

SOUTH JORDAN CITY CITY COUNCIL REPORT

Meeting Date: 03-19-24

Issue: DAYBREAK VILLAGE 15 PLAT 2 PROSPERITY ROAD ROW VACATION
Address: Approx. 11555 S Prosperity Road
File No: PLPLA202400030
Applicant: LHM Real Estate

Submitted by: Greg Schindler, City Planner
Presented by: Steven Schaefermeyer, Director of Planning

Staff Recommendation (Motion Ready):

- I move to **Approve** Ordinance 2024-07 vacating a portion of ROW along the west side of Prosperity Road at approximately 11555 S.

CURRENT USE	Public Street ROW
ADJACENT LAND USES	West – Future Daybreak Village 15 Plat 2 (Residential) East – Existing Daybreak Village 8 Plat 4D (Residential)

BACKGROUND:

The applicant, Larry H. Miller Real Estate, has petitioned the City to vacate a small portion of right-of-way (ROW) along the west side of Prosperity Road at approximately 11555 South. The ROW proposed for vacation was originally dedicated with the Daybreak West Villages Roadway Dedication Plat recorded in 2019. The proposed vacation covers approximately 9,438 sq. ft. and will not include any of the existing Prosperity Road roadway. The purpose of the ROW vacation is to establish through the recording of the Daybreak Village 15 Plat 2 subdivision, a park lot along the west side of Prosperity Road. The applicant's intent is to construct both a pedestrian sidewalk and a continuation of the Lake Avenue cycle track south toward 11800 S.

Should the ROW vacation be approved, the property will be deeded to the adjacent property owner, which is the applicant.

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, right-of-way, or 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 that there is good cause for vacating the right-of-way for the following reasons:
 - The proposed use of the property vacated will be a benefit to the general public and maintained by the owner.
 - No public interest or any person will be materially injured by the vacation of this segment of the right-of-way since it is currently undeveloped and its future development will meet City of South Jordan standards.

Conclusion:

- The proposed vacation of this portion of the right-of-way meets the requirements of Utah Code.

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, 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.

FISCAL IMPACT:

- There are no significant fiscal impacts.

ALTERNATIVES:

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

SUPPORT MATERIALS:

- Aerial Location Map
- Ordinance 2024-07

Approved by:

Steven Schaefermeyer
Steven Schaefermeyer (Mar 13, 2024 14:51 MDT)

Steven Schaefermeyer.
Director of Planning

March 13, 2024

Date

WHEN RECORDED RETURN TO:

CITY OF SOUTH JORDAN
ATTN: PLANNING DEPARTMENT
1600 W TOWNE CENTER DRIVE
SOUTH JORDAN, UT 84095

ORDINANCE 2024-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, VACATING A PORTION OF RIGHT-OF-WAY ON THE WEST SIDE OF PROSPERITY ROAD RUNNING SOUTH FROM LAKE AVENUE APPROXIMATELY 163 FEET

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, Larry H. Miller Real Estate (the “Applicant”), petitioned the City to vacate a portion of Prosperity Road right-of-way (ROW) running south of Lake Avenue for approximately 163 ft. (9,438 sq. ft.); and

WHEREAS, the City Council held a public hearing to consider Applicant’s petition to vacate the portion of ROW; and

WHEREAS, pursuant to Utah Code § 10-9a-609.5(3), the City Council finds that there is good cause to vacate the ROW and that neither the public interest nor any person will be materially injured by vacating the ROW.

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 portion of ROW by adopting this Ordinance, more particularly shown on the attached **Exhibit A**.

SECTION 2. Property Transfer. By adopting this Ordinance, ownership of the right-of-way being vacated by this ordinance and more particularly shown on the attached **Exhibit A**, will be transferred to VP Daybreak Investco 4 LLC.

SECTION 3. 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 4. Effective Date. This Ordinance shall become effective upon recordation of this Ordinance or a subdivision plat showing the vacation of ROW.

[SIGNATURE PAGE FOLLOWS]

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS _____ DAY OF _____, 2024 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	_____	_____	_____	_____
Kathie Johnson	_____	_____	_____	_____
Donald Shelton	_____	_____	_____	_____
Tamara Zander	_____	_____	_____	_____
Jason McGuire	_____	_____	_____	_____

Mayor: _____
Dawn R. Ramsey

Attest: _____

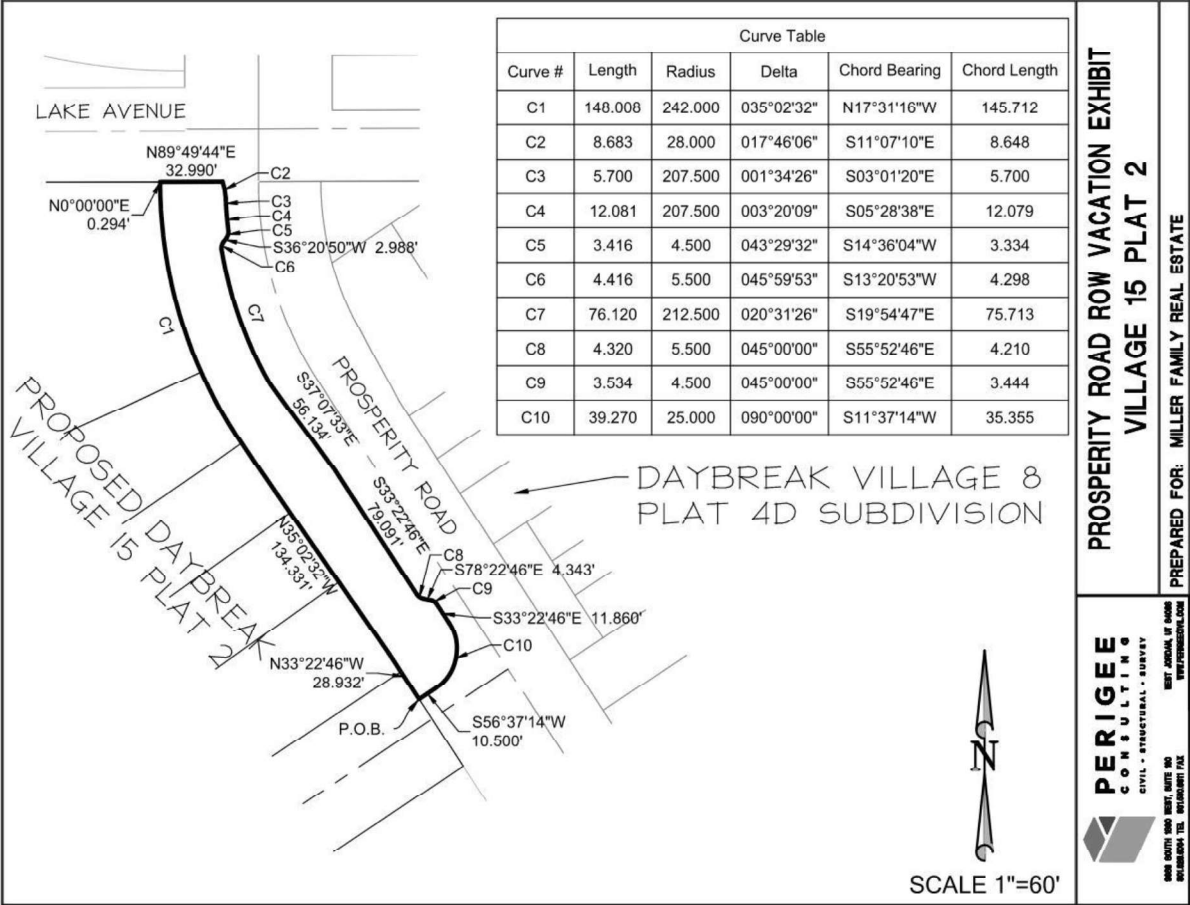
Approved as to form:



Gregory Simonsen (Mar 13, 2024 15:23 MDT)

Office of the City Attorney

Exhibit A



N:\00182 Daybreak\Cadd\Survey\Master\V15P2\Exhibit\2024-02-22 V15P2 ROW Vacation Exhibit.dwg, 2/22/2024 4:31:59 PM, DWG To PDF.pc3

V15P2 – Prosperity Road ROW Vacation Description

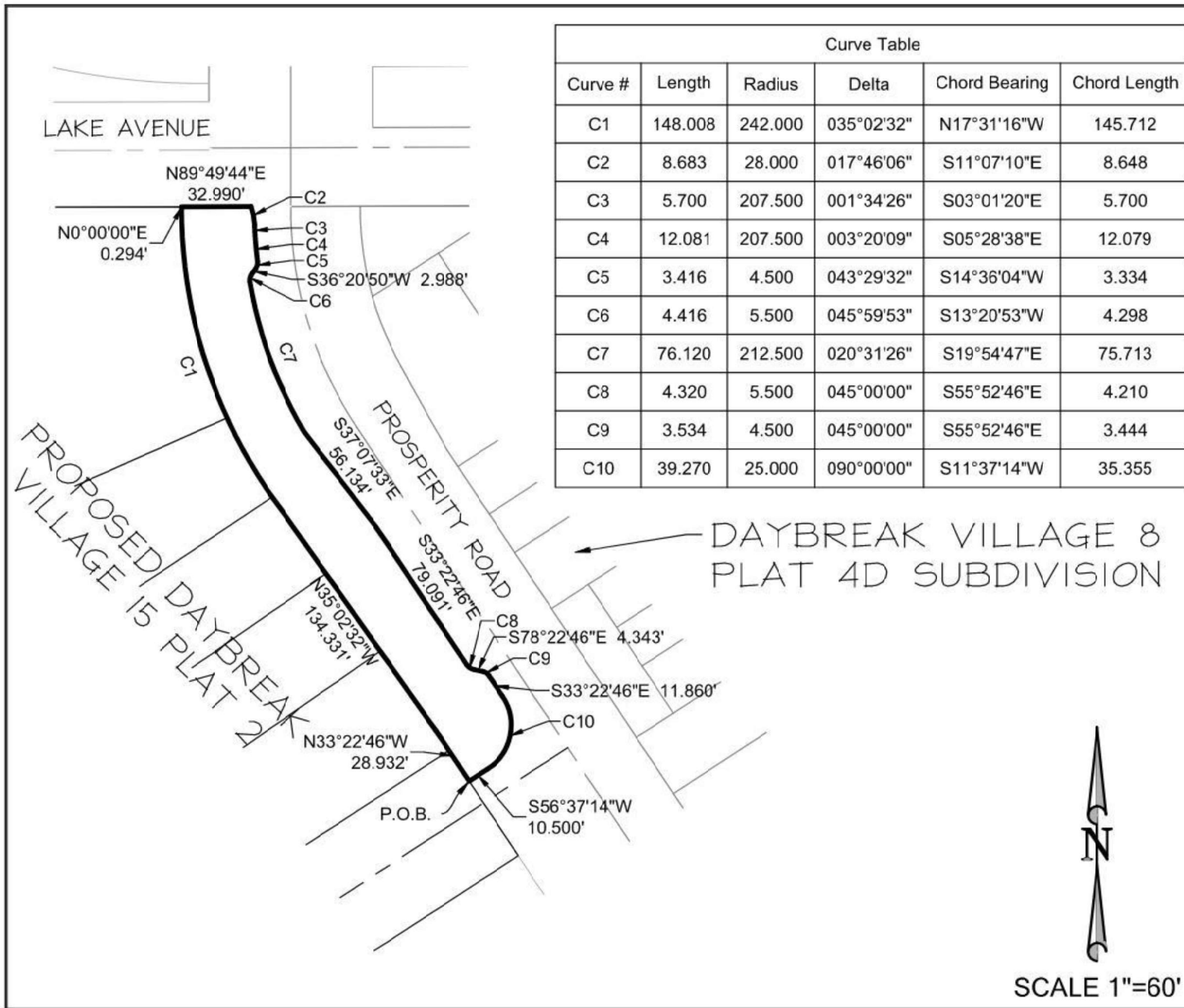
Beginning at a point on the Westerly Right-of-Way Line of Prosperity Road, said point lies South $89^{\circ}56'37''$ East 4833.606 feet along the Daybreak Baseline Southwest (Being South $89^{\circ}56'37''$ East 10583.405 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 23, T3S, R2W) and North 1299.797 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Prosperity Road the following (4) courses: 1) North $33^{\circ}22'46''$ West 28.932 feet; 2) North $35^{\circ}02'32''$ West 134.331 feet to a point on a 242.000 foot radius tangent curve to the right, (radius bears North $54^{\circ}57'28''$ East, Chord: North $17^{\circ}31'16''$ West 145.712 feet); 3) along the arc of said curve 148.008 feet through a central angle of $35^{\circ}02'32''$; 4) North 0.294 feet to the South Right-of-Way Line of Lake Avenue; thence along said Lake Avenue extended North $89^{\circ}49'44''$ East 32.990 feet to a point on a 28.000 foot radius non tangent curve to the right, (radius bears South $69^{\circ}59'47''$ West, Chord: South $11^{\circ}07'10''$ East 8.648 feet); thence along the arc of said curve 8.683 feet through a central angle of $17^{\circ}46'06''$ to a point of reverse curvature with a 207.500 foot radius tangent curve to the left, (radius bears North $87^{\circ}45'53''$ East, Chord: South $03^{\circ}01'20''$ East 5.700 feet); thence along the arc of said curve 5.700 feet through a central angle of $01^{\circ}34'26''$ to a point of compound curvature with a 207.500 foot radius tangent curve to the left, (radius bears North $86^{\circ}11'27''$ East, Chord: South $05^{\circ}28'38''$ East 12.079 feet); thence along the arc of said curve 12.081 feet through a central angle of $03^{\circ}20'09''$ to a point of reverse curvature with a 4.500 foot radius tangent curve to the right, (radius bears South $82^{\circ}51'18''$ West, Chord: South $14^{\circ}36'04''$ West 3.334 feet); thence along the arc of said curve 3.416 feet through a central angle of $43^{\circ}29'32''$; thence South $36^{\circ}20'50''$ West 2.988 feet to a point on a 5.500 foot radius tangent curve to the left, (radius bears South $53^{\circ}39'10''$ East, Chord: South $13^{\circ}20'53''$ West 4.298 feet); thence along the arc of said curve 4.416 feet through a central angle of $45^{\circ}59'53''$ to a point of compound curvature with a 212.500 foot radius tangent curve to the left, (radius bears North $80^{\circ}20'56''$ East, Chord: South $19^{\circ}54'47''$ East 75.713 feet); thence along the arc of said curve 76.120 feet through a central angle of $20^{\circ}31'26''$; thence South $37^{\circ}07'33''$ East 56.134 feet; thence South $33^{\circ}22'46''$ East 79.091 feet to a point on a 5.500 foot radius tangent curve to the left, (radius bears North $56^{\circ}37'14''$ East, Chord: South $55^{\circ}52'46''$ East 4.210 feet); thence along the arc of said curve 4.320 feet through a central angle of $45^{\circ}00'00''$; thence South $78^{\circ}22'46''$ East 4.343 feet to a point on a 4.500 foot radius tangent curve to the right, (radius bears South $11^{\circ}37'14''$ West, Chord: South $55^{\circ}52'46''$ East 3.444 feet); thence along the arc of said curve 3.534 feet through a central angle of $45^{\circ}00'00''$; thence South $33^{\circ}22'46''$ East 11.860 feet to a point on a 25.000 foot radius tangent curve to the right, (radius bears South $56^{\circ}37'14''$ West, Chord: South $11^{\circ}37'14''$ West 35.355 feet); thence along the arc of said curve 39.270 feet through a central angle of $90^{\circ}00'00''$; thence South $56^{\circ}37'14''$ West 10.500 feet to the point of beginning.

Property contains 0.217 acres, 9438 square feet.



Location Map





**PROSPERITY ROAD ROW VACATION EXHIBIT
VILLAGE 15 PLAT 2**

PREPARED FOR: MILLER FAMILY REAL ESTATE



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