

# **SOUTH JORDAN CITY CITY COUNCIL REPORT**

**Meeting Date: 06-18-24**

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**Issue:** DAYBREAK VILLAGE 12B PLAT 3 DOCKSIDER DRIVE ROW VACATION  
**Address:** Approx. 7050 W. Lake Avenue  
**File No:** PLPLA202400090  
**Applicant:** LHM Real Estate

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

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## **Staff Recommendation (Motion Ready):**

- I move to **Approve** Ordinance 2024-16 vacating a segment of Docksider Drive from approximately 7130 W. to the South Valley Water Reclamation Facility property line.
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<b>CURRENT USE</b>	Unconstructed Public Street ROW
<b>ADJACENT LAND USES</b>	North – Future Daybreak Development (Residential) South – Future Daybreak Development (Residential)

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## **BACKGROUND:**

The applicant, Larry H. Miller Real Estate, has petitioned the City to vacate a segment of Docksider Drive from 7130 W. to the South Valley Reclamation Facility property line. The right-of-way (ROW) proposed for vacation was originally dedicated with the Daybreak West Villages Roadway Dedication Plat recorded in 2019. The proposed vacation covers approximately 0.674 acre. The purpose of the ROW vacation is to accommodate future subdivision platting and associated street location. The ROW will be replaced and relocated with the recording of a future subdivision plat. 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:
  - Vacating the ROW and relocating and dedicating new ROW nearby will accommodate the platting of future development.
  - 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 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 2024-16

Approved by:

Steven Schaefermeyer  
Steven Schaefermeyer (Jun 14, 2024 08:49 MDT)

Steven Schaefermeyer.  
Director of Planning

June 14, 2024

Date

WHEN RECORDED RETURN TO:

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

**ORDINANCE 2024-16**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, VACATING A SEGEMENT OF DOCKSIDER DRIVE FROM APPROXIMATELY 7130 W. TO THE SOUTH VALLEY WATER RECLAMATION FACILITY PROPERTY LINE, APPROXIMATELY 557 FEET CONTAINING 0.674 ACRES.**

**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”) 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 segment of Docksider Drive that runs west from approximately 7130 West for approximately 577 ft. (0.674 ac.)(“the Right-of-Way” or “ROW”); and

**WHEREAS**, the City Council held a public hearing to consider Applicant’s petition to vacate the 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 adopts this ordinance granting the Applicant’s petition to vacate the ROW described in the attached and incorporated **Exhibit A**.

**SECTION 2. Property Transfer.** By adopting this Ordinance, ownership of the Right-of-Way is transferred by operation of law to adjacent property owner VP Daybreak Devco LLC as specifically described in the attached and incorporated **Exhibit A**.

**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]

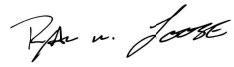
**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024 BY THE FOLLOWING VOTE:**

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

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

Attest: \_\_\_\_\_

Approved as to form:



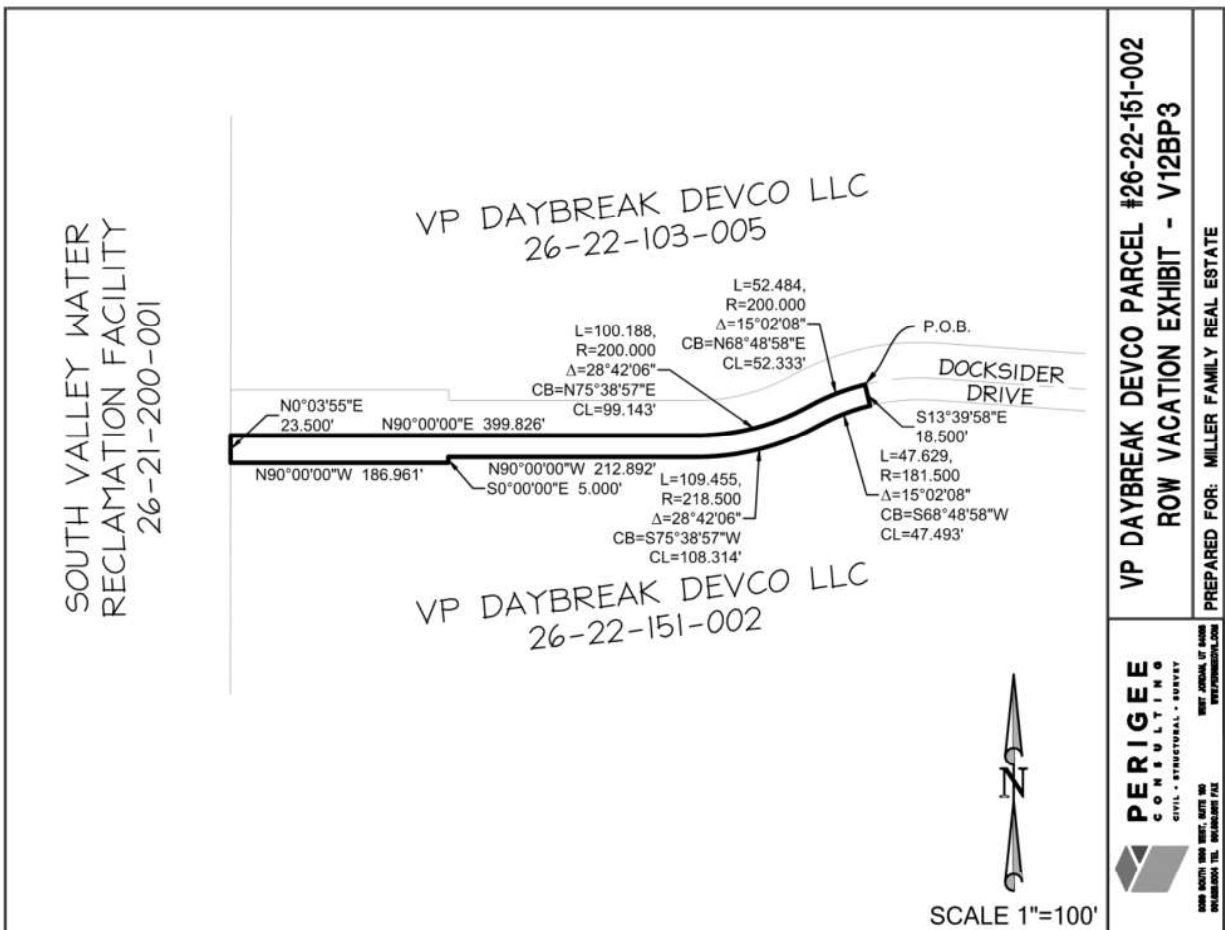
\_\_\_\_\_  
Office of the City Attorney

## Exhibit A

V12BP3 – Split ROW Vacation – VP DAYBREAK DEVCO PARCEL #26-22-151-002

Beginning at a point on the centerline of Docksider Drive, said point lies South 89°56'37" East 549.086 feet along the Daybreak Baseline Southwest (Being South 89°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 3653.192 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence South 13°39'58" East 18.500 feet to the Southerly Right-of-Way Line of said Docksider Drive and a point on a 181.500 foot radius non tangent curve to the left, (radius bears South 13°39'58" East, Chord: South 68°48'58" West 47.493 feet); thence along said Docksider Drive the following (5) courses: 1) along the arc of said curve 47.629 feet through a central angle of 15°02'08" to a point of reverse curvature with a 218.500 foot radius tangent curve to the right, (radius bears North 28°42'06" West, Chord: South 75°38'57" West 108.314 feet); 2) along the arc of said curve 109.455 feet through a central angle of 28°42'06"; 3) West 212.892 feet; 4) South 5.000 feet; 5) West 186.961 feet to the West Line of Lot V5 of the Kennecott Master Subdivision #1 Amended; thence along said Lot V5 North 00°03'55" East 23.500 feet to the said centerline of Docksider Drive; thence along said centerline the following (3) courses: 1) East 399.826 feet to a point on a 200.000 foot radius tangent curve to the left, (radius bears North, Chord: North 75°38'57" East 99.143 feet); 2) along the arc of said curve 100.188 feet through a central angle of 28°42'06" to a point of reverse curvature with a 200.000 foot radius tangent curve to the right, (radius bears South 28°42'06" East, Chord: North 68°48'58" East 52.333 feet); 3) along the arc of said curve 52.484 feet through a central angle of 15°02'08" to the point of beginning.

Property contains 0.257 acres, 11197 square feet.



V12BP3 – Split ROW Vacation – VP DAYBREAK DEVCO PARCEL #26-22-103-005

Beginning at a point on the centerline of Docksider Drive, said point also being a point on a 200.000 foot radius non tangent curve to the left, (radius bears South 13°39'58" East, Chord: South 68°48'58" West 52.333 feet), said point lies South 89°56'37" East 549.086 feet along the Daybreak Baseline Southwest (Being South 89°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 3653.192 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said centerline the following (3) courses: 1) along the arc of said curve 52.484 feet through a central angle of 15°02'08" to a point of reverse curvature with a 200.000 foot radius tangent curve to the right, (radius bears North 28°42'06" West, Chord: South 75°38'57" West 99.143 feet); 2) along the arc of said curve 100.188 feet through a central angle of 28°42'06"; 3) West 399.826 feet to the West Line of Lot V5 of the Kennecott Master Subdivision #1 Amended; thence along said Lot V5 North 00°03'55" East 39.000 feet to the North Right-of-Way Line of said Docksider Drive; thence along said Docksider Drive the following (5) courses: 1) East 187.338 feet; 2) South 9.000 feet; 3) East 212.444 feet to a point on a 170.000 foot radius non tangent curve to the left, (radius bears North, Chord: North 75°38'57" East 84.272 feet); 4) along the arc of said curve 85.160 feet through a central angle of 28°42'06" to a point of reverse curvature with a 230.000 foot radius tangent curve to the right, (radius bears South 28°42'06" East, Chord: North 68°48'58" East 60.183 feet); 5) along the arc of said curve 60.356 feet through a central angle of 15°02'08"; thence South 13°39'58" East 30.000 feet to the point of beginning.

Property contains 0.417 acres, 18153 square feet.

