



CITY COUNCIL STAFF REPORT

MEETING DATE:	8 July 2015
APPLICANT:	Redevelopment Agency of South Salt Lake/City of South Salt Lake
PROJECT NUMBER:	SV-15-002
REQUEST:	Petition to Vacate a Public Right-of-Way
PREPARED BY:	Michael Florence

SYNOPSIS: The South Salt Lake Redevelopment Agency and the City of South Salt Lake are petitioning to vacate a portion of Major Street and Utopia Avenue in the Central Pointe Redevelopment area. A portion of the streets will remain public to allow for continued access to the existing businesses (See figures 1 and 2 for additional details). The Redevelopment Agency owns the property on both sides of the proposed vacated areas. The streets need to be vacated in order to accommodate the redevelopment of the property.

SUMMARY:

- This petition is prompted by the future redevelopment of the property
- Staff finds that good cause exists for the vacation. The street vacations will allow for the redevelopment of a blighted property and will bring new investment into the community.
- Staff finds that neither the public interest nor any individual will be materially injured by the vacation. The South Salt Lake Redevelopment Agency owns the property on both sides of the street for the proposed vacated areas. Continued public access will be provided to the existing businesses.
- After construction, the Central Pointe Place Street will be opened for public use. This new street will allow east/west access from State and Main and is in close proximity to the existing businesses
- While portions of the public streets will be vacated, pedestrian and vehicular connectivity to the surrounding areas will be an important part of the new development.
- Staff recommends approval.

Figure 2: Extent of Vacation



Utah State Code Considerations:

Utah State Code addresses right-of-way vacations. Specifically:

10-9a-609.5 Vacating a street, right-of-way, or easement.

- (1) A petition to vacate some or all of a public street, right-of-way, or easement shall include:
 - (a) the name and address of each owner of record of land that is:
 - (i) adjacent to the public street, right-of-way, or easement; or
 - (ii) accessed exclusively by or within 300 feet of the public street, right-of-way, or easement; and
 - (b) the signature of each owner under Subsection (1)(a) who consents to the vacation.
- (2) If a petition is submitted containing a request to vacate some or all of a street, right-of-way, or easement, the legislative body shall hold a public hearing in accordance with Section 10-9a-208 and determine whether:
 - (a) good cause exists for the vacation; and
 - (b) the public interest or any person will be materially injured by the proposed vacation.
- (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.
- (4) If the legislative body adopts an ordinance vacating some or all of a public street,

right-of-way, or easement, the legislative body shall ensure that one or both of the following is recorded in the office of the recorder of the county in which the land is located:

- (a) a plat reflecting the vacation; or
 - (b) an ordinance described in Subsection (3).
- (5) The action of the legislative body vacating some or all of a street, right-of-way, or easement that has been dedicated to public use:
- (a) operates to the extent to which it is vacated, upon the effective date of the recorded plat, as a revocation of the acceptance of and the relinquishment of the municipality's fee in the vacated street, right-of-way, or easement; and
 - (b) may not be construed to impair:
 - (i) any right-of-way or easement of any lot owner; or
 - (ii) the franchise rights of any public utility.

Amended by Chapter 381, 2010 General Session

General Plan Considerations:

In order to determine whether good cause exists for the vacation, staff recommends that the City Council review the South Salt Lake City General Plan. Relevant General Plan goals include:

Goal ES-4. Redevelopment of property should be actively pursued and incentives, when deemed appropriate, should be offered to further this goal.

Staff Analysis:

State statute requires the City Council to consider if good cause exists for the vacation, and if the public interest or any person will be materially injured by the proposed vacation.

Good Cause

The street vacations will allow for the redevelopment of a blighted property and will bring new investment and tax revenue into the community.

The General Plan supports efforts on behalf of the City to redevelop property. Thus, the City has good cause to approve the proposed vacation as it will further the goals of the General Plan to promote quality, employment generating development in the Central Pointe area.

Material Injury to the Public Interest or to Any Person

Staff finds that neither the public interest nor any individual will be materially injured by the vacation. The South Salt Lake Redevelopment Agency owns the property on both sides of the street for the proposed vacated areas. Continued public access will be provided to the existing businesses.

Staff Recommendation

Staff recommends approval of the petition to vacate portions of Major Street and Utopia Avenue