

SOUTH JORDAN CITY CITY COUNCIL REPORT

Meeting Date: 01-16-23

Issue: FLYING FISH DRIVE RIGHT-OF-WAY VACATION
Address: Approx. 11375 South 6750 West
File No: PLPLA202300065
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 2024-03 vacating a segment of Flying Fish Drive between Lake Avenue and Meadow Grass Drive.
-

CURRENT LU DESIGNATION	Public and Mixed Use
CURRENT ZONING	Planned Community (PC)
CURRENT USE	Public Street
ADJACENT LAND USES	Currently Vacant – Between Future Elementary School and Mixed Use Development

BACKGROUND:

The applicant, Larry H. Miller Real Estate, has petitioned the City to vacate the entire segment of Flying Fish Drive between Lake Avenue and Meadow Grass Drive. The area covered by the proposed right-of-way (ROW) is 1.511 acres. The plat establishing this segment of Flying Fish Drive was the West Villages Roadway Dedication Plat that was recorded in August of 2019. The section of ROW proposed for vacation is located between property owned by the Jordan School District and property owned by LHM Real Estate. The applicant has submitted a subdivision application for Daybreak Village 15 Plat 1 showing the realignment of a portion of Flying Fish Drive, a reconfiguration of the School District lot and a future model home village.

Should the ROW vacation be approved, the property will be deeded equally to the adjacent property owners. The segment of the road that is proposed to be vacated has not yet been constructed. However, there is an existing City water line that is within the existing ROW. The water line will be abandoned by the City and the applicant has agreed to bond for, re-construct and connect the water line within ROW proposed on the Daybreak Village 15 Plat 1 subdivision.

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 reason:
 - The proposed location of a new Model Home Village will require the reconfiguration of the future school property, thus changing the street grid in the area.

- 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 segment 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
- Proposed Subdivision Showing Street Re-alignment
- Ordinance 2024-03

Approved by:

Steven Schaefermeyer
Steven Schaefermeyer (Jan 9, 2024 16:11 MST)

Steven Schaefermeyer.
Director of Planning

January 9, 2024

Date

WHEN RECORDED RETURN TO:

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

ORDINANCE 2024-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, VACATING A SEGMENT OF FLYING FISH DRIVE BETWEEN LAKE AVENUE AND MEADOW GRASS DRIVE

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 the entire segment of Flying Fish Drive (1.511 ac.) between Lake Avenue (11545 S) and Meadow Grass Drive (11695 S); 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 said 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. 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 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

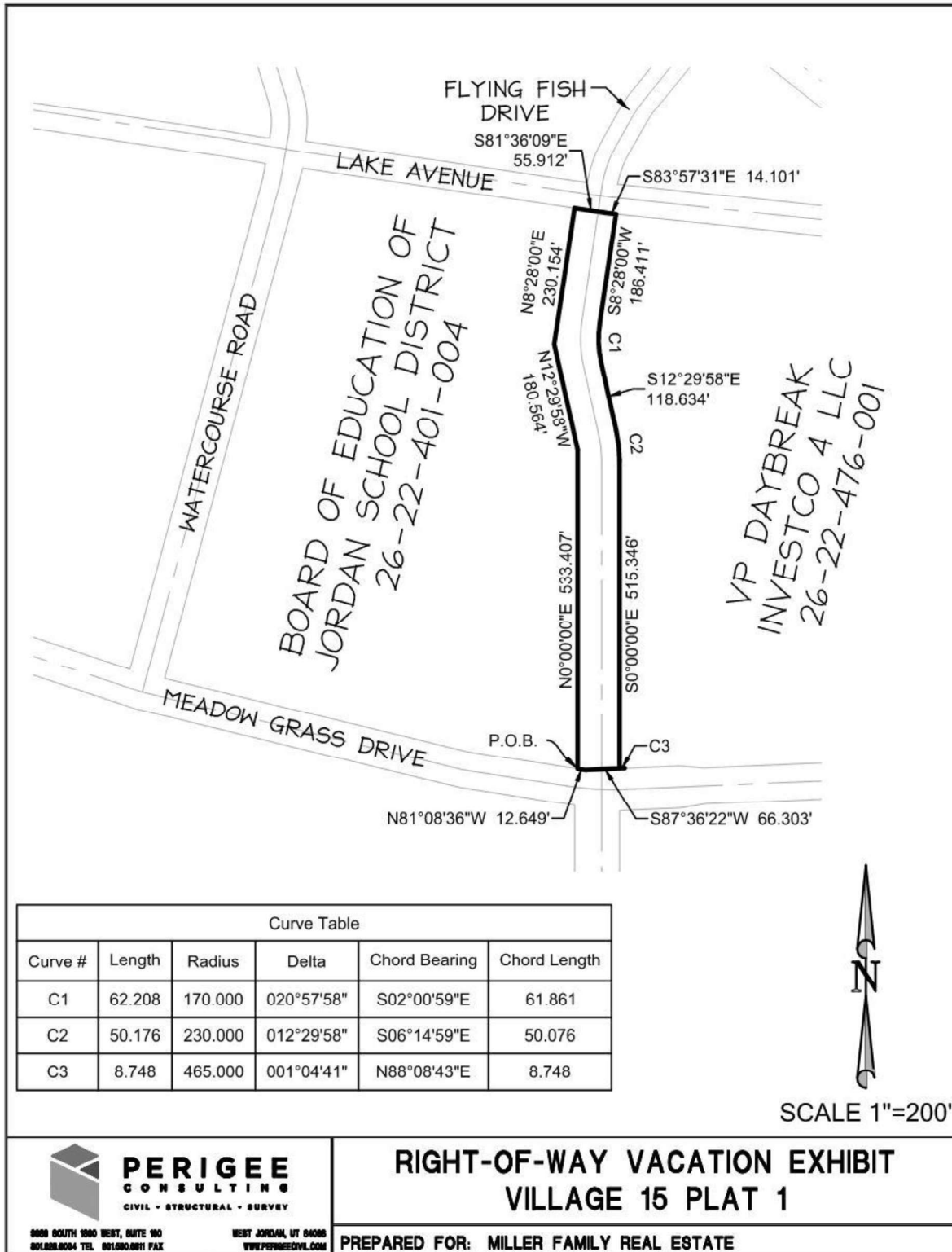
Attest: _____

Approved as to form:

Gregory Simonsen
Gregory Simonsen (Jan 9, 2024 16:33 MST)

Office of the City Attorney

Exhibit A

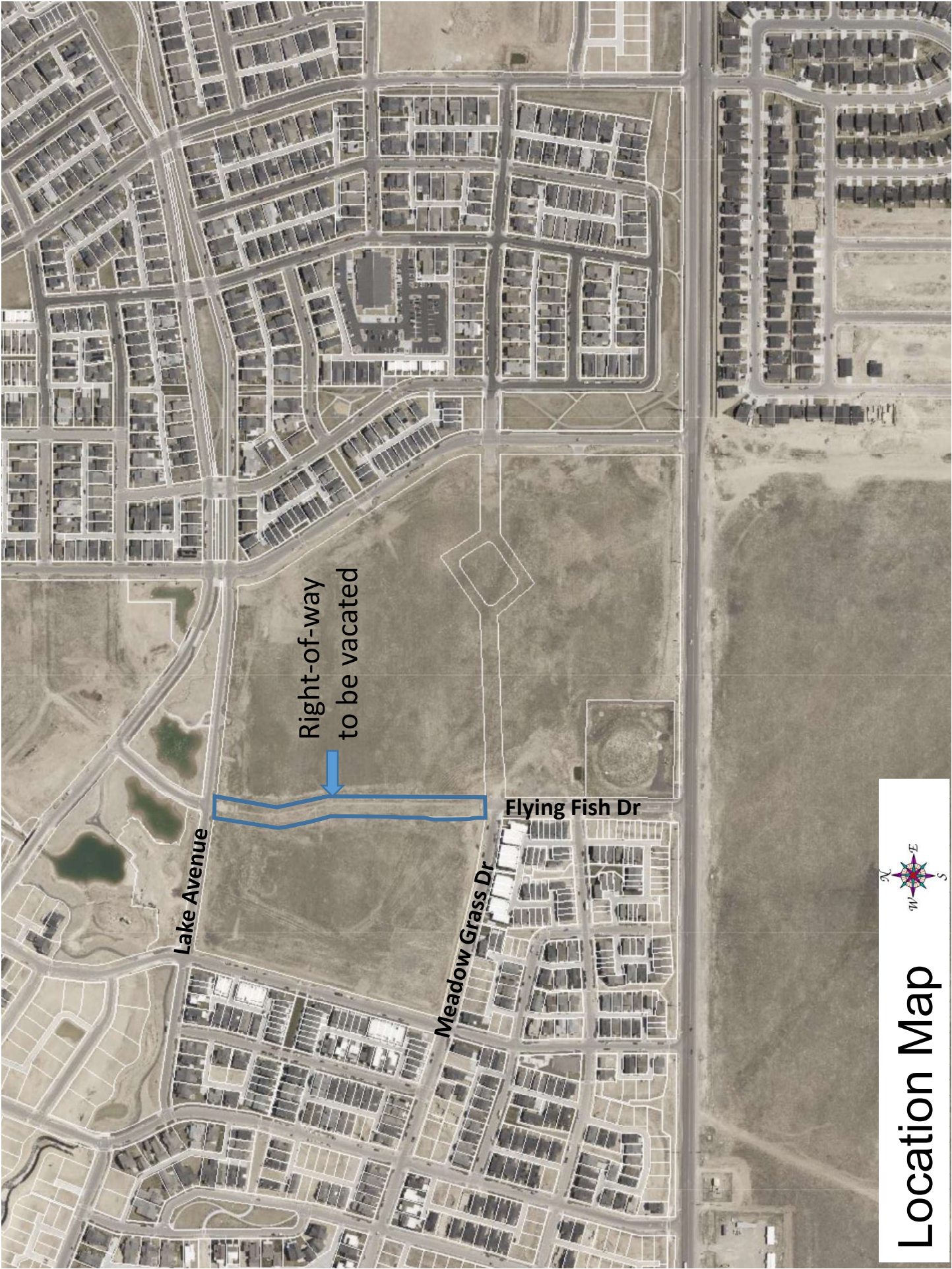


N:\00182 Daybreak\Cadd\Survey\Master\V15P1\Exhibit\2023-10-10 V15P1 ROW Vacation Exhibit.dwg, 11/13/2023 3:28:06 PM, DWG To PDF.pc3

Village 15 Plat 1 Right-of-Way Vacation Description

Beginning at the Southeast Corner of Lot C-102 of the Daybreak Village 8, Village 9 & Village 13 School Sites Subdivision, said point also being the intersection of the Northerly Right-of-Way Line of Meadow Grass Drive and the Westerly Right-of-Way Line of Flying Fish Drive, said point lies South $89^{\circ}56'37''$ East 3901.887 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 712.560 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Flying Fish Drive the following (3) courses: 1) North 533.407 feet; 2) North $12^{\circ}29'58''$ West 180.564 feet; 3) North $08^{\circ}28'00''$ East 230.154 feet to the Southerly Right-of-Way Line of Lake Avenue; thence along Lake Avenue the following (2) courses: 1) South $81^{\circ}36'09''$ East 55.912 feet; 2) South $83^{\circ}57'31''$ East 14.101 feet to the Easterly Right-of-Way Line of said Flying Fish Drive; thence along said Flying Fish Drive the following (5) courses: 1) South $08^{\circ}28'00''$ West 186.411 feet to a point on a 170.000 foot radius tangent curve to the left, (radius bears South $81^{\circ}32'00''$ East, Chord: South $02^{\circ}00'59''$ East 61.861 feet); 2) along the arc of said curve 62.208 feet through a central angle of $20^{\circ}57'58''$; 3) South $12^{\circ}29'58''$ East 118.634 feet to a point on a 230.000 foot radius tangent curve to the right, (radius bears South $77^{\circ}30'02''$ West, Chord: South $06^{\circ}14'59''$ East 50.076 feet); 4) along the arc of said curve 50.176 feet through a central angle of $12^{\circ}29'58''$; 5) South 515.346 feet to the Northerly Right-of-Way Line of said Meadow Grass Drive and a point on a 465.000 foot radius non tangent curve to the left, (radius bears North $01^{\circ}18'57''$ West, Chord: North $88^{\circ}08'43''$ East 8.748 feet); thence along said Meadow Grass Drive and the arc of said curve 8.748 feet through a central angle of $01^{\circ}04'41''$; thence South $87^{\circ}36'22''$ West 66.303 feet; thence North $81^{\circ}08'36''$ West 12.649 feet to the point of beginning.

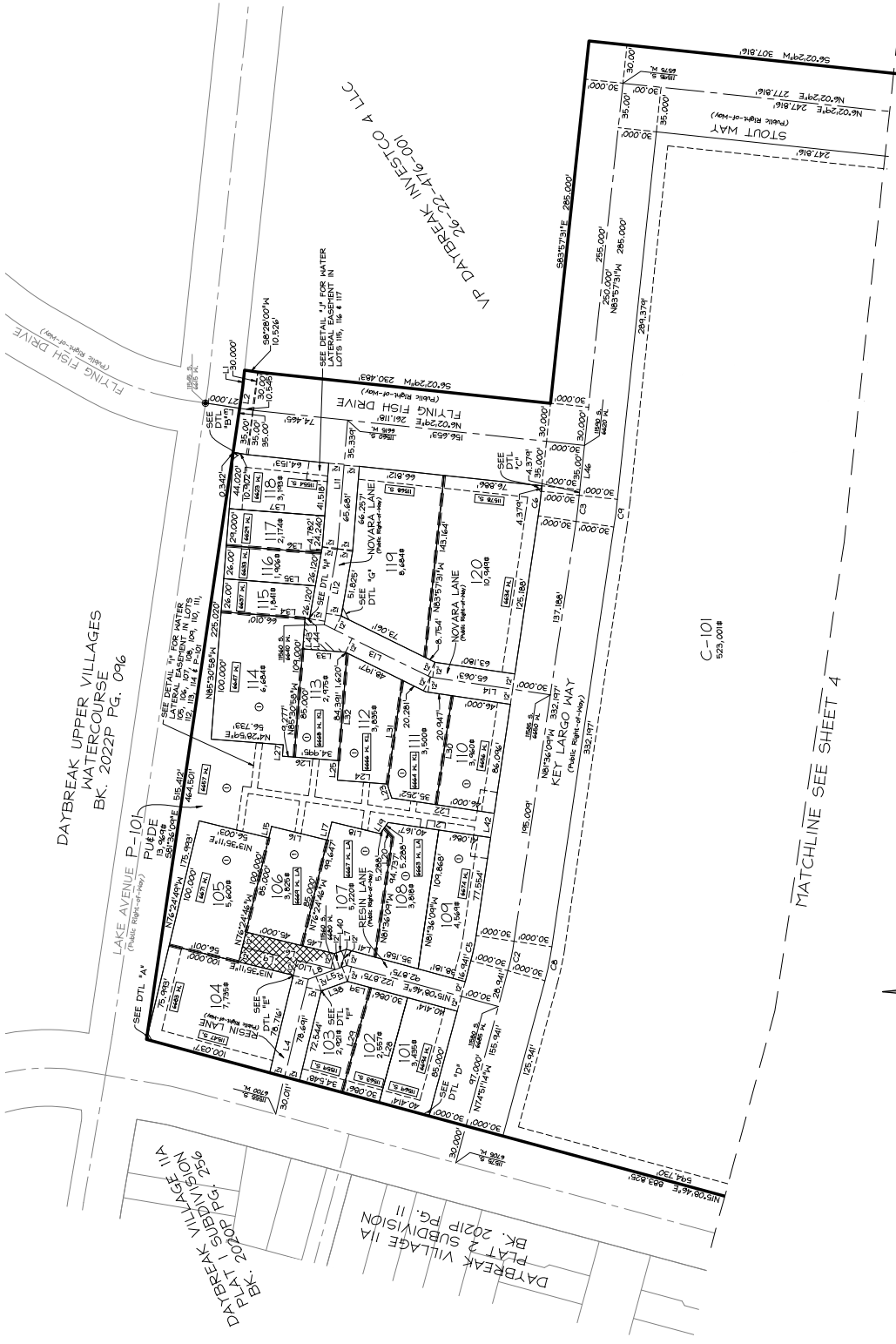
Property contains 1.511 acres.



Location Map

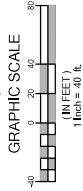
A compass rose with a star-like center, indicating the cardinal directions: North (N), South (S), East (E), and West (W).

DAYBREAK UPPER VILLAGES
WATERCOURSE
BK. 2022P PG. 096



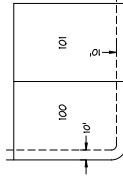
LEGEND

- FOUND SALT LAKE COUNTY SECTION CORNER
- PROPOSED STREET MONUMENT
- EXISTING STREET MONUMENT
- ADDRESS WITH ABBREVIATION OF STREET OR LANE
- 1" DRAINAGE EASEMENT PARALLEL TO LOT LINE (UNLESS NOTED OTHERWISE)
- PUBLIC RIGHT-OF-WAY: SOUTH JORDAN CITY WILL NOT PROVIDE GARBAGE COLLECTION IN THESE AREAS. ARE THE RESPONSIBILITY OF THE ADJACENT OWNER. CANALS MUST BE MAINTAINED THROUGH PORTION OF THE ADJACENT LOT.
- PRIVATE RIGHT-OF-WAY



DRAINAGE EASEMENTS

① Z-RIDE DRAINAGE EASEMENT IN FAVOR OF LOT LINES FOR SAID LOTS

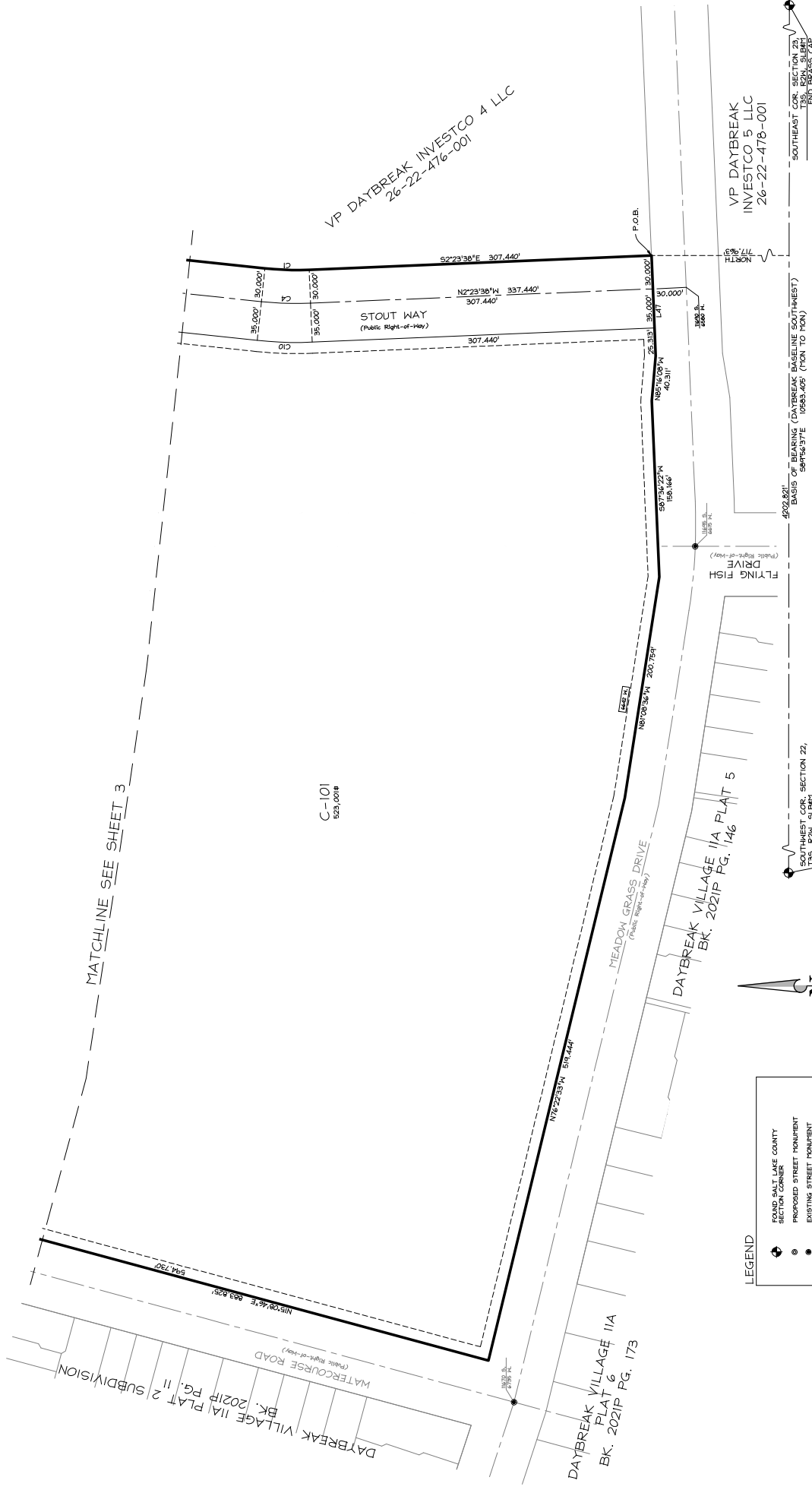


PUBLIC UTILITY EASEMENTS
TYPICAL
(UNLESS OTHERWISE NOTED)

DAYBREAK VILLAGE 15 PLAT 1
VACATING AND RE-CONVEYING THE DAYBREAK VILLAGE 9, VILLAGE 9 & VILLAGE 13 SCHOOL SITES SUBDIVISION, ALSO ATTENDING A PORTION OF LOT 201 OF THE V.P. DAYBREAK OPERATIONS-INVESTMENTS PLAT 1 SUBDIVISION Located in the Southwest Quarter of Section 22, T35, R24N, S4E, Salt Lake County, Utah.

SALT LAKE COUNTY RECORDS
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF: _____
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
FEE \$ _____
DEPUTY, SALT LAKE COUNTY RECORDER

PERIGEE CONSULTING
CIVIL • STRUCTURAL • ENERGY
8000 SOUTH 1200 WEST, SUITE 100
SALT LAKE CITY, UT 84119
WWW.PERIGEECONSULTING.COM



MATCHLINE SEE SHEET 3

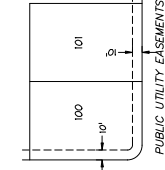
VP DAYBREAK INVESTCO 4 LLC
26-22-476-001

VP DAYBREAK
INVESTCO 5 LLC
26-22-478-001

Sheet 4 of 8

DAYBREAK VILLAGE IS PLAT 1 AND 2, VACATING AND RESERVING THE DAYBREAK VILLAGE 9, VILLAGE 9 & 4 VILLAGE 13 SCHOOL SITES SUBDIVISION, ALSO ATTENDING A PORTION OF LOT 201 OF THE VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1 SUBDIVISION Located in the Southeast Quarter of Section 22, T35, R24N, S1. CO. MONUMENT

SALT LAKE COUNTY RECORDER
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF:
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
FEE \$ _____



- LEGEND**
- FOUND SALT LAKE COUNTY SECTION CORNER
 - PROPOSED STREET MONUMENT
 - EXISTING STREET MONUMENT
 - ADDRESS WITH ABBREVIATION OF STREET OR LANE
 - 1" DRAINAGE EASEMENT PARALLEL TO LOT LINE (UNLESS NOTED OTHERWISE)
 - PUBLIC RIGHT-OF-WAY
 - NOT PROVIDE EASEMENT WITH ABBREVIATION OF STREET OR LANE
 - SMALL REPAIRS AND STREET SLEEPING
 - AND THE RESPONSIBILITY OF THE ADJACENT LAND MUST BE PLACED ON THE ADJACENT LAND OR STREET.
 - PRIVATE RIGHT-OF-WAY

PERIGEE CONSULTING
CIVIL • STRUCTURAL • GEOTECH

800 SOUTH 1200 WEST, SUITE 100
SALT LAKE CITY, UT 84115
WWW.PERIGEECONSULTING.COM