

SOUTH JORDAN CITY CITY COUNCIL REPORT

Meeting Date: 01-07-2025

Issue: DAYBREAK VILLAGE 12A PLAT 5 ZIGGY LANE ROW VACATION
File No: PLPLA202400182
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 2025-03 vacating a small portion of right-of-way along the east side of Ziggy Lane located approximately at 11160 South 7120 West.
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BACKGROUND:

The applicant, Larry H. Miller Real Estate, has petitioned the City to vacate a very small triangular shaped portion of unpaved right-of-way along the east side of Ziggy Lane located at approximately 11160 South 7120 West. The proposed vacation covers approximately 128.39 sq. ft. The purpose of the ROW vacation is to accommodate a larger lot than was originally planned when the section of roadway was dedicated. 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 a larger lot size than previously planned for adjacent to the lane, it is essential that the small portion right-of-way be vacated by the City.
 - No public interest or any person will be materially injured by the vacation since the width of the lane will continue to meet the standard width requirement.

Conclusion:

- The proposed vacation of the portion of 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 2025-03

Approved by:

Steven Schaefermeyer
Steven Schaefermeyer (Dec 30, 2024 08:05 MST)

Steven Schaefermeyer.
Director of Planning

December 30, 2024

Date

WHEN RECORDED RETURN TO:

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

ORDINANCE 2025-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, VACATING A PORTION OF RIGHT-OF-WAY ON THE EAST SIDE OF ZIGGY LANE.

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 Ziggy Lane right-of-way (ROW) located at the current northern terminus of the lane. (129 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 on the east side of Ziggy lane as 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:


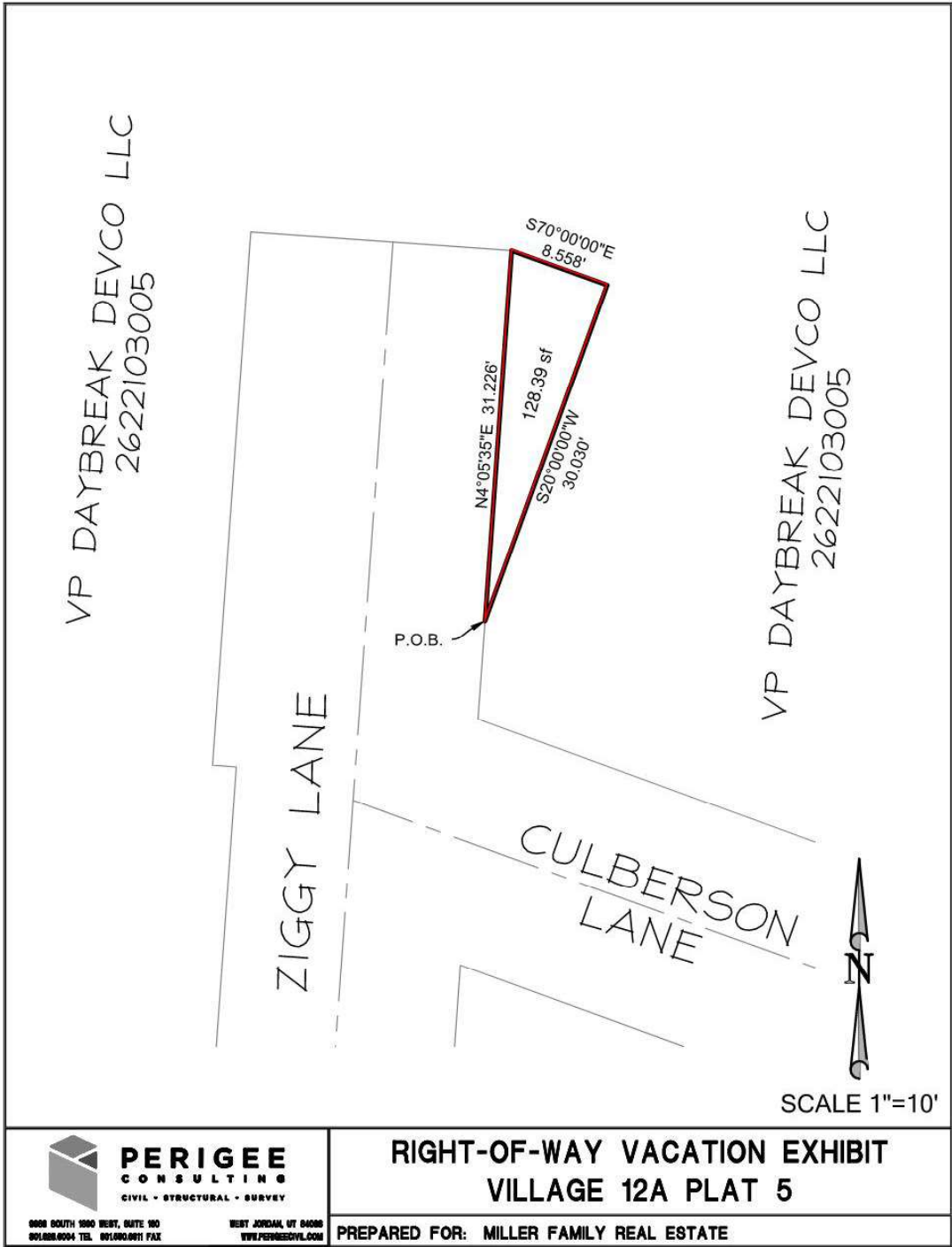

GREGORY SIMONSEN (Dec 30, 2024 08:17 MST)
Office of the City Attorney

Exhibit A



VILLAGE 12A PLAT 5

ZIGGY LANE RIGHT-OF-WAY VACATION

Beginning at a point on the Easterly Right-of-Way Line of Ziggy Lane, said point lies South $89^{\circ}56'37''$ East 667.181 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 4211.549 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North $04^{\circ}05'35''$ East 31.226 feet to a point on the Northerly Right-of-Way Line of said Ziggy Lane; thence along said Ziggy Lane the following (2) courses: 1) South $70^{\circ}00'00''$ East 8.558 feet; 2) South $20^{\circ}00'00''$ West 30.030 feet to the point of beginning.

Property contains 0.003 acres, 129 square feet.

