

REQUEST FOR COUNCIL ACTION

To:	Mayor & City Council
From:	Russ Fox, AICP
Date:	November 4, 2015
Subject:	Public Hearing to vacate the right-of-way known as 300 West located at approximately 11600 South and 11400 South
Applicant Presentation:	n/a
Staff Presentation:	Russell Fox, Assistant City Manager
STAFF RECOMMENDATION: Staff recommends the City Council approves Ordinance 1171 to vacate the right-of-way.	
BACKGROUND AND FINDINGS: The City Council recently approved an incentive agreement with Miller Family Real Estate, L.L.C. for a new car dealership on the Boggess-Anderson parcels (Frontage 114 th , L.L.C. and Boggess Draper Company, L.L.C) and UDOT parcel. One item that needs to be addressed is the existing 300 West right-of-way, which bisects the property. Miller Family Real Estate, L.L.C. has requested the city vacate the right-of-way. After analyzing the future road alignments and developments to the south, the 300 West right-of-way no longer serves a public purpose and staff supports the road vacation with conditions. Staff recommends the following findings be included in the motion: <ol style="list-style-type: none">1. The City Council finds that neither the public interest nor any person will be materially injured by the vacation and there is good cause for the vacation.2. The 300 West right-of-way located approximately between 11600 South and 11400 South and as shown on Exhibit A, no longer serves a public purpose and can be vacated as a public right of way.3. Nothing in this Ordinance shall terminate any private easement rights, including rights of access, held by property owners adjoining the area vacated by this Ordinance.4. Ordinance 1171 shall become effective subject to the Miller Family Real Estate, L.L.C. closing on the purchase of parcels 27-24-300-021, 27-24-300-020, 27-24-401-003, and 27-24-401-006, and the vacation plat has been recorded with the Salt Lake County Recorder.	
PREVIOUS LEGISLATIVE ACTION:	
FISCAL IMPACT: Finance Review: _____ None	
SUPPORTING DOCUMENTS: <ul style="list-style-type: none">• Ordinance 1171• Document Exhibits• Map	

ORDINANCE NO. 1171

AN ORDINANCE VACATING A RIGHT-OF-WAY INTENDED FOR A STREET KNOWN AS 300 WEST LOCATED AT APPROXIMATELY 300 WEST BETWEEN 11600 SOUTH AND 11400 SOUTH

WHEREAS, the City has received a request submitted requesting certain described real properties known as the 300 West Right-of-Way be vacated as a public street; and

WHEREAS, the City Council has reviewed the request for the street vacation and has found that there is not a current demand for the right-of-way; and

WHEREAS, the proposed street vacation set forth herein has been reviewed by the City Council, and all appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed public interest in the section of street.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH:

Section 1. Findings: The City Council finds that neither the public interest nor any person will be materially injured by the vacation and there is good cause for the vacation.

Section 2. Street Vacation. The following described portion of the 300 West Right-of-Way located approximately between 11600 South and 11400 South and as shown on the attached map, no longer serves a public purpose and can be vacated as a public right of way:

See EXHIBIT A

Section 3. Severability Clause. If any 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 provisions, clauses and words of this Ordinance shall be severable.

Section 4. Private Easements. Nothing in this Ordinance shall terminate any private easement rights, including rights of access, held by property owners adjoining the area vacated by this Ordinance.

Section 5. Effective Date. This Ordinance shall become effective only after the Miller Family Real Estate, L.L.C. have closed on the purchase of parcels 27-24-300-021, 27-24-300-020, 27-24-401-003, and 27-24-401-006, and the vacation plat has been recorded with the Salt Lake County Recorder.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THIS 10th DAY OF NOVEMBER, 2015.

ATTEST:

DRAPER CITY

By: _____
City Recorder

By: _____
Mayor

Exhibit A

A part of the South Half of Section 24, Township 3 South, Range 1 West, Salt Lake Base and Meridian, U.S. Survey in Salt Lake County, Utah:

Beginning at a point on the Quarter Section Line located 76.32 feet South 0°21'11" West along the Quarter Section Line from the Center of said Section 24; and running thence South 89°46'15" East 18.83 feet (18 feet 10 inches record); thence South 0°21'11" West 1062.18 feet; thence South 89°46'15" East 297.00 feet; thence South 0°21'11" West 16.50 feet (1 rod record); thence North 89°46'15" West 315.83 feet to the Quarter Section Line; thence North 89°46'25" West 24.75 feet; thence North 0°21'11" East 1078.68 feet; thence South 89°46'25" East 24.75 feet to said Quarter Section Line and the point of beginning.

Contains 51,913 sq. ft.

