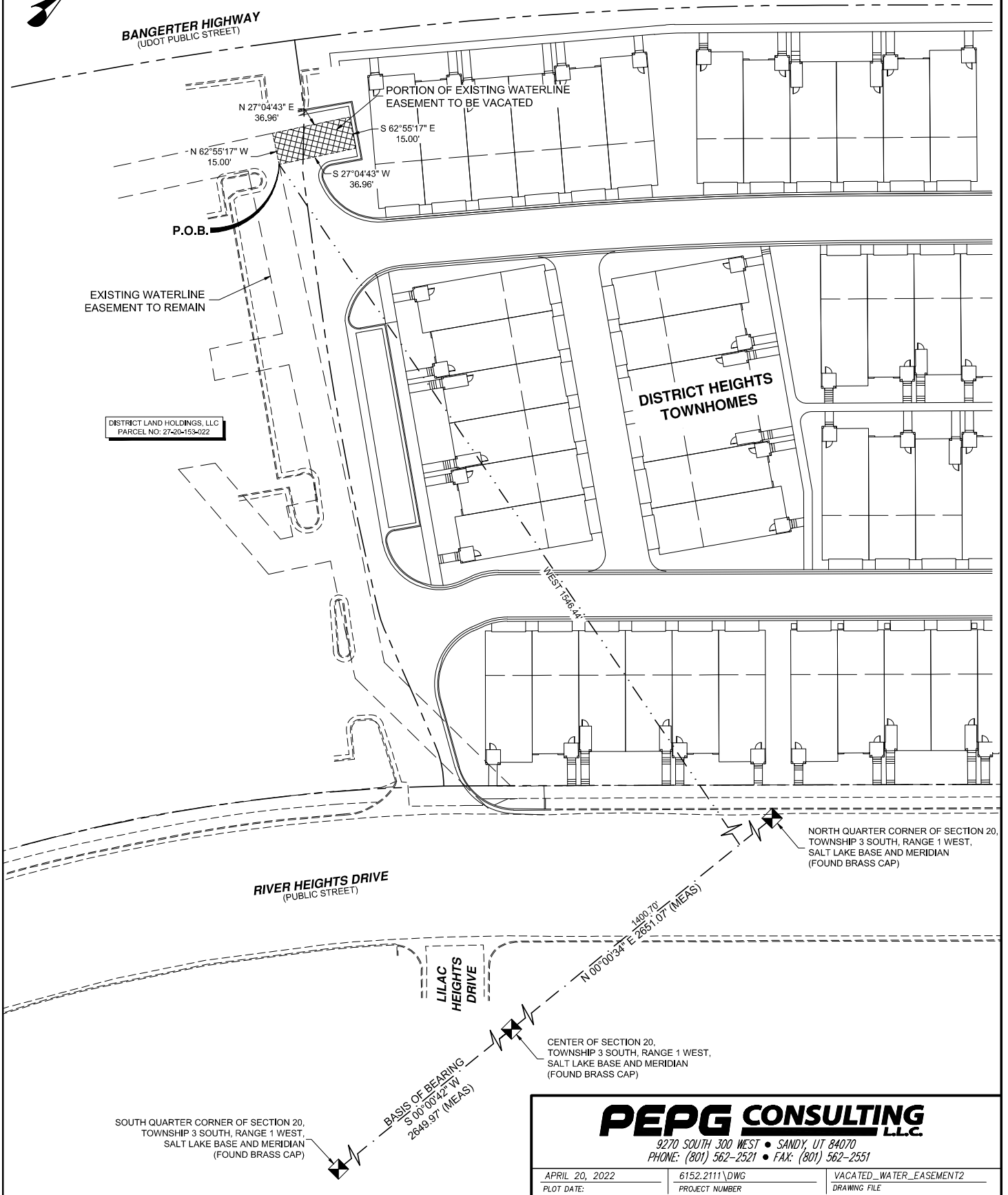
We are proposing to vacate the depicted easement in exhibit A of this letter. We are proposing a residential development at 11220 and 11210 S River Heights Dr. We would like to remove the stub and vacate the easement to clean up the site plan and avoid any damage to the line during construction. The current line is a stub that has never serviced a building. This would also avoid any issues with future maintenance and repair. We would like to get the approval to make the change and vacate the following easement:

**North Portion of Existing Waterline Easement to be Vacated**

Beginning at a point being North 00°00'34" East, along the section line, 1400.70 feet and West, 1546.44 feet from the Center of Section 20, Township 3 South, Range 1 West, Salt Lake Base and Meridian; and running thence North 62°55'17" West, 15.00 feet; thence North 27°04'43" East, 36.96 feet; thence South 62°55'17" East, 15.00 feet; thence South 27°04'43" West, 36.96 feet to the point of beginning.

Contains: 554 Sq. Ft.

# EXHIBIT-A PORTION OF EXISTING WATERLINE EASEMENT TO BE VACATED



**ORDINANCE NO. 2022-11**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, VACATING A PORTION OF THE WATERLINE EASEMENT GENERALLY LOCATED AT 11210 SOUTH RIVER HEIGHTS DR.**

**WHEREAS**, Utah Code §§ 10-9a-608, 609, and 609.5 require that any vacation of some or all of a public street, right-of-way, or easement, including those recorded by subdivision plat, within the City of South Jordan (the “City”) may only be approved by the City Council of the City of South Jordan (the “City Council”); and

**WHEREAS**, Ashley Atkinson (the “Applicant”), petitioned the City to vacate a portion of the Waterline Easement (Easement); and

**WHEREAS**, the City Council held a public hearing to consider Applicant’s petition to vacate the Easement; and

**WHEREAS**, the City Council finds that there is good cause to vacate the Easement and that neither the public interest nor any person will be materially injured by vacating the Easement.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH:**

**SECTION 1. Grant of Petition to Vacate.** The City Council hereby grants the Applicant’s petition to vacate the Easement by adopting this Ordinance, more particularly described as follows:

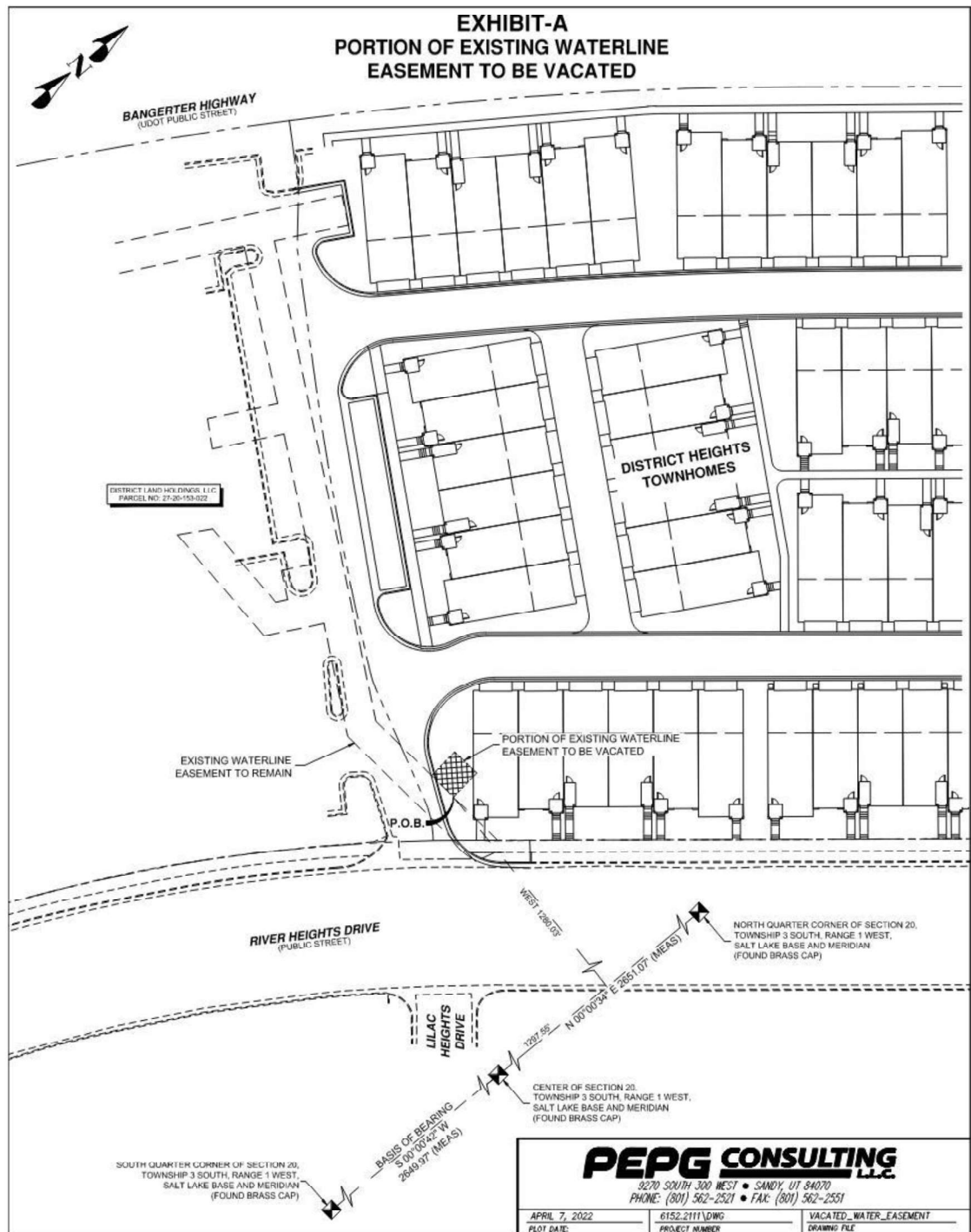
Beginning at a point being North 00°00’34” East, along the section line, 1297.55 feet and West, 1280.03 feet from the Center of Section 20, Township 3 South, Range 1 West, Salt Lake Base and Meridian; and running thence South 83°22’29” West, 15.00 feet; thence North 06°37’31” West, 16.33 feet; thence North 83°22’29” East, 15.00 feet; thence South 06°37’31” East, 16.33 feet to the point of beginning.

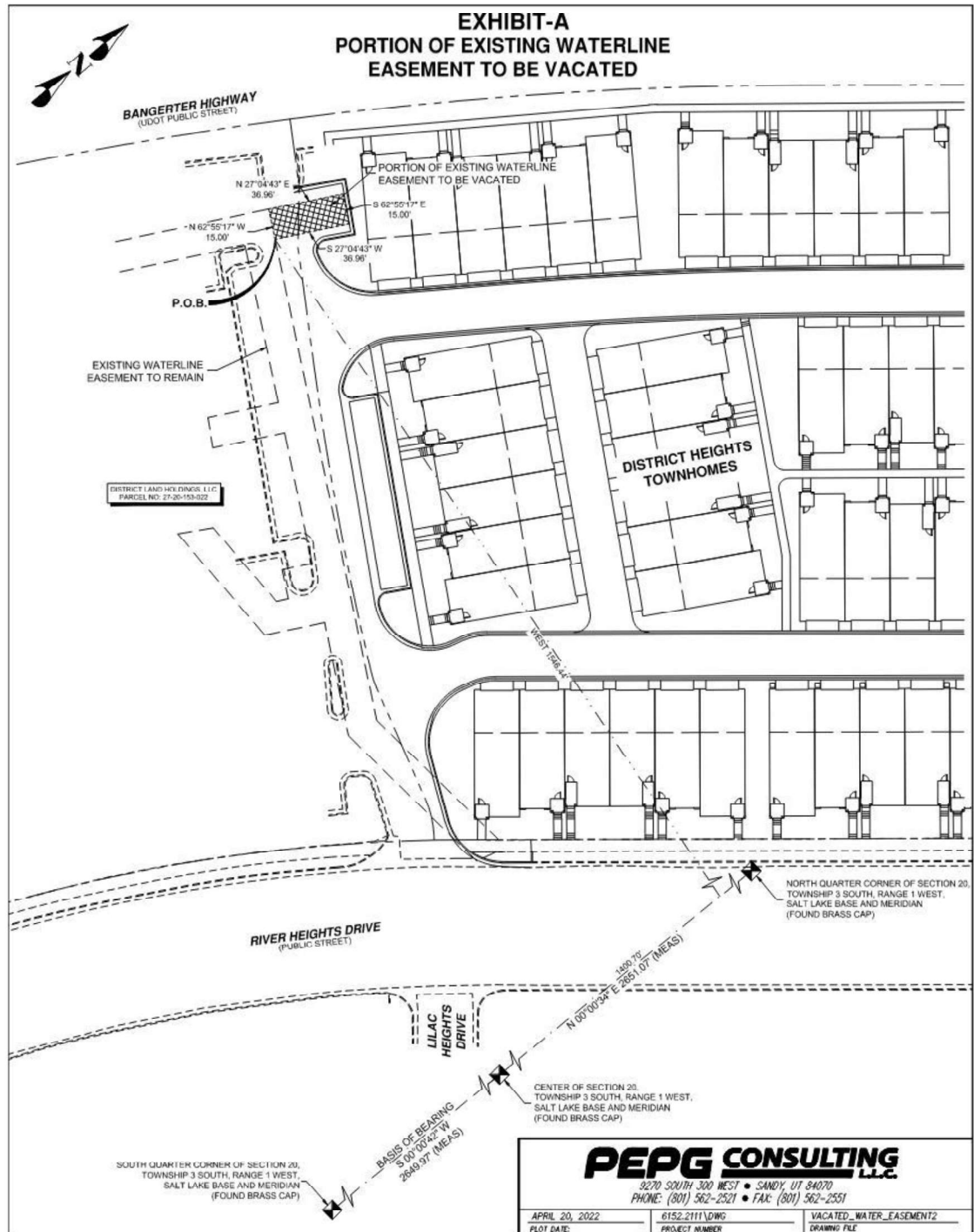
Contains: 245 Sq. Ft.

Beginning at a point being North 00°00’34” East, along the section line, 1400.70 feet and West, 1546.44 feet from the Center of Section 20, Township 3 South, Range 1 West, Salt Lake Base and Meridian; and running thence North 62°55’17” West, 15.00 feet; thence North 27°04’43” East, 36.96 feet; thence South 62°55’17” East, 15.00 feet; thence South 27°04’43” West, 36.96 feet to the point of beginning.

Contains: 554 Sq. Ft.







**SECTION 2. Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

**SECTION 3. Effective Date.** This Ordinance shall become effective upon recordation of this Ordinance or a subdivision plat showing the vacation of the Easement.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022 BY THE FOLLOWING VOTE:**

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	_____	_____	_____	_____
Bradley Marlor	_____	_____	_____	_____
Donald Shelton	_____	_____	_____	_____
Tamara Zander	_____	_____	_____	_____
Jason T. McGuire	_____	_____	_____	_____

Mayor: \_\_\_\_\_  
Dawn R. Ramsey

Attest: \_\_\_\_\_  
City Recorder

Approved as to form:

  
Gregory M Simonsen (Apr 27, 2022 21:17 MDT)  
\_\_\_\_\_  
Office of the City Attorney