

SOUTH JORDAN CITY CITY COUNCIL REPORT

Meeting Date: 05-21-24

Issue: DAYBREAK WEST VILLAGES LAKE AVENUE ROW VACATION
Address: Approx. 7050 W. Lake Avenue
File No: PLPLA202400034
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 2024-09 vacating a segment of Lake Avenue from 7050 W. to the South Valley Water Reclamation Facility property line.

CURRENT USE	Unconstructed Public Street ROW
ADJACENT LAND USES	North – Future Daybreak Development (Residential) South – Future Daybreak Development (Residential)

BACKGROUND:

The applicant, Larry H. Miller Real Estate, has petitioned the City to vacate a segment of Lake Avenue from 7050 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 1.388 acres. The purpose of the ROW vacation is to accommodate larger lots in a future subdivision that were not anticipated when the ROW was originally dedicated. The ROW will be replaced and located slightly north of its existing location. 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 slightly larger lot sizes in 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 2024-09

Approved by:

Steven Schaefermeyer
Steven Schaefermeyer (Apr 30, 2024 15:49 MDT)

Steven Schaefermeyer.
Director of Planning

April 30, 2024

Date

WHEN RECORDED RETURN TO:

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

ORDINANCE 2024-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, VACATING A SEGMENT OF LAKE AVENUE FROM 7050 WEST TO THE SOUTH VALLEY WATER RECLAMATION FACILITY PROPERTY LINE, APPROXIMATELY 1,020 FEET CONTAINING 1.388 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 Lake Avenue that runs west from 7050 West for approximately 1,020 ft. (1.388 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 owners VP Daybreak Devco LLC and VP Daybreak Devco 2 Inc. 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 21 DAY OF MAY, 2024 BY THE
FOLLOWING VOTE:**

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

Mayor: _____
Dawn R. Ramsey

Attest: _____
City Recorder

Approved as to form:

Gregory Simonsen
Gregory Simonsen (Apr 30, 2024 16:18 MDT)

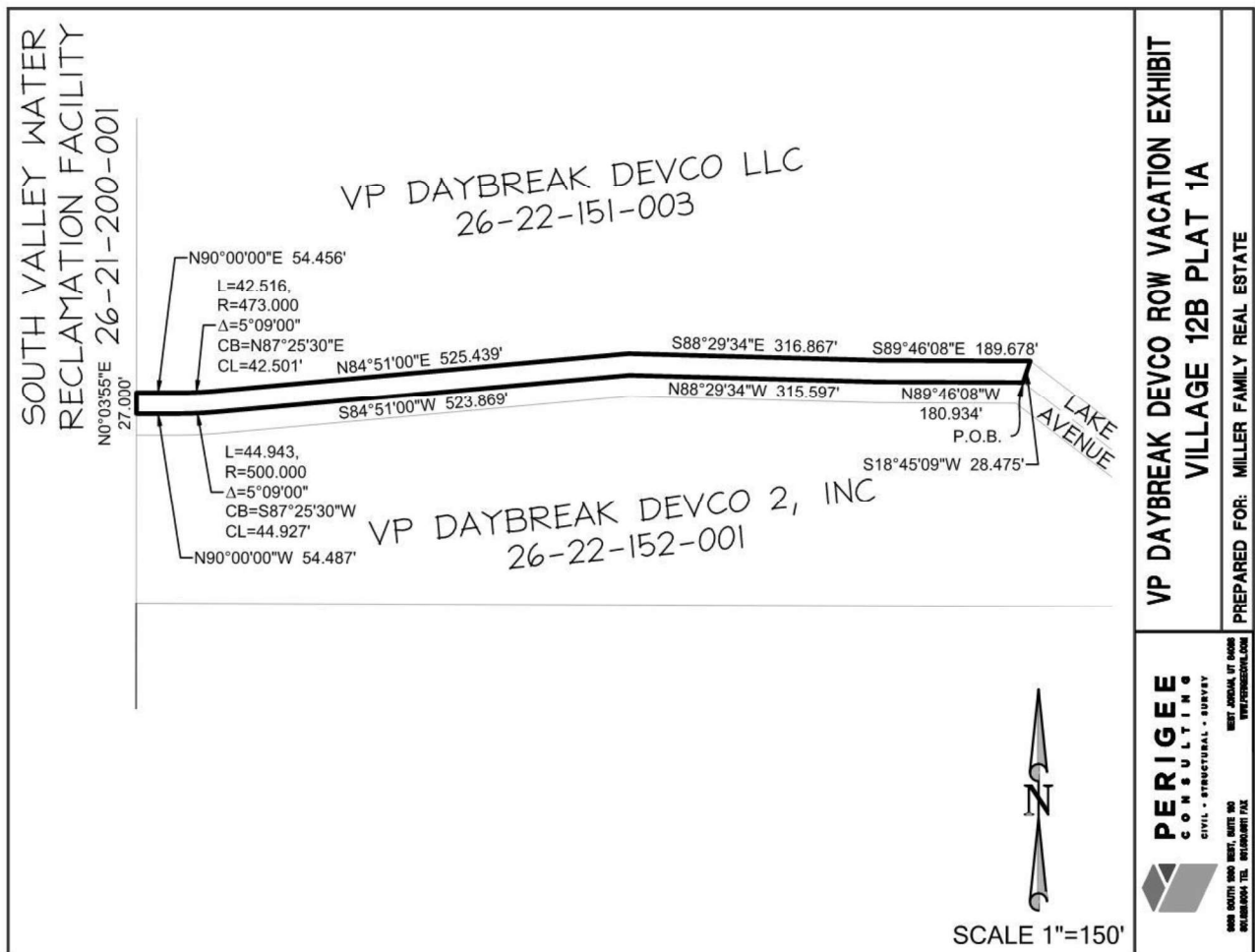
Office of the City Attorney

Exhibit A

V12BP1A – Split ROW Vacation - Devco Parcel

Beginning at a point on the centerline of Lake Avenue, said point lies South 89°56'37" East 1121.132 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 2925.089 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 (5) courses: 1) North 89°46'08" West 180.934 feet; 2) North 88°29'34" West 315.597 feet; 3) South 84°51'00" West 523.869 feet to a point on a 500.000 foot radius tangent curve to the right, (radius bears North 05°09'00" West, Chord: South 87°25'30" West 44.927 feet); 4) along the arc of said curve 44.943 feet through a central angle of 05°09'00"; 5) West 54.487 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 27.000 feet to the North Right-of-Way Line of said Lake Avenue; thence along said North Right-of-Way Line the following (5) courses: 1) East 54.456 feet to a point on a 473.000 foot radius non tangent curve to the left, (radius bears North, Chord: North 87°25'30" East 42.501 feet); 2) along the arc of said curve 42.516 feet through a central angle of 05°09'00"; 3) North 84°51'00" East 525.439 feet; 4) South 88°29'34" East 316.867 feet; 5) South 89°46'08" East 189.678 feet; thence South 18°45'09" West 28.475 feet to the point of beginning.

Property contains 0.697 acres, 30359 square feet.

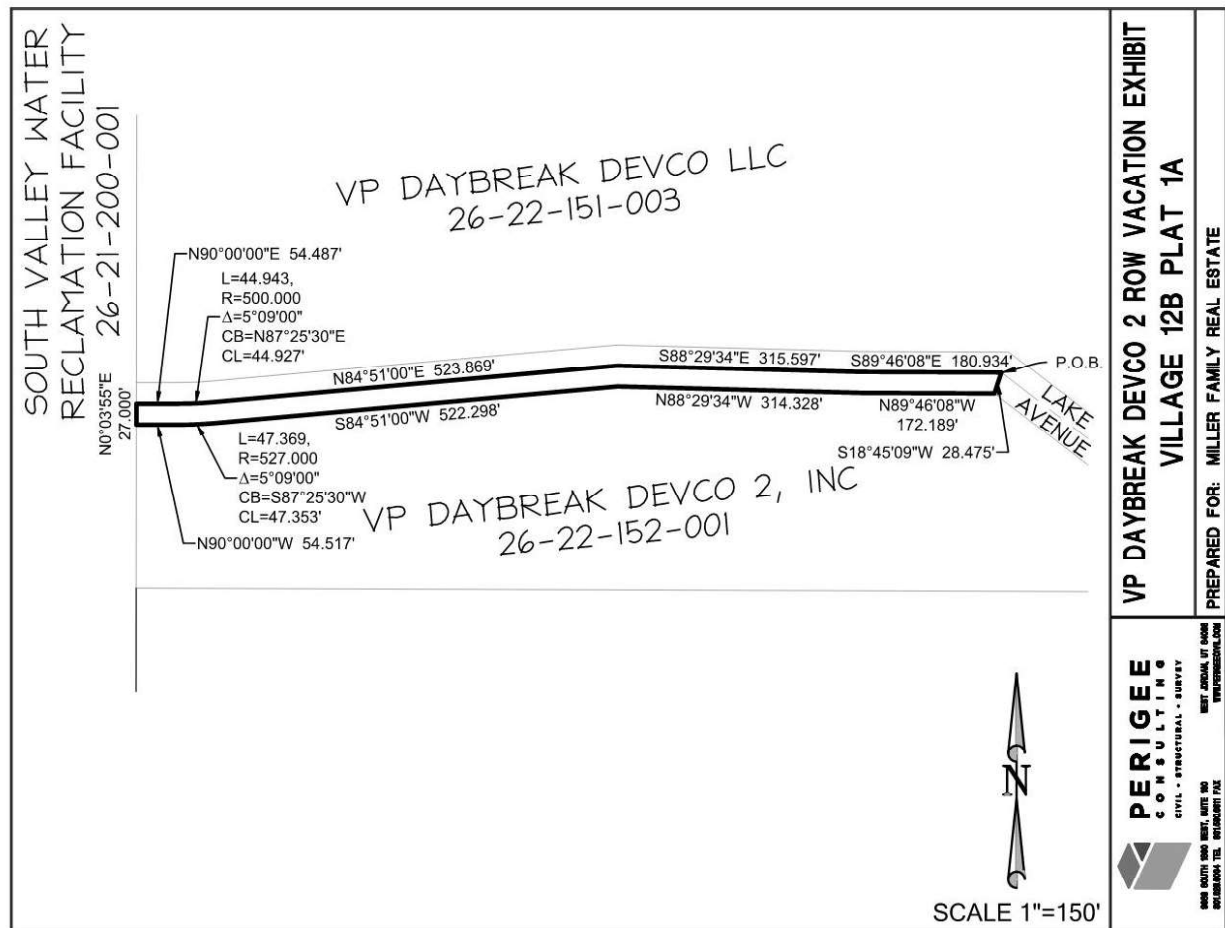


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V12BP1A – Split ROW Vacation – Devco 2 Parcel

Beginning at a point on the centerline of Lake Avenue, said point lies South 89°56'37" East 1121.132 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 2925.089 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence South 18°45'09" West 28.475 feet to the South Right-of-Way Line of said Lake Avenue; thence along said South Right-of-Way Line the following (5) courses: 1) North 89°46'08" West 172.189 feet; 2) North 88°29'34" West 314.328 feet; 3) South 84°51'00" West 522.298 feet to a point on a 527.000 foot radius tangent curve to the right, (radius bears North 05°09'00" West, Chord: South 87°25'30" West 47.353 feet); 4) along the arc of said curve 47.369 feet through a central angle of 05°09'00"; 5) West 54.517 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 27.000 feet to said centerline of Lake Avenue; thence along said centerline the following (5) courses: 1) East 54.487 feet to a point on a 500.000 foot radius tangent curve to the left, (radius bears North, Chord: North 87°25'30" East 44.927 feet); 2) along the arc of said curve 44.943 feet through a central angle of 05°09'00"; 3) North 84°51'00" East 523.869 feet; 4) South 88°29'34" East 315.597 feet; 5) South 89°46'08" East 180.934 feet to the point of beginning.

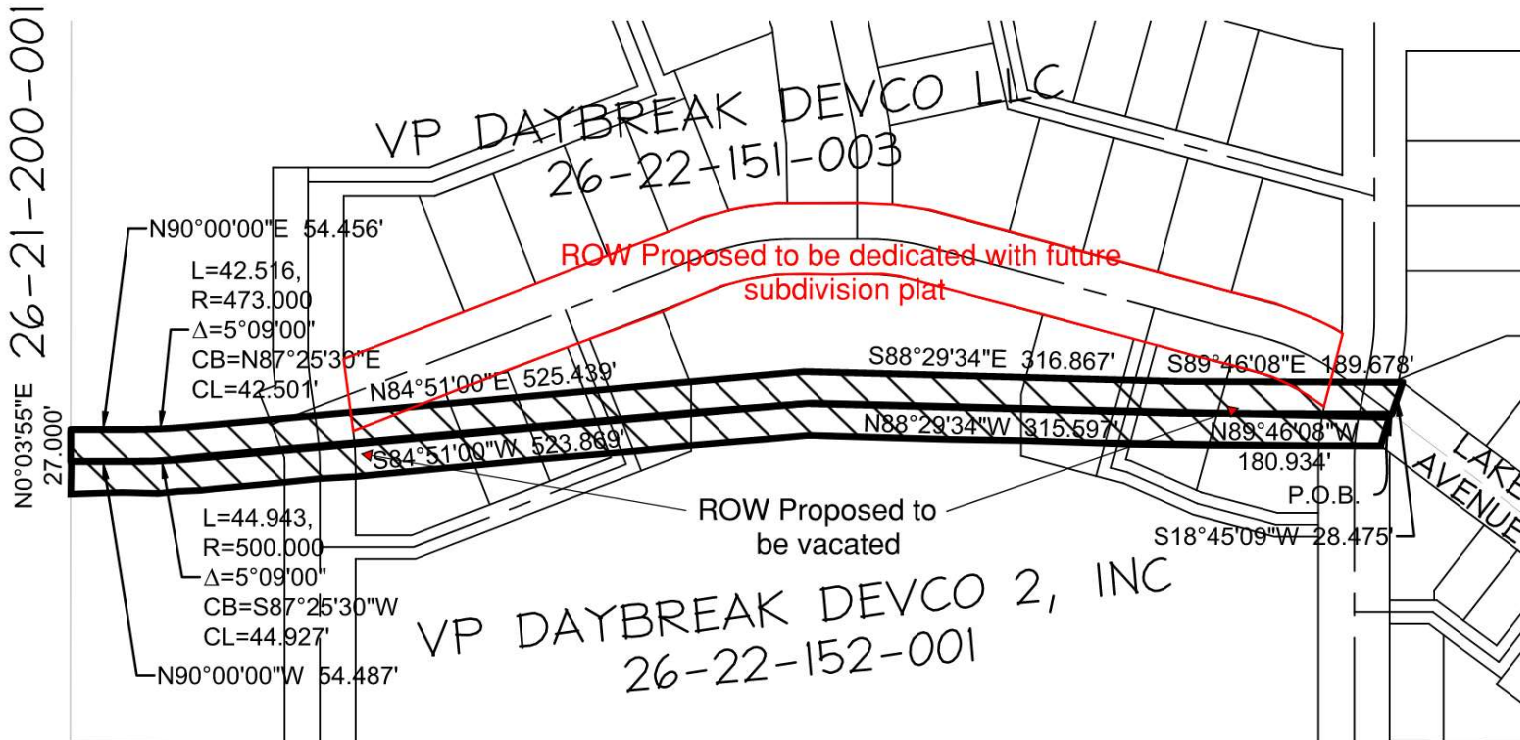
Property contains 0.691 acres, 30112 square feet.



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SOUTH VALLEY WATER
RECLAMATION FACILITY
26-21-200-001



SCALE 1"=150'

VP DAYBREAK DEVCO ROW VACATION EXHIBIT
VILLAGE 12B PLAT 1A

PREPARED FOR: MILLER FAMILY REAL ESTATE



PERIGEE
CONSULTING
CIVIL • STRUCTURAL • SURVEY

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