

SOUTH JORDAN CITY CITY COUNCIL REPORT

Meeting Date: 07-16-24

Issue: DAYBREAK TOWN CENTER ROW VACATIONS
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 2024-11 vacating a several small portions of right-of-way within the Daybreak Town Center area.
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BACKGROUND:

The applicant, Larry H. Miller Real Estate, has petitioned the City to vacate five small sections of right-of-way along Lake Run Road, Grandville Avenue, South Jordan Parkway, Lake Avenue and Center Field Dr (formerly Mellow Way). The proposed vacations cover approximately 2.405 acres. The purpose of the ROW vacations is to accommodate the urban design of the street and sidewalk sections in the urban core of the Daybreak town center. If the right-of-way vacation is 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(4) 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:
 - In order to accommodate urban design and construction in the town center area of Daybreak, it is essential that several sections of non-street right-of-way and easements be vacated by the City.
 - No public interest or any person will be materially injured by the vacation since with future development, new public utility and sidewalk easements will be dedicated to meet City of South Jordan standards.

Conclusion:

- The proposed vacations of these portions of right-of-way meet 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 2024-11

Approved by:

Steven Schaefermeyer
Steven Schaefermeyer (Jul 10, 2024 16:34 MDT)

Steven Schaefermeyer.
Director of Planning

July 10, 2024

Date

WHEN RECORDED RETURN TO:

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

ORDINANCE 2024-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, VACATING SEVERAL SMALL PORTIONS OF RIGHT-OF-WAY WITHIN THE DAYBREAK TOWN CENTER AREA

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 several small portions of right-of-way (ROW) within the Daybreak Town Center area. (2.405 Ac.); 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(4), 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 Operations LLC and 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 (Jul 11, 2024 15:28 MDT)

Office of the City Attorney

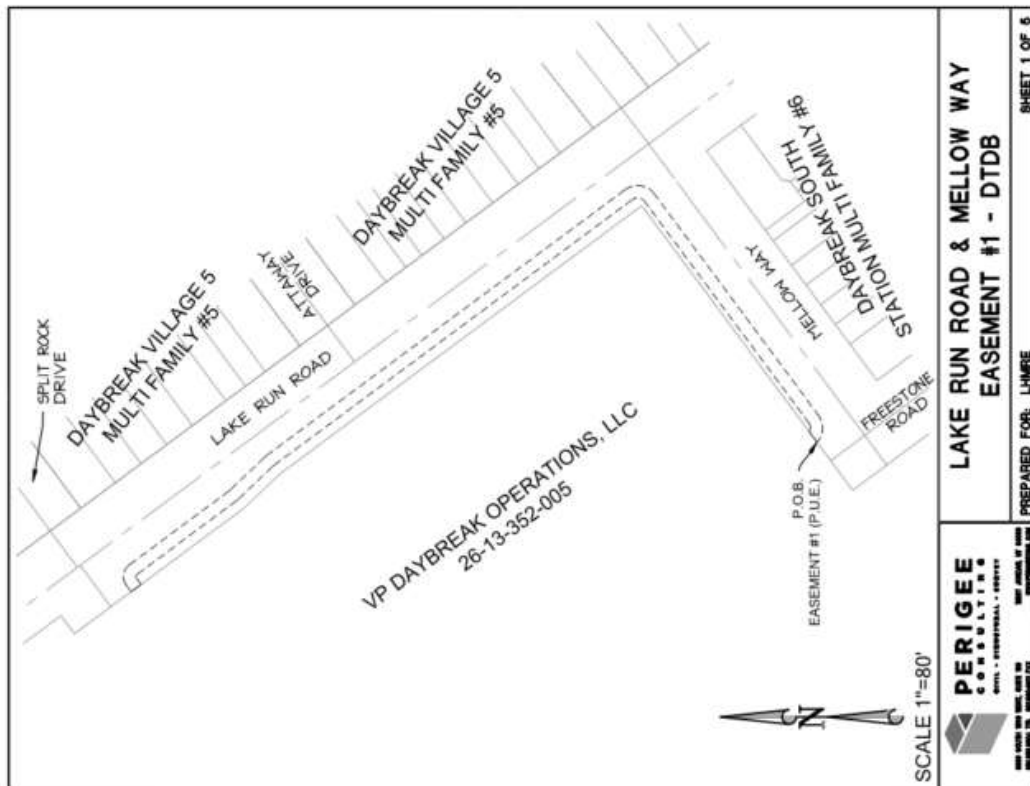
Exhibit A

Vacation #1

Lake Run Road and Mellow Way

Beginning at a point on the Northwest Right-of-Way Line of Mellow Way, said point lies South 89°55'30" East 1936.543 feet along the Daybreak Baseline Southeast (Basis of bearings is South 89°55'30" East 10641.888' between Southwest Corner of Section 24, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 4922.313 feet from the Southwest Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Mellow Way North 53°27'06" East 239.624 feet to the intersection of the Southwest Right-of-Way Line of Lake Run Road; thence along said Lake Run Road the following (3) courses: 1) North 36°32'54" West 366.196 feet; 2) North 43°40'24" West 40.311 feet; 3) North 36°32'54" West 114.804 feet; thence North 53°27'06" East 7.000 feet to a point on a 11.500 foot radius tangent curve to the right, (radius bears South 36°32'54" East, Chord: South 81°32'54" East 16.263 feet); thence along the arc of said curve 18.064 feet through a central angle of 90°00'00"; thence South 36°32'54" East 102.152 feet; thence South 43°40'24" East 40.311 feet; thence South 36°32'54" East 364.348 feet to a point on a 17.000 foot radius tangent curve to the right, (radius bears South 53°27'06" West, Chord: South 08°27'06" West 24.042 feet); thence along the arc of said curve 26.704 feet through a central angle of 90°00'00"; thence South 53°27'06" West 224.391 feet to a point on a 17.000 foot radius tangent curve to the right, (radius bears North 36°32'54" West, Chord: North 86°37'50" West 21.817 feet); thence along the arc of said curve 23.688 feet through a central angle of 79°50'09" to the point of beginning.

Property contains 0.301 acres, 13110 square feet.

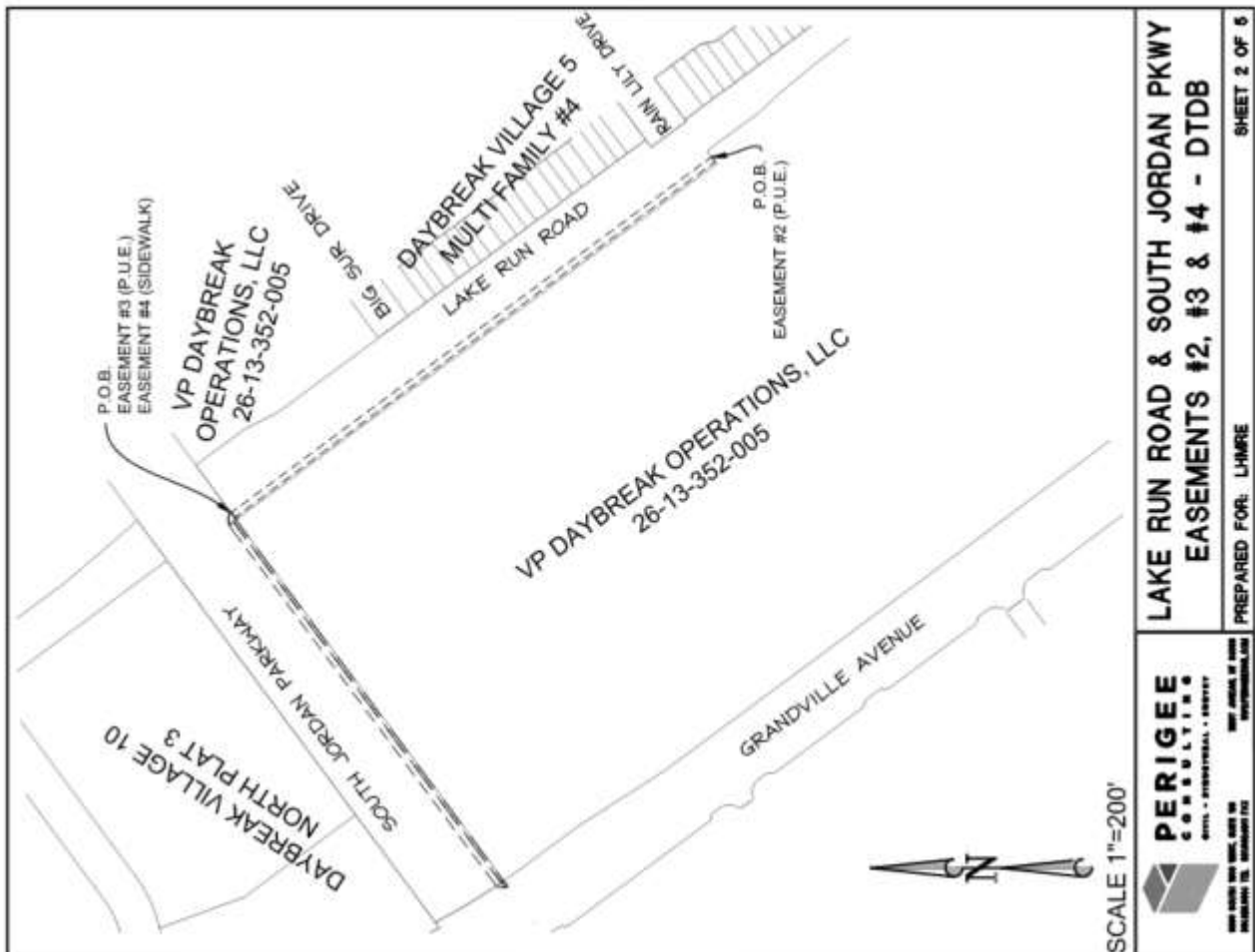


Vacation #2

Lake Run Road and South Jordan Parkway

Beginning at a point on the Northeast Right-of-Way Line of Lake Run Road, said point lies South 89°55'30" East 1451.827 feet along the Daybreak Baseline Southeast (Basis of bearings is South 89°55'30" East 10641.888' between Southwest Corner of Section 24, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 5979.645 feet from the Southwest Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Lake Run Road the following (4) courses: 1) South 53°27'06" West 14,500 feet; 2) North 36°32'54" West 629.828 feet; 3) North 53°27'06" East 0.500 feet; 4) North 36°32'54" West 373.500 feet to the Southeast Right-of-Way Line of South Jordan Parkway; thence along said South Jordan Parkway South 53°27'06" West 766.449 feet to a point on a 21.000 foot radius non tangent curve to the right, (radius bears North 65°49'31" East, Chord: North 05°45'43" East 20.960 feet); thence along the arc of said curve 21.945 feet through a central angle of 59°52'25"; thence North 53°27'06" East 744.340 feet to a point on a 28.000 foot radius tangent curve to the right, (radius bears South 36°32'54" East, Chord: North 79°20'42" East 24.455 feet); thence along the arc of said curve 25.308 feet through a central angle of 51°47'12"; thence South 36°32'54" East 1008.148 feet to the point of beginning.

Property contains 0.604 acres, 26318 square feet.

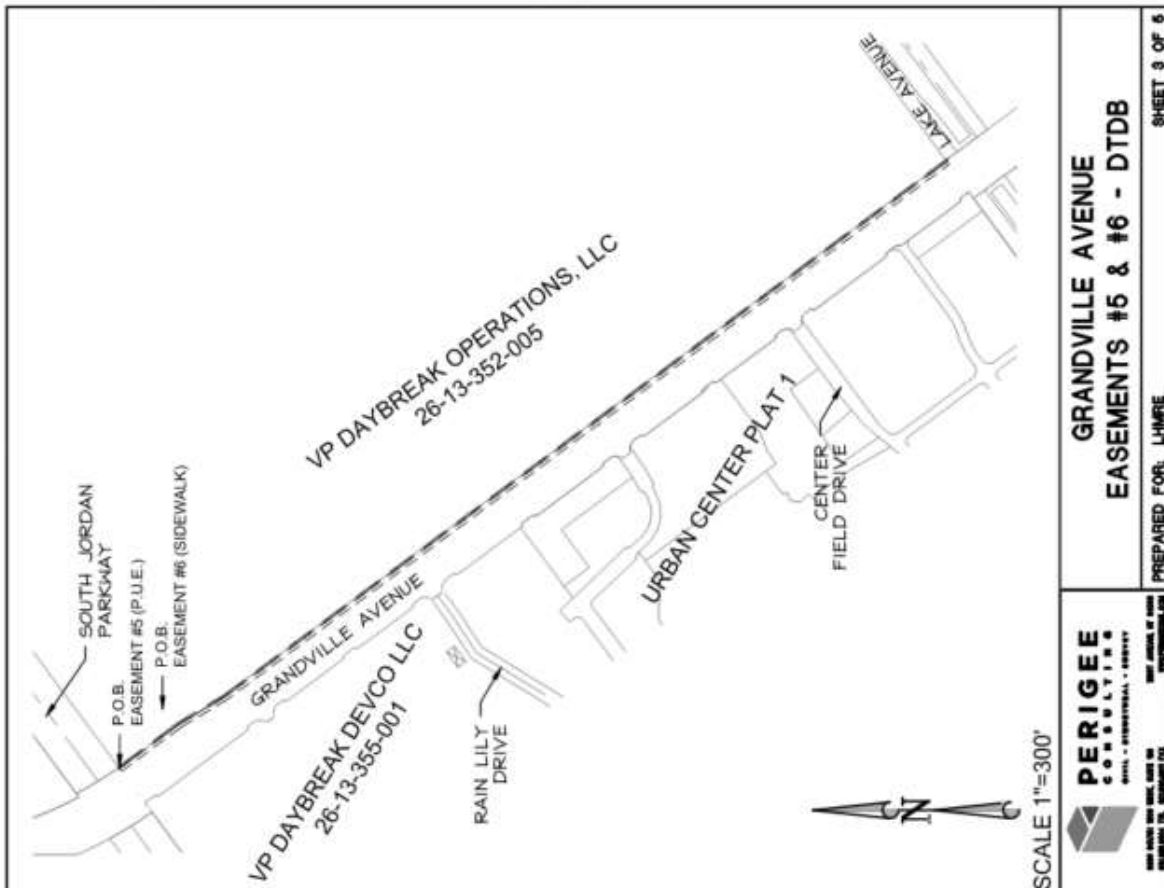


Vacation #3

Grandville Avenue

Beginning at the intersection of the Southeasterly Right-of-Way Line of South Jordan Parkway and the Northeasterly Right-of-Way Line of Grandville Avenue, said point also being a point on a 1125.000 foot radius non tangent curve to the left, (radius bears North 55°18'34" East, Chord: South 35°37'10" East 36.478 feet), said point lies South 89°55'30" East 236.721 feet along the Daybreak Baseline Southeast (Basis of bearings is South 89°55'30" East 10641.888' between Southwest Corner of Section 24, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 6326.254 feet from the Southwest Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Grandville Avenue the following (4) courses: 1) along the arc of said curve 36.479 feet through a central angle of 01°51'28"; 2) South 36°32'54" East 118.076 feet; 3) South 32°44'04" East 172.883 feet; 4) South 36°32'54" East 2438.850 feet to the intersection of said Northeasterly Right-of-Way Line of Grandville Avenue and the Northwesterly Right-of-Way Line of Lake Avenue; thence along an extension of said Northwesterly Right-of-Way Line of Lake Avenue South 53°27'06" West 14.000 feet; thence North 36°32'54" West 2425.831 feet; thence North 30°50'16" West 135.711 feet to a point on a 100.000 foot radius tangent curve to the left, (radius bears South 59°09'44" West, Chord: North 33°41'35" West 9.963 feet); thence along the arc of said curve 9.967 feet through a central angle of 05°42'38"; thence North 36°32'54" West 195.081 feet to an extension of said Southeasterly Right-of-Way Line of South Jordan Parkway; thence along said extension North 53°27'06" East 12.091 feet to the point of beginning.

Property contains 0.866 acres, 37718 square feet.



Vacation #4

UCP1 Lake Avenue - Vacation #4

Beginning at a point on the Northwestern Right-of-Way Line of Lake Avenue, said point lies South 89°55'30" East 1460.403 feet along the Daybreak Baseline Southeast (Basis of bearings is South 89°55'30" East 10641.888' between Southwest Corner of Section 24, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 3793.863 feet from the Southwest Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 53°27'06" East 407.816 feet to a point on a 28.000 foot radius non tangent curve to the right, (radius bears South 64°46'47" West, Chord: South 06°35'21" East 17.891 feet); thence along the arc of said curve 18.210 feet through a central angle of 37°15'44"; thence South 53°27'06" West 389.729 feet to a point on a 28.500 foot radius non tangent curve to the right, (radius bears North 04°28'47" East, Chord: North 67°06'39" West 18.001 feet); thence along the arc of said curve 18.314 feet through a central angle of 36°49'07" to the point of beginning.

Property contains 0.143 acres, 6216 square feet.

UCP1 Lake Avenue - Easement #8

Beginning at a point on the Northwestern Right-of-Way Line of Lake Avenue, said point lies South 89°55'30" East 1148.851 feet along the Daybreak Baseline Southeast (Basis of bearings is South 89°55'30" East 10641.888' between Southwest Corner of Section 24, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 3562.510 feet from the Southwest Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 53°27'06" East 362.536 feet to a point on a 28.500 foot radius non tangent curve to the right, (radius bears South 65°36'17" West, Chord: South 05°59'09" East 18.001 feet); thence along the arc of said curve 18.314 feet through a central angle of 36°49'07"; thence South 53°27'06" West 334.708 feet to a point on a 19.000 foot radius tangent curve to the right, (radius bears North 36°32'54" West, Chord: North 86°51'22" West 24.269 feet); thence along the arc of said curve 26.325 feet through a central angle of 79°23'06" to the point of beginning.

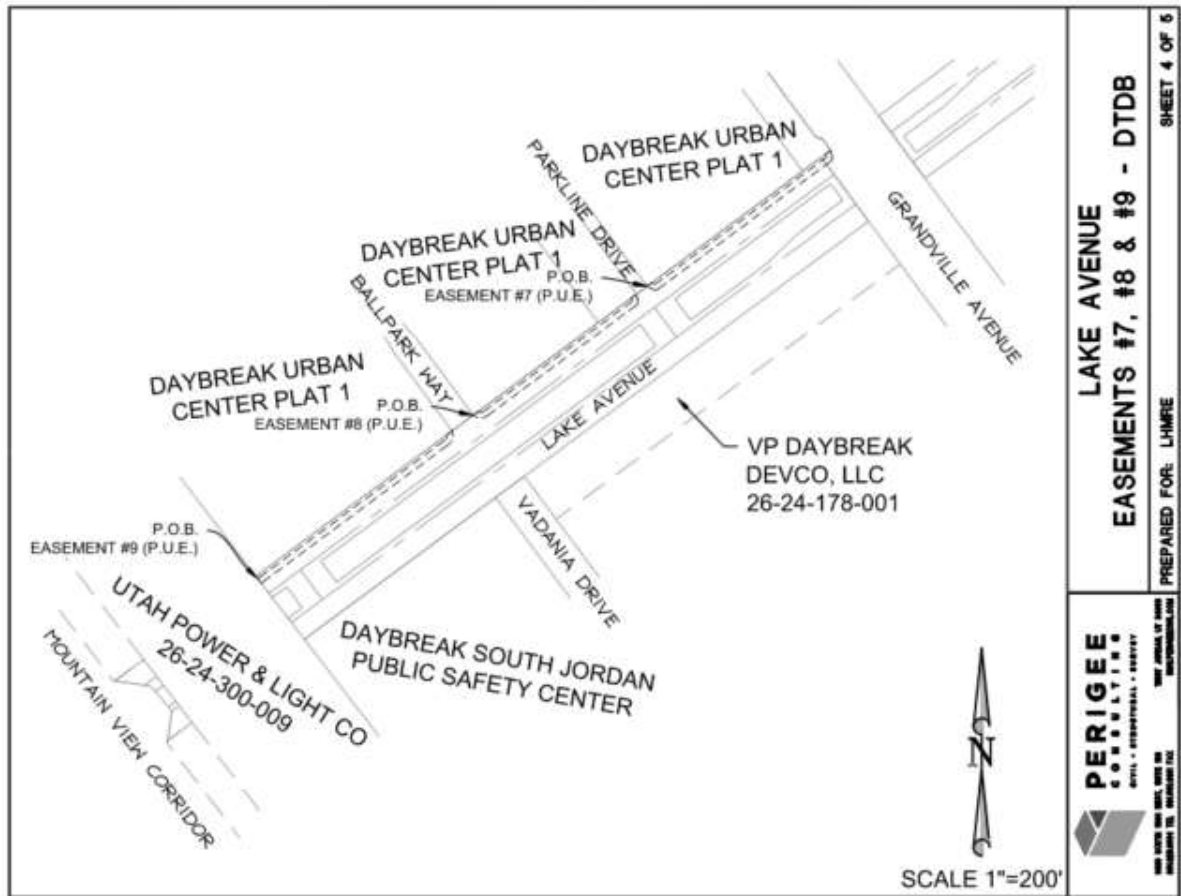
Property contains 0.126 acres, 5494 square feet.

UCP1 Lake Avenue - Easement #9

Beginning at a point on the Northwestern Right-of-Way Line of Lake Avenue, said point lies South 89°55'30" East 759.900 feet along the Daybreak Baseline Southeast (Basis of bearings is South 89°55'30" East 10641.888' between Southwest Corner of Section 24, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 3273.683 feet from the Southwest Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Lake Avenue North 53°27'06" East 436.508 feet to a point on a 19.000 foot radius non tangent curve to the right, (radius bears South 64°04'00" West, Chord: South 13°45'33" West 24.269 feet); thence along the arc of said curve 26.325 feet through a central angle of 79°23'06"; thence South 53°27'06" West 417.577 feet; thence North 37°29'42" West 15.502 feet to the point of beginning.

Property contains 0.154 acres, 6692 square feet.

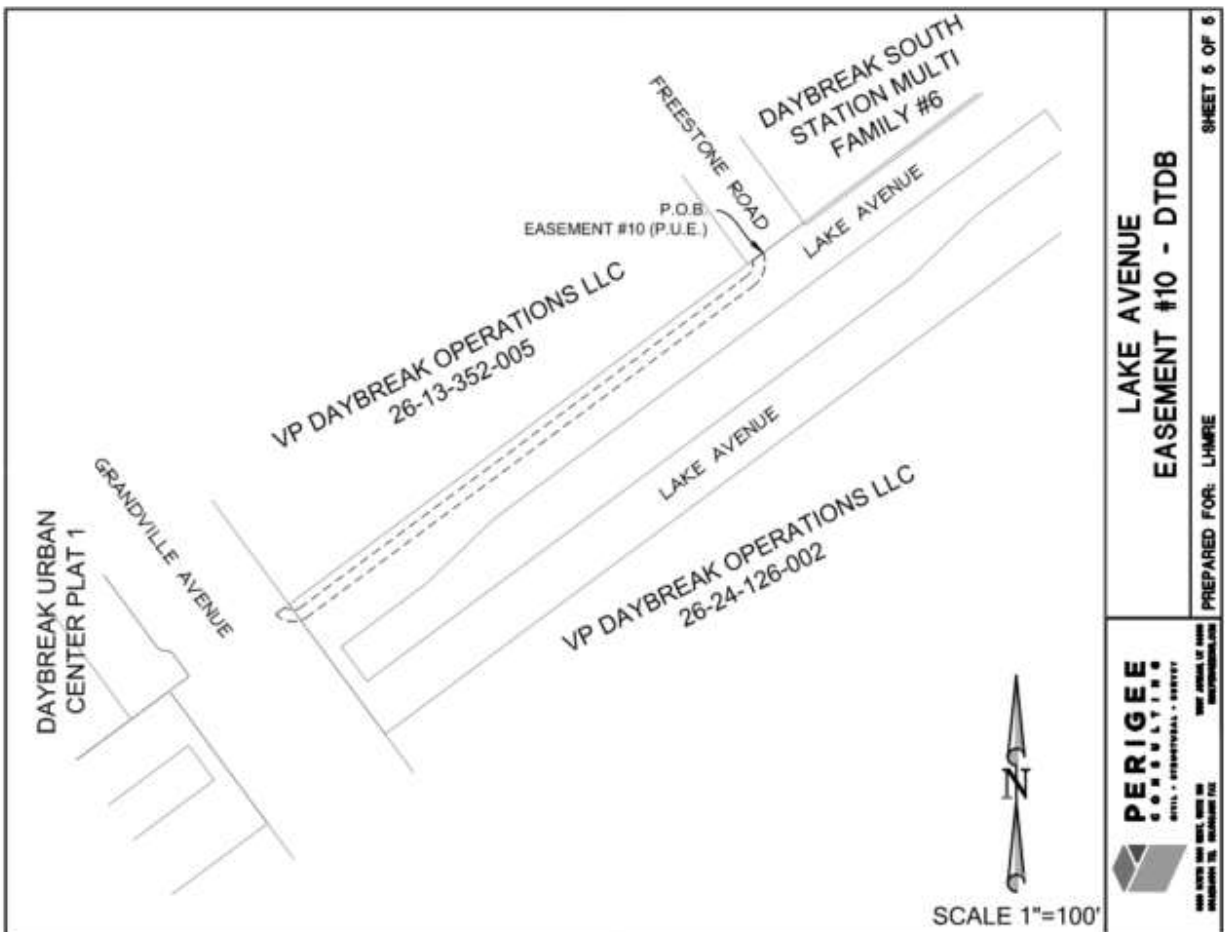
Vacation #4 continued



Vacation #5
UCP1 Lake Avenue – Easement #10

Beginning at a point on the Northwestern Right-of-Way Line of Lake Avenue, said point also being a point on a 25.000 foot radius non tangent curve to the right, (radius bears South 69°42'42" West, Chord: South 16°34'54" West 30.000 feet), said point lies South 89°55'30" East 2282.215 feet along the Daybreak Baseline Southeast (Basis of bearings is South 89°55'30" East 10641.888' between Southwest Corner of Section 24, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 4402.258 feet from the Southwest Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along the arc of said curve 32.175 feet through a central angle of 73°44'23"; thence South 53°27'06" West 477.504 feet to a point on a 21.000 foot radius tangent curve to the right, (radius bears North 36°32'54" West, Chord: North 87°48'45" West 26.281 feet); thence along the arc of said curve 28.395 feet through a central angle of 77°28'20"; thence North 36°32'54" West 1.555 feet to an extension of said Northwestern Right-of-Way Line of Lake Avenue; thence along said Lake Avenue and extension thereof North 53°27'06" East 522.004 feet to the point of beginning.

Property contains 0.211 acres, 9197 square feet.





Location Map