

SOUTH JORDAN CITY CITY COUNCIL REPORT

Meeting Date: 06-18-24

Issue: COMMERCE PARK MUNICIPAL WATERLINE EASEMENT VACATION
Address: Approx. 6273 W. Crimson View Drive
File No: PLPLA202400080
Applicant: Nate Reiner

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

Staff Recommendation (Motion Ready):

- I move to **Approve** Ordinance 2024-13 vacating a South Jordan City waterline easement located on property located at 6273 W. Crimson View Drive.
-

CURRENT USE	The property is currently vacant.
FUTURE USE	North – Future Daybreak Development (Residential) South – Future Daybreak Development (Residential)

BACKGROUND:

The applicant, Nate Reiner, on behalf of property owner Short Daybreak Holdings 1 LLC, has petitioned the City to vacate a South Jordan City waterline easement located on property at 6273 W. Crimson View Drive. The applicant and property owner have also filed a site plan application proposing to construct a building on the property. During the site plan review it was found that the proposed building would be located over the existing water line easement.

On May 10, 2024, a new waterline easement was recorded with the Salt Lake County Recorder's Office.

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 waterline easement and relocating and granting a new waterline easement will allow the construction of new building on the property.
 - No public interest or any person will be materially injured by the vacation of this waterline easement since a replacement waterline easement has already been recorded.

Conclusion:

- The proposed vacation of the waterline easement 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 2024-13

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 2024-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, VACATING A PORTION OF A MUNICIPAL WATERLINE EASEMENT LOCATED ON LOT 8A OF THE DAYBREAK COMMERCE PARK PLAT 5A AMENDED SUBDIVISION

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, Short Daybreak Holdings 1 LLC (the “Applicant”), petitioned the City to vacate a portion of a Municipal Waterline Easement within Lot 8A of the Daybreak Commerce Park Plat 5A Amended subdivision. (6,653 Sq. Ft.); and

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

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

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 portion of a Municipal Waterline Easement as depicted in the attached **Exhibit A**.

SECTION 2. Property Transfer. By adopting this Ordinance, ownership of the easement area being vacated by this ordinance and more particularly shown on the attached **Exhibit A**, will be transferred to Short Daybreak Holdings 1 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 its recordation.

[SIGNATURE PAGE FOLLOWS]

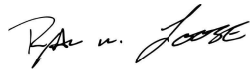
PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS _____ DAY OF _____, 2024 BY THE FOLLOWING VOTE:

	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

Water Line Easement To Be Vacated

A water line easement to be vacated being a part of Lot 8A and Lot 7A, Daybreak Commerce Park Plat 5A – Amended Amending All of Daybreak Commerce Park Plat 5A recorded August 03, 2021 as Entry No. 13734644 in Book 2021 at Page 194 in the Office of the Salt Lake County Recorder. Said easement is located in the Northwest Quarter of Section 14, Township 3 South, Range 2 West, Salt Lake Base and Meridian and is described as follows:

Beginning at a point on the northerly boundary of said Lot 8A, Daybreak Commerce Park Plat 5A – Amended Amending All of Daybreak Commerce Park Plat 5A, which is 697.35 feet S.89°55'21"E. along the northerly section line and 1252.32 feet South from the Northwest Corner of said Section 14; thence East 15.00 feet along the northerly boundary for Lot 8A; thence South 18.18 feet; thence S.34°18'58"E. 40.72 feet; thence S.11°48'58"E. 180.66 feet; thence S.33°11'02"W. 7.85 feet; thence S.56°48'58"E. 21.61 feet; thence S.33°11'02"W. 15.00 feet; thence N.56°48'58"W. 21.61 feet; thence S.33°11'02"W. 36.14 feet; thence N.56°48'58"W. 15.00 feet; thence N.33°11'02"E. 52.77 feet; thence N.11°48'58"W. 155.46 feet; thence S.78°11'02"W. 6.01 feet; thence West 39.05 feet; thence South 17.27 feet; thence S.24°01'55"W. 17.81 feet; thence N.67°30'00"W. 15.00 feet; thence N.22°30'00"E. 15.97 feet; thence North 13.04 feet; thence West 36.56 feet; thence N.00°33'57"W. 15.00 feet; thence East 89.21 feet; thence N.78°11'02"E. 4.46 feet; thence N.33°48'20"W. 43.30 feet; thence North 22.81 feet to the northerly boundary for Lot 8A and the **Point of Beginning**.

The above-described water line easement to be vacated contains 6,654 square feet in area or 0.153 acres, more or less.

EXHIBIT "B": By this reference, made a part hereof.

BASIS OF BEARING: N. 89°55'07" W. per said Daybreak Commerce Park Plat 5A – Amended Amending All of Daybreak Commerce Park Plat 5A along the Section line between the North Quarter and the Northeast Corner of Section 15, Township 3 South, Range 2 West, Salt Lake Base and Meridian.

LINE TABLE		
LINE #	LENGTH	BEARING
L1	15.00	N90° 00' 00"E
L2	18.18	S0° 00' 00"E
L3	40.72	S34° 18' 58"E
L4	180.66	S11° 48' 58"E
L5	7.85	S33° 11' 02"W
L6	21.61	S56° 48' 58"E
L7	15.00	S33° 11' 02"W
L8	21.61	N56° 48' 58"W
L9	36.14	S33° 11' 02"W
L10	15.00	N56° 48' 58"W
L11	52.77	N33° 11' 02"E
L12	155.46	N11° 48' 58"W
L13	6.01	S78° 11' 02"W
L14	39.05	N90° 00' 00"W
L15	17.27	S0° 00' 00"E
L16	17.81	S24° 01' 55"W
L17	15.00	N67° 30' 00"W
L18	15.97	N22° 30' 00"E
L19	13.04	N0° 00' 00"E
L20	36.56	N90° 00' 00"W
L21	15.00	N0° 33' 57"W
L22	89.21	N90° 00' 00"E
L23	4.46	N78° 11' 02"E
L24	43.30	N33° 48' 20"W
L25	22.81	N0° 00' 00"E

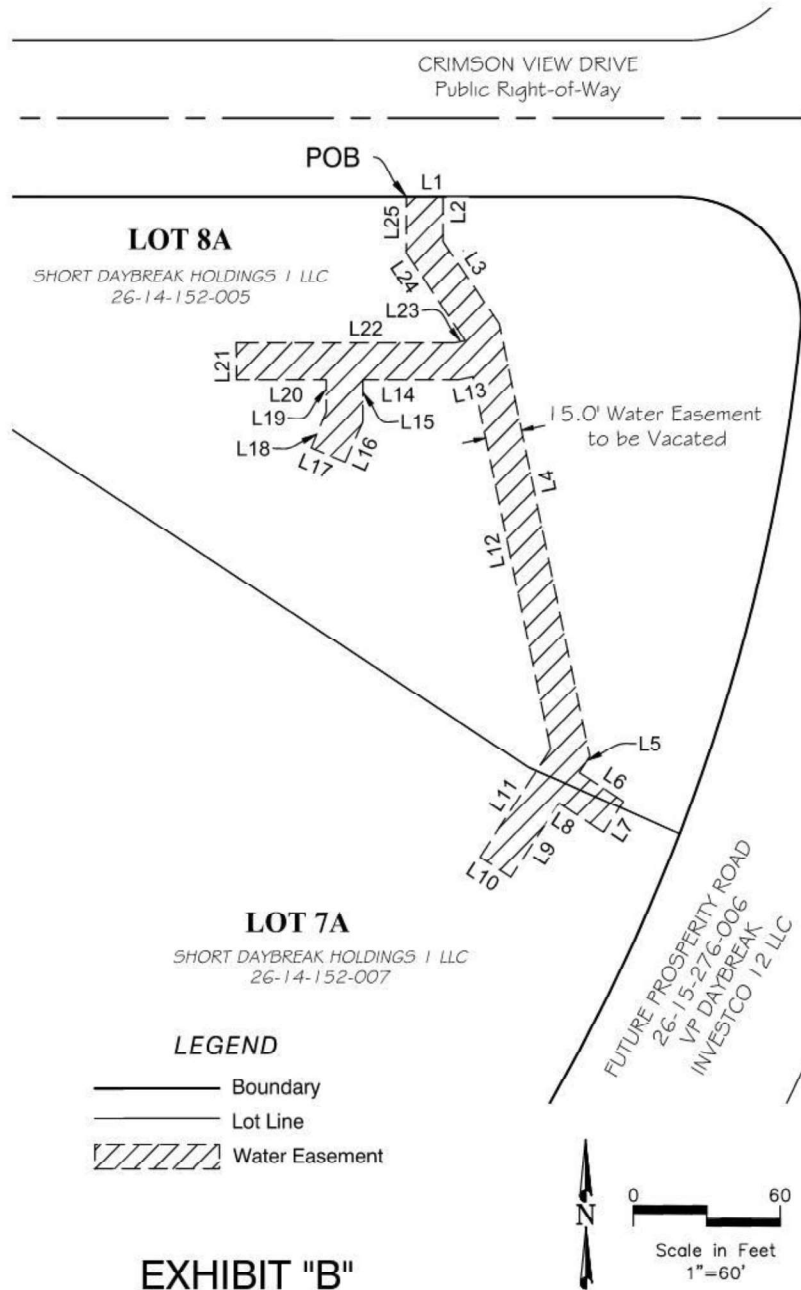


EXHIBIT "B"

Daybreak Commerce 5 Water Easement to be Vacated		PREPARED BY: CIR CIVIL ENGINEERING +SURVEYING 10718 South Beckstead Lane, Suite 102, South Jordan, Utah 84095 Phone: 435-503-7641	
Assessor Parcel No: 26-14-152-005 & 26-14-152-007			
Part of the Northwest Quarter Sec. 14, T.3S., R.2W., S.L.B.&M.			
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