

City Council Staff Report

Date:

9/18/2024

Applicant:

Mapleton City

Location:

City rights-of-way

Prepared By:

Sean Conroy, Community
Development Director

Public Hearing:

No

Attachments:

1. Proposed policy.
2. Examples.

REQUEST

Consideration of a Resolution adopting a policy regarding the potential vacation of unnecessary or underutilized rights-of-way.

BACKGROUND & DESCRIPTION

In some instances in the City, the dedicated road right-of-way is much wider than the existing street pavement and other improvements. This is most prevalent in the older neighborhoods that do not have curb, gutter or sidewalk. Recently the City has had three separate requests to sell or transfer some of the excess right-of-way to the adjacent land owner. Without an adopted policy, staff is unclear how to proceed when these types of requests arise. The City Council discussed this topic on May 1, 2024 and was open to staff preparing a formal policy for Council review and adoption.

Staff is proposing the attached policy to define a process and establish basic review criteria for right-of-way vacation requests. The policy would provide guidance, but would not be binding. Below is a summary of the policy:

- 1) Applicant would submit a request.
- 2) Request would be reviewed by the DRC.
- 3) A public hearing would be scheduled with the City Council.
- 4) Proposed review criteria would include:
 - City has determined that the ROW being vacated is unlikely to be needed to accommodate future road widening, curb, gutter, sidewalk or trail improvements, or other utility needs.
 - ROW to remain consistent along a block and not adjusted for just a single property.
 - Vacated ROW must be combined with adjacent parcel.
- 5) Applicant to pay City for the ROW at a rate of \$10,000 an acre.
- 6) Applicant is responsible for all fees associated with survey, deed preparation and replatting when necessary.

The City is generally required to receive adequate economic consideration when transferring public property. The law does not define what constitutes adequate consideration. The City could require fair market value or establish some lesser amount. Staff is proposing to establish a fee far below fair market value at \$10,000 an acre. In most cases rights-of-way have been donated to the City as part of a development exaction and if it is deemed unnecessary for any public purpose, staff believes charging a moderate amount would be appropriate. The fee amount could be revisited periodically as part of the adoption of the City's fee schedule.

RECOMMENDATION

Adopt the attached resolution.

RESOLUTION NO. 2024-

A RESOLUTION ADOPTING A POLICY REGARDING THE POTENTIAL VACATION OF UNNECESSARY OR UNDERUTILIZED RIGHTS-OF-WAY AND AN AMENDMENT TO THE FEE SCHEDULE

WHEREAS, in some areas of the City, the road rights-of-way are much wider than the actual road improvements; and

WHEREAS, on occasion, private property owners request that excess rights-of-way be deeded to them; and

WHEREAS, the proposed policy is intended to provide guidance on such requests and to protect the public purpose.

NOW THEREFORE, BE IT RESOLVED by the City Council of Mapleton, Utah, to adopt the proposed policy as described in exhibit “A” and to amend the Fee Schedule to include the following fees:

- \$125.00 - Right-of-way vacation application
- \$10,000 an acre – Right-of-way vacation purchase fee

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF MAPLETON, UTAH, this 18th Day of September, 2024.

Dallas Hakes
Mayor

ATTEST:

Camille Brown
City Recorder

Publication Date:
Effective Date:



Excess Right-of-Way Vacation Policy

- I. **Intent:** To establish a general policy for considering requests from private property owners to acquire adjacent unused or underutilized public rights-of-way.
- II. **Application:** A property owner or owners wishing to acquire excess right-of-way shall submit a right-of-way vacation application, which is available on the City's website or at the Community Development Department and pay the established application fee. The applicant shall indicate on the application the basis for requesting the vacation.
- III. **Review Process:** The City's Development Review Committee (DRC) shall review all applications for completeness and consistency with the criteria established in this policy and prepare a recommendation to the City Council. The City Council shall hold a public hearing to review the application. If the Council approves the request, it shall do so by ordinance. The City Council is under no obligation to approve a request, even if it meets the established review criteria.
- IV. **Review Criteria:** The City Council may utilize the following criteria for reviewing a right-of-way vacation application:
 - A. The City has determined that the right-of-way being vacated is unlikely to be needed to accommodate future road widening, curb, gutter, sidewalk, trail improvements or other public utility needs.
 - B. There is good cause for the right-of-way vacation and the vacation would not be contrary to the public interest or materially injure any person.
 - C. The right-of-way being vacated should not be for only a single property if there are other abutting properties that face the same street within a block. The newly established right-of-way should be consistent along the block or in between two intersecting streets and should not be closer than five feet from the edge of the road pavement.



- D. The applicant's property must abut the right-of-way being vacated.
 - E. The vacated right-of-way cannot remain as a separate parcel and must be combined with the applicant's abutting parcel.
 - F. The right-of-way vacation will not be contrary to the public interest or have the potential of impacting the public health and welfare of the community.
- V. Purchase Price:** The City is required to receive adequate consideration when transferring publicly owned property. The recommended purchase price is \$10,000 per acre or as adopted in the City's Fee Schedule.
- VI. Vacation:** If the City Council approves a request to vacate right-of-way, the following steps should be followed:
- A. The applicant shall prepare a survey showing the final proposed right-of-way as determined by the DRC.
 - B. The City shall prepare a deed to transfer the property to the applicant based on the survey description.
 - C. If the applicant's property is part of a platted subdivision, the applicant shall prepare an amended plat reflecting the new right-of-way.
 - D. Upon receipt of payment as described in section "V", Mapleton City will record the deed transferring the right-of-way and will record the amended subdivision plat if the applicant's property is part of platted subdivision.
 - E. The applicant shall record a deed combining the vacated right-of-way with their parcel.

Attachment "2"
ROW Examples

