

SOUTH JORDAN CITY CITY COUNCIL REPORT

Meeting Date: 06-17-25

Issue: DAYBREAK TOWN CENTER ROW VACATIONS
File No: PLRWV202500021
Applicant: LHM Real Estate

Submitted by: Greg Schindler, City Planner

Presented by: Brian Preece, Director of Planning & Economic Development

Staff Recommendation (Motion Ready):

- I move to **Approve** Ordinance 2025-02 vacating small portions of right-of-way within the Daybreak Town Center along Grandville Avenue, Black Twig Drive and Betz Way.
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BACKGROUND:

The applicant, Larry H. Miller Real Estate, has petitioned the City to vacate seven small sections of right-of-way along Grandville Avenue, Black Twig Drive and Betz Way. The proposed vacations cover approximately 0.902 acres. The purpose of the ROW vacations is to accommodate the urban design of the street and sidewalk sections in the urban core of the Daybreak town center. If the right-of-way vacation is 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(4) 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:
 - In order to accommodate urban design and construction in the town center area of Daybreak, it is essential that several sections of non-street right-of-way and easements be vacated by the City.
 - No public interest or any person will be materially injured by the vacation since with future development, new public utility and sidewalk easements will be dedicated to meet City of South Jordan standards.

Conclusion:

- The proposed vacations of these portions of right-of-way meet 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 2025-02

WHEN RECORDED RETURN TO:

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

ORDINANCE 2025-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, VACATING SMALL PORTIONS OF RIGHT-OF-WAY IN THE DAYBREAK TOWN CENTER ALONG GRANDVILLE AVENUE, BLACK TWIG DRIVE AND BETZ WAY.

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 small portions of right-of-way (ROW) within the Daybreak Town Center along Grandville Avenue, Black Twig Drive and Betz Way. (0.902 Ac.); 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(4), 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 portions 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 Devco 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 _____, 2025 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
Gregory Simonsen (Jun 9, 2025 11:50 MDT)
Office of the City Attorney

Exhibit A

Grandville Avenue ROW Vacation Description

Grandville Avenue Right-of-Way Vacation No. 1 (G.A.1)

Beginning at the intersection of the Southeast Right-of-Way Line of Lake Avenue and the Southwest Right-of-Way Line of Grandville Avenue, said point lies South 89°55'30" East 1846.520 feet along the Daybreak Baseline Southeast (Basis of bearings is South 89°55'30" East 10641.888' between Southwest Corner of Section 24, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 3923.122 feet from the Southwest Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 53°27'06" East 6.119 feet to a point on a 24.500 foot radius non tangent curve to the right, (radius bears South 05°32'45" East, Chord: South 82°38'55" East 10.937 feet); thence along the arc of said curve 11.030 feet through a central angle of 25°47'39"; thence South 36°32'54" East 57.299 feet to a point on a 35049.500 foot radius tangent curve to the left, (radius bears North 53°27'06" East, Chord: South 36°38'04" East 105.249 feet); thence along the arc of said curve 105.249 feet through a central angle of 00°10'19"; thence South 36°43'14" East 463.020 feet; thence South 53°16'46" West 14.000 feet to a point on the extension of the said Southwest Right-of-Way Line of Grandville Avenue; thence along said Grandville Avenue and Grandville Avenue extended the following (3) courses: 1) North 36°43'14" West 463.020 feet to a point on a 35063.500 foot radius tangent curve to the right, (radius bears North 53°16'46" East, Chord: North 36°38'04" West 105.291 feet); 2) along the arc of said curve 105.291 feet through a central angle of 00°10'19"; 3) North 36°32'54" West 64.883 feet to the point of beginning.

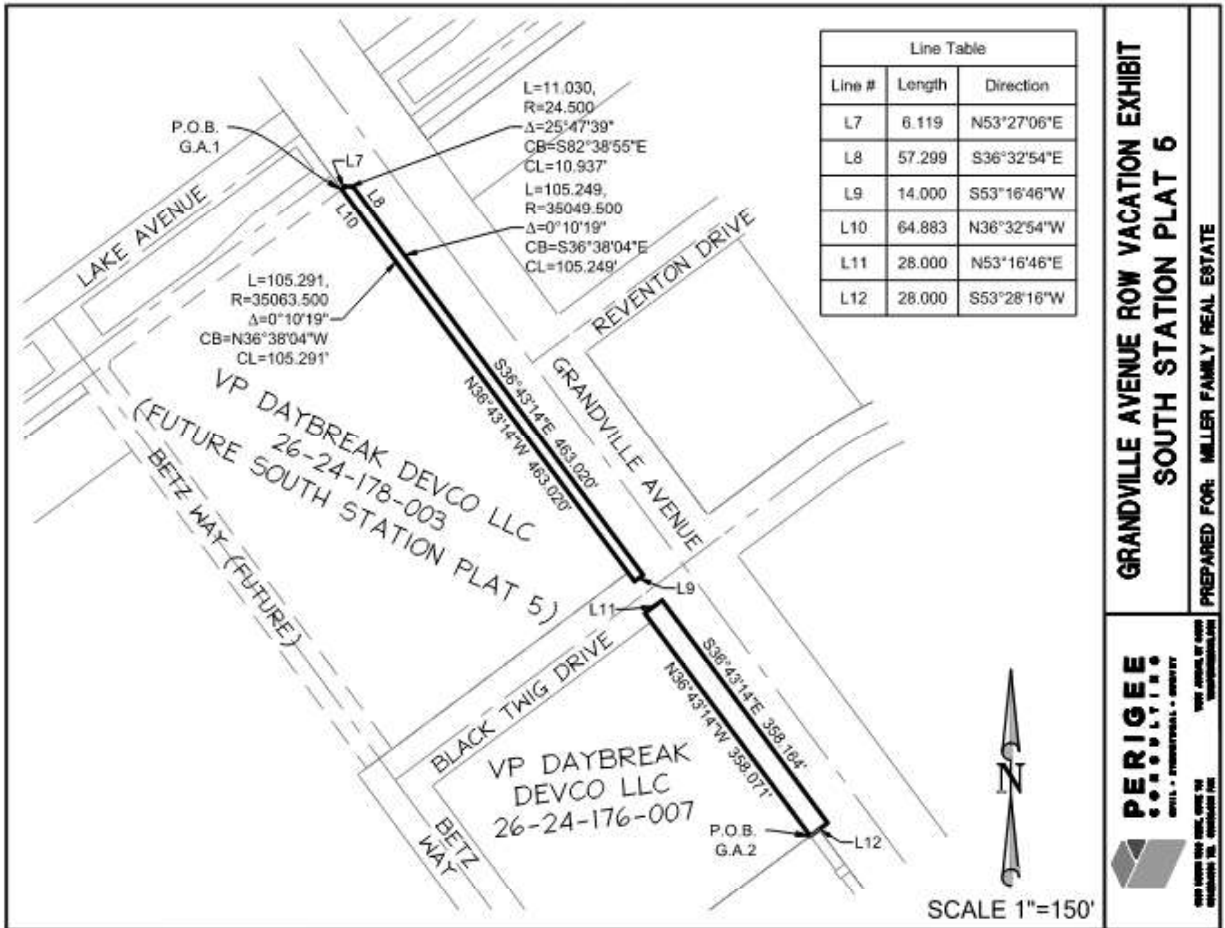
Property contains 0.203 acres, 8839 square feet.

Grandville Avenue Right-of-Way Vacation No. 2 (G.A.2)

Beginning at the East Corner of Lot C-103 of Daybreak South Station Plat 3, said point also being on the Southwest Right-of-Way Line of Grandville Avenue, said point lies South 89°55'30" East 2452.220 feet along the Daybreak Baseline Southeast (Basis of bearings is South 89°55'30" East 10641.888' between Southwest Corner of Section 24, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 3087.910 feet from the Southwest Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Grandville Avenue and Grandville Avenue extended North 36°43'14" West 358.071 feet; thence North 53°16'46" East 28.000 feet; thence South 36°43'14" East 358.164 feet to a point on the extension of the Southeast Line of said Lot C-103; thence along said Lot C-103 extended South 53°28'16" West 28.000 feet to the point of beginning.

Property contains 0.230 acres, 10027 square feet.

Grandville Avenue ROW Vacation Exhibit



Betz Way ROW Vacation Description

Betz Way Right-of-Way Vacation No. 1 (B.W.1)

Beginning at the West Corner of Lot C-103 of Daybreak South Station Plat 3, said point also being on the Northeast Right-of-Way Line of Betz Way, said point lies South 89°55'30" East 1963.772 feet along the Daybreak Baseline Southeast (Basis of bearings is South 89°55'30" East 10641.888' between Southwest Corner of Section 24, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 3152.171 feet from the Southwest Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Betz Way South 36°32'54" East 342.879 feet to the Southeast Line of the Daybreak South Station Plat 3 subdivision; thence along said Daybreak South Station Plat 3 South 53°27'06" West 14.000 feet; thence North 36°32'54" West 342.837 feet to an extension of the Southeast Right-of-Way Line of Black Twig Drive; thence along said Black Twig Drive extended North 53°16'46" East 14.000 feet to the point of beginning.

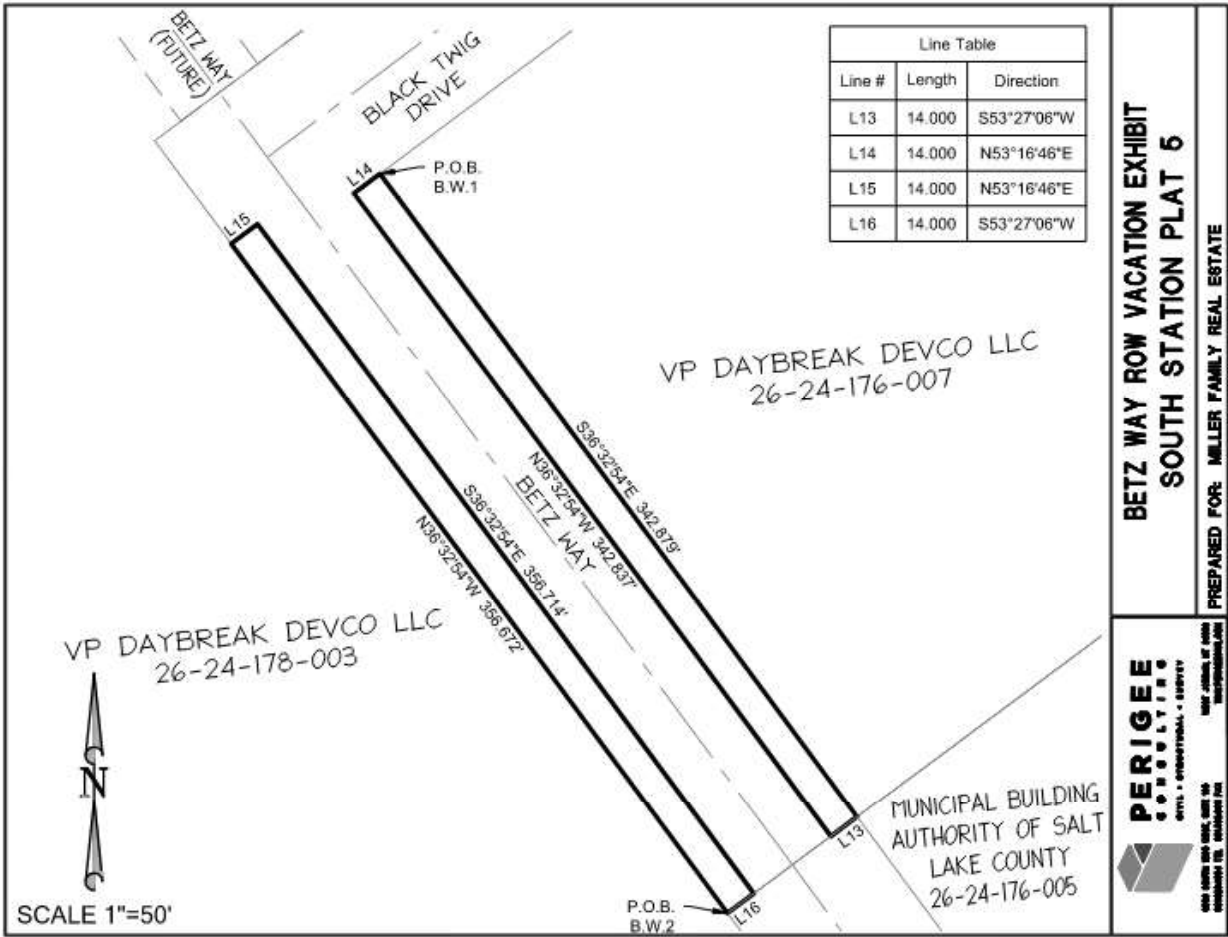
Property contains 0.110 acres, 4800 square feet.

Betz Way Right-of-Way Vacation No. 2 (B.W.2)

Beginning at the South Corner of the Daybreak South Station Plat 3 subdivision, said point lies South 89°55'30" East 2112.526 feet along the Daybreak Baseline Southeast (Basis of bearings is South 89°55'30" East 10641.888' between Southwest Corner of Section 24, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 2835.823 feet from the Southwest Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Daybreak South Station Plat 3 North 36°32'54" West 356.672 feet; thence North 53°16'46" East 14.000 feet; thence South 36°32'54" East 356.714 feet to the Southeast Line of said Daybreak South Station Plat 3; thence along said Daybreak South Station Plat 3 South 53°27'06" West 14.000 feet to the point of beginning.

Property contains 0.115 acres, 4994 square feet.

Betz Way ROW Vacation Exhibit



Black Twig Drive ROW Vacation Description

Black Twig Drive Right-of-Way Vacation No. 1 (B.T.1)

Beginning at a point on the Northwest Right-of-Way Line of Black Twig Drive, said point lies South 89°55'30" East 1911.460 feet along the Daybreak Baseline Southeast (Basis of bearings is South 89°55'30" East 10641.888' between Southwest Corner of Section 24, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 3199.163 feet from the Southwest Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Black Twig Drive North 53°16'46" East 380.508 feet to the Southwest Right-of-Way Line of Grandville Avenue; thence along said Grandville Avenue South 36°43'14" East 14.000 feet; thence South 53°16'46" West 380.550 feet; thence North 36°32'54" West 14.000 feet to the point of beginning.

Property contains 0.122 acres, 5327 square feet.

Black Twig Drive Right-of-Way Vacation No. 2 (B.T.2)

Beginning at the intersection of the Northwest Right-of-Way Line of Black Twig Drive and the Southwest Right-of-Way Line of Betz Way, said point lies South 89°55'30" East 1867.374 feet along the Daybreak Baseline Southeast (Basis of bearings is South 89°55'30" East 10641.888' between Southwest Corner of Section 24, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 3166.220 feet from the Southwest Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Black Twig Drive North 53°16'46" East 14.000 feet; thence South 36°32'54" East 14.000 feet; thence South 53°16'46" West 14.000 feet to said Southwest Right-of-Way Line of Betz Way; thence along said Betz Way North 36°32'54" West 14.000 feet to the point of beginning.

Property contains 0.004 acres, 196 square feet.

Black Twig Drive Right-of-Way Vacation No. 3 (B.T.3)

Beginning at the North Corner of Lot C-103 of Daybreak South Station Plat 3, said point also being on the Southeast Right-of-Way Line of Black Twig Drive, said point lies South 89°55'30" East 2246.495 feet along the Daybreak Baseline Southeast (Basis of bearings is South 89°55'30" East 10641.888' between Southwest Corner of Section 24, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 3363.435 feet from the Southwest Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Black Twig Drive and Black Twig Drive extended South 53°16'46" West 366.715 feet; thence North 36°32'54" West 14.000 feet; thence North 53°16'46" East 366.673 feet to a point on the extension of the Southwest Right-of-Way Line of Grandville Avenue; thence along said Grandville Avenue extended South 36°43'14" East 14.000 feet to the point of beginning.

Property contains 0.118 acres, 5134 square feet.

Black Twig Drive ROW Vacation Exhibit

