

SOUTH JORDAN CITY CITY COUNCIL REPORT

Meeting Date: 06-03-2025

Issue: DAYBREAK VILLAGE 12B PLAT 1 LINGER LANE ROW VACATION
File No: PLRWV202500052
Applicant: LHM Real Estate

Submitted by: Greg Schindler, City Planner

Presented by: Brian Preece, Director of Planning & Economic Development

Staff Recommendation (Motion Ready):

- I move to **Approve** Ordinance 2025-04 vacating a portion of right-of-way along the east side of Ziggy Lane located approximately at 11160 South 7120 West.
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BACKGROUND:

The applicant, Larry H. Miller Real Estate, has petitioned the City to vacate a portion of Linger Lane that is located between Easy Bee Road and Lake Avenue. The area proposed for vacation is approximately 3,317 sq. ft. The applicant has submitted a Subdivision Amendment application which has been approved by the Planning Commission on May 13, 2025. The amended subdivision shows a realigned Linger Lane. The reason for the amendment was to redraw the lot lines to create lots that would fit the footprint of the proposed homes. To accomplish the redrawn lot lines the Lane needs to be relocated. The lot count for the subdivision remained the same. 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 a different lot layout and relocation of a portion of Linger Lane, it is essential that the portion right-of-way be vacated by the City.
 - No public interest or any person will be materially injured by the vacation since the relocated lane will be dedicated to the City for public use with the recording of the Daybreak Village 12B Plat 1 Amended Subdivision plat.

Conclusion:

- The proposed vacation of the portion 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 2025-04

WHEN RECORDED RETURN TO:

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

ORDINANCE 2025-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, VACATING A PORTION OF LINGER LANE RIGHT-OF-WAY BETWEEN EASY BEE ROAD AND LAKE AVENUE.

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 Linger Lane right-of-way (ROW) that runs between Easy Bee Road and Lake Avenue. (3,317 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 Linger Lane ROW located between Easy Bee Road and Lake Avenue as 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 2 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 _____, 2025 BY THE FOLLOWING VOTE:

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

Mayor: _____
Dawn R. Ramsey

Attest: _____

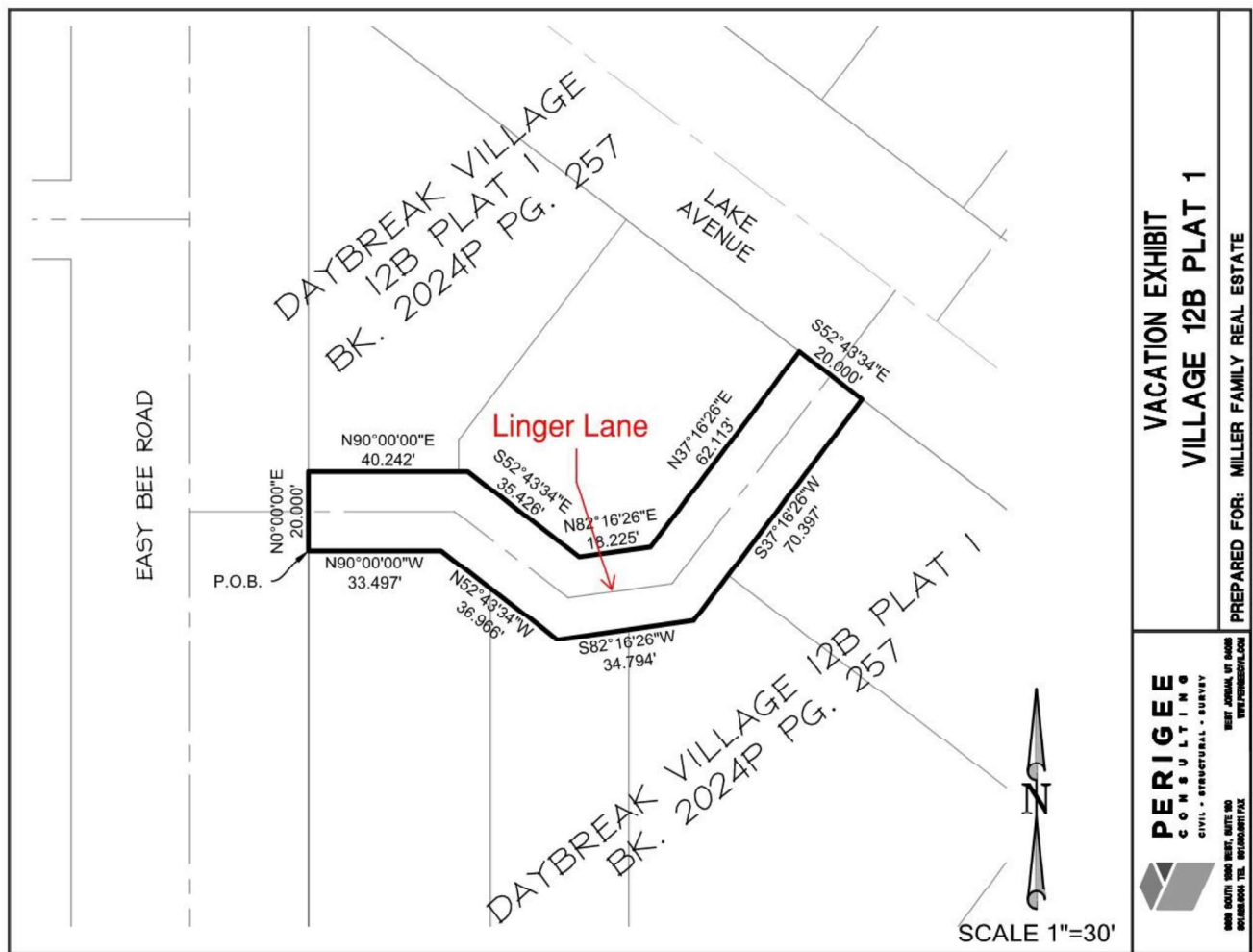
Approved as to form:

Gregory Simonsen
Gregory Simonsen (May 28, 2025 11:07 MDT)
Office of the City Attorney

Exhibit A

VILLAGE 12B PLAT 1

LINGER LANE RIGHT-OF-WAY VACATION



VILLAGE 12B PLAT 1

LINGER LANE RIGHT-OF-WAY VACATION

V12BP1 Amended – ROW Vacation

Beginning at the intersection of the South Right-of-Way Line of Linger Lane and the East Right-of-Way Line of Easy Bee Road, said point that lies South $89^{\circ}56'37''$ East 1119.132 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 2747.800 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Easy Bee Road North 20.000 feet to the North Right-of-Way Line of said Linger Lane; thence along said Linger Lane the following (4) courses: 1) East 40.242 feet; 2) South $52^{\circ}43'34''$ East 35.426 feet; 3) North $82^{\circ}16'26''$ East 18.225 feet; 4) North $37^{\circ}16'26''$ East 62.113 feet to the Southwesterly Right-of-Way Line of Lake Avenue; thence along said Lake Avenue South $52^{\circ}43'34''$ East 20.000 feet to said South Right-of-Way Line of Linger Lane; thence along said Linger Lane the following (4) courses: 1) South $37^{\circ}16'26''$ West 70.397 feet; 2) South $82^{\circ}16'26''$ West 34.794 feet; 3) North $52^{\circ}43'34''$ West 36.966 feet; 4) West 33.497 feet to the point of beginning.

Property contains 0.076 acres, 3317 square feet.

