

SOUTH JORDAN CITY CITY COUNCIL REPORT

Meeting Date: 02/15/2022

Issue: DAYBREAK VILLAGE 9 PLAT 3 DOCKSIDER DRIVE RIGHT-OF-WAY VACATION
Address: Approx. 6850 W. Dockside Drive
File No: PLPP202100214
Applicant: Daybreak Communities

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

Staff Recommendation (Motion Ready):

- I move to **Approve** Ordinance 2022-09 vacating a portion of right-of-way along the north and south sides of Dockside Drive east of Bingham Rim Road.

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

BACKGROUND:

The applicant, Larry H. Miller Real Estate, petitioned the City to vacate two 1,260 Sq. Ft. portions of right-of-way (ROW) along the north and south sides of Dockside Drive. The ROW that is proposed to be vacated is just east of Bingham Rim Road. The plat establishing the Dockside Drive ROW was the Daybreak West Villages Roadway Dedication Plat that was recorded in August of 2019. The section of ROW proposed for vacation is where the road crosses over a segment of the watercourse where the sidewalk is transitioned to be adjacent to the curb. The applicant is proposing to vacate the 7 ft. wide park strip portion of the ROW over the watercourse. The proposed ROW vacation will not reduce the roadway width.

If the ROW vacation is approved, the property will be deeded to the adjacent property owner, VP Daybreak Investco LLC and eventually become part of lots 257, 258. P-104 and P-106 of the Daybreak Village 9 Plat 3 subdivision that will be reviewed by the Planning Commission in the near future. Currently, there are no improvements located within the part of the ROW proposed to be vacated.

The attached exhibit titled, Proposed Right of Way Adjustment @ Lots 146 & 147, shows future development of a 10 ft. wide waterfront trail to be constructed with the Daybreak Watercourse open space area. It is intended that this 10 ft. wide trail will terminate as it approaches Lot 146 from the east. From this point the trail will transition to the standard 5 ft. wide sidewalk adjacent to residential lots.

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:
 - There will not be enough area for a park strip where the road crosses over the watercourse.
- 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 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 2022-09

Approved by:

Steven Schaefermeyer
Steven Schaefermeyer (Feb 9, 2022 14:22 MST)

Steven Schaefermeyer.
Director of Planning

February 9, 2022

Date

WHEN RECORDED RETURN TO:

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

ORDINANCE 2022-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, VACATING A PORTION OF RIGHT-OF-WAY ALONG THE NORTH AND SOUTH SIDES OF DOCKSIDER DRIVE EAST OF BINGHAM RIM ROAD (11320 S. 6850 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 two 1,260 sq. ft. sections of Docksider Drive, an existing Right-of-Way (“ROW”) that run 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 _____, 2022 BY THE FOLLOWING VOTE:

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

Mayor: _____
Dawn R. Ramsey

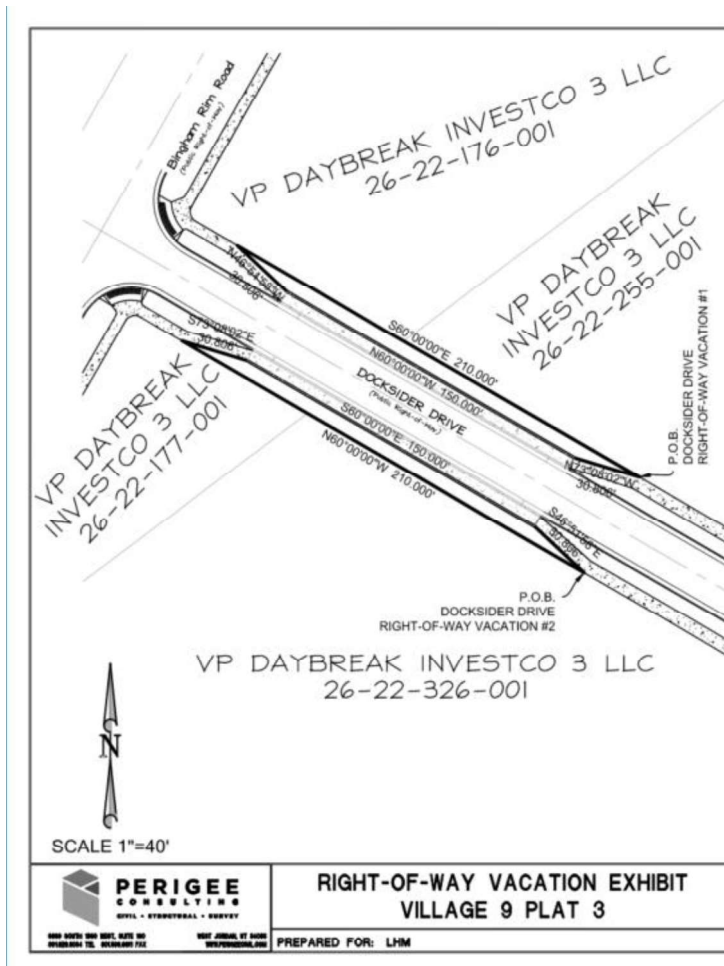
Attest: _____

Approved as to form:

Gregory M. Simonsen
Gregory M Simonsen (Feb 10, 2022 08:37 MST)

Office of the City Attorney

Exhibit A



DOCKSIDER DRIVE RIGHT-OF-WAY VACATION #1

Beginning at a point on the Northerly Right-of-Way Line of Docksider Drive, said point lies South 89°56'37" East 2451.552 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 3156.387 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 73°08'02" West 30.806 feet; thence North 60°00'00" West 150.000 feet; thence North 46°51'58" West 30.806 feet to said Docksider Drive; thence along said Docksider Drive South 60°00'00" East 210.000 feet to the point of beginning.

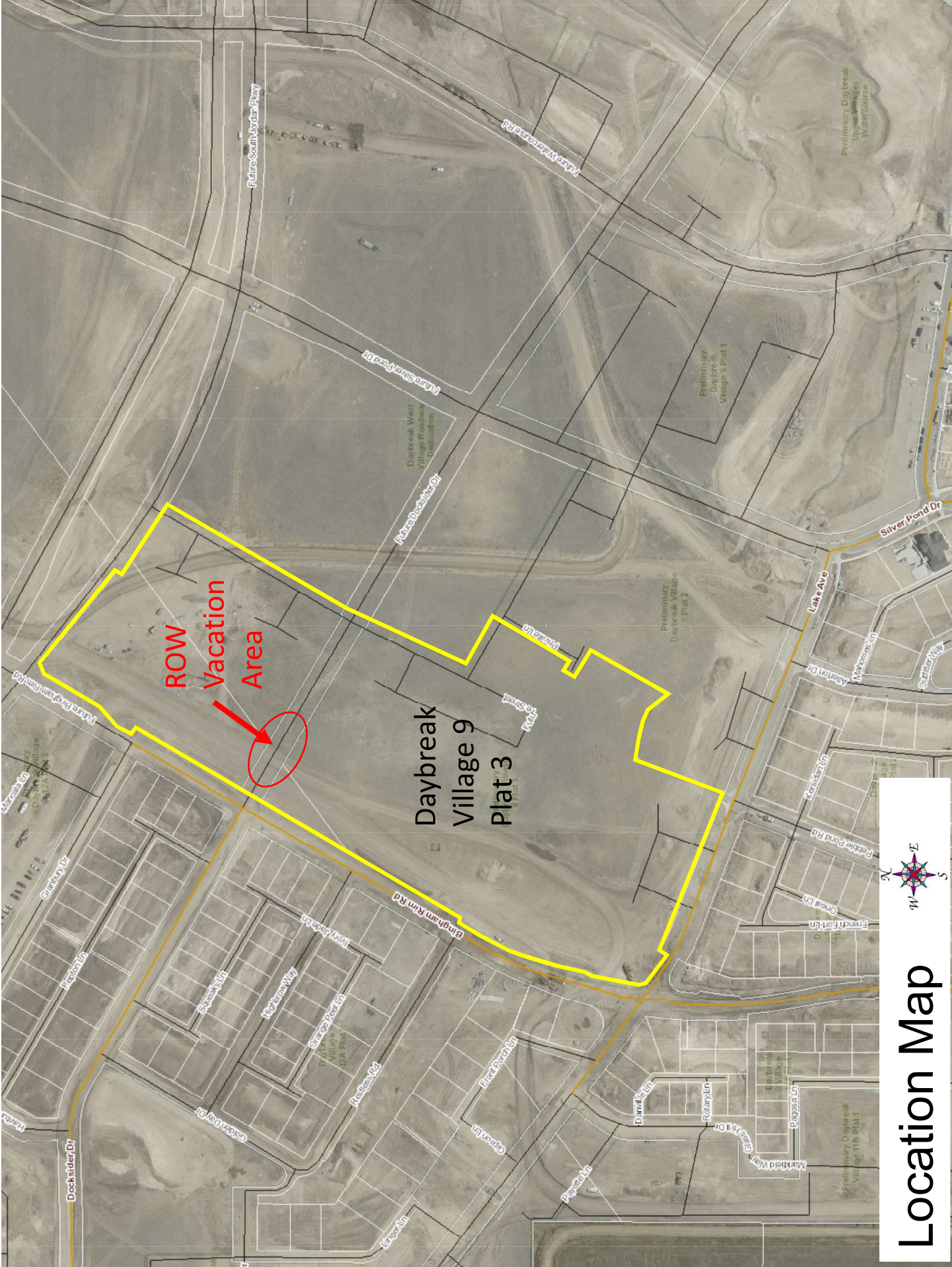
Property contains 0.029 acres, 1260 square feet.

DOCKSIDER DRIVE RIGHT-OF-WAY VACATION #2

Beginning at a point on the Southerly Right-of-Way Line of Docksider Drive, said point lies South 89°56'37" East 2426.552 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 3113.061 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Docksider Drive North

60°00'00" West 210.000 feet; thence South 73°08'02" East 30.806 feet; thence South 60°00'00" East 150.000 feet; thence South 46°51'58" East 30.806 feet to the point of beginning.

Property contains 0.029 acres, 1260 square feet.



Location Map

A compass rose with a star-like center, indicating the cardinal directions: North (N), South (S), East (E), and West (W).

