

# **SOUTH JORDAN CITY CITY COUNCIL REPORT**

**Meeting Date: 02-06-24**

**Issue:** COVE HOUSE LAKE AVENUE RIGHT-OF-WAY VACATION  
**Address:** Approx. 6680 W Lake Avenue  
**File No:** PLPLA202300218  
**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 the City Council **approve** Ordinance 2024-04 vacating a portion of ROW along the north side of Lake Avenue at approximately 6680 West.

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## **BACKGROUND:**

The applicant, Larry H. Miller Real Estate, has petitioned the City to vacate a small portion of right-of-way (ROW) along the north side of Lake Avenue at approximately 6680 West. The ROW proposed for vacation covers approximately 1,305 sq. ft. and does not include any of the Lake Ave. roadway. The purpose of the ROW vacation is to be able to provide handicap parking outside of the public ROW.

It is the applicant's intent to continue to construct Watercourse amenities on the property including two buildings, one a 2-story building with a marketing office and conference space, and the other a small boathouse. At least one handicap space will be required for the development.

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:
  - The proposed location of handicap parking near the front entrance to the Watercourse Cove House is preferred as it will be on private property and the parking space closest to the entrance of the building.

- 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 portion 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.

**ALTERNATIVES:**

- Approve an amended Application.
- Deny the Application.
- Schedule the Application for a decision at some future date.

**SUPPORT MATERIALS:**

- Aerial Location Map
- Proposed Site Plan showing the location of the proposed handicap parking space
- Ordinance 2024-04

Approved by:

Steven Schaefermeyer  
Steven Schaefermeyer (Jan 31, 2024 15:36 MST)

Steven Schaefermeyer.  
Director of Planning

January 31, 2024

Date

WHEN RECORDED RETURN TO:

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

**ORDINANCE 2024-04**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, VACATING A PORTION OF RIGHT-OF-WAY ON THE NORTH SIDE OF LAKE AVENUE RUNNING EAST FROM WATERCOURSE ROAD APPROXIMATELY 223 FEET**

**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 portion of Lake Avenue right-of-way (ROW) running east of Watercourse Road for approximately 223 ft. (1,305 sq. ft.); 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 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. Property Transfer.** By adopting this Ordinance, ownership of the right-of-way being vacated by this ordinance and more particularly shown on the attached **Exhibit A**, will be transferred to VP Daybreak Devco 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 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	_____	_____	_____	_____

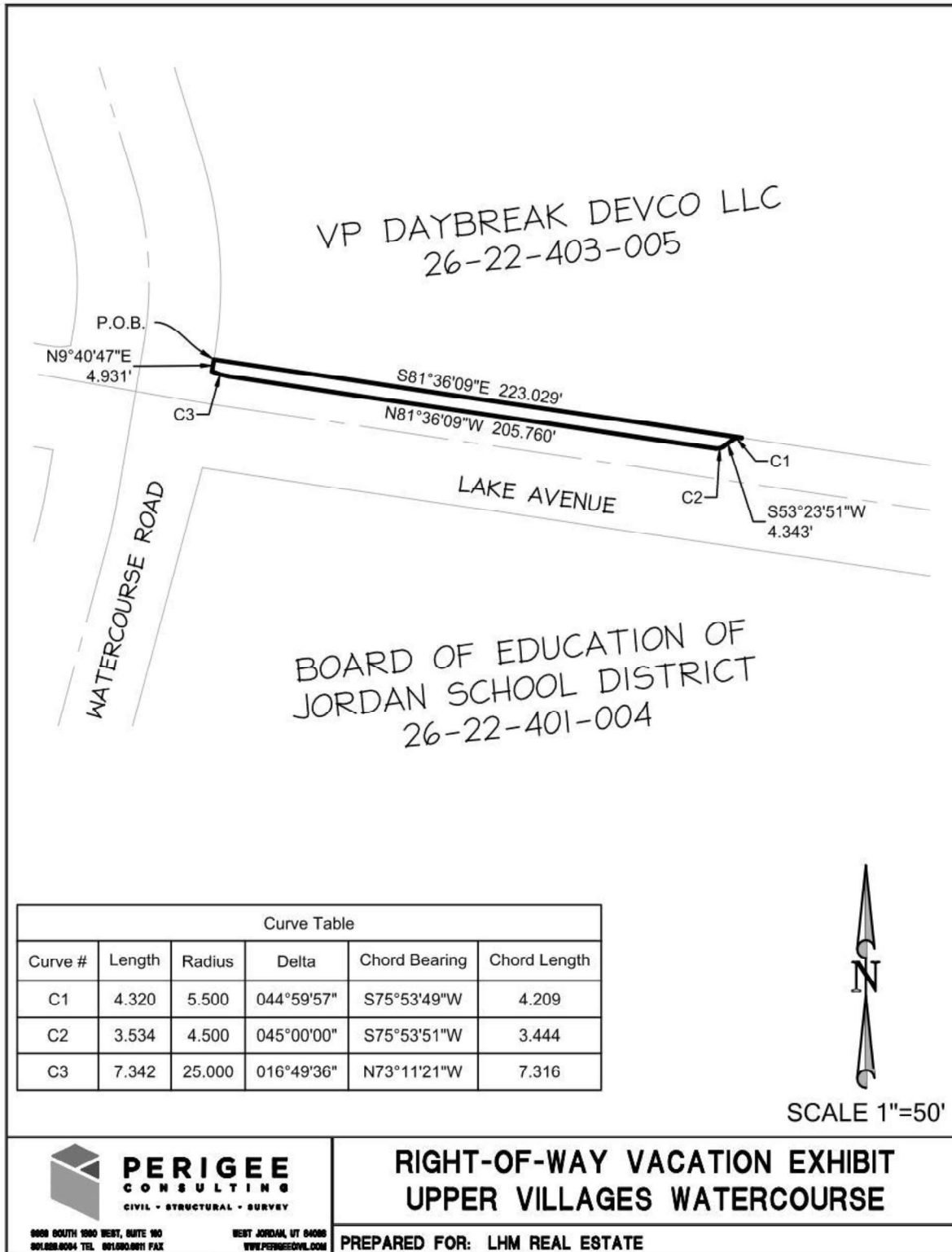
Mayor: \_\_\_\_\_  
Dawn R. Ramsey

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

Approved as to form:

  
Gregory Simonsen (Jan 31, 2024 16:04 MST)  
Office of the City Attorney

# Exhibit A



N:\00182 Daybreak\Cadd\Survey\Master\V11AP1\Exhibit\2023-12-11 V11AP1 ROW Vacation Exhibit.dwg, 12/11/2023 4:50:43 PM, DWG To PDF.pc3

#### Lake Avenue ROW Vacation

Beginning at the intersection of the Easterly Right-of-Way Line of Watercourse Road and the Northerly Right-of-Way Line of Lake Avenue, said point lies South  $89^{\circ}56'37''$  East 3446.973 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 1761.830 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Lake Avenue South  $81^{\circ}36'09''$  East 223.029 feet to a point on a 5.500 foot radius non tangent curve to the left, (radius bears South  $08^{\circ}23'48''$  West, Chord: South  $75^{\circ}53'49''$  West 4.209 feet); thence along the arc of said curve 4.320 feet through a central angle of  $44^{\circ}59'57''$ ; thence South  $53^{\circ}23'51''$  West 4.343 feet to a point on a 4.500 foot radius tangent curve to the right, (radius bears North  $36^{\circ}36'09''$  West, Chord: South  $75^{\circ}53'51''$  West 3.444 feet); thence along the arc of said curve 3.534 feet through a central angle of  $45^{\circ}00'00''$ ; thence North  $81^{\circ}36'09''$  West 205.760 feet to a point on a 25.000 foot radius tangent curve to the right, (radius bears North  $08^{\circ}23'51''$  East, Chord: North  $73^{\circ}11'21''$  West 7.316 feet); thence along the arc of said curve 7.342 feet through a central angle of  $16^{\circ}49'36''$  to the extension of said Easterly Right-of-Way Line of Watercourse Road; thence along said Right-of-Way extension North  $09^{\circ}40'47''$  East 4.931 feet to the point of beginning.

Property contains 0.030 acres, 1305 square feet.



Location Map

