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## **SOUTH JORDAN CITY CITY COUNCIL REPORT**

**Council Meeting Date: April 4, 2023**

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**Issue:** Resolution 2023-20, authorizing the City Manager to enter into Encroachment Agreements for certain limited structures on the City's Property maintained for Flood Channels along Midas Creek.

Submitted By: Brad Klavano

Department: Engineering

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**Staff Recommendation (Motion Ready):** Approve Resolution 2023-20, authorizing the City Manager to enter into Encroachment Agreements for certain limited structures on the City's Property maintained for Flood Channels along Midas Creek.

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**BACKGROUND:** South Jordan City owns approximately an 80 foot width of property from 11800 South to 2700 West which is largely occupied by Midas Creek. Within this 80 foot width Midas Creek takes up approximately 48 feet from top of bank to top of bank. Last year the City installed a bike/pedestrian path along the South Side of Midas Creek that abuts close to the top of slope of the creek and is approximately 10 feet wide. This leaves about 18 to 20 feet of extra property south of the bike/pedestrian path to the homeowner's property lines. (See exhibit "A")

The Salt Lake County Flood Control has jurisdiction for the maintenance and operation of Midas Creek and has adopted ordinances that require protection of flood channels and requires encroachment permits for encroachment on a County Facility used for flood control.

Several property owners have approached the City about encroaching into the City owned property between their property ownership and the trail for fencing and landscaping. City staff has developed an encroachment agreement that would allow encroachments into this area, about 18 to 20 feet. This encroachment agreement would outline what is and is not permitted into this area. This will protect operations of the City and Salt Lake County Flood Control as need to operate a flood control channel and a bike/pedestrian path. (See exhibit "D" for the flood plain)

In addition there are three properties that have encroached into the area described above. (See exhibit "B" and "C") The direction that City staff would like to take is to put these properties on notice that they are encroaching with structures that are not approved and if needed those structures will be removed to provide flood control protection and all costs will be borne by the property owner.

### **TEAM FINDINGS, CONCLUSIONS & RECOMMENDATIONS:**

**FINDINGS:** The City Staff finds that authorizing the City Manager to approve the encroachment agreement is in the best interest to the City.

**CONCLUSIONS:** The City Council Staff concludes that by authorizing the City Manager to enter into an encroachment agreement for properties along Midas Creek will protect the interests of the City and Salt Lake County Flood Control.

**RECOMMENDATIONS:** City staff is recommending that the City Council approve Resolution 2023-20; authorizing the City Manager to enter into Encroachment Agreements for certain limited structures on the City's Property maintained for Flood Channels along Midas Creek.

**FISCAL IMPACT:** None

**ALTERNATIVES:** Deny Resolution 2023-20.

**ATTACHMENT:** Exhibits "A", "B", "C", and "D".

City Council Action Requested: *Brad Klavano*  
Brad Klavano (Mar 30, 2023 16:03 MDT)  
Department Head

3/30/2023  
Date

## **RESOLUTION R2023 - 20**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AUTHORIZING THE CITY MANAGER TO ENTER INTO ENCROACHMENT AGREEMENTS FOR CERTAIN LIMITED STRUCTURES ON THE CITY'S PROPERTY MAINTAINED FOR FLOOD CHANNELS ALONG MIDAS CREEK.**

**WHEREAS**, Salt Lake County (the "County") is authorized by State Statute to provide by ordinance for the protection and use of flood channels which would include streams (creeks) and canals to reduce flooding pursuant to Utah Code Ann. § 17-8-5.5; and

**WHEREAS**, the County has adopted Chapter 17.08 Flood Control Facilities which requires protection of flood channels and requires permits for encroachment on a County facility used for flood control; and

**WHEREAS**, in cooperation and support of the County, the City of South Jordan (the "City") has acquired property adjacent to certain flood channels, including the flood channel along Midas Creek in the City; and

**WHEREAS**, many of the owners of properties adjacent to Midas Creek have or would like to encroach on the City's property adjacent to Midas Creek for certain structures such as fencing and landscaping; and

**WHEREAS**, minimal encroachment in in the property owned by the City for the Midas Creek flood channel as allowed by an encroachment agreement outlining what is and is not permitted is consistent with the County process on County owned facilities and will give residents more predictability in use of the City property adjacent to their property; and

**WHEREAS**, the South Jordan City Council finds it in the best interest of the health, safety, and welfare of South Jordan residents to allow certain encroachments by agreement on the City owned property adjacent to Midas Creek for as a flood channel by neighboring residents.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH:**

**SECTION 1. Authorization to enter into Encroachment Agreements.** The South Jordan City Manager is authorized to enter into encroachment agreements allowing certain structures including fencing and landscaping as determined by the City Manager in consultation with the City Engineer with residents adjacent to City Property along Midas Creek.

**SECTION 2. Effective Date.** This Resolution shall become effective immediately upon passage.

<<Signatures on Following Page>>

**APPROVED 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: \_\_\_\_\_  
City Recorder

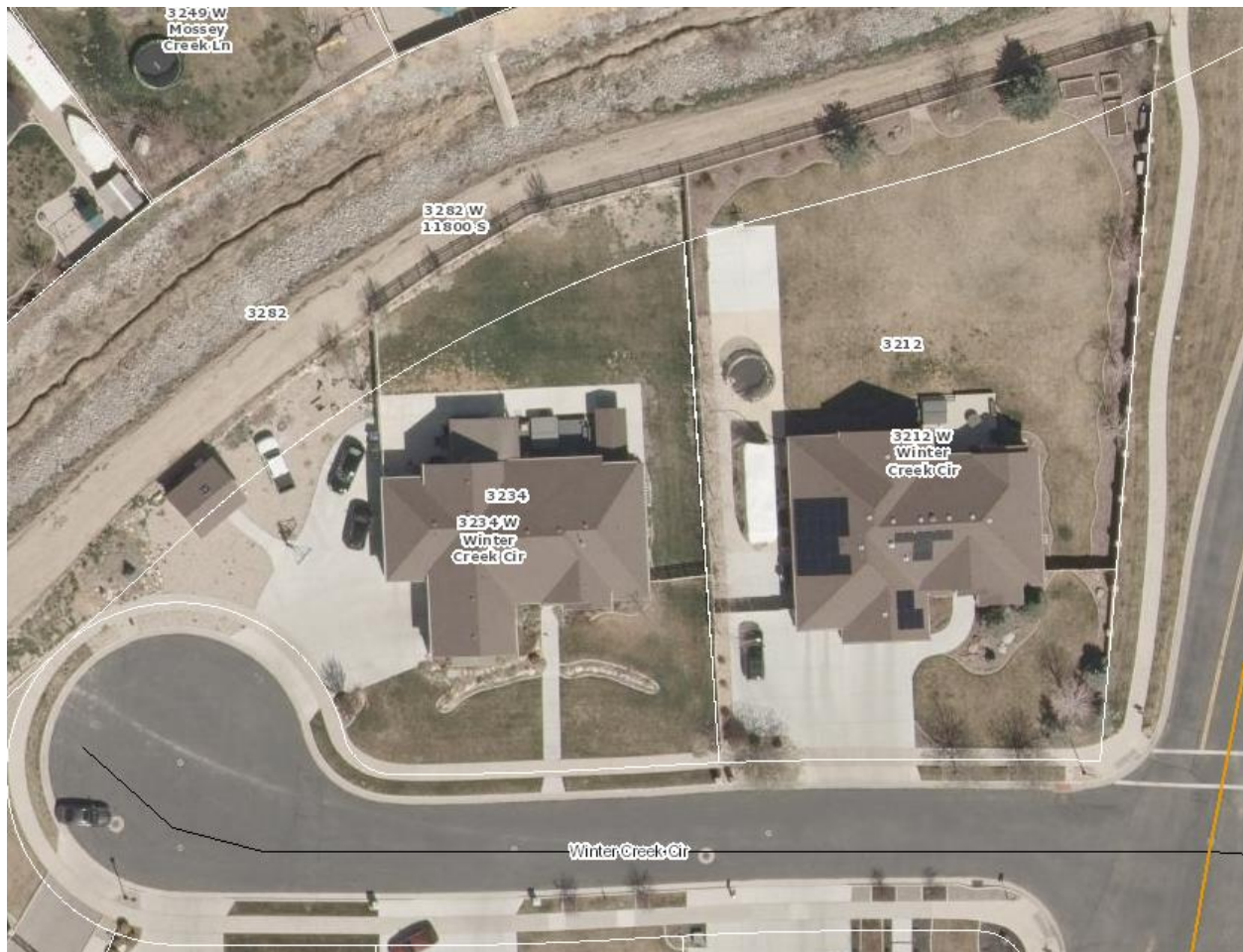
Approved as to form:

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

## Exhibit "A"

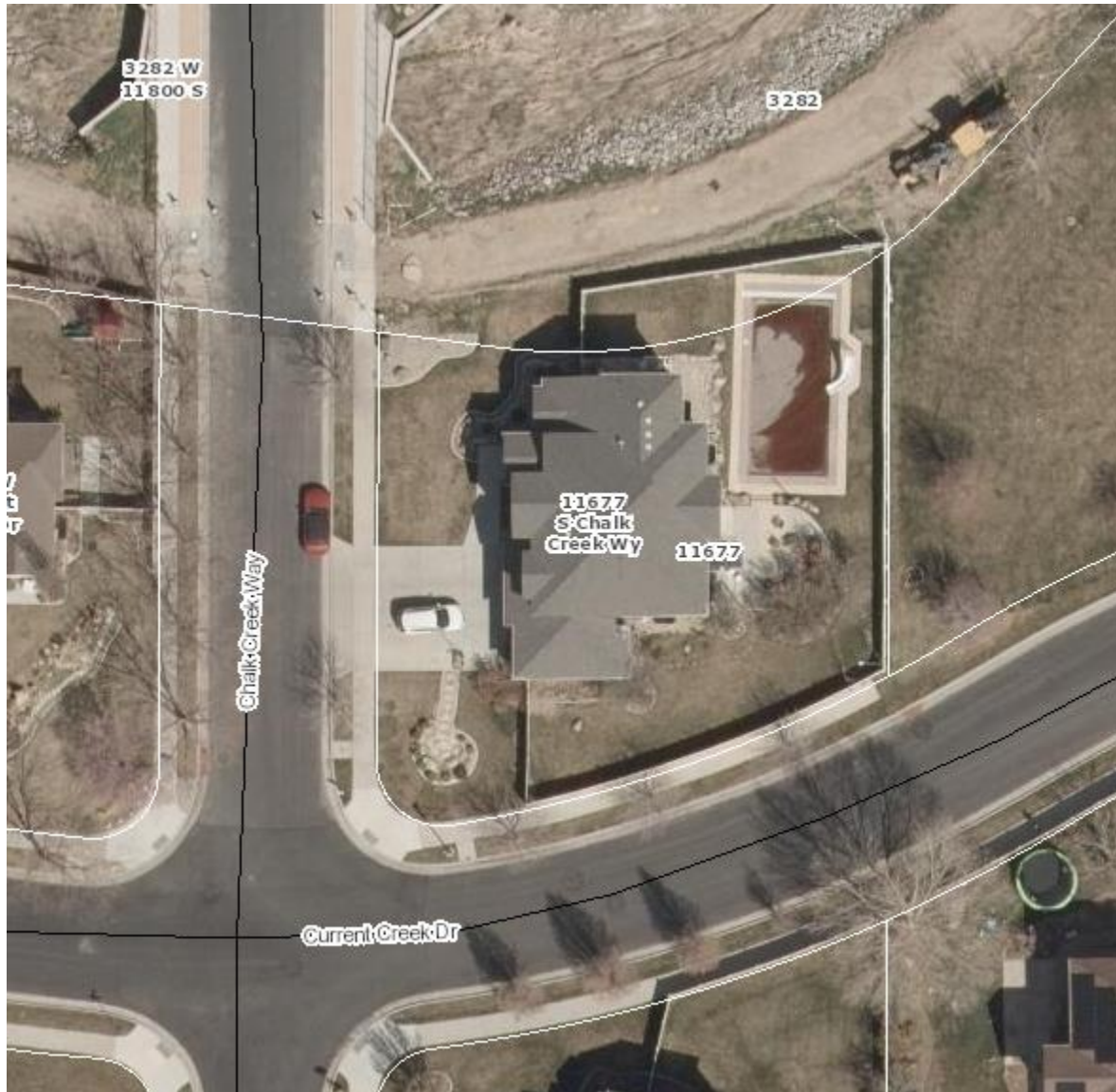


## Exhibit "B"

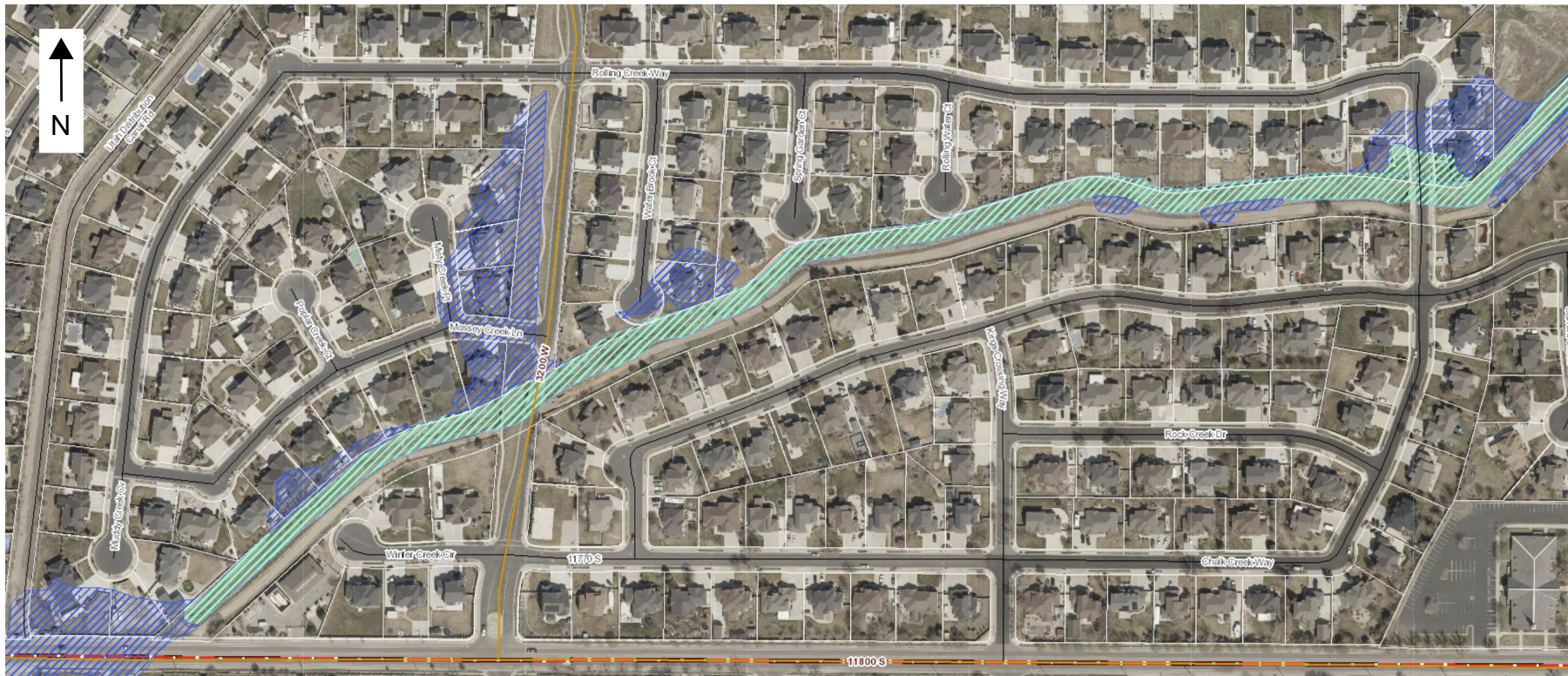




## Exhibit "C"



## EXHIBIT D



Midas Creek Flood Plain