

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'

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 942 N. West 1st St. Cornelia S. Lund, Recorder of Deeds, County of Utah

By R. Matt, Dep. Book Page For. D 25-228-36-38

RIGHT-OF-WAY DEED

D 25-210-38-40

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.....day of.....

A. D. one thousand nine hundred and forty three

Signed in the presence of:

STATE OF UTAH

[Signature]

By [Signature]

STATE OF UTAH, }
County of Salt Lake. } ss.

Chairman, Utah State Board of Corrections

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

Samuel W. Stewart

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

[Signature]
Notary Public

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

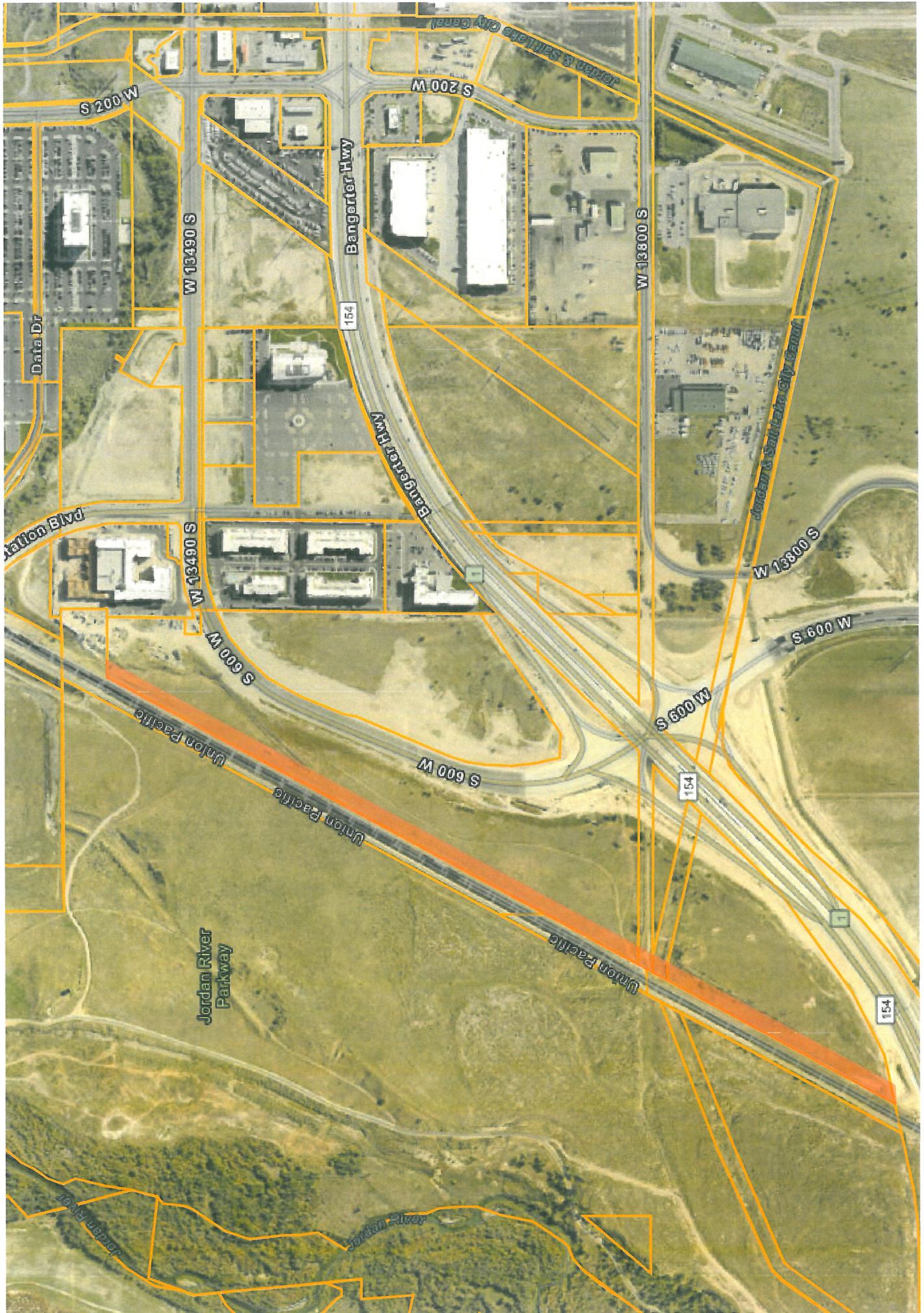
By

[Signature]

Chairman of the Board of County

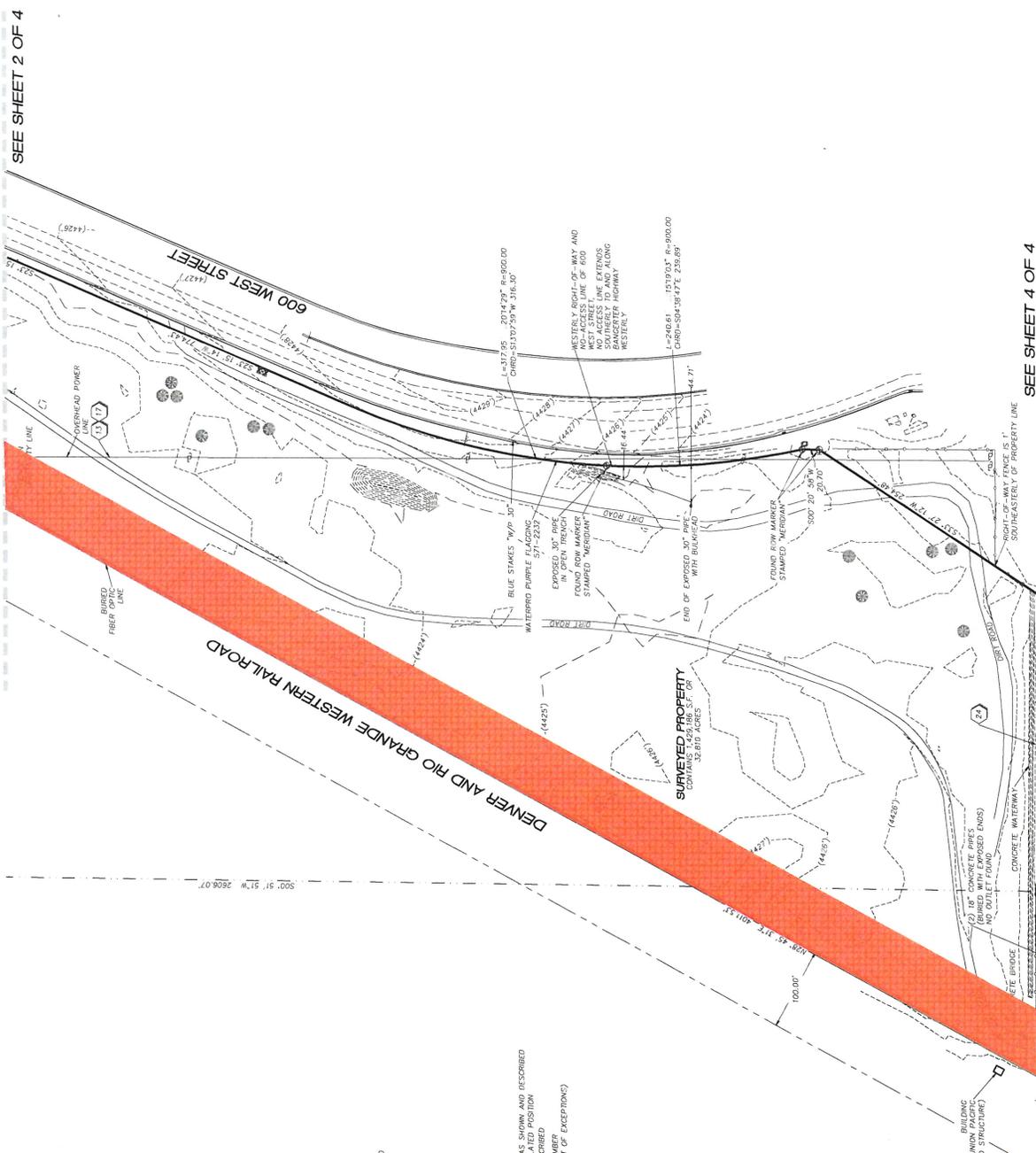
Commissioners of Salt Lake County.

[Signature]
DEPUTY



ALTA/NSPS LAND TITLE SURVEY

L Y I N G W I T H I N T H E W E S T H A L F (W 1 / 2) O F S E C T I O N 1 A N D T H E E A S T H A L F (E 1 / 2) O F S E C T I O N 2, T O W N S H I P 4 S O U T H, R A N G E 1 W E S T, S A L T L A K E B A S E A N D M E R I D I A N



SEE SHEET 2 OF 4

SEE SHEET 4 OF 4



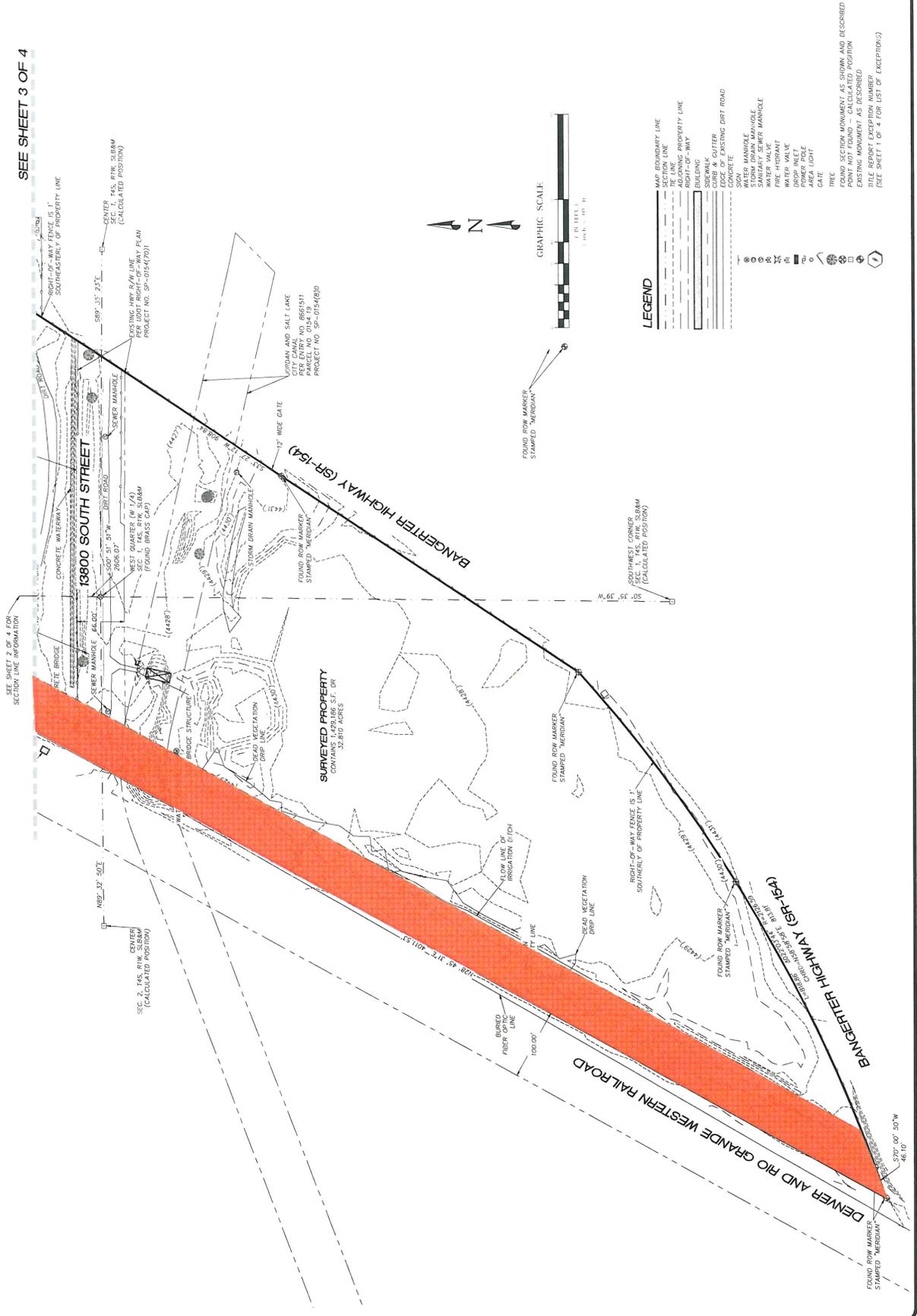
- LEGEND**
- MAP BOUNDARY LINE
 - SECTION LINE
 - SECTION CORNER
 - ADJOINING PROPERTY LINE
 - RIGHT-OF-WAY
 - BUILDING
 - CURB & GUTTER
 - EDGE OF EXISTING DIRT ROAD
 - SPUR
 - WATER MANHOLE
 - SANITARY SEWER MANHOLE
 - WATER VALVE
 - WATER METER
 - WATER PUMP
 - WATER VALVE
 - PROF. INLET
 - AREA LIGHT
 - GATE
 - TREE
 - FOUND SECTION MONUMENT AS SHOWN AND DESCRIBED
 - FOUND SECTION MONUMENT AS DESCRIBED
 - 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>REDCON, INC. LAND SURVEYING 25 SOUTH MAIN STREET, SUITE 200 CENTERTOWN, UTAH 84014 (801) 298-2401 FAX (801) 298-2024 REDCON.COM</p>	<p>JOB NUMBER 48000-01</p> <p>DWG. NO. 48000-01 ALTA</p> <p>DATE 8/20/2019</p> <p>SHEET 3 OF 4</p>
<p>SCALE: H₁ 1/8"</p> <p>DRAWN BY: B. YATES</p> <p>CHECKED BY:</p> <p>TAX ID NO. AS NOTED</p>	<p>UTAH</p> <p>DRAWN BY CITY</p> <p>SALT LAKE COUNTY</p>	<p>DATE</p> <p>DATE</p>

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

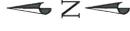
SEE SHEET 3 OF 4



LEGEND

- MAP BOUNDARY LINE
- SECTION LINE
- ADJOINING PROPERTY LINE
- RIGHT-OF-WAY
- BUILDING
- CURB & GUTTER
- EDGE OF EXISTING DIRT ROAD
- SKIN
- CONCRETE
- STUMP
- STUMP REMAIN MANHOLE
- SANITARY SEWER MANHOLE
- WATER MANHOLE
- FIRE HYDRANT
- WATER VALVE
- DROP INLET
- AREA LIGHT
- GATE
- TREE

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



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<p>UTAH</p> <p>TALE D NO. AS NOTED</p> <p>CHECKED BY: B YATES</p> <p>SCALE 9/8</p>	<p>JOB NUMBER 48000-01</p> <p>DWG 48000-01 ALTA</p> <p>DATE 8/10/2019</p> <p>SHEET 4 OF 4</p>