

# **SOUTH JORDAN CITY CITY COUNCIL REPORT**

**Meeting Date: 06-06-23**

**Issue:** DAYBREAK VILLAGE 9 PLAT 4 SILVER POND 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

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

- I move to **Approve** Ordinance 2023-08 vacating a portion of right-of-way at the north east corner of the intersection of Docksider Drive and Silver Pond Drive.

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<b>CURRENT LU DESIGNATION</b>	Residential Development Opportunity (RDO)
<b>CURRENT ZONING</b>	Planned Community (PC)
<b>CURRENT USE</b>	Public Street
<b>ADJACENT LAND USES</b>	Currently Vacant – Future Residential Lots

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## **BACKGROUND:**

The applicant, Larry H. Miller Real Estate, petitioned the City to vacate a 228 Sq. Ft. piece of right-of-way (ROW) along the east side of Silver Pond Drive. The plat establishing the Silver Pond Drive and Docksider Drive ROW was the Daybreak West Villages Roadway Dedication Plat that was recorded in August of 2019. The piece of ROW proposed for vacation is located at the northeast corner of the intersection of Silver Pond Dr. and Docksider Dr. The proposed ROW vacation will not reduce the roadway pavement width.

If the ROW vacation is approved, the property will be deeded to the adjacent property owner, VP Daybreak Devco 2 LLC and eventually become part of lot 364 of the Daybreak Village 9 Plat 4 subdivision that will be recorded in the near future. Currently, there are no improvements located within the part of the ROW proposed to be vacated.

## **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 result of the vacation will provide for a more direct and safer alignment of Silver Pond Drive on the north side of Docksider Drive with the segment of Silver Pond south of Docksider.
- 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 piece 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 ROW Vacation
- Ordinance 2023-08

Approved by:

Steven Schaefermeyer  
Steven Schaefermeyer (May 30, 2023 15:52 MDT)

Steven Schaefermeyer.  
Director of Planning

May 30, 2023

Date

WHEN RECORDED RETURN TO:

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

**ORDINANCE 2023-08**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, VACATING A PORTION OF RIGHT-OF-WAY AT THE NORTHEAST CORNER OF SILVER POND DRIVE AND DOCKSIDE DRIVE (11375 S 6742 W).**

**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 228 Sq. Ft. portion of Silver Pond Drive, an existing Right-of-Way (“ROW”) that runs adjacent to the Applicant’s property; 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 along the south side of the existing road.

[SIGNATURE PAGE FOLLOWS]

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023 BY THE FOLLOWING VOTE:**

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	_____	_____	_____	_____
Bradley Marlor	_____	_____	_____	_____
Donald Shelton	_____	_____	_____	_____
Tamara Zander	_____	_____	_____	_____
Jason McGuire	_____	_____	_____	_____

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

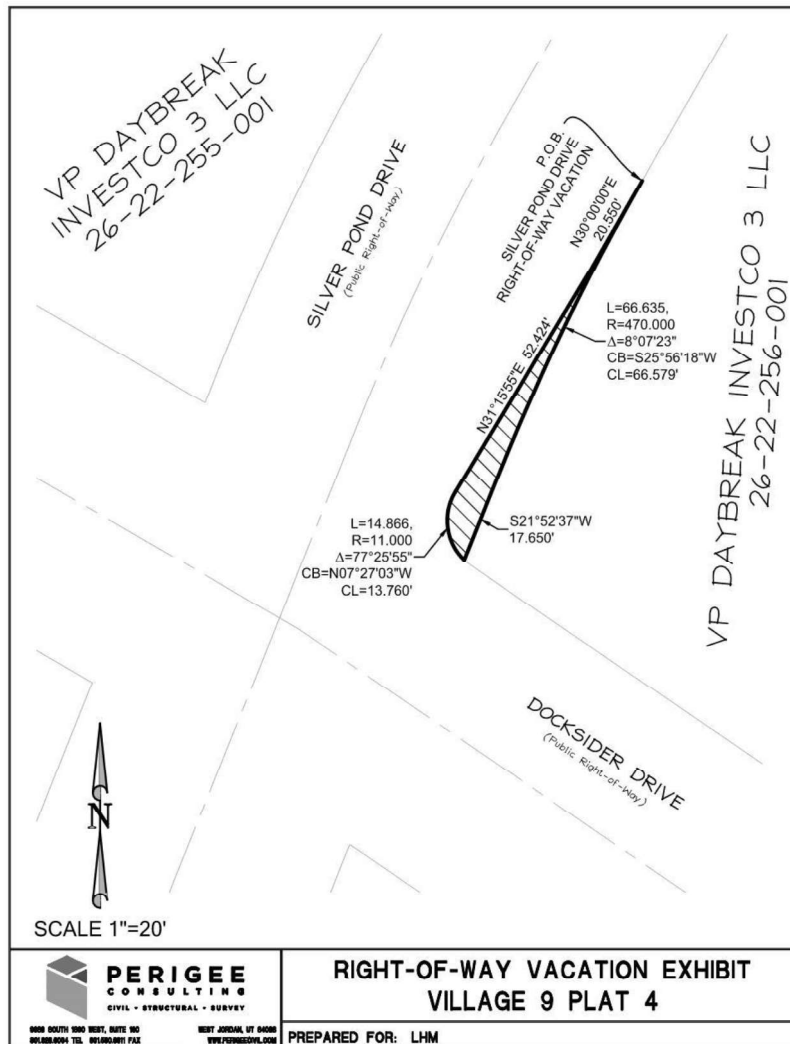
Attest: \_\_\_\_\_

Approved as to form:

Gregory Simonsen  
Gregory Simonsen (May 30, 2023 15:58 MDT)

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

## Exhibit A



### VILLAGE 9 PLAT 4 ROW VACATION DESCRIPTION

Beginning at a point on the Easterly Right-of-Way Line of Silver Pond Drive, said point also being a point on a 470.000 foot radius non tangent curve to the left, (radius bears South 60°00'00" East, Chord: South 25°56'18" West 66.579 feet), said point lies South 89°56'37" East 3135.576 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 2863.172 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Silver Pond Drive the following (2) courses: 1) along the arc of said curve 66.635 feet through a central angle of 08°07'23"; 2) South 21°52'37" West 17.650 feet to a point on a 11.000 foot radius non tangent curve to the right, (radius bears North 43°50'00" East, Chord: North 07°27'03" West 13.760 feet); thence along the arc of said curve 14.866 feet through a central angle of 77°25'55"; thence North 31°15'55" East 52.424 feet; thence North 30°00'00" East 20.550 feet to the point of beginning.

Property contains 0.005 acres, 228 square feet





Proposed ROW  
Vacation Location

Location Map

