

Jenny Wilson  
Mayor

Rick Graham  
Deputy Mayor of Operations

Scott Baird  
Department Director



Lupita McClenning  
Division Director

Brittany Allen  
Associate Division Director

Trent Sorensen  
Chief Building Official

File # 30863

## Right of Way Vacation Summary and Recommendation

**Public Body:** Salt Lake County Council

**Meeting Date:** March 5, 2019

**Property Address:** Approximately 496 W 13490 S

**Request:** Vacate a portion of an un-used right of way that had been deeded to the County by the Utah Department of Transportation in 1945.

**Planning Staff Recommendation:** Approval of the vacation

**Applicant Name:** Mike Timothy on behalf of the Utah Department of Transportation

### PROJECT DESCRIPTION

In 1945, a perpetual right of way was deeded to Salt Lake County from the Utah Department of Transportation. According to the deed, the right of way the intention was to "donate said right-of-way to said Salt Lake County for the use of the public as a highway." The right of way in question was never used or developed as a public street, but still shows as an incumbrance to the title of the underlying parcel, which is currently owned by UDOT. UDOT is looking to surplus the property to be developed by a private developer and has requested this right of way be vacated to facilitate the proposed development. Although the property is currently within the Draper city boundaries, the deed was specific to Salt Lake County and never transferred to the city, so action by the County is necessary to vacate the right of way.

### PLANNING STAFF ANALYSIS

Applicable ordinances are:

County Code 14.48.050 "No action shall be taken on any petition to vacate a street until the county real estate section identifies and verifies the specific manner in which the county acquired its interest in the street and the attorney determines the legal interest of the county in the street."

County Code 14.48.060 "Each petition shall be evaluated in terms of the current use of the street and the need in the foreseeable future for its use as a public street or for any other public purpose. If such need exists or may exist in the foreseeable future, the petition shall be denied."

Utah Code 17-27a-609.5(3) "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."

### PLANNING STAFF RECOMMENDATION

The analyses required above have been conducted (see attached), and we recommend approval of the request to vacate.



**Ralph Chamness**  
Chief Deputy  
Civil Division

**Lisa Ashman**  
Administrative  
Operations

**SIM GILL**  
DISTRICT ATTORNEY

**Jeffrey William Hall**  
Chief Deputy  
Justice Division

**Blake Nakamura**  
Chief Deputy  
Justice Division

February 27, 2019

Re: Utah Department of Transportation Petition to Vacate Right-of-Way Interest

To Whom it May Concern:

The Petition to Vacate a Street, File # 30863, appears to be in order. Salt Lake County apparently acquired an interest in a perpetual right of way for the use of the public as a highway through a Right-of-Way Deed dated November 10, 1943. This deed was accepted by the Salt Lake County Board of County Commissioners on July 3, 1944, and it was recorded on April 23, 1945 in the Salt Lake County Recorder's Office. This right-of-way interest is located on the property currently owned by the State of Utah, by and through the Utah Department of Transportation.

It appears from reviewing aerial photographs of the area that there are no public roads in use within this right-of-way. Any vacation of this right of way should exempt existing public easements, rights-of-way, or other public uses of the area.

It is my opinion that any verified interest acquired by the County as determined by the County Real Estate Section that has not been previously legally conveyed away may be vacated pursuant to the provisions of Chapter 14.48 of the Salt Lake County Code of Ordinances.

Sincerely,

 Digitally signed by Robert Preston  
Date: 2019.02.27 09:33:28 -07'00'

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R. Christopher Preston  
Senior Attorney  
Salt Lake County District Attorney's Office

**SALT LAKE COUNTY ORDINANCE**

ORDINANCE NO: \_\_\_\_\_

Date: \_\_\_\_\_

**STREET VACATION**

**AN ORDINANCE VACATING A RIGHT-OF-WAY INTEREST FOR THE  
USE OF A PUBLIC AS A HIGHWAY DONATED TO SALT LAKE  
COUNTY BY THE STATE OF UTAH**

The County Legislative Body of Salt Lake County ordains as follows:

SECTION I. (1) A right-of-way interest for the use of the public as a highway donated to Salt Lake County by the State of Utah in 1945 through a Right of Way Deed, located at approximately 14425 South Bitterbrush Lane, 855 West 12300 South, and 496 West 13490 South, Draper, Utah, also identified as Parcel Nos. 33-02-200-0017, 33-02-400-005, and 33-01-102-003, which is more fully described in Exhibit "A" and incorporated herein by reference, is hereby vacated.

(2) The purpose of the vacation is to accommodate the request of the Utah Department of Transportation, the underlying property owner, to remove the encumbrance upon the land created by the Right-of Way Deed, the need for which road no longer exists due to the existing surface street and freeway system in Salt Lake County.

(3) This ordinance is based upon a determination by the County Legislative Body following a public hearing on March 5, 2019, that due and proper notice of the hearing to vacate the road was duly given according to law; that no objection was made to the proposed vacation; that good cause exists for the vacation; that neither the public interest nor any person will be materially injured by the vacation; that fair and adequate

consideration has been provided; and that the County has no present or foreseeable future public need for the road, or for any other public purpose.

(4) All right, title and interest in and to the right-of-way being vacated is to revert, by operation of state law and county ordinances, to the underlying property owners.

(5) This ordinance shall have no force or effect to impair any other existing easements or rights-of-way for public utilities, public franchises, irrigation, storm drainage, or other such easements, as presently exist under, over, or upon the vacated portions of said easement, or as are or may be shown on the official plats and records of the County.

(6) The Salt Lake County Recorder is hereby directed to record this ordinance and make the necessary changes on the official plats and records of the County to reflect said ordinance.

SECTION II. This ordinance shall become effective 15 days after its passage and upon at least one publication of the ordinance or a summary of the ordinance in a newspaper published and having general circulation in Salt Lake County.

APPROVED and ADOPTED this \_\_ day of \_\_\_\_\_, 2019.

SALT LAKE COUNTY

By \_\_\_\_\_  
Richard Snelgrove

ATTEST:

\_\_\_\_\_  
Salt Lake County Clerk

APPROVED AS TO FORM

By \_\_\_\_\_  
Deputy District Attorney

Vetoed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Mayor Jennifer Wilson or Designee

(Complete as Applicable)

Veto override: Yes \_\_\_ No \_\_\_ Date: \_\_\_\_\_

Ordinance published in newspaper: Date: \_\_\_\_\_

Effective date of ordinance: \_\_\_\_\_

ORDINANCE HISTORY

Council Member Bradley voting	_____
Council Member Bradshaw voting	_____
Council Member Burdick voting	_____
Council Member DeBry voting	_____
Council Member Granato voting	_____
Council Member Jensen voting	_____
Council Member Newton voting	_____
Council Member Snelgrove voting	_____
Council Member Ghorbani voting	_____

999334

APR 23 1945

Recorded at Request of \_\_\_\_\_ COUNTY CLERK

at \$4.25 Fee paid \$7.75 Cornell B. Lund, Recorder of Deeds, County of Utah

By Robert, Dep. Book Page Ref. D25-228-36-38

**RIGHT-OF-WAY DEED**

D25-210-38-40

STATE OF UTAH grantor  
of Salt Lake, County of Salt Lake, State of Utah,  
hereby Quit-Claim to Salt Lake County, grantee, for the sum of ONE DOLLAR AND OTHER  
VALUABLE CONSIDERATIONS Dollars, a perpetual right-of-way

over and across the following described tract of land in Salt Lake County, State of Utah:  
Beginning at a point which is West 1320 feet and North 650 feet from the Southeast corner of Section 2, Township 4 South, Range 1 West, Salt Lake Base and Meridian, which point the intersection of grantor's property line with the Southeast right of way line of the Denver & Rio Grande Western Railroad; thence South along said property line 260 feet to a point on a curve of the East side of a 66 foot wide road, the vertex of which bears South 79° East 1284 feet; thence Northeasterly around curve to the right 400 feet to the point of tangency; thence running parallel to and 66 feet from the Denver and Rio Grande Western Railroad's Southeast right of way line North 28° 29' East 4880 feet to a point on Grantor's North property line; thence West along said North line 75.08 feet to a point on the Denver and Rio Grande Western Railroad's Southeast right of way line; thence along said right of way line South 28° 29' West 5000 feet to the point of beginning.

it being the intention of said party of the first part to donate said right-of-way to said Salt Lake County for the use of the public as a highway.

WITNESS, the hand of said grantors, this third day of November

A. D. one thousand nine hundred and forty three

Signed in the presence of:

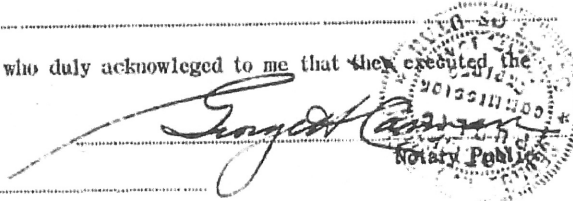
STATE OF UTAH  
County of Salt Lake, } ss.  
By Donald N. Stewart  
Chairman, Utah State Board of Corrections

On the third day of November A. D. one thousand nine hundred and forty three, personally appeared before me

Samuel W. Stewart

the signers of the above instruments, who duly acknowledged to me that they executed the same.

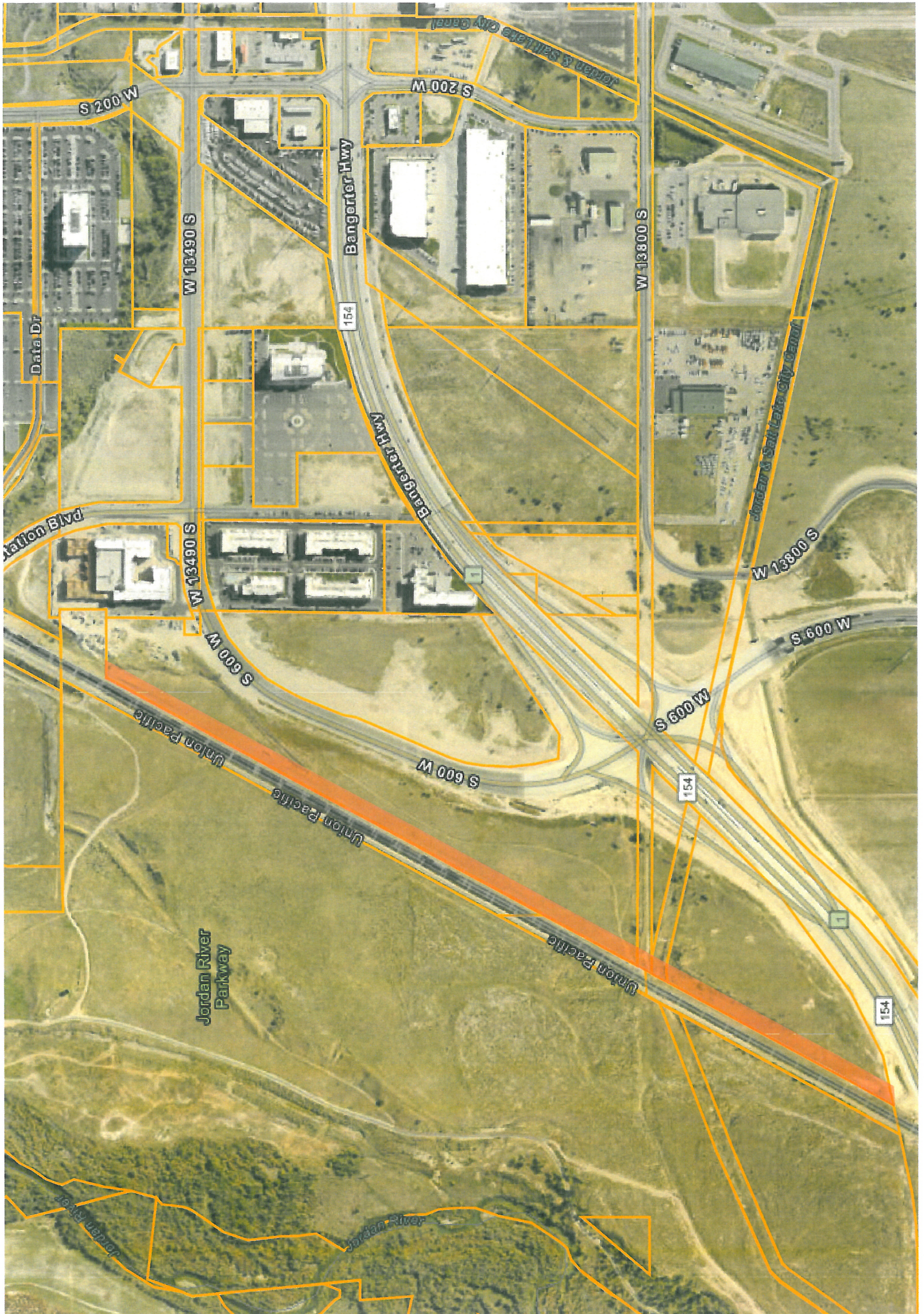
My Commission expires



This is to certify that Salt Lake County, the party of the second part in the above instrument, acting in accordance with a resolution of its Board of County Commissioners, adopted the 3rd day of July A. D. 1944, hereby accepts the right-of-way conveyed by said instrument.

APPROVED AS TO FORM  
GROVER A. GILLS,  
ATTORNEY GENERAL  
G. A. Gills  
DEPUTY

By Robert Bodin  
Chairman of the Board of County  
Commissioners of Salt Lake County.

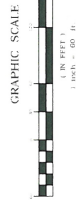
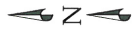
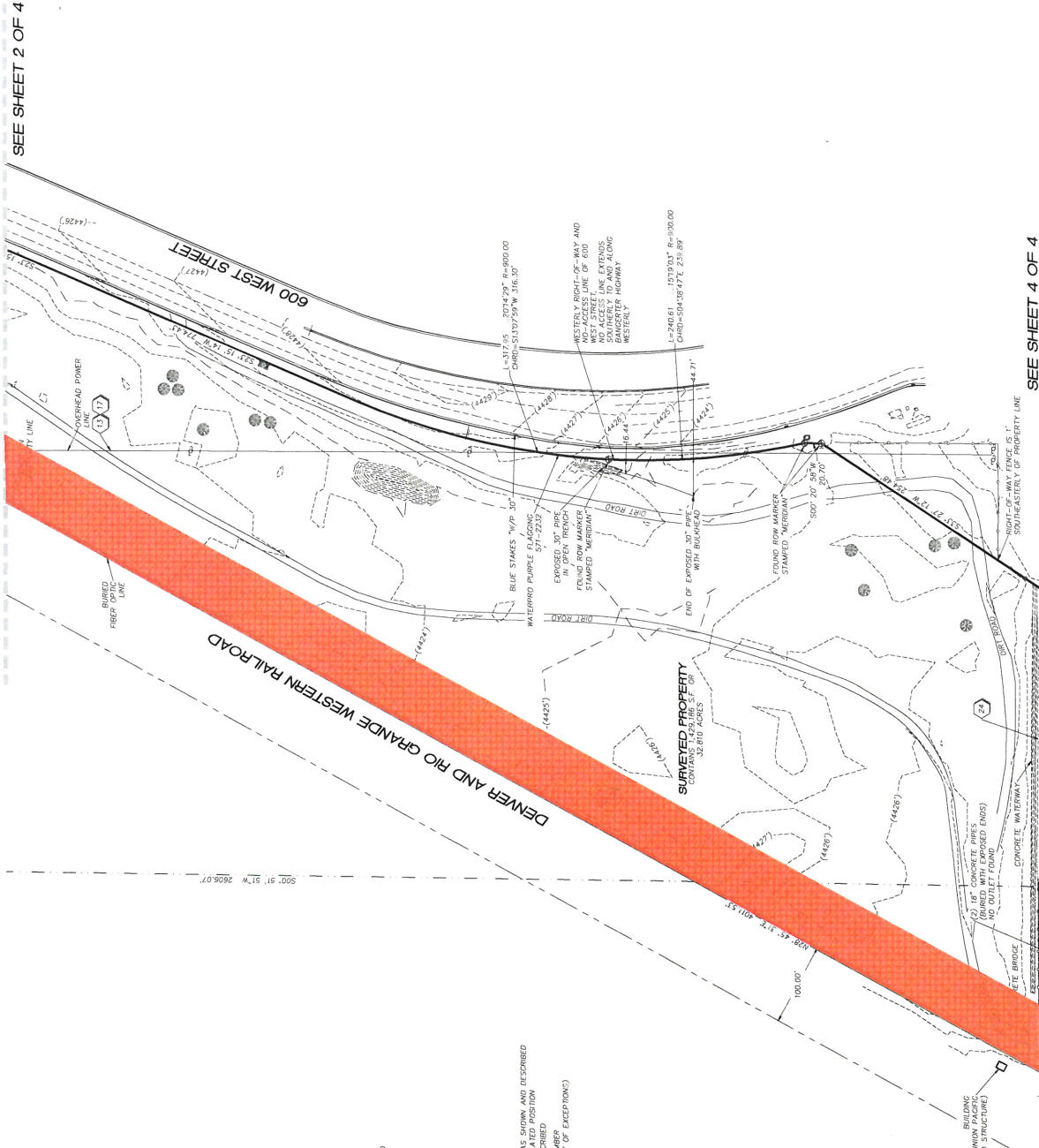






# ALTA/NSPS LAND TITLE SURVEY

LYING WITHIN THE WEST HALF (W 1/2) OF SECTION 1 AND THE EAST HALF (E 1/2) OF SECTION 2, TOWNSHIP 4 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN



## LEGEND

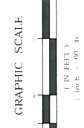
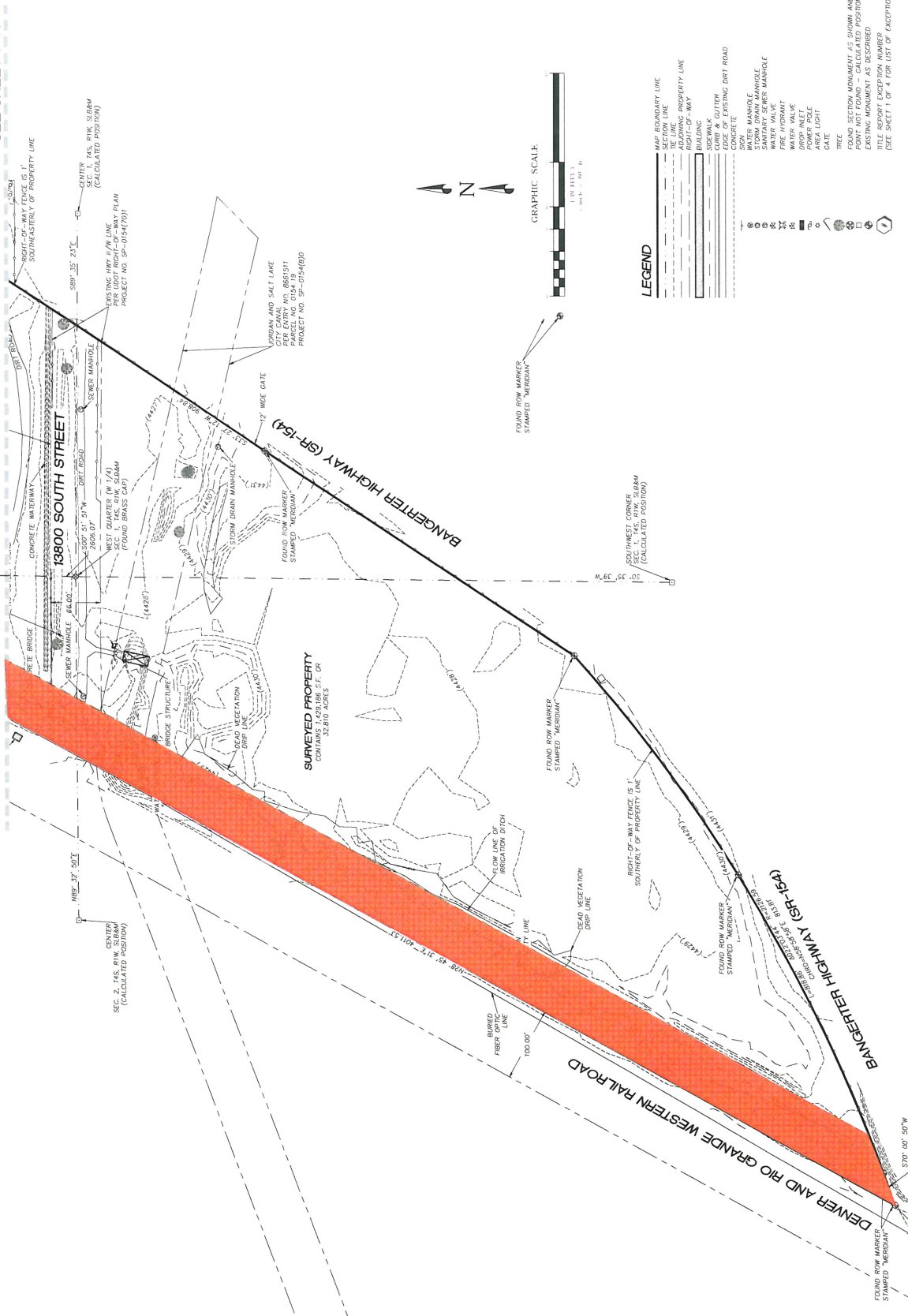
- MAP BOUNDARY LINE
- SECTION LINE
- ADJOINING PROPERTY LINE
- RIGHT-OF-WAY
- BUILDING
- CONCRETE
- EDGE OF EXISTING DIRT ROAD
- WATER MANHOLE
- SANITARY SEWER MANHOLE
- WATER VALVE
- BRPP INLET
- AREA LIGHT
- GATE
- TREE
- FOUND SECTION MONUMENT AS SHOWN AND DESCRIBED
- EXISTING MONUMENT AS DESCRIBED
- EXISTING MONUMENT AS RECORDED
- TITLE REPORT EXCEPTION NUMBER (SEE SHEET 1 OF 4 FOR LIST OF EXCEPTIONS)

SCALE 9/8	160
DRAWN BY	B. YATES
CHECKED BY	A.S. NOTED
TAX ID NO.	AS NOTED
UTAH	SALT LAKE COUNTY
ALTA/NSPS LAND TITLE SURVEY WASATCH RESIDENTIAL GROUP (W 1/2) OF SECTION 1 AND (E 1/2) OF SECTION 2 TOWNSHIP 4 SOUTH, RANGE 1 WEST, SLBM	
DRAYER CITY	DRAYER CITY
REDDON, INC. LAND SURVEYING 25 SOUTH MAIN STREET, SUITE 200 CENTRAL UTAH 84014 (801) 298-2401 FAX (801) 298-2024 REDDON.COM	
JOB NUMBER	48000-01
DATE	8/10/2019
DWG	48000-01 ALTA
SHEET	3 OF 4

# ALTA/NSPS LAND TITLE SURVEY

LYING WITHIN THE WEST HALF (W 1/2) OF SECTION 1 AND THE EAST HALF (E 1/2) OF SECTION 2, TOWNSHIP 4 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN

SEE SHEET 3 OF 4



- LEGEND**
- MAP BOUNDARY LINE
  - SECTION LINE
  - ADJOINING PROPERTY LINE
  - RIGHT-OF-WAY
  - BUILDING
  - CURB & GUTTER
  - EDGE OF EXISTING DIRT ROAD
  - CONCRETE
  - WATER MAINS
  - SEWER MANHOLE
  - SANITARY SEWER MANHOLE
  - STORM DRAIN MANHOLE
  - FIRE HYDRANT
  - WATER VALVE
  - DROPP INLET
  - AREA LIGHT
  - GATE
  - TREE

NOTE: SECTION MONUMENTS AS SHOWN AND DESCRIBED FOUND NOT FOUND OR CALCULATED POSITION  
 EXISTING MONUMENT AS DESCRIBED  
 TITLE REPORT EXCEPTION NUMBER  
 (SEE SHEET 1 OF 4 FOR LIST OF EXCEPTIONS)

<p>ALTA/NSPS LAND TITLE SURVEY                  WASATCH RESIDENTIAL GROUP                  (W 1/2) OF SECTION 1 AND (E 1/2) OF SECTION 2                  TOWNSHIP 4 SOUTH, RANGE 1 WEST, SLBM</p>	<p>DRUMMER CITY                  SALT LAKE COUNTY                  UTAH</p>	<p>SCALE: 1/4" = 100'                  DRAWN BY: B. YATES                  CHECKED BY: AS NOTED                  TAX ID NO.:</p>	<p>JOB NUMBER:                  48000-01 ALTA                  DWG: 48000-01 ALTA                  DATE: 8/10/2018                  SHEET: 4 OF 4</p>
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