

SOUTH JORDAN CITY CITY COUNCIL REPORT

Meeting Date: 10-15-24

Issue: DAYBREAK URBAN CENTER WATERLINE EASEMENT AND FIRE ACCESS
EASEMENT VACATION

Address: Approx. 5440 W. Center Field Drive

File No: PLPLA202400165

Applicant: Perigee Consultants

Submitted by: Greg Schindler, City Planner

Presented by: Steven Schaefermeyer, Director of Planning

Staff Recommendation (Motion Ready):

- I move to **Approve** Ordinance 2024-22 vacating a South Jordan City waterline easement and fire access easement located on properties located at near 5440 W Center Field Drive.
-

CURRENT USE

The property is currently vacant.

FUTURE USE

North – Future Daybreak Development (Residential)

South – Future Daybreak Development (Residential)

BACKGROUND:

The applicant, Perigee Consultants, on behalf of property owner LHM Real Estate, has petitioned the City to vacate a South Jordan City waterline easement located on lots C-108 through C-113 of the Daybreak Urban Center Plat 1 subdivision. Also included in the petition is a proposal to vacate a South Jordan City fire access easement located on lots C-109 through C-111 and lot C-113 of the Daybreak Urban Center Plat 1 subdivision. These lots include the baseball stadium and adjacent development. Both easements will be relocated in very close proximity to the existing easements.

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 location of the new waterline easement will match the location of the actual water line.
 - Changes in the development layout have necessitated a change in the fire access path and thus changes to the easement as well.
 - No public interest or any person will be materially injured by the vacation of these easements since replacement easements will be recorded at the same time as Ordinance 2024-22 if approved.

Conclusion:

- The proposed vacation of the waterline and fire access easements 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
- Before & After Easement Exhibits
- Ordinance 2024-22

Approved by:

Steven Schaefermeyer
Steven Schaefermeyer (Oct 10, 2024 09:04 MDT)

Steven Schaefermeyer.
Director of Planning

October 10, 2024

Date

WHEN RECORDED RETURN TO:

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

ORDINANCE 2024-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, VACATING A MUNICIPAL WATERLINE EASEMENT LOCATED ON LOTS C-108 THROUGH C-113 OF THE DAYBREAK URBAN CENTER PLAT 1 SUBDIVISION AND VACATING A FIRE ACCESS EASEMENT ON LOTS C-109, C-110, C-111 AND C-113

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 LLC (the “Applicant”), petitioned the City to vacate a Municipal Waterline Easement within Lots C-108 through C-113 and vacate a Fire Access Easement within Lots C-109, C-110, C-111 and C-113 of the Daybreak Urban Center Plat 1 subdivision. (25,245 Sq. Ft. – 0.580 Ac.); and

WHEREAS, the City Council held a public hearing to consider Applicant’s petition to vacate the Municipal Waterline Easement and Fire Access Easement; and

WHEREAS, pursuant to Utah Code § 10-9a-609.5(3), the City Council finds that there is good cause to vacate the Municipal Waterline Easement and Fire Access Easement and that neither the public interest nor any person will be materially injured by vacating said Easements.

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 adopts this ordinance granting the Applicant’s petition to vacate a Municipal Waterline Easement and a Fire Access Easement as depicted in 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 its recordation.

[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
Gregory Simonsen (Oct 10, 2024 09:08 MDT)

Office of the City Attorney

Exhibit A

Vacated Waterline Easement

Vacating a waterline easement as shown on the Daybreak Urban Center Plat 1 subdivision, recorded as Entry No. 14214053, in Book 2024P at Page 058 in the office of the Salt Lake County Recorder, said easement more particularly described as follows:

Beginning at a point that lies South 89°55'30" East 1212.234 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 4362.472 feet from the Southwest Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence South 49°54'53" West 36.837 feet to a point on a 350.500 foot radius tangent curve to the left, (radius bears South 40°05'07" East, Chord: South 44°27'08" West 66.729 feet); thence along the arc of said curve 66.830 feet through a central angle of 10°55'29"; thence South 38°59'24" West 71.252 feet; thence North 51°34'07" West 13.001 feet; thence North 38°59'24" East 17.052 feet; thence North 50°56'48" West 10.455 feet; thence North 39°03'12" East 8.000 feet; thence South 50°56'48" East 10.446 feet; thence North 38°59'24" East 19.388 feet; thence North 50°05'50" West 16.459 feet; thence North 27°35'50" West 44.366 feet; thence North 50°05'50" West 17.924 feet; thence North 51°05'50" West 19.825 feet; thence North 52°05'50" West 20.966 feet; thence North 37°54'10" East 60.488 feet to a point on a 245.000 foot radius tangent curve to the left, (radius bears North 52°05'50" West, Chord: North 37°07'29" East 6.655 feet); thence along the arc of said curve 6.655 feet through a central angle of 01°33'23"; thence North 36°20'47" East 12.580 feet; thence North 13°50'47" East 36.062 feet; thence North 30°54'13" West 78.064 feet; thence North 59°05'47" East 19.415 feet; thence North 25°20'47" East 0.957 feet; thence North 64°39'13" West 31.094 feet; thence South 70°20'47" West 113.699 feet; thence South 25°20'47" West 67.839 feet; thence North 64°39'13" West 15.000 feet; thence North 25°20'47" East 74.053 feet; thence North 70°20'47" East 126.126 feet; thence South 64°39'13" East 37.308 feet; thence North 25°20'47" East 19.994 feet; thence North 70°20'47" East 71.594 feet; thence North 61°27'05" East 38.754 feet; thence North 48°28'50" East 80.374 feet to a point on a 510.000 foot radius tangent curve to the right, (radius bears South 41°31'10" East, Chord: North 50°57'58" East 44.233 feet); thence along the arc of said curve 44.247 feet through a central angle of 04°58'15"; thence North 53°27'06" East 10.861 feet; thence South 36°32'54" East 15.000 feet; thence South 53°27'06" West 10.861 feet to a point on a 495.000 foot radius tangent curve to the left, (radius bears South 36°32'54" East, Chord: South 50°57'58" West 42.932 feet); thence along the arc of said curve 42.946 feet through a central angle of 04°58'15"; thence South 48°28'50" West 82.079 feet; thence South 61°27'05" West 41.626 feet; thence South 70°20'47" West 45.530 feet; thence South 19°39'13" East 8.160 feet; thence South 70°20'47" West 10.000 feet; thence North 19°39'13" West 8.160 feet; thence South 70°20'47" West 11.018 feet; thence South 25°20'47" West 32.765 feet; thence South 47°50'47" West 4.337 feet; thence South 59°05'47" West 5.977 feet; thence South 30°54'13" East 69.239 feet; thence South 13°50'47" West 45.221 feet; thence South 36°20'47" West 15.564 feet to a point on a 260.000 foot radius tangent curve to the right, (radius bears North 53°39'13" West, Chord: South 37°07'29" West 7.062 feet); thence along the arc of said curve 7.062 feet through a central angle of 01°33'23"; thence South 37°54'10" West 45.488 feet; thence South

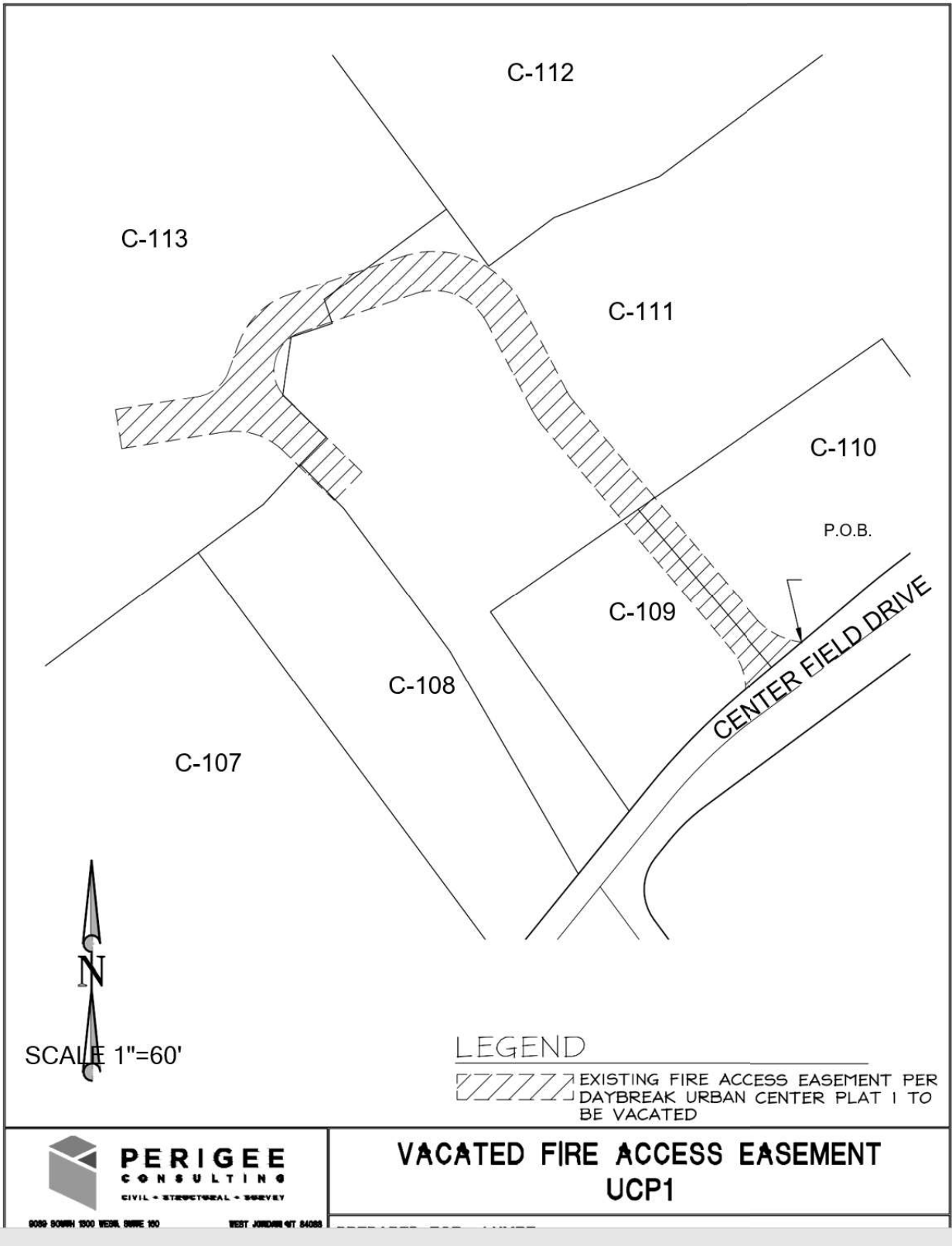
Property contains 0.334 acres, 14546 square feet.



Vacating a Fire Access easement as shown on the Daybreak Urban Center Plat 1 subdivision, recorded as Entry No. 14214053, in Book 2024P at Page 058 in the office of the Salt Lake County Recorder, said easement more particularly described as follows:

Beginning at a point that lies South 89°55'30" East 1215.029 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 4364.828 feet from the Southwest Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence South 49°54'53" West 37.401 feet to a point on a 30.526 foot radius non tangent curve to the left, (radius bears North 88°57'52" West, Chord: North 20°35'49" West 22.507 feet); thence along the arc of said curve 23.050 feet through a central angle of 43°15'54"; thence North 40°06'14" West 146.330 feet to a point on a 50.000 foot radius non tangent curve to the right, (radius bears North 49°52'40" East, Chord: North 33°42'30" West 11.171 feet); thence along the arc of said curve 11.194 feet through a central angle of 12°49'39"; thence North 27°17'40" West 48.668 feet to a point on a 30.000 foot radius tangent curve to the left, (radius bears South 62°42'20" West, Chord: North 68°01'36" West 39.151 feet); thence along the arc of said curve 42.655 feet through a central angle of 81°27'51"; thence South 71°14'28" West 60.861 feet to a point on a 20.000 foot radius tangent curve to the left, (radius bears South 18°45'32" East, Chord: South 45°52'40" West 17.134 feet); thence along the arc of said curve 17.707 feet through a central angle of 50°43'35" to a point of compound curvature with a 19.690 foot radius non tangent curve to the left, (radius bears South 68°22'19" East, Chord: South 09°05'32" East 20.117 feet); thence along the arc of said curve 21.114 feet through a central angle of 61°26'26"; thence South 45°53'51" East 55.729 feet; thence South 44°06'10" West 20.000 feet; thence North 45°53'52" West 36.104 feet to a point on a 35.000 foot radius tangent curve to the left, (radius bears South 44°06'08" West, Chord: North 72°33'25" West 31.408 feet); thence along the arc of said curve 32.570 feet through a central angle of 53°19'07"; thence South 80°47'01" West 52.161 feet; thence North 08°59'13" West 20.000 feet; thence North 81°00'47" East 41.863 feet to a point on a 20.000 foot radius tangent curve to the left, (radius bears North 08°59'13" West, Chord: North 50°45'50" East 20.150 feet); thence along the arc of said curve 21.118 feet through a central angle of 60°29'54"; thence North 20°30'53" East 15.794 feet to a point on a 40.000 foot radius tangent curve to the right, (radius bears South 69°29'07" East, Chord: North 45°52'40" East 34.268 feet); thence along the arc of said curve 35.414 feet through a central angle of 50°43'35"; thence North 71°14'28" East 60.861 feet to a point on a 50.000 foot radius tangent curve to the right, (radius bears South 18°45'32" East, Chord: South 68°01'36" East 65.252 feet); thence along the arc of said curve 71.091 feet through a central angle of 81°27'51"; thence South 27°17'40" East 48.668 feet to a point on a 30.000 foot radius tangent curve to the left, (radius bears North 62°42'20" East, Chord: South 33°41'24" East 6.683 feet); thence along the arc of said curve 6.697 feet through a central angle of 12°47'27"; thence South 40°05'07" East 144.993 feet to a point on a 36.378 foot radius non tangent curve to the left, (radius bears North 45°59'20" East, Chord: South 63°50'14" East 24.677 feet); thence along the arc of said curve 25.176 feet through a central angle of 39°39'08" to the point of beginning.

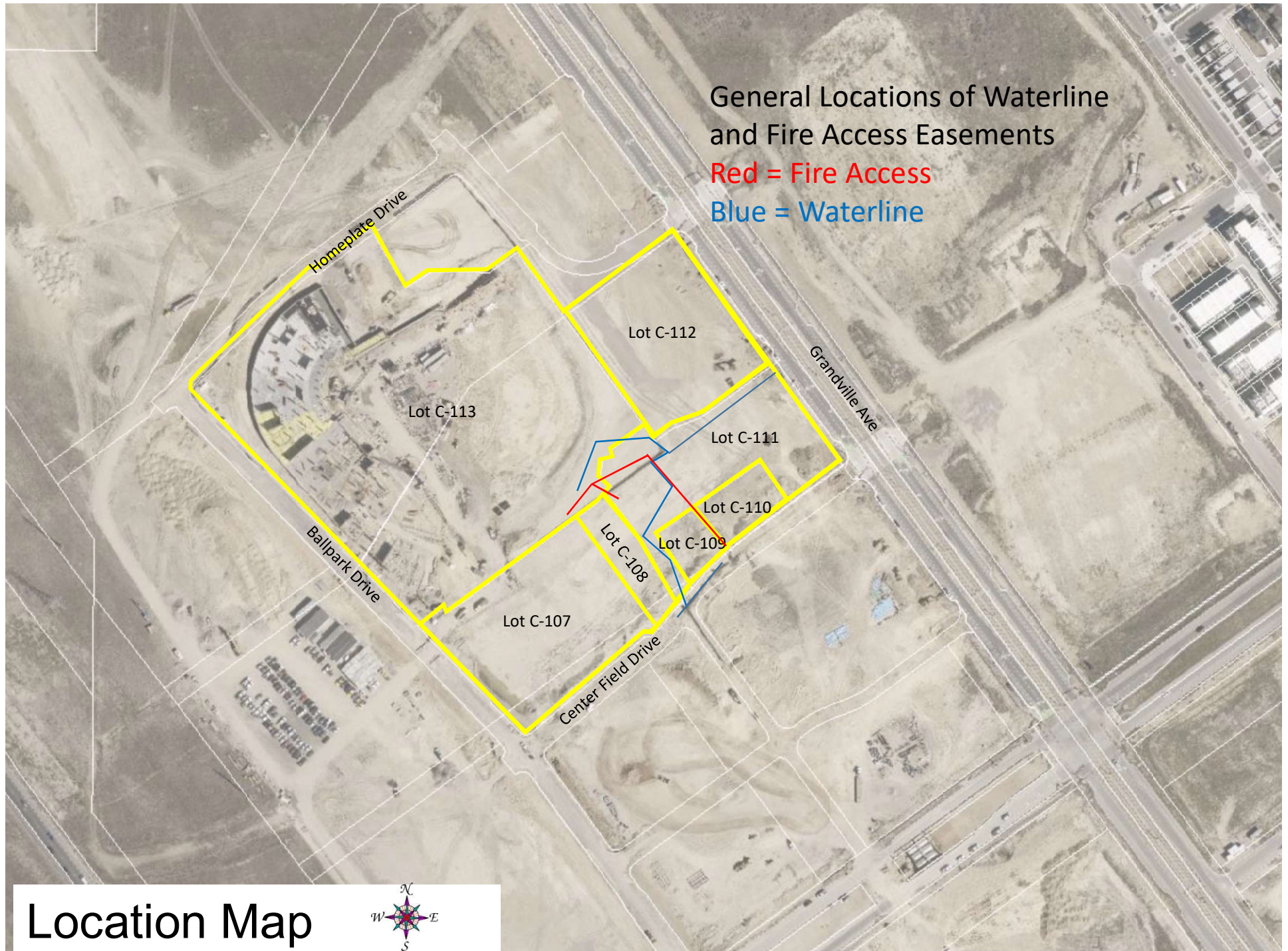
Property contains 0.246 acres, 10699 square feet.



General Locations of Waterline
and Fire Access Easements

Red = Fire Access

Blue = Waterline



Location Map

